



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 19 June 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Parliament

Wednesday 19 June 2019

[The Deputy Presiding Officer opened the meeting at 13:29]

Mental Health (Young People Entering and in Custody)

The Deputy Presiding Officer (Christine Grahame): Before we start business, I should tell members that the clocks are running at real time, which has to happen because we are in the middle of stage 3 proceedings. Do not ask me about it; I do not understand it. It means that I will be relying on members to look at the clock to see the time for the purposes of the statement, questions and so on. I also have the time running next to me, to make sure that members do not overrun too much, especially when we get to portfolio question time. Telling you that took only 18 seconds, which is not too bad.

The first item of business is a statement by Humza Yousaf on the Scottish Government's response to the "Report on an expert review of the provision of mental health services, for young people entering and in custody at HMP YO1 Polmont". The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

13:30

The Cabinet Secretary for Justice (Humza Yousaf): Last November, I asked Her Majesty's chief inspector of prisons for Scotland to carry out an expert review of the mental health support for young people in custody following the tragic deaths by suicide of Katie Allan and William Lindsay Brown at Polmont last year.

I take this opportunity to once again offer my and the Government's sincerest condolences to their families and to all those who have lost loved ones to suicide. Every death of a young person is undoubtedly a tragedy for them, their families and their friends, and also more widely for Scottish society, which has lost the opportunity of their talent and potential contribution.

The purpose of the review was to consider the arrangements for young people with mental health and wellbeing needs who are entering and are in custody. A fatal accident inquiry is mandatory whenever someone has died in legal custody, and in the cases of Katie Allan and William Lindsay Brown, the Crown Office is undertaking independent investigations in advance of mandatory fatal accident inquiries. It was therefore

not the purpose of the review to investigate the specific circumstances surrounding either of those deaths.

The inspectorate of prosecution in Scotland is currently undertaking a follow-up review of the thematic report on FAIs that was published in August 2016. At the Lord Advocate's request, the follow-up review will consider the scope of the death investigation process when a young person dies in custody and the merits of prioritising it. The follow-up report is due to be submitted to the Lord Advocate this summer.

Separately, the Scottish Prison Service is considering what more can be done to improve the transparency of information about apparent suicides in Scotland's prisons, pending formal determination by an FAI. Clearly, however, our priority must be to aim to prevent, as far as possible, the circumstances that can give rise to the risk of suicide in prison.

I am very grateful to Her Majesty's chief inspector of prisons and to Dr Helen Smith, who worked with her to oversee the review, for the comprehensive and robust work that they have carried out.

Both the mental health review and routine inspection report for Polmont recognise the good work at Polmont and highlight the hard work, compassion and dedication of front-line prison and healthcare staff. I am very grateful to the management and staff at Polmont for the open and constructive way in which they have engaged with the review and informed its recommendations.

The review by the chief inspector and Dr Smith is comprehensive and wide ranging, and it makes some important and challenging findings. It highlights the heightened vulnerability of young people who are on remand and those who are in the early days of custody, the damaging impact of social isolation, the vital importance of good information sharing between agencies, and many more issues.

I put on record my appreciation for the staff at Polmont, the overwhelming majority of whom I know care very much about the young people with whom they work. Although there are positives in both the inspection report and the expert review, I intend to focus my remarks and the substance of my statement on the areas of challenge and improvement, as members would expect.

An action group, which includes relevant officials from the Scottish Government, the Scottish Prison Service and the national health service, has been convened to oversee progress on the numerous review recommendations. Some of the recommendations will be taken forward under existing Scottish Government strategies.

When I met the parents of Katie Allan in November last year, I stated my commitment to respond to the concerns that have been raised by the tragic deaths of both Katie and William. On Monday, I wrote to both families to offer to meet them. I very much hope to have the opportunity to discuss the findings of the review with them and I will value their input as we take forward our response. It is clear from the review that the necessary actions extend beyond Polmont.

I turn to the substantial recommendations of the expert review. Nobody who is going through the justice system should be harmed by the failure of agencies to fully share information with one another, where data protection legislation allows it. The health and justice collaboration improvement board, which draws together senior leaders from health and social care, justice and local government, is exploring how public bodies can ensure that decisions are as fully informed as possible. That board is mapping the flows of information in the health and justice systems.

Ministers will work with partner agencies to build on that and consider and take forward actions in response to the recommendations, including immediate action that we can take to improve information sharing between the different agencies that support the care of young people who enter and who are in Polmont. The SPS has confirmed that it will develop a new health and wellbeing strategy, which will include a bespoke mental health strategy for young people.

The review found that the SPS talk to me suicide prevention strategy is “robust”, and that it is generally followed well at Polmont. That strategy—which is relevant when the risk of suicide is deemed to be immediate—is overseen by the national suicide prevention risk management group, which includes representatives from expert partners, including the Samaritans, Breathing Space and Families Outside. The review makes a number of recommendations that are relevant to the talk to me strategy. The Scottish Prison Service will work with the group to consider them, and to ensure that its approach to suicide prevention for young people, including its approach for people who are coming off of the talk to me strategy, is effective. The national group is also developing a self-harm policy and will oversee work to consider lessons from the use of safer spaces in different settings, including secure care, which might allow safer environments to be more supportive and less sterile. Work to address the recommendations that relate to staffing, training and support for staff at Polmont is well under way.

On mental health staffing in prisons, through action 15 in our mental health strategy we have committed to increase access to the overall mental

health workforce with 800 additional staff, which will be supported by investment that will rise to £35 million by 2021-22. This month, the Minister for Mental Health wrote to all chief officers of integration joint boards and chief executives of NHS boards to highlight the importance of recruiting additional mental health workers in prisons under that commitment, and to ask them for details of how they will plan recruitment for this financial year.

The review report highlights that those who are young and in the early stages of custody are especially vulnerable to suicide. Everyone who enters prison is assessed for their risk of suicide. Inspectors were impressed by many aspects of the interactive induction at Polmont, highlighting the compassion of the staff who undertake admission and the role of peer mentors. However, we know that the time that people spend on remand is currently largely unproductive. The review report underlines how damaging periods that are spent on remand can potentially be for individuals. The number of young people who are aged under 21 who are held on remand in Scotland has fallen by a quarter over the past five years. Nonetheless, we will continue to ensure that alternatives to remand are available for young people, and to support those young people who are held on remand.

The issue of body searches being part of the regime within prisons was highlighted by the family of Katie Allan in particular. I can confirm today that, as a priority, the SPS will stop the routine body searching of under-18s who are in custody. The Scottish Prison Service will evaluate the impact of those changes after one year. In line with the development of the new female custodial estate, the SPS will adopt a more trauma-informed approach to its searching process for women.

Supporting positive family contact throughout someone’s time in prison has wide-ranging benefits for that individual and their family. It reduces the risk of reoffending and supports positive relationships, which contribute to good mental health and mitigate vulnerability. With a view to supporting that, I can confirm that I have asked the Scottish Prison Service to explore the options for implementing a pilot of in-cell phones across HM YOI Polmont, with necessary controls in place, of course.

At present, prisoners in Scotland can access telephones in communal areas at certain times only. In-cell phones have the potential to contribute to prisoners’ wellbeing by making family contact significantly easier. They also have the benefit of improving access to national helpline services. In addition, technology can offer the potential to develop telehealth services and support for wellbeing in prisons. We will explore

the options available as we take forward a pilot, but we will ensure that the Prison Service retains control over the phone numbers that prisoners can access and the ability to monitor calls.

As for monitoring our progress, we remain committed to improving outcomes for young people in the community and in custody. Along with relevant ministerial colleagues, I will hold a round table with key partner agencies before the end of the year to review our progress.

It should not take tragedies such as the deaths of Katie Allan and William Lindsay for services to improve. I am deeply saddened by what happened to those two young people and by any life that is lost in our care. We know that young people who commit offences and become involved in the criminal justice system are often also the young people who have experienced multiple traumas and those who are the most vulnerable. It is our duty to do everything possible to help them rehabilitate where necessary and, vitally, to keep them safe from harm during the time when they are in our care.

The expert review report is substantial, and we will work on the many recommendations contained therein. Our ultimate aim is to oversee the continued fall in the number of young people entering our criminal justice system. It is important that, as a progressive society, we have transparency, a trauma-informed approach and, above all, a compassionate justice system that understands the often complex reasons why people end up in prison and that believes in their ability to rehabilitate.

I will endeavour to keep Parliament updated on our response to the expert review.

The Deputy Presiding Officer: We have about 20 minutes for the cabinet secretary to take questions on his statement. There is no time in hand this afternoon, so I am relying on members to be disciplined. We will see how it goes.

Annie Wells (Glasgow) (Con): I, too, offer my sincere condolences to the families and friends affected by the tragic deaths of Katie Allan and William Lindsay last year. I thank Her Majesty's chief inspector of prisons and Dr Helen Smith for their work in forming the review, and the Cabinet Secretary for Justice for advance sight of his statement.

Prevention is, of course, key. The SPS has said that it will develop a new mental health strategy for young people. When can we expect to see the strategy? When will the cabinet secretary report back to the Parliament on the steps taken to improve communication across the justice system and to ensure that the risks and vulnerabilities of young inmates are given careful consideration, particularly in the initial three months of custody?

Those issues are of specific concern in the report on the review.

The cabinet secretary has highlighted the desperate need to recruit more mental health workers in prisons—I am pleased that that has been included. However, on the basis that, as at the end of April this year, just six additional whole-time equivalent staff had been recruited, what exact steps will be taken to vastly improve that trajectory?

Humza Yousaf: I thank Annie Wells for her questions and for the constructive manner in which she asked them.

As regards the timeline, the Scottish Prison Service is rightly taking a really informed approach and is talking to partners—some of which I mentioned in my statement—to develop that bespoke mental health strategy for young people. I will ask the chief executive of the Prison Service to write to Annie Wells directly to give her more detail about the steps that the service is taking to develop the strategy and about some of the associated timelines.

I could not agree more with what has been said about remand, and I hope that I highlighted that in my statement. To be very honest and frank, and I am sure that Annie Wells will understand this, who goes to remand—or not—is not entirely in my gift. The judiciary is rightly independent—we all accept the independence of the judiciary and we guard that independence fiercely.

What I can do—to a large extent, this is in the Government's gift—is work with partners both to create robust community alternatives and to work on alternatives to remand as set out in the Management of Offenders (Scotland) Bill, such as bail supervision and electronic monitoring. The Government will continue to do that.

As for what action is being taken, I mentioned in my statement that the Minister for Mental Health, who is in the chamber, has written to health boards to ask them what they will do in this financial year. We are not waiting around for future years; the minister has asked what is being done this financial year to help recruit more mental health workers for our prisons, and I am sure that she will be happy to furnish Annie Wells with further details, should she require them.

Pauline McNeill (Glasgow) (Lab): The recent tragic deaths of Katie Allan and William Lindsay Brown highlight deeper problems relating to deaths and suicides in custody, and I associate myself with the remarks of the cabinet secretary and Annie Wells.

We agree that all steps to protect the welfare, including the associated physical health issues, of those who are in custody must be taken. Will the

cabinet secretary accept all seven recommendations in the report? I am sure that he agrees that we cannot afford to make the same mistakes again.

How will the cabinet secretary ensure that the talk to me strategy is not simply a tick-box exercise? When will training commence for prison staff who have asked for and need specific training on mental health disorders and on dealing with the welfare of young people? Katie Allan's family highlighted that many people in custody have mental health problems simply because they are in custody, so it is important to train our staff to be able to deal with such problems.

The case of William Lindsay Brown highlighted the fact that there was a reduction in the number of secure care places in 2016-17, from 90 to 84, which meant that the courts were not able to make the disposals that might have been needed in certain cases. When will the cabinet secretary act to ensure that, when appropriate, young people are placed in secure care, not the prison estate? When will such places become more widely available?

Humza Yousaf: I thank Pauline McNeill for her questions and remarks.

I reassure Pauline McNeill that the talk to me strategy is about the immediate potential vulnerability of an individual at a particular moment in time. Today, I have confirmed—I reiterated this point in my response to Annie Wells—that the Scottish Prison Service will work on the development of a bespoke mental health strategy for young people. I am sure that, if Pauline McNeill would find it helpful, the chief executive of the SPS would be happy to talk her through how the service will develop the strategy through an iterative process.

I also reassure Pauline McNeill that, as I said in my statement, training is well under way. Again, I can facilitate contact with the chief executive of the Scottish Prison Service if she wants, and I am sure that Colin McConnell would be happy to meet her to give details on how the training is developing and on how the SPS is rolling it out to staff across the prison estate.

Although we are focusing, rightly and understandably, on young people—particularly in the light of the terrible tragedies that have been mentioned—mental health issues also affect the adult population in our prisons. Although I have talked about a bespoke mental health strategy for young people, there will be a mental health strategy for people right across the prison estate.

The Deputy First Minister, who is beside me, and I work closely on wider issues relating to secure care. Action has been taken since the terrible tragedy of the death of William Lindsay

Brown. As of today, secure beds in secure units are available. As I have said to Pauline McNeill previously—I know that she understands this—there is a lot of nuance and complexity to the issue. There has been a reduction in admissions from Scotland, and secure units need to have a very high level of occupancy in order for the provision of such services to continue. Therefore, a number of cross-border referrals come in. There are options for the Scottish Government to consider, such as purchasing space, but the issue is complex. I give an assurance that we are working through such complexities, and I can provide Pauline McNeill with more detail on that matter in writing. However, I reassure her that, as things stand, secure beds in our secure estate are available.

The Deputy Presiding Officer: I appreciate that the matter is very sensitive, but I point out that the first two questions have taken seven minutes. Twelve members want to ask questions, so I ask for succinct questions and answers. I ask members not to miss the point, but to hone it down. I have no doubt that Mr Finnie will set an example.

John Finnie (Highlands and Islands) (Green): No pressure, Presiding Officer.

I add my condolences and thanks to those of other members. The cabinet secretary talks about a compassionate justice system, and his statement acknowledges that remand is largely unproductive. We talk about ensuring that alternatives are available, and safer spaces and different settings have been mentioned. I ask for some creative thinking to be done, so that safer spaces do not necessarily always mean confinement.

Humza Yousaf: I could not agree more with John Finnie, who makes his point well. I said in my statement that safer space does not mean a sterile space. That is the thinking that is going on in the Scottish Prison Service. If the member would like to speak to the SPS, it will be able to give him some assurances. He is absolutely right to raise that point.

Liam McArthur (Orkney Islands) (LD): The tragic deaths of Katie Allan and William Lindsay mean that we must learn lessons. I, too, thank the chief inspector and Dr Smith for a thorough report.

Much that is in the cabinet secretary's statement is welcome, including the pilot of in-cell phones. More than two years ago, the Scottish Government promised that prisons would share in the roll-out of 800 new mental health workers. At the end of that process, how many of the 800 will be based in prisons?

Humza Yousaf: I mentioned in my statement, and in response to Annie Wells, that the Minister

for Mental Health has written to ask health boards about their plans for this financial year. I will ask her to write to Liam McArthur with the detail of the responses that she receives. Priority is being given to the matter because we understand the need in our prisons—in particular, among our young people in the custodial estate.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome, as the cabinet secretary mentioned, the report's highlighting of

"the compassion and dedication of front-line prison and healthcare staff."

I understand that the Scottish Prison Service and its NHS partners have in recent months undertaken a range of actions to improve health and wellbeing support in Polmont. Will the cabinet secretary outline what work is under way?

Humza Yousaf: Quite a lot of work is under way. I am sure that the Scottish Prison Service can furnish Rona Mackay with details.

However, for example, refresher training on the SPS's suicide prevention strategy—which is called "Talk to me"—has been delivered to 95 per cent of staff in Polmont. Intensive training in mental health first aid for young people for staff who work in the residential parts of Polmont has also commenced. An additional senior manager was appointed in December 2018 with specific responsibilities for overseeing implementation of the suicide prevention strategy and suicide awareness.

NHS Forth Valley, which is the local health board, has worked closely with Polmont in terms of resources for senior staff who have been appointed to strengthen leadership and support. I do not have time to go into the many other things that have happened, but, if Rona Mackay gets in touch with the SPS, it can give her a lot more detail.

Liam Kerr (North East Scotland) (Con): I will go back to the cabinet secretary's remarks on remand. The report notes that young people who are on remand feel that they "struggled to access services". What will the cabinet secretary do to ensure that young people who are on remand have appropriate access to activities and services?

Humza Yousaf: I will continue to try to reduce use of remand. That will be our focus.

Liam Kerr is right to ask what we will do for people who are on remand. We will continue to provide funding and we will work with the Scottish Prison Service and third sector providers on services for the young people who are in our care.

It is important to focus on reducing use of remand. Liam Kerr and I have had many discussions about that, and we agree that the

proportion of Scotland's prison population who are on remand is far too high—it is almost double the figure in the nearby jurisdictions of England and Wales. The focus will be on alternatives to remand, including community justice measures, bail supervision and electronic monitoring. I appreciate that all those alternatives must have appropriate safeguards, but the focus must be on reducing the number of people who are on remand. The review has focused on the intense support that is needed in a young person's first few days on remand and in custody thereafter.

Angus MacDonald (Falkirk East) (SNP): As the cabinet secretary said, it is clear from the review that the necessary actions must extend beyond Polmont. How will progress on implementing the recommendations be monitored at Polmont and elsewhere?

Humza Yousaf: I hope that the presence of my ministerial colleagues who are sitting to my right and my left demonstrates the cross-portfolio and cross-Government importance that we attach to the agenda. I reiterate, as I said in my statement, that an action group that will include relevant officials from across the Scottish Government, the Scottish Prison Service and the NHS has been convened to oversee progress on the review's recommendations. We remain absolutely committed to improving outcomes for young people who are in custody. Alongside my ministerial colleagues, I will hold a round-table meeting with key partner agencies before the end of the year to review our progress.

I mentioned that I hope to meet the families of Katie Allan and William Lindsay—I think that I will meet Katie Allan's family next week. I would like those families, and others who have been similarly affected, to help us to shape the response. It is hugely important that we listen to their concerns and to people's lived experience of Polmont, custody and the justice system more broadly, and that people's views are fed into how we shape the response.

Monica Lennon (Central Scotland) (Lab): I am interested in why the inspection report did not look into the culture of bullying that had been highlighted in previous inspections dating back as far as 2003.

The cabinet secretary will be aware that Katie Allan's death certificate records her cause of death as hanging, but the SPS website has registered the cause of her death as being "Not Determined—Awaiting FAI". If the incident had happened in England or Wales, under the Ministry of Justice, it might have been recorded as being a suspected suicide that was awaiting an FAI. That does not feel quite right to me. Does the cabinet secretary agree that we need greater transparency? How might we achieve that?

Humza Yousaf: On Monica Lennon's first point, she is within her rights to write to the inspector—who is, of course, independent—to ask any questions on the inspection report or the expert review. The inspection report on Polmont is very thorough and says a lot about the workforce. I paraphrase slightly, but I do not think that I am too far off the mark in saying that it describes the workforce as compassionate and committed. I do not doubt that the vast majority of Polmont staff are just that. The inspector carried out close scrutiny of the workforce. If Monica Lennon has questions about the inspection, she would be right to go to the independent inspector and ask them.

I agree with Monica Lennon that we need greater transparency. I said in my statement that transparency is hugely important. I understand the dilemma that the Scottish Prison Service has when a fatal accident inquiry is involved. I know that the SPS feels that it has to be extremely careful about what it says publicly and about what is put in the public domain before the determination is made in an FAI. Notwithstanding that, there are examples—Monica Lennon cited England and Wales—of things that we could do to improve communication, transparency and openness, which are so important for public confidence. That issue is being explored and taken forward as we speak.

The Deputy Presiding Officer: Emma Harper will be followed by Margaret Mitchell. I am afraid that Margaret Mitchell's question might have to be the last one, because of the length of the answers. I appreciate why the answers have been longer, given the circumstances, and I hope that members understand, too.

Emma Harper (South Scotland) (SNP): The cabinet secretary mentioned access to in-cell phones for young people. I look forward to following that up. What additional support is available for the families of young people in Polmont, particularly those who are being held on remand?

Humza Yousaf: We will continue to invest in the prison estate. At the moment, investment is focused on the women's custodial estate. For example, the new community custody units are designed to help with family support.

The pilot of in-cell phones at Polmont is exciting, and is potentially hugely important for family relations and connections. The prison visitor centres that we help to fund are also really important. They sometimes get negative publicity from elements in the media, which is unfair, but the centres are hugely important in respect of family contact. Family contact and family relationships are hugely important for our young people. Where the Prison Service has not got that right at Polmont, there are plenty of

recommendations for us to take forward. That is why we are piloting the in-cell phones in Polmont first, rather than in other parts of the prison estate.

Margaret Mitchell (Central Scotland) (Con): During the Justice Committee's short inquiry into secure care places and mental health provision in Scotland, the committee heard that the transition between a secure care place and Polmont can be vital. Some young vulnerable people benefit from close personal relationships that are formed in the secure care place, only for those relationships to be broken when the young person is 18 and has to transfer to Polmont. Will the cabinet secretary undertake to look at the transition rules to ensure that they are not so inflexible that they undo months of good work that vulnerable young people have already undertaken in secure care?

Humza Yousaf: Yes. I will be happy to explore issues to do with transition, with my colleague the Deputy First Minister and Cabinet Secretary for Education and Skills. Margaret Mitchell has raised an important issue.

A related point, on which the review shone a light, is the disappointing nature of information sharing between agencies and services. We are all aware that there are issues to do with information sharing, and the health and justice collaboration improvement board is looking at the matter. The information that flows between the courts, social work, secure care units and the prison estate is vital, so there should be no gaps in that regard.

I assure Margaret Mitchell that we will reflect on what she said about transition. In addition, the key recommendation on information sharing is being taken forward and we will monitor the situation, through the action group.

The Deputy Presiding Officer: That concludes questions. I apologise to Ruth Maguire, Mary Fee, Fulton MacGregor and Daniel Johnson for being unable to call them, due to time pressures this afternoon.

Portfolio Question Time

Education and Skills

14:00

Trade Unions (Skills Training and Lifelong Learning)

1. Tom Arthur (Renfrewshire South) (SNP): I remind members that I am a member of the Musicians' Union and a co-chair of the collective learning partnership group in the Parliament.

To ask the Scottish Government how it supports trade unions to deliver skills training and lifelong learning. (S5O-03405)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Trade unions play a key role in supporting the learning needs of workers. That is why, in 2019-20, we are maintaining funding of £2.262 million to Scottish union learning to support workforce development and £100,000 for its programme on fair work: leadership and equalities. Scottish union learning is also using £85,000, which is being provided over 2017 to 2019 from Scotland's allocation of the national cyber security programme fund, to build the cyber-resilience capacity of unions.

Tom Arthur: I thank the Scottish Government for its continued commitment to Scottish union learning.

Given that the quickening pace of change in the world of work—which is being driven by increasing automation and greater adoption of artificial intelligence technologies—could mean that the people who enter the labour market today might be employed in a range of different jobs over their working lives, does the minister agree that trade unions can play a valuable role in ensuring that Scotland's workforce is supported in skills development through what some people have characterised as the fourth industrial revolution?

Jamie Hepburn: On the member's final point, there has to be an increased focus on what must be a major area of our activity on skills more widely. We need to ensure that we are well placed to respond to the challenges and opportunities that automation presents. We will shortly publish our future skills action plan, and the work that we are doing on the national retraining partnership will feed into that.

I chair the strategic labour market group, which recently discussed the fact that where we have more cohesive labour markets and good industrial relations, the workforce is less fearful of the impact of automation. Trade unions are hugely important

to the agenda, and the Scottish union learning initiative is important, too.

The Deputy Presiding Officer (Christine Grahame): There are members in the chamber who were not here when I said that, although the clocks are running at real time, I have a clock that tells me exactly how long people are taking. I again ask for succinct questions and answers—it is something to do with the continuing stage 3 debate, but do not ask me what: I do not understand it, and really I think that it is ridiculous, but there we go.

Eco Schools (Stirling Council)

2. Bruce Crawford (Stirling) (SNP): To ask the Scottish Government how many eco schools there are in the Stirling Council area. (S5O-03406)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): There are currently 27 eco schools in the Stirling Council area.

Bruce Crawford: Does the cabinet secretary agree that it is the younger generations that will suffer most from the effects of climate change, particularly if we allow our planet to continue to be harmed in the way that it has been harmed? Will he say what more schools can do to educate young people about the importance of protecting our delicately balanced natural environment?

John Swinney: The nature of curriculum for excellence is that it relies heavily on the concept of interdisciplinary learning. Through the broad general education, an understanding of climate change encompasses an understanding of science, life in the outdoors, the use of resources and the science behind all the questions about the use of resources. There are broad opportunities in that regard.

This morning, I launched "Learning for sustainability: Vision 2030+ action plan", which reinforces many of those concepts. I am delighted by the cross-sectoral endorsement that we have had of that work, which provides schools with a great opportunity to take forward the vital work that the many eco schools in Scotland are doing, which creates a clear aspiration among young people in our society for the urgent action to tackle climate change that this Government is determined to take.

New School (Butterstone)

3. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Government whether it will provide an update regarding the status of the New School Butterstone. (S5O-03407)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The proprietor of the New School

Butterstone, which provided education and care for 24 learners, closed the school on 23 November 2018. The priority of the local authorities was then to ensure that a long-term solution was in place for every young person. Every family was offered support and education by their local authority, including alternative places or interim provision.

Moore House, which operated another independent school, has successfully registered an independent day school on the site of the former New School Butterstone. As a result, Butterstone House School was registered on 9 May 2019, and opened its doors to 13 students for secondary school provision on 13 May. Eleven of those pupils previously attended the New School Butterstone.

Mark Ruskell: The cabinet secretary will be aware that many families are still looking for answers, particularly on why, in some cases, the children did not receive education for over six months. Will the Government commit to supporting an independent inquiry into the actions of Perth and Kinross Council, the Care Inspectorate and Education Scotland in inspecting, reporting and advising on the closure of the New School Butterstone?

John Swinney: I am now giving consideration to that issue. I indicated to families that my priority was to ensure that young people had continuity of education. As I said in my earlier answer, every effort was made to do that. However, I acknowledge that that has been difficult for a number of the young people involved, because of the very specific nature of the education that they received at the New School Butterstone.

I highlight to Mr Ruskell and the chamber that the priority has always been to make sure that young people are educated in a safe and appropriate educational environment. The inspectorates have particular statutory functions to exercise in that respect, and at no stage did Her Majesty's Inspectorate of Education or the Care Commission require the closure of the New School Butterstone. I am happy to put that point on the parliamentary record.

Liz Smith (Mid Scotland and Fife) (Con): The cabinet secretary has been very helpful—if I may say so—over the New School Butterstone issue. It has, as he knows, raised questions about the availability of places in special schools, and particularly about whether all the available places are being taken up. Is the Scottish Government having discussions with local authorities to ensure that there is an awareness of how many places are available at any one time, and of whether they are being taken up?

John Swinney: There are a number of points in that very legitimate question. Liz Smith will

appreciate that it is a fine judgement as to the appropriateness of mainstream educational provision for all young people, and, where that does not address the needs of young people, as to the specific characteristics of education that should be available to them. A range of special educational provision is available in Scotland. We have to be satisfied, and local authorities have to satisfy themselves by statute, that they are best meeting the needs of every individual child by the decisions that they take, in consultation with families.

As Liz Smith will know, we are looking at the whole area of the deployment of the mainstreaming principle, and all the issues that she raises are legitimate issues to consider as part of that process. I will keep Parliament updated about the course of the discussions with local authorities.

Net Zero Target (Skills Strategy)

4. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Government what assessment the Minister for Business, Fair Work and Skills has made of an initial and transferable skills strategy for meeting the net zero greenhouse gas emissions target. (S5O-03408)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): We established the just transition commission, which has expertise in the labour market and skills, to advise ministers on the move to a net zero economy. The commission's work plan has identified skills as a key topic. Analysis of current and future labour requirements, including skills, will form an on-going part of its considerations.

Claudia Beamish: The minister will be aware of Scottish Labour's position that such a strategy should be on a statutory footing. I highlight that it is often the North Sea industries that are looked at in relation to a just transition. I will give two other examples: there is the opportunity in textiles to embed recycled materials into fashion and furnishing, and in farming to embed agroforestry in the future. Can the minister update me—in writing, if that is more appropriate—on how assessments are being coordinated and the results maximised and shared in this climate and environment emergency?

Jamie Hepburn: I am happy to commit to writing to Claudia Beamish with more detail. I agree with the thrust of her question. We must ensure that, as we transition to a net zero carbon economy, we think about not only the energy sector but all sectors. In that regard, it is important that we are geared up to ensure that our entire population is flexible and is able to upskill and reskill.

Multilevel Teaching

5. Peter Chapman (North East Scotland) (Con): To ask the Scottish Government what its position is on whether multilevel teaching is the most effective way for pupils to learn. (S5O-03409)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Multilevel teaching has long been part of Scottish education, and teachers are well skilled to take account of the different needs of their pupils. We want to ensure that teachers are empowered to decide what is right in their individual settings. There will be varying levels of prior attainment in any class and we have yet to see any firm evidence of educational disadvantage due to multilevel teaching.

I am aware that the issue of multilevel teaching has come up in the Education and Skills Committee's inquiry into subject choice. I will, of course, consider the committee's conclusions on the range of issues that it has been exploring when it reports in due course.

Peter Chapman: At least 26 schools in the north-east are running combined classes in which three or more qualifications are taught, including two out of the 11 schools in Scotland that are running classes in which four or more qualifications are taught. Further, in September, at the start of the school year, north-east schools were 140 teachers short.

Will the cabinet secretary commit to giving the north-east a fair deal and north-east kids the best possible education?

John Swinney: I am certainly devoted to ensuring that children in the north-east of Scotland and the whole of the rest of Scotland get a first-class education. Mr Chapman will know that there are some specific challenges in recruiting teachers in the north-east. Similar challenges face other public services, for all of the reasons that he will be familiar with.

I am pleased to say that we have a rising number of teachers in Scotland, with teacher numbers at their highest level since 2010. I am determined to ensure that we have in place the necessary resources and approaches. That is why I have made investment to support the delivery of the e-school venture, which is designed to deliver flexible approaches to learning in order to meet the needs of young people in circumstances in which staff are not available. I am glad to see that a number of mainland local authorities are using the e-Sgoil model, which is a great development by Western Isles Council and is actively supported by the Scottish Government.

Mary Fee (West Scotland) (Lab): Teachers who gave evidence to the Education and Skills Committee noted that multilevel teaching is becoming commonplace. Every school that was represented in the evidence sessions had instances of it, and some teachers commented that teaching successfully in such circumstances is almost impossible.

If the cabinet secretary is right that multilevel teaching poses no disadvantage, those teachers must be wrong. Why are they?

John Swinney: Let us look at all the evidence that the Education and Skills Committee has taken. It has taken evidence from individuals such as Dr Alan Britton, from the University of Glasgow, who told the committee on 24 April that, when he was teaching in Scottish secondary schools in the 1990s, he was involved in multilevel teaching. The approach has been a feature of Scottish education for some time.

I look to Her Majesty's Inspectorate of Education to consider the quality and effectiveness of teaching. I do not see identified in inspection reports particular problems or challenges that come with multilevel teaching. Obviously, we will continue to consider inspection evidence on the question, but we have to acknowledge that the approach has been a characteristic of Scottish education for many years, and I do not think that the evidence has been marshalled to show that it is disadvantaging pupils, particularly as attainment is rising in Scottish schools.

The Deputy Presiding Officer: I want to get the last three questions in, so I ask for short supplementaries.

Reading Opportunities (Under-fives)

6. Bob Doris (Glasgow Maryhill and Springburn) (SNP): To ask the Scottish Government how it seeks to support reading opportunities for under-fives across the Maryhill and Springburn constituency. (S5O-03410)

The Minister for Children and Young People (Maree Todd): Under-fives across Scotland will benefit from our transformational investment in early learning and childcare. Children in Maryhill and Springburn are already benefiting from early phasing of the expanded offer. In addition, there are 11 equity and excellence leads currently working in the constituency. Those additional graduate professionals provide support to children in our most disadvantaged communities, including support with literacy.

The bookbug programme delivers free sessions across Scotland, including in Springburn library, and we have invested £7 million in the play, talk, read campaign on the importance of playing, talking and reading with children in the early years.

Bob Doris: I thank the minister for that answer. The Scottish Government has a partnership with the Imagination Library; so does Blochairn Housing Association in my constituency. It provides free reading books to all under-five children every single month, direct to all resident children in the Blochairn Housing Association area. It is a fantastic scheme. Will the minister meet Blochairn Housing Association, the Imagination Library and me to hear how that successful partnership with Blochairn Housing Association has benefited young people—

The Deputy Presiding Officer: The minister has got the message, Mr Doris.

Bob Doris: But finally—

The Deputy Presiding Officer: No—no “finally”. Do not try that on.

Bob Doris: No, she got half the message—

The Deputy Presiding Officer: Sit down, please.

Maree Todd: Yes, I am aware of Dolly Parton’s Imagination Library. On a personal basis, I am a huge fan of her music but her passion for reading and the work that she has done to improve literacy have been incredible and worldwide. The initiative was launched in Scotland in 2011 and, to date, the Scottish Government has provided funding for the programme to operate nationally. In the last year, 33,451 books have been provided to 2,309 looked-after and adopted children aged nought to five in Scotland. If it would be helpful, I am happy to meet the member to discuss that further.

Medical School Places (Scottish Universities)

7. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government what measures it is taking to ensure that Scottish students can access medical school places at Scottish universities. (S5O-03411)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): The Scottish Government is taking a number of measures to ensure that Scottish students from all sectors of society can access medical places. We are, for instance, funding 50 ring-fenced widening access places, focused on applicants from the 20 per cent most-deprived council wards. As of 2019, we are also increasing numbers from 40 to 50 on our targeted pre-medical entry courses, which are focused on socially disadvantaged as well as remote and rural applicants.

Lewis Macdonald: I recently raised the case of a young person who was offered a place as an international, fee-paying student but when his residency led to him being reclassified as a home student, the offer was withdrawn. Does the

minister agree that that is unacceptable and discriminates against my constituent?

Richard Lochhead: As autonomous institutions, universities and colleges have responsibility for managing their affairs, which includes decisions made on the fee status of individual students. Institutions assess students based on the criteria that are laid out in regulations and on evidence that students provide. As a result, on rare occasions, those decisions vary from institution to institution. In the case that Lewis Macdonald cited, the institution concerned took a decision on who is a home-based or fee-paying student. I take it that he has raised the issue with the institution. If he feels that there is anything that I should do to investigate it, he should send me the details, and I will do that.

University Applications (People with Leave to Remain)

8. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what the criteria are for people applying to university who have leave to remain when assessing their home or overseas status. (S5O-03412)

The Minister for Further Education, Higher Education and Science (Richard Lochhead): As autonomous bodies, it is for universities to determine the tuition-fee status of students who apply for higher education courses, in accordance with the Education (Fees) (Scotland) Regulations 2011. Eligibility for home-rate fees is determined with reference to an applicant’s residence rather than their nationality or place of birth.

Maureen Watt: In my constituency, there is a family who came to this country in 2002; all its members have leave to remain. Two of the children currently attend university and receive home fees. However, when the daughter applied for higher education, certain universities and colleges classed her as an overseas student, which meant that she would have to pay fees. Does the minister agree that the criteria should be applied equally over all Scotland’s higher education institutions?

Richard Lochhead: That question is similar to the previous question. I reiterate that residency rules, which are laid out in legislation, set out eligibility for tuition fees and living costs loan support. As I also said before, we are speaking about autonomous institutions. On rare occasions, decisions vary from institution to institution. I make a similar offer and ask Maureen Watt to send me more details of the case. If there is a case for my intervention, in order to have more consistency across the institutions, I will look at it carefully.

Planning (Scotland) Bill: Stage 3 (Day 2)

14:20

The Presiding Officer (Ken Macintosh): The next item of business is the continuation of stage 3 proceedings on the Planning (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list, the correction slip for amendment 3 and the groupings of amendments. As this is the second day, the division bell will sound and proceedings will be suspended for five minutes before the first division of the afternoon. That first division will last for 30 seconds, but thereafter the first division after every debate will last one minute and all other votes will last for 30 seconds.

Yesterday, I tried to give members an indication of which were the long groups. I had been asked by a member to do that, but I got it spectacularly wrong, so I am not going to do it today. However, I will indicate that we are likely to take a break following group 25, which might be at around half past 4, and we might take another break following group 32. We will play that by ear and I will try to indicate to members in advance of when it is about to happen.

Members should now refer to the marshalled list. We will resume consideration of section 10, picking up at group 16, which is on land value capture/sharing. Amendment 112, in the name of Graham Simpson, is grouped with amendments 212 and 215.

Graham Simpson (Central Scotland) (Con): It feels as though I have never been away.

Amendment 112 removes land value capture from the bill. It was introduced by an amendment that I lodged at stage 2. Initially, the bill had no mechanism for capturing any land value uplift. It was a subject that the Local Government and Communities Committee had a close look at and I think that there is general cross-party support for the concept.

However, my stage 2 amendment has raised legal concerns. I have to be honest about that and say that I do not think that there is a place for it in the bill, because there are problems with it. Organisations such as the Scottish Property Federation have called it “premature” and welcomed amendment 112, which removes the provision. Scottish Land & Estates pointed out its possible incompatibility with the European convention on human rights. That point was also raised by the Delegated Powers and Law Reform Committee, which I convene.

Given the work that is being undertaken by the Scottish Land Commission on land value capture, this bill is not the place for it and I am happy to remove it. On that basis, I will not be supporting amendments 212 and 215, in the name of Alex Rowley.

I move amendment 112.

Alex Rowley (Mid Scotland and Fife) (Lab): Amendments 212 and 215 require ministers, within 18 months of the bill receiving royal assent, to lay regulations to facilitate land value capture. Legislation to facilitate land value capture—or “land value sharing”, as the Scottish Land Commission has usefully termed it—is not a silver bullet that will solve our current housing supply crisis. We need to adopt a much more proactive approach to public interest-led development across the board and enable our public bodies to take the lead in major developments. However, land value sharing could play a key role in that process.

It is deeply disappointing to see the Tories and the Government teaming up to remove one of the transformative amendments to the bill from stage 2. It should not have been beyond the Government to resolve the legal change that would have been required to make land value sharing possible. Labour is giving the Government an opportunity to cement its support for the principle of land value sharing and to commit to providing the legislative framework to make it possible. We approached the Government before the deadline for lodging amendments and stated that we were open to considering its comments and to extending the timeframe if it was willing to support our amendments, so we do not accept timing as an explanation for its refusal to accept them.

The Government has failed to make formal responses to the Scottish Land Commission’s brilliant recent report on land value sharing and to say whether it accepts the report’s recommendations, so it can hardly blame Labour for starting to question its commitment to the concept.

Graham Simpson: I am not sure whether Alex Rowley was in the chamber when I asked the First Minister about that. She said that there would be a full response to the Scottish Land Commission’s report after the bill is dealt with. I am pretty sure that I also heard the Minister for Local Government, Housing and Planning say in the chamber that he accepted all the commission’s recommendations, but, no doubt, he will be able to confirm that himself.

Alex Rowley: It is interesting that we seem to have a coalition between the Scottish National Party and the Tories to block radical proposals on

land reform. I know who the Tories speak for; it is now clear who SNP members speak for.

Will the minister state, in the *Official Report*, that he will legislate on land value capture as soon as is reasonably possible? I think that that is a fair question to put to him. Will he also explain how he plans to make more publicly led development a reality? Despite what the Tories think, achieving both of those things would bring huge benefits, so I hope that the minister will answer those questions.

The Scottish Land Commission has successfully conveyed that land value sharing is not about negating all the benefits that the private sector currently gets from development. A publicly led approach can create additional value that can be used to establish ambitious, attractive, sustainable and healthy places that, above all, are built to work for communities—and surely communities and people should be at the heart of the bill's intentions.

Many of the issues that we have already discussed and will go on to discuss this week—notably, adequate housing for older people and disabled people—would be much more of a reality if we embraced publicly led development, in which public bodies have more influence on the minimum standards for homes that are being built. Such a level of transformative change is required to realise the Parliament's vision—not the limited provision that the Government has proposed and the Tory party has accepted.

I hope that both parties will consider supporting amendments 212 and 215.

Andy Wightman (Lothian) (Green): I welcome Graham Simpson to his new role as spokesperson for the First Minister.

Ahead of consideration of the bill at stage 2, I conducted a consultation on the proposal to enable local authorities to acquire land at its existing use value—a power that they had from 1947 until 1959 and which would strip out a substantial part of the profit that accrues to landowners and developers from the uplift in land values.

The developer Murray Estates, which is developing a large area in the west of Edinburgh, is a good example. Having secured planning consent, the company informed me in a meeting that it would simply sell the land, pocketing a very tidy profit though the granting of a public good—a planning consent.

14:30

I know that the Government is interested in the concept, but it has had 18 months to bring forward proposals. Instead, it has kicked the idea into the

long grass and missed what might be the only legislative opportunity for some time to introduce such a power.

The power as envisaged—I had an amendment on it at stage 2, which I did not press because Graham Simpson's amendment had got into the bill—would apply only in masterplan consent areas. It was a very limited power. We intentionally restricted it to enable it to be experimental, to an extent, and to avoid any of the bigger problems that might arise if we applied it across the piece. We focused the power on restricted areas and sought to allow councils to explore the more planned and public-led development model that has provided so much success in countries such as Germany.

We oppose the removal from the bill of proposed new section 54CA of the Town and Country Planning (Scotland) Act 1997 and we will vote against amendment 112. We will support amendments 212 and 215.

The Minister for Local Government, Housing and Planning (Kevin Stewart): As I have consistently made clear, we as the Government are interested in the concept of land value capture or sharing and we will explore how land value uplifts can effectively be captured to fund infrastructure. That is why the Government asked the Scottish Land Commission to investigate the issue and why I welcomed the report that it published in May. However, I believe that the provisions that were added to the bill at stage 2 were premature and that they risk breaching the European convention on human rights. I therefore welcome amendment 112, which removes from the bill proposed new section 54CA of the 1997 act.

Although I recognise the intention behind Alex Rowley's proposals, I cannot support them. Changes to compulsory purchase should be made through primary legislation, and it is unrealistic to reform such a complex area of law in such a short timescale. The issue deserves careful examination and consultation, including on how proposals would interact with other mechanisms such as planning agreements and the proposed infrastructure levy.

We will therefore work with the Scottish Land Commission, the Scottish Futures Trust, local authorities and industry representatives to identify how local authorities can best use existing mechanisms to fund infrastructure and what support they may need to do so. We will also look at how new mechanisms such as the levy and land pooling might complement existing mechanisms, and hence whether any changes are required to existing legislation and, crucially, how we can ensure that any changes are fully compliant with the ECHR.

I refer members to the issues around this, including the Lands Clauses Consolidation (Scotland) Act 1845, which is, I am told, not going to be particularly easy to unpick if we are to get to ECHR compliance.

I have said constantly, and I will not move from this, that if legislative change is needed, we will pursue that. It may take time, and it may be in the next session of Parliament, but we will outline how we intend to move forward after the bill has been passed, as has been said. We will, of course, work with colleagues across the Parliament, because, like Mr Simpson, I think that there is, in the main, cross-party support on these issues.

The Presiding Officer: I call Graham Simpson to wind up on the group and say whether he wishes to press amendment 112.

Graham Simpson: I urge the minister to make a statement on the subject soon after the recess, once we have passed the bill, as we need to get moving on it. There is cross-party support. It might look as though there is disagreement today, but there is not really. We all want to move on this; it is just a question of how we do it in legislation. I do not think that the bill is the appropriate place. It is a very complicated area, and in my view a separate piece of legislation is needed to bring what is proposed forward.

I press amendment 112.

The Presiding Officer: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As this is the first division of the day, there will be a five-minute suspension while I call all members to the chamber.

14:35

Meeting suspended.

14:40

On resuming—

The Presiding Officer: We move to the division on amendment 112.

For

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Swinney, John (Perthshire North) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Adam, George (Paisley) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Mundell, Oliver (Dumfriesshire) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Arthur, Tom (Renfrewshire South) (SNP)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Briggs, Miles (Lothian) (Con)
 Balfour, Jeremy (Lothian) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Golden, Maurice (West Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Harper, Emma (South Scotland) (SNP)

Whittle, Brian (South Scotland) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Mason, Tom (North East Scotland) (Con)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Macdonald, Lewis (North East Scotland) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Kelly, James (Glasgow) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Johnstone, Alison (Lothian) (Green)
 Findlay, Neil (Lothian) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Marra, Jenny (North East Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Wightman, Andy (Lothian) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Greer, Ross (West Scotland) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

The Presiding Officer: The result of the division is: For 88, Against 31, Abstentions 0.

Amendment 112 agreed to.

The Presiding Officer: Group 17 is on masterplan consent areas. Amendment 13, in the name of Andy Wightman, is grouped with amendments 125 and 126.

Andy Wightman: Masterplan consent areas are an area of the bill that has been broadly welcomed, although the exact impact remains to be seen.

I will first address my amendment 13. Section 10(3) introduces a new schedule 5A to the Town and Country Planning (Scotland) Act 1997. Part 1 of the schedule is concerned with general rules about the content of any masterplan consent area. Section 3 of part 1 lists those areas that may not be included in any such scheme, such as world heritage sites and marine protected areas. Agreement to include such a list followed scrutiny of the bill at stage 1.

Included in the list of areas in which one cannot have a masterplan consent area are national scenic areas, which my amendment proposes to remove. I do not agree that national scenic areas should be excluded by law from such schemes and my amendment 13 would delete NSAs from that list. It is the only designation that should be excluded—I am perfectly happy with the rest—and I will explain why.

National scenic areas, which cover large areas of Scotland, include settlements where there is a need for more affordable housing. Those areas include large parts of Wester Ross, Assynt, Sutherland, the whole of Harris, south Lewis, Kintail, Loch Shiel and a quarter of the Cairngorms national park. As the minister is aware, Scottish Natural Heritage has a consultative role when a development of more than five houses is proposed in a national scenic area, but it does not have a consultative role when any such proposal is specifically provided for in the local development plan.

The minister is probably aware of the recent controversy over affordable housing in north Skye; he will also be aware that circular 9/1987 contains the relevant rules in that regard. In our view, masterplan consent areas could play an important role in providing rural housing. To exclude MCAs by law from being available in national scenic areas is illogical when development can already take place under existing planning provisions. In many areas, masterplan consent areas have the potential to provide a more effective means of providing rural housing—I have been told that by rural housing providers. For those reasons, I urge members to support amendment 13.

Amendments 125 and 126 reinsert notification, call-in and direction-making powers that were removed at stage 2. Amendment 125 reinstates provisions that allow ministers to direct planning authorities to notify them, which were removed at stage 2. Amendment 126 reinstates ministerial powers to call in proposals for masterplan consent areas and to modify them; again, my amendment 95 at stage 2 removed those powers. I will vote against amendments 125 and 126. I understand that ministers see those powers as a parallel to those that are in place for ordinary planning applications. However, given that we wish to see call-in powers curtailed and, in general, the power of ministers over planning authorities limited, we will oppose those two amendments.

I move amendment 13.

Kevin Stewart: Masterplan consent areas are a new way in which planning authorities can take a proactive place-making approach and provide consent. Mr Wightman has argued that they should be allowed in national scenic areas. At stage 2, I outlined how we have worked with the

relevant agencies and agreed that it would be right to restrict MCAs in international and national designations. I still believe that that is a clear and appropriate approach.

Mr Wightman suggests that MCAs could assist in repopulating NSAs in the islands. However, the island authorities have told us they would not envisage bringing forward MCA schemes for land in such areas. Therefore, I do not support amendment 13.

14:45

My amendments 125 and 126 seek to reinstate provisions that were removed at stage 2, which would require planning authorities to notify ministers prior to finalising certain MCA schemes and give ministers associated call-in powers. Those are important safeguards. Members will have seen the key agencies group's letter highlighting the direct read-across to the equivalent mechanism for notification and call-in of planning applications and how leaving that out for masterplan consent areas would create a significant gap. Removing those provisions removed ministers' ability to consider calling in schemes where there are unresolved objections from national agencies.

Proposals that key agencies object to frequently also attract significant local interest, with a public expectation that objections from a national agency will trigger a requirement for national level scrutiny. I hope that members will support amendments 125 and 126, to ensure that crucial layer of scrutiny for cases that raise issues of national significance.

Andy Wightman: I am disappointed with the minister's response on amendment 13. I just do not understand why, if up to five houses can be built in some of the most pressured areas of Scotland, such as Skye and Kintail, because they are in the local development plan, masterplan consent areas should not be available, too. Just because some local authorities have told the minister that they envisage no role for them, there is no reason to preclude any other local authority in any part of Scotland either today, or in five or 10 years, from availing themselves of such powers.

I am disappointed with the minister's response, but I will accept however the vote goes. I press amendment 13.

The Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 89, Abstentions 0.

Amendment 13 disagreed to.

The Presiding Officer: Group 18 is on technical/regulations. Amendment 124, in the name of the minister, is grouped with amendments 128, 134, 135, 151 and 153 to 155.

Kevin Stewart: The amendments in this group are mainly technical; they will remove duplication

and tidy up wording. Just one of them—amendment 155—has a little more substance. Section 20B of the bill inserts new section 77A into the Town and Country Planning (Scotland) Act 1997. That will enable ministers by regulations to make provision about the payment of compensation, where planning permission granted by a development order is withdrawn and a subsequent application for equivalent consent is refused or granted subject to different conditions.

In its stage 2 report on the bill, the Delegated Powers and Law Reform Committee recommended that that power should be subject to the affirmative procedure, because it deals with compensation and can apply or disapply provisions of primary legislation. I was happy to accept that recommendation and consequently lodged an amendment to enact it.

For the rest of the amendments in this group, I can provide more details if members have any questions, but I hope that these technical changes can be supported.

I move amendment 124.

Amendment 124 agreed to.

Amendment 125 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 125 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 94, Against 27, Abstentions 0.

Amendment 125 agreed to.

Amendment 126 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 126 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 95, Against 27, Abstentions 0.

Amendment 126 agreed to.

Section 11A—Culturally significant zones

Amendment 127 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 127 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 94, Against 27, Abstentions 0.

Amendment 127 agreed to.

Section 11B—Meaning of “development”: use of dwellinghouse for short-term holiday lets

The Presiding Officer: Amendment 156, in the name of Andy Wightman, is grouped with amendments 157, 157A, 157B, 157C, 157D, 157E, 217 and 159. I point out that if amendment 156 is agreed to, I will not be able to call amendment 157 or, as a consequence, amendments 157A, 157B, 157C, 157D and 157E, as they will all be pre-empted.

Andy Wightman: Following concerns that constituents expressed to me shortly after I was elected in 2016, I began looking into the question of short-term lets. I got the opportunity to ask a question during general question time on 19 January 2017, and I asked the Scottish Government what plans it had to regulate the growth in short-term letting. The minister will probably remember it as the “audible sex parties” question. The minister, Kevin Stewart, told me:

“The Scottish Government has no plans to regulate the growth in short-term letting.”—[*Official Report*, 19 January 2017; c 6.]

He told me that any change of use was a matter “for the planning authority” and that I should engage in the consultation on the planning bill. So,

here we are at stage 3: I engaged with the Planning (Scotland) Bill.

I discussed the matter with planners and ran a consultation over summer 2018, and I concluded that the planning rules that govern change of use need to be changed. Put simply, the conversion of a domestic dwelling to a commercial short-term let is a change of use, and it requires consent if the change is material—that is the law today. Given that planning authorities across the country tend to assess the question on the basis of the intensity and frequency of visitors, the problem lies in determining whether such a change is material. Effectively monitoring the comings and goings of visitors is an impossible task for planning officers. Therefore, I lodged an amendment at stage 2 that provided that a simple change of use from a dwelling to a commercial short-term let, which is no longer the sole or main residence of any person, constituted a change of use for the purposes of planning law, with no additional inquiries needing to be made. The amendment was accepted at stage 2 and it formed section 11B of the bill. At stage 2, the minister promised to work with me in advance of stage 3, as did Conservative members.

My amendment 156 reflects recommendations from the Delegated Powers and Law Reform Committee to define short-term lets, which I have done. Amendment 156 does not, however, as has frequently been claimed, fetter the discretion or autonomy of planning authorities in any way. It merely makes a modest change to the framework for considering change of use—regulations that have been in place since 1997 and that are universal in their application across Scotland. Amendment 156 makes a modest change to the gatekeeping functions that determine what is, and what is not, a change of use. Today, in almost every instance, any change of use to a commercial short-term let is a material change of use, and planning authorities deal with those applications.

Local flexibility, which is at the centre of many people's concerns, does not arise from planning law. To my knowledge, not a single piece of this planning bill or the Town and Country Planning (Scotland) Act 1997 applies only in certain parts of Scotland—Scots law is for Scotland. Local flexibility does not arise from law, but from plans and policies that enable planning authorities to be free to consent to as many or as few applications as they wish, in line with their own plans and policies. My amendment would not change that one bit.

Rachael Hamilton's amendment 157 is a wrecking amendment. It would sabotage the central purpose of amendment 156 by making the

modest change that I just outlined applicable only to so-called

“short-term let control areas”.

I am sure that the phrase will be repeated ad nauseum by the Scottish National Party and the Tories to pretend that they have done something about the problem. In addition, by making the provisions of amendment 157 subject to further regulations, the opportunity is created for the vested interests in the short-term let industry to influence those regulations in their own interest. That should be of no surprise to any member, given that Airbnb was a member of the Government panel on the collaborative economy.

We already know that some planning authorities are not even interested in the so-called zones. Last week, Glasgow City Council argued that the zonal approach that is suggested by the Conservative amendment does not fit with current policy. A council spokesperson said:

“It would fail to protect the amenity of residents living outside of those zones who may be affected by unauthorised change of use to short stay accommodation”.

All of that raises the question: if planning authorities are not interested in the provisions in amendment 157—the so-called areas, when they are finalised—what should they do? What if they think that the control areas are of no use to them?

I accept the parliamentary arithmetic, and that Rachael Hamilton's amendment will probably pass. However, some weeks ago, I put a compromise to the Conservatives. I said that we should allow those areas that are not to be short-term let control areas to enjoy some modest improvement in the law—hence my amendments 157A to 157E to Rachael Hamilton's amendment 157. They are designed to allow planning authorities for which control areas are deemed not to be the answer a more straightforward means of identifying properties that are changing their use. In other words, if the minister and Rachael Hamilton are genuinely interested in local choice, they should provide one.

I move amendment 156.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): There has been growing concern about platforms such as Airbnb, which are revolutionising the short-term renting of properties in popular tourist destinations. However, Scotland must be a welcoming country, and we must have flexible and affordable accommodation right across Scotland. The major cities of the world, in particular, have been experiencing the pressure. The main focus here has been on Edinburgh—

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer.

15:00

The Presiding Officer: Hang on one second, Ms Hamilton.

Neil Findlay: It might have been missed, but should the member not have declared an interest at the start of her contribution?

The Presiding Officer: That is not a point of order. It is up to each member to decide whether others may judge whether they have something to declare. It is entirely a matter for the member to decide.

Rachael Hamilton: Like many other MSPs, I do not have an Airbnb or a short-term rental. However, I thank Neil Findlay for being so considerate.

Of course, the main focus in Scotland has been on areas in Edinburgh, in particular the Old Town. Such areas have been weighed down by the burden of an increase in inward-bound visitors. The Scottish Conservatives are well aware of the concerns of local residents and understand that antisocial behaviour and a lack of housing are just two areas of concern—which Andy Wightman has spoken to me about.

Despite the lack of concrete data, we believe that there is anecdotal evidence to signify a regional variation, with Edinburgh experiencing the highest concentration of short-term let pressure, as I have mentioned.

Kezia Dugdale (Lothian) (Lab): Will the member take an intervention?

The Presiding Officer: I am sorry, Ms Hamilton, but would you mind pointing the microphone slightly more towards you?

Sorry—I interrupted in the middle of a potential intervention, although it is up to Rachael Hamilton to decide whether to take an intervention or otherwise.

Rachael Hamilton: I will take an intervention.

Kezia Dugdale: I am grateful to the member for giving way. Will she admit to the Parliament that amendment 157 is a wrecking amendment to the work of Andy Wightman? If she is not wrecking his proposal, can she explain why, as a Conservative, she is arguing for a more bureaucratic and time-consuming process?

Rachael Hamilton: Of course, I completely disagree with Kezia Dugdale. Amendment 157 delivers a flexible approach, allowing local authorities discretion to set short-term let control areas. We well understand the pressures that are experienced by residents. My amendment seeks to find a solution for local authorities in regulating in those areas that are saturated. I would have thought that Kezia Dugdale would welcome the

amendment, and I hope that Labour members will support it after they have heard what we have to say.

I thank the Government for working with the Scottish Government—sorry, that was a Freudian slip—I thank the Government for working with the Scottish Conservatives to achieve that aim. Furthermore, amendment 157 will devolve discretion to local authorities to create short-term let control areas, as I have set out. The purpose of amendment 157 is to target the requirement for planning permission to the most pressured areas, where the local authorities can choose whether or not to promote short-term let control areas, within which planning permission will always be required.

Proposed new section 26B allows a planning authority to designate all or part of the area concerned as a short-term let control area. In designated areas, the use of a dwellinghouse to provide short-term lets would be

“a material change of use of the dwellinghouse”

and would require planning permission. For clarification,

“a tenancy of a dwellinghouse (or part of it) where all or part of the dwellinghouse is the only or principal home of the landlord or occupier”

does not constitute a short-term let.

Andy Wightman: The member said that, within the control areas, such a change of use will always require planning consent. Is she not aware that that is the case across Scotland today and that the only question is about the materiality of that change of use? Therefore, her amendment 157 does nothing for the vast majority of authorities in Scotland, which will probably never use those control areas because they will probably be far too bureaucratic and will be subject to the rules that the Scottish Government deems appropriate in defining what a short-term let is.

Rachael Hamilton: Unlike Andy Wightman, we are taking this situation very seriously and we are putting residents first, while also being a welcoming country and ensuring that we create job opportunities and grow the economy.

Moreover, my amendment 157 seeks to deliver a flexible approach—which is the right one—allowing local authorities that are saturated by short-term lets to regulate, while, on the other hand, allowing for those authorities that do not have that burden not to be legally bound by regulation. My amendment clearly demonstrates a willingness to ensure a positive outcome for residents and communities, some of whom live in attractive and popular tourist hotspots.

Andy Wightman’s amendments 157A to 157E will, if they are supported by the Scottish Parliament, create a situation whereby all short-

term lets that do not fall under any of the exemptions in section 11B will constitute a material change of use six months after the bill receives royal assent and will therefore require planning permission. Many owners and operators may find that the use of property as a short-term let was unauthorised, putting them in breach of planning control and potentially exposing them to enforcement action, should planning authorities be minded to take such action. As a consequence, a burden will be placed on local authorities, owners and operators in obtaining retrospective planning consent.

It seems to me that Andy Wightman's amendments to my amendment 157 take the kill approach, whereas my amendment takes the cure approach. My amendment seeks to find a balance between happy tourists and happy residents. It will drive tourism growth while protecting residents with regulation. Andy Wightman's amendments would kill off future growth in tourism in areas that need it, whereas my amendment provides a solution to local problems. I appeal to members to see sense and not support Andy Wightman's amendments.

Daniel Johnson (Edinburgh Southern) (Lab): I thank Andy Wightman for the huge amount of work and effort that he has put into this very important issue. We, as well as the whole city of Edinburgh, owe him thanks, because we have a city-wide problem in Edinburgh.

I make one observation, because small observations often signify much larger change. If we look around the streets of Edinburgh, we will see that key safes have started to appear on doorway after doorway of the city's tenements. That is a sign of a much larger change: thousands of residential properties have been taken out of residential use, which has had a huge impact on the city, particularly in my constituency.

Rachael Hamilton says that we do not have data, so let me give her some data. In my constituency alone, 1,810 addresses out of a total of 35,443 are registered with Airbnb—that is 5 per cent of all dwellings in my constituency. That has had a huge impact on the city and it is why citizens in Edinburgh say that we are increasingly experiencing a Disneylandification of the city. It is changing the nature and affordability of living in Edinburgh.

We must acknowledge that the original purpose of Airbnb has changed. It is now a business that attracts investment, which has had an impact on people and the city. Of course, short-term lets have their place, but they should not be used to the extent that they have been used in Edinburgh. The reality is that average house prices in the city are cruising towards £300,000. We have to regulate the system.

Andy Wightman's amendment 156 is proportionate and will make a difference. Quite frankly, Rachael Hamilton's amendment 157 is deficient, because it is reactive, not proactive. It would simply be a case of shutting the stable door after the horse has bolted and would give no additional powers—no meaningful change—to local authorities to regulate planning in this critical area.

I urge members to vote for Andy Wightman's amendment 156, which is critical to ensuring that buildings cannot undergo a disproportionate change of use and that houses are not taken out of residential use into business use. This city needs that change, and I urge members to vote for the amendment with that in mind, for the sake of Edinburgh. I say particularly to members who represent Edinburgh areas that amendment 156 is required.

Alex Rowley: This is another group of amendments that illustrates the SNP-Tory stitch-up in the bill.

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): Here we go.

Alex Rowley: They might not like to hear it, but the new SNP-Tory alliance is evident in the bill. We express our support for Andy Wightman's amendments. *[Interruption.]* The finance secretary can shout all he likes, but the fact is that, once again, a progressive proposal is being halted by the alliance between the Tories and the SNP. That is the bottom line.

We believe that Andy Wightman's amendments are a proportionate response to the growth of short-term lets across Scotland—from urban centres to the Highlands and Islands. Unfortunately, the proposals have been misrepresented as interventions that will prevent buildings from becoming short-term lets; in fact, only a change of use is required, with local authorities being the arbiter of the change. An Airbnb that is no longer someone's sole residence represents a change of use—it becomes a commercial entity, not a home. That is simply a fact.

Michelle Ballantyne (South Scotland) (Con): I am listening with interest and I have some sympathy with Andy Wightman's position. The argument is that protection is needed, and I heard what Daniel Johnson said about the situation in Edinburgh.

Proposed new section 26B(2) of the 1997 act, in Rachael Hamilton's amendment 157, is about short-term let control areas. If those who support amendment 156 are right, the issue is about localism. Under amendment 157, a local authority could choose to designate its whole area as a short-term let control area, and people would have

to apply for planning permission in such an area. Amendment 157 would support localism and allow local authorities to make the decisions, and the outcome would be the same, as people would have to apply for a change of use. Does Alex Rowley not support such localism?

Alex Rowley: I will come on to the specific point about Rachael Hamilton's amendment 157.

The fact is that local authorities require a strong understanding of housing need in their areas. It is right that they should know when a home undergoes a change of use and becomes a short-term let, particularly when housing is in short supply in many parts of our country.

We are proud of Scotland's thriving tourism industry and we consider the room sharing and access to affordable accommodation that Airbnb has enabled to be a positive contribution. However, a high concentration of short-term lets in a small area can have a negative impact on shared spaces and community cohesion. Local authorities understand the crucial role that tourism plays in local economies and we trust that, when they form their policies on short-term lets, which I emphasise are separate from amendment 156, they will reach a balanced position that is in the public interest.

We do not support Rachael Hamilton's amendments 157 and 159. The ineffective rent pressure zones are a case in point for why we should not trust ministers with such regulations. I urge the new SNP and Tory alliance to think again, to vote in the interests of the people of Scotland and to vote for Andy Wightman's amendment 156.

Kezia Dugdale: I support amendment 156 and oppose amendment 157. I commend Andy Wightman for his thorough work over a number of months and years; he has done detailed work on the legislation and has taken colleagues with him. He has provided opportunities for briefings and has met the industry every step of the way—he has done a serious and thorough job.

Amendment 156 is particularly astute because it is not particularly radical. I urge members to look at the detail. The amendment does not represent a crusade against the industry of Airbnb or equivalent websites. It seeks to curtail the proliferation of commercial lets where we have allowed big companies or wealthy individuals to buy up properties across a city for the sole purpose of putting them on the internet for short-term lets. Such properties are not residential; they are businesses.

Amendment 156 would make no difference to and have no effect whatever on individual citizens who want to rent out their property for a certain number of days or months in the year or who want

to rent out a room in the house in which they live. The amendment would simply curtail the proliferation of commercial lets.

I support the amendment for three key reasons, which I will run through quickly. Airbnb is causing misery to countless numbers of my constituents across Edinburgh—particularly those who live down at the Shore, on Leith Walk or off Easter Road, who are represented by Ben Macpherson; those who live in Portobello or Abbeyhill, who are represented by Ash Denham; and those who live in the Grassmarket or the new town, who are represented by Ruth Davidson. All those members will vote for Rachael Hamilton's amendment 157. There is antisocial behaviour in those areas en masse.

Another reason why it is important to look at amendment 156 in detail is that commercial lets are distorting the property market. When big companies buy up properties, that makes it harder for working people to live in the city. On the internet today, the monthly cost of renting a one-bedroom property in the Grassmarket or on Easter Road is £850. That is pushing people out of the city and beyond its limits, and that is all because people are buying up properties for the purposes that we are voting on today.

15:15

There is another reason to support amendment 156. Perhaps the whole point of Airbnb is to provide tourists who come to Edinburgh with the experience of a home and what it is really like to live in the capital city, but all that is lost when the system is commercialised in the way that we have talked about today. I say to Rachael Hamilton that, far from killing off tourism, amendment 156 would provide a sustainable alternative, because it would protect the means by which people can experience what it is like to be in the city as a resident and a citizen.

I believe that amendment 157 is a wrecking amendment. It bulldozes right through the purpose of amendment 156 by introducing control areas and it kicks the can down the road into some grass called "One day, maybe." There is no scrutiny whatsoever in relation to the size of the control areas, how they would operate and who would decide that. It is far too late. SNP members should be uncomfortable in their seats today in voting with the Tories for amendment 157, but some of them should be more uncomfortable than others: those who represent areas where working people are being pushed out, where families are being priced out of their communities and where communities are being hollowed out by a largely unregulated industry.

Amendment 156 would make a small but important change. I commend Andy Wightman for his work and I hope that the constituents of the members who vote against his amendment hold those members to account at the next opportunity.

Neil Findlay: Andy Wightman has done exactly the right thing on the issue and he has support from a great number of people across Scotland. He has worked diligently to address the real concerns that have been raised by constituents in areas where short-term lets are impacting on the lives of people in the community. Those issues are very real in Edinburgh. I doubt whether there is any representative of the city in the chamber today who has not had representations on the impact of short-term lets.

Short-term lets are an issue not just in Edinburgh but across the world. Last year, I was in Barcelona, where there is a massive movement reacting against short-term lets. Today, the Government and the Tories are coalescing to dismiss the concerns of the people and communities whose lives are affected by the sector. No one is saying that Airbnb and the like should not exist, but we have to ensure that they are regulated and that local authorities, who know their local housing markets, are the regulatory bodies.

Working-class people are being driven out of Edinburgh because they cannot afford to live here. Representatives of the city need to look at themselves in the mirror. I have seen at first hand the growing social movement across the world against such letting. That movement will come here and it will grow here. This debate is just a marker for what will happen because, the more that people are driven from the communities where they should be living, the bigger the reaction will be against such letting. The Tories and the SNP should take note.

Mike Rumbles (North East Scotland) (LD): I, too, thank Andy Wightman for his efforts on the subject. It is well recognised that he has brought his knowledge to the Parliament, which is to be welcomed.

In my view, Rachael Hamilton's amendment 157 is a wrecking amendment. Unfortunately, it prioritises—although no more than that—the tourism industry over the rights of individual residents. Rachael Hamilton wants to deal with short-term lets in pressured areas. However, the amendment does not affect the blight that some short-term lets have on residents who do not live in the so-called pressured areas. As we have heard, short-term lets can still cause immense problems for residents who are not in pressured areas.

I listened carefully to Rachael Hamilton. It has been made clear that the control areas are meant to cover pressured areas. Amendment 157 kicks the can down the road on what is an important issue that we should have addressed a long time ago. I was pleased that Andy Wightman addressed the issue, so it is disappointing that the Government, in coalition with the Conservatives, is going to push through amendment 157.

I have a sense of déjà vu because, in the third session of Parliament, such things always happened. I inform members who were not here in that session that the SNP Government and the Conservative Party always got together to push things through. *[Interruption.]* I am only stating what happened. Conservative members should take credit where it is due. In a way, I am congratulating them for the influence that they had over the SNP Administration. *[Interruption.]*

The Presiding Officer: Let us hear the member, please.

Mike Rumbles: I am astonished at the kick-back that I seem to be getting. The smiles from the front benches are amusing, I have to say.

We used to accuse the United Kingdom Government of kicking the can down the road on Brexit. Amendment 157 kicks the can down the road by—yet again—providing for Government regulations. I have never thought it a good idea to leave regulations to ministers. It is our role in this Parliament to put what we think is right in bills and not to kick the can down the road and leave it to Government ministers to produce regulations that we cannot amend.

Kevin Stewart: I am of course very aware of concerns in certain parts of the country and particularly here in Edinburgh about the effects on local communities of houses and flats being used for short-term lets. We need to consider how to address those concerns without undermining the economic benefits of tourism, particularly in parts of the country where there is a wish to increase the amount of holiday accommodation.

Let me be clear on a number of points. First, Mr Wightman said that what he is proposing is a “modest change”, but amendment 156 would require a significant number of new applications, costing applicants up to £4.6 million and planning authorities up to £1.7 million.

Andy Wightman: Will the minister take an intervention on that point?

Kevin Stewart: No. I will finish what I am saying first.

It is for planning authorities to determine what constitutes a material change of use of any property. It is Mr Wightman's opinion that a change of use from sole or main residence to

short-term let should always be considered material, but that position is not universally taken in planning decisions and appeals. A lot depends on the location of the property, the impact on amenity, and housing availability in the area, which is not the same in all parts of Scotland.

Andy Wightman: This is one of the issues that has bedevilled the conversation. The minister produced a revised financial memorandum that talked about millions of pounds. However, the only people who can determine whether a change is material are planning authorities, and therefore planning applications are required in all instances—that is the case now and would be if amendment 156 were agreed to.

The minister says so in his own consultation paper, “Short-Term Lets: Consultation on a regulatory framework for Scotland”, which was issued in April 2019. He says:

“There is no definition of what constitutes a material change of use from residential to short-term letting. Whether a material change of use has occurred, and planning permission is therefore required, is a matter of fact and degree for the relevant planning authority to consider on a case-by-case basis.”

Therefore, the applications that we are talking about should all be coming into the planning authority anyway, and amendment 156 would make no difference to the volume.

Kevin Stewart: That argument has been rehearsed in my office on a number of occasions. Mr Wightman will not shift in his opinion—I repeat, “his opinion”—on all this.

Let me move on. Separately from the bill, the First Minister announced a Scottish Government consultation on short-term lets on 29 April, which will run until 19 July. The consultation paper calls for views on the regulation of short-term lets to enable councils to control the number of lets and ensure that such properties make a contribution to the services that they use, with appropriate regulation and enforcement. The intention is to help to deliver our programme for government commitment to give local authorities the powers that they need to balance the needs of their communities with the economic benefits of short-term lets.

We have heard a lot today from Edinburgh members about what is right for Edinburgh. That does not surprise me in the least, but this is not a Scotland-wide difficulty.

That is why I support Rachael Hamilton’s amendment 157, which gives different local authorities, and parts of them, flexibility. What is right for Portree might not be right for Caithness—as I have found out in conversations with members—and what is right for Aberdeen city might not be right for parts of Aberdeenshire. That

is why the localism and flexibility in Rachael Hamilton’s amendment are needed. That approach would allow planning authorities to consider the impact of short-term lets in every part of their area, to implement measures where needed, and to exercise their local knowledge and judgment to address short-term letting proportionately. It is always frustrating when members speak out in favour of localism but, when it comes to the crunch, are often willing to vote against it. That does not wash with me.

I do not support Andy Wightman’s amendment 156, or amendments 157A to 157E, which would wrap around short-term let control areas to perpetuate the situation in which all short-term lets across Scotland would require permission for change of use.

Amendment 219 would bring the provisions of section 11B into effect six months after royal assent, and would leave landlords and planning authorities very little time to prepare for the changes, whichever version of section 11B is agreed to.

I therefore call on members to reject the amendments in this group that are in the name of Mr Wightman and to support amendments 157 and 159, which are in the name of Rachael Hamilton.

Andy Wightman: I am beyond despair at this debate. We have properties in this city, in Aberdeen, in Portree—I know that there is a problem in Portree, because my mother lives there—and right across Scotland for which people have not applied for planning consent and for which they should be applying for planning consent. Nothing in my amendment 156 changes the fact that they should be applying. It merely makes it easier to identify the circumstances in which they should, and it prevents planning officers from having to stand at properties and gateways working out who is coming and going.

I have two examples of unregulated flats in this city. One was occupied by an 83-year-old woman who is the last resident in her stair. She keeps her front door open—not the main door on the road. One day a naked woman ran in, followed by a naked man. They had sex in front of her in her living room. They were followed by another naked man who ran in and shouted, “You are in the wrong flat.” That is the kind of breakdown in social order in places that people regard as home that short-term lets are causing.

In another case, a fifth-year pupil who needed to pass her English exam to get into university got no sleep because there was a bunch of what were probably rugby fans partying all night in the flat above her. She failed her exam and did not get into university. That is why I feel passionately—as

do many other members—that a more effective solution is required in the planning system, in which the means already exist.

This debate has been bedevilled by misinformation. Rachael Hamilton talked about flexibility and Michelle Ballantyne about localism. Nowhere in the Town and Country Planning (Use Classes) (Scotland) Order 1997, the Planning (Scotland) Bill, or the 1997 act is any planning authority allowed to opt out of planning law. The flexibility comes in plans and policies.

I have in my hand a report from Glasgow City Council that says that an enforcement action is necessary regarding use of a “flatted dwelling” that

“is contrary to policy CDP10 (Meeting Housing Needs) and Supplementary Guidance SG11 (Meeting Housing Needs), contained within the City Development Plan, adopted in March 2018.”

Glasgow City Council has designated areas of the city—which it can call short-term let control areas if it wants—in which it has said that there shall be no short-term lets. That has been done through plans and policies. If Aberdeen, Portree or Paisley wants lots of those areas, they are free to have them. Nothing in my amendment prevents that.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Given that the minister has a consultation on this very area, is it not advisable to wait for the results and end up with a much better situation, as there is in Paris, where an Airbnb let has to be the main residence, is only let for a third of the year and has to be registered? Is there not a possibility that we could get a much better system?

15:30

Andy Wightman: I thank the member for that intervention, but I am not sure that she has read the consultation. It is on a proposal to license the operators, not any changes to planning law. The approach is just like the approach that is taken in relation to alcohol licensing: the first box that you have to tick if you want to have an alcohol licence is to confirm that you have planning permission for the premises from which you intend to operate. The situation will be resolved by the use of a more effective planning regime that determines whether those uses can take place and then by a licensing regime that makes sure that the operator is a fit and proper person. I welcome the approach that has been taken in Glasgow.

This process has been disappointing, to put it mildly. Promises to work together have been broken. In fact, I was told that Rachael Hamilton’s original amendment—amendment 1, which was lodged in December—was not even endorsed by her party. I first became aware of amendment 157

when it was handed to me by a Conservative MSP, minutes before I was due to have a meeting with representatives of the short-term let industry. Worse still, they had been given a copy of it before I had. I was put in the rather strange position of knowing nothing about what was in the amendment while the representatives of the short-term let industry, who had flown up from London, knew all about it and thought that it was a wonderful compromise.

It is no surprise that the Conservative Party’s tourism spokesperson had nine meetings with the industry and has lodged one amendment to the bill. I had six such meetings, during which I worked hard to find some changes that would address industry concern—

Rachael Hamilton: On a point of order, Presiding Officer. I seek your guidance. I would like to state that I have not had nine meetings with the short-term let sector, and I would like to see the evidence that Andy Wightman is using to suggest that I have.

The Presiding Officer: I note that the member wishes to correct the record. There are a number of methods by which that can be done, and they are open to both members. In this case, she has alerted the member to her feelings about the matter and it will be up to Andy Wightman to decide whether to take action.

Andy Wightman: I thank Rachael Hamilton for that intervention. I have examined the lobbying register and I am happy to share with her the nine occasions on which she met the industry. She has not met Airbnb nine times; she has met the wider industry nine times.

I worked hard with the industry. We were even at the point where we had agreed drafting changes, and then, four weeks ago, amendment 157 landed in front of us.

Airbnb, HomeAway and all the other companies have lobbied hard against the regulation of this out-of-control industry all across the world, and they have got what they want: an anodyne amendment that is worse than the status quo and which requires further regulations by ministers, which will no doubt be the target of further industry lobbying with the aim of watering them down.

From conversations that I have had with planning officials, constituents in Lothian and people throughout Scotland—including in Portree—I know that the reform that is proposed by amendment 156 would be welcome. Unfortunately, it has been sabotaged by an amendment in the name of Borders-based Tory MSP Rachael Hamilton, with the connivance of the SNP Government. Her amendment is designed to restrict my modest reform to short-term let control

areas, which, as I say, would result in a situation that is worse than the status quo.

Michelle Ballantyne: I stood up before to say that I had empathy with Mr Wightman. I have read everything that he has sent around, and I had a huge amount of empathy with the issue. On a personal level, I debated with myself between the two options. However, the way that he is phrasing his argument now has lost my empathy.

Mr Wightman started his contribution by saying that what he is asking for already exists and that, under planning law, everyone who has a short-term let should already be applying to the authorities. However, if that is the case—personally, having looked at the issue, I do not necessarily agree with that point—the authorities have not enforced that. He is now saying that they all want the provision that he is proposing because it would help them. However, if, as he has been arguing, they already have that power, why have they not been using it? I am now thoroughly confused about what Mr Wightman's position is.

Andy Wightman: I think that the Conservatives have been confused about this all the way along. The Town and Country Planning (Use Classes) (Scotland) Order 1997 cites 11 use classes of property, including businesses, residential institutions, assembly and leisure premises and so on. Short-term lets are a sui generis use class—they exist outwith those 11 classes. That means that, prima facie, they constitute a change of use, and only planning authorities can make a determination about whether that change of use is material, which would mean that, in all instances, a planning application is required.

One of the problems that we have in this city—I know that it is a problem in Portree, too—is that people are operating and changing use illegally. That is why there are so many enforcement actions. That is why Glasgow is doing what it is doing—and it is doing it effectively, because it has good plans and policies. All that I am arguing for, as Kezia Dugdale said, is a modest reform to remove the difficult-to-apply materiality test.

I will wind up. The short-term let industry has run a sustained campaign of misinformation and downright lies about the impact of amendment 156. It has frightened folk in this city and across Scotland who are just letting out a room in their homes into believing that I was intent on shutting down their enterprises. I know that, because they wrote to me with that concern. I was pleased to correct the record and say that amendment 156 would have nothing to do with them.

It is deeply disappointing that I have been unable to secure improvements in the planning system for those who are affected by the blight of short-term lets. SNP and Tory MSPs might be

pleased with themselves this week, but I will continue to fight to defend the residents of Scotland in every way that I can.

The Presiding Officer: Before we move to the question on amendment 156, I point out that, if amendment 156 is agreed to, I will not be able to call amendment 157 or any of the amendments to amendment 157—that is, amendments 157A, 157B, 157C, 157D and 157E.

The question is, that amendment 156 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 35, Against 87, Abstentions 0.

Amendment 156 disagreed to.

Amendment 157 moved—[Rachael Hamilton].

Amendment 157A moved—[Andy Wightman].

The Presiding Officer: The question is, that amendment 157A be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)

Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)

Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 34, Against 88, Abstentions 0.

Amendment 157A disagreed to.

Amendments 157B, 157C, 157D and 157E not moved.

The Presiding Officer: The question is, that amendment 157 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Abstentions

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

The Presiding Officer: The result of the division is: For 87, Against 33, Abstentions 2.

Amendment 157 agreed to.

Section 12A—Assessment of health effects

The Presiding Officer: I point out to members that the debate on the previous group was a long one and we are running slightly behind.

Group 20 is on assessment of health effects. Amendment 198, in the name of Monica Lennon, is the only amendment in the group.

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

At stage 2, I argued strongly that planning has a unique role in protecting and improving public health, and I presented a number of ideas to maximise the potential of the Planning (Scotland) Bill to make a real difference. I successfully amended the bill to allow an assessment of the “likely health effects” of “national ... or major” developments to be considered

“before planning permission ... is granted”.

That is a requirement on Scottish ministers to make regulations, and amendment 198 is an add-on that would strengthen that.

Amendment 198 sets out what the regulations should take account of. I will run through that as briefly as I can. I stress that the amendment is about making sure that public health is central to the planning system. It would add to the requirements on major and national developments, and is not about small-scale or household applications.

Amendment 198 includes consideration of “walking and cycling routes”, “access to ... greenspace” and “play and recreation facilities”. I have lodged the amendment because the health of people in Scotland must be to the fore when we are planning our communities. I think that we would all agree that that must include physical health and mental health, and that it has to be done in a way that also tackles health inequalities.

What would the assessment do? It would look at things such as the provision of “infrastructure, including housing quality”. All colleagues will know from their case work that poor-quality housing, in which people are living in homes that are cold and hard to heat, that are damp or cramped or that have little outdoor space, can have a negative impact on health. Respiratory problems come up a lot, so that needs to be taken into account in large-scale developments.

On transportation, the requirement would be to consider active travel, “public transport provision” and “car dependency”. Members will recognise that the benefits of active travel go far beyond the positive physical impacts. Walking and cycling are good for our mental health, better for the environment and reduce transport costs.

Members might be wondering why we need amendment 198. It is because we cannot take for granted that those matters are being properly addressed under the current system. Last year, *Scottish Housing News* covered a report entitled “Progress on low car neighbourhoods in Scotland”. It found that housing developers are locking people into unhealthy and expensive car dependency by failing to provide infrastructure and failing to enable access to healthier travel options including walking, cycling and car sharing.

Access to healthcare came up a lot at stage 2; I know that it is important to members. When I was working as a planner and we talked about infrastructure, that often concerned drainage and roads, for example, and was not so much about healthcare. However, I know, from speaking to colleagues from across the chamber, that, increasingly, people in new housing find that they cannot get general practitioner appointments and that GPs are closing their waiting lists. That is why consultation of the national health service and the chief medical officer, which we discussed yesterday, is really important. We are not joining up systems.

Amendment 198 is about healthcare services and the opportunities that we need to provide in communities. We talk about building units—as house builders do—or houses, but what we actually need to build are communities. The amendment is about how we can build strong, resilient and cohesive communities that bring people together and create opportunities for participation, so that we do not see an increase in the social isolation and loneliness that exist at the moment.

Another healthcare issue that came up at stage 2 was access to public toilets, which some colleagues thought was not for the planning system to consider in great detail. Many members have raised the issue. Because of poor and limited access to public toilets, some people with

disabilities are not able to get out and participate in our communities, and there are particular issues for women and older people. We want that to be looked at.

15:45

Amendment 198 would also require that regulations consider green space and children’s play areas. We know that access to green space has a positive impact on people’s mental health and wellbeing, and that play is vital for children’s development and wellbeing. The aim is, therefore, to put such matters at the heart of decision making in planning. We must give people the right opportunities to live healthy lifestyles, including making choices to cycle, walk, access green space, play and be active in their communities. Planning has the power to do that.

Amendment 198 has the potential to contribute positively to public health and to improve the health and wellbeing of all our communities.

I move amendment 198.

Kevin Stewart: I cannot support amendment 198. Its list of matters to be considered is too prescriptive and should not be set in stone without further consideration and consultation.

Although all the items in the list are clearly valuable in the right circumstances, the wording of amendment 198 means that all of them would have to be considered in every health impact assessment. The World Health Organization is clear that screening and scoping should be used to ensure that such assessments are appropriate to a proposed development.

The Scottish Government’s public health reform agenda is considering place and public health reform, and the place principle. The place principle is a key consideration for planning, and it is about services and assets coming together to deliver better outcomes for the people in an area. We expect that work to inform regulations on health impact assessments. It would therefore be premature to include a set of criteria for the regulations at this stage. I therefore ask members not to support amendment 198.

This afternoon, there has been some talk about the Government’s having accepted Tory and other amendments. In that regard, I note that, apart from the amendments that were lodged by Rhoda Grant, all the Scottish Labour Party’s amendments were lodged in the final two days that were available for doing so, when it had had seven months in which to discuss its ideas with us, if it had wished to do so. In many cases, it chose not to do that. That is why the Government has not supported some of Labour’s amendments. We have supported many of Rhoda Grant’s

amendments because of the time that was available to communicate about them and to get things right. I cannot force members to come and engage with the Government, but some have done so and the bill has benefited from the resulting communication.

The Presiding Officer: Does Monica Lennon wish to wind up or to add anything at this stage?

Monica Lennon: I do, Presiding Officer.

I want to pick up on the minister's final point. I am very privileged to be a member of the Local Government and Communities Committee, which considered the bill at stage 2. As someone who worked as a planner for 12 years, across industry and in the public sector, I find it very disappointing that the minister had meetings with selected MSPs, which amounts to cherry picking. *[Interruption.]*

Kevin Stewart rose—

Monica Lennon: No, I want to continue. I will let the minister back in in a moment, if he would care to sit down for a second.

I see in the public gallery people who care very deeply about these issues. Andy Wightman and I—with others, including Graham Simpson—worked very hard and in good faith to find points of agreement. However, as we have seen during the past two days, we have obviously been betrayed by Graham Simpson—*[Interruption.]* When other colleagues and I had individual meetings, the minister did not come to them with an open mind, so I feel that the minister has been very selective. I am sure that Rhoda Grant is very grateful that he picked her out, but Labour members are a team and we are very—*[Interruption.]*

Monica Lennon: No, no, no.

Presiding Officer—

The Presiding Officer: Order, please. *[Interruption.]*

Monica Lennon: Stay classy, minister. I want to stick to the planning bill. I am sure that the minister has issues in his own group, but the bill actually matters—*[Interruption.]*

The Presiding Officer: Order, please. Let us hear Ms Lennon.

Monica Lennon: The planning bill actually matters to people in communities—some of them are in the gallery. I think that the minister will reflect on stage 2 and will know fine well that he was very selective about what he was willing to discuss. He had a closed mind on equal rights of appeal, which we will get to.

On amendment 198, which we are talking about now, the minister's response was pitiful and

showed how timid the Government is when it comes to the opportunity actively to transform the planning system. If we step back and look at the many challenges that the country is facing, we hear about record levels of investment in the NHS and record workforce levels, but people's health is not improving. It is outcomes that matter. I do not know where the Cabinet Secretary for Health and Sport is, but she will know that Audit Scotland is saying—

The Cabinet Secretary for Health and Sport (Jeane Freeman): Ms Lennon is quite incorrect to say that people's health in Scotland is not improving. I advise her to look at the statistics and to understand health in Scotland before she makes such random comments.

Monica Lennon: I do not think that it is "random" to care about the health inequalities that persist in Scotland. Despite successive health secretaries, we are not seeing real improvement. In fact, we have the Auditor General warning that the future of the NHS is not sustainable. Let us join systems up and see what we can do through the planning system to help people to live longer and to live well in their communities.

We have well-established frameworks for environmental impact assessments. I am sure that the education secretary—to whom the minister is talking—knows much more about this, but if the minister cares to listen for a moment, he will hear me ask why, if we can do environmental impact assessments, we cannot do health impact assessments to the same standard.

The minister talked about amendment 198 being overly prescriptive, but we cannot leave such matters to chance. I am very disappointed that the minister is not willing to accept or support amendment 198, which is simply an add-on to the bill that would clarify what we expect in all our planning authorities. Communities want such transparency. How else is the minister going to satisfy colleagues such as Alex Cole-Hamilton and Iain Gray, who know from their communities of examples of people being unable to get a GP appointments? They have the keys to a shiny new house, but they cannot see a doctor.

I would be happy to give way on that. The minister is shaking his head, but what I described is the reality. We need practical solutions. I am willing to give way to the minister, but—

The Presiding Officer: Ms Lennon, I think that it is time to conclude your remarks, and to press or seek to withdraw amendment 198.

Kevin Stewart: Ms Lennon will give way, so I will intervene. She has spoken "eloquently"—I put that in inverted commas—about the health effects related to housing developments, but not all national and major developments are housing

developments. How would amendment 198 fit in with and be relevant to infrastructure projects on flood prevention or renewable energy?

I make the point again that Ms Lennon chose not to engage. If she had engaged, we might have come up with an amendment that was workable. Unfortunately, she chose, once again, not to engage.

Monica Lennon: I do not remember receiving an invitation, but I would say—*[Interruption.]* We are not here to discuss diary issues, but I would say that I have worked with and I still know—*[Interruption.]*

The Presiding Officer: Ms Lennon, I think that we have had a full debate on amendment 198.

Monica Lennon: I am just about to finish.

The Presiding Officer: Conclude your remarks and we will move to a vote on the amendment.

Monica Lennon: I know many planners who work across Scotland and they are more than capable, if they get the right guidance, of making sure that they hold developers to account. They can ask developers to provide information. Maybe the minister should have more faith in Scotland's planners.

The Presiding Officer: Thank you. *[Interruption.]* One second, members. I am conscious of the time and I am afraid that we are running rather behind schedule, so before we move to the vote on amendment 198, I say to the Minister for Parliamentary Business and Veterans that, under rule 9.8.5A, I am minded to accept a motion without notice to extend the time limit by up to 30 minutes.

The Minister for Parliamentary Business and Veterans (Graeme Dey): At the risk of incurring the wrath of my colleagues for the second time in 24 hours, I move,

That, under Rule 9.8.5A, the time limit be extended by up to 30 minutes.

The Presiding Officer: The minister has moved the motion at my request. The question is, that the motion be agreed to. Are we agreed?

Richard Lyle (Uddingston and Bellshill) (SNP): No!

The Presiding Officer: If we are not agreed, we will have to move to a vote. We will have a vote on the motion.

Colin Smyth (South Scotland) (Lab): Another U-turn, Richard?

Richard Lyle: Yes. *[Laughter.]*

The Presiding Officer: I will put the question again, and I will make sure that extra condiments

are put outside for Mr Lyle to keep his blood sugar up.

The question is, that the motion be agreed to.

Motion agreed to,

That, under Rule 9.8.5A, the time limit be extended by up to 30 minutes.

The Presiding Officer: The question is, that amendment 198 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-

shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 90, Abstentions 0.

Amendment 198 disagreed to.

Amendment 128 moved—[Kevin Stewart]—and agreed to.

After section 14A

The Presiding Officer: Group 21 is on renewable energy infrastructure. Amendment 199, in the name of Claudia Beamish, is grouped with amendments 203, 220 and 221.

Claudia Beamish (South Scotland) (Lab): The aim of amendment 199 is to require renewable energy infrastructure to be included in commercial and domestic new-builds over a certain scale, as is highlighted in the amendment, after a certain date. I have used the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 definition of “major development”, which refers to housing, business and general industry.

Amendment 199 builds on the one that I was delighted to have passed at stage 2, which obliges local authorities to consider renewable energy in the formulation of local development plans. I am clear that in this climate emergency, it is imperative that the Scottish Government sets clear guidelines about what is acceptable in relation to how our dwellings and commercial properties are heated and lit. However, I have not gone as far as to lodge an amendment to say that every newly built house and commercial building must have only renewable energy installed, tempting as that was. That would be the obvious and logical next step, and nothing in amendment 199 prevents that from happening in the near future.

In relation to larger developments, Scottish ministers would, by regulations, require an application for planning permission for a major development to include renewable energy infrastructure. Regulations to meet the aims of amendment 199 would have to be drafted and laid before Parliament two years after royal assent. That would give the construction industry time to plan for the deadline, and sends a clear signal to manufacturers about where they should be going in the climate emergency.

The shift could be part of the just transition with appropriate strategic planning and relevant training strategies developed.

There is also a consequential amendment to make the regulations subject to the affirmative procedure.

The amendment is supported by Scottish Renewables, which agrees that it would give important support to small-scale renewable energy projects, such as solar photovoltaic and hydro, and Scotland's renewable heat industry.

16:00

Amendment 203 would remove the requirement for planning permission for small-scale renewables. Certain small-scale renewable developments would automatically be permitted development and so would not need planning permission. For the purposes of the provision, "small-scale renewables" would mean renewable sources of energy

"including ... anaerobic digestion, biomass ... solar, wind or water with a total power output of 20 megawatts or less."

I stress that the amendment says "including". The crucial element is that it is an accurate description of what constitutes "small-scale renewables" from the Renewables Obligation (Scotland) Order 2009.

Ministers would by regulations be able to set appropriate exemptions, for a listed building or a property in a conservation area, for example.

The permitted development system is under the development orders that ministers can make under section 30 of the 1997 act. In terms of precedent, some amendments at stage 2 sought to piggyback on that system as a way to say that planning permission should be granted automatically or could not be classed as permitted development in certain circumstances. An example is John Finnie's amendment 164 on Gypsy Traveller sites.

I have included regulation-making powers for Scottish ministers to adjust exemptions and circumstances as they see fit, and the whole amendment is subject to the affirmative procedure through consequential amendment 221.

Amendment 203 is also supported by Scottish Renewables, which notes that the small-scale renewables sector urgently needs attention in response to the closure of the feed-in tariff and the limited utility of the smart export guarantee.

I hope that the Scottish Government can lend a hand in this area. In this climate emergency, I hope that all members will accept the necessity of supporting this straightforward amendment, which would enable a speedy, reasonable and proportionate way for residents to transfer to ways of heating and lighting their homes that contribute to the transformational change that we all need to act on as we shift to net zero emissions.

I move amendment 199.

Kevin Stewart: The Scottish Government is fully committed to ensuring that the planning

system contributes to achieving a net zero economy. Although I commend the intentions behind amendments 199 and 221 on renewable energy infrastructure, I cannot support the introduction of provisions that could add complexity and regulatory burden and which cut across the proper consultation and public engagement that is already under way. That engagement includes a review of the energy standards in the Scottish building regulations, and we are considering next steps to further enhance the energy performance of buildings, which will include investigation of the continuing role of renewable technologies to deliver new buildings that have very low energy demand and emissions. It would be inappropriate to pre-empt the outcomes of the review with primary legislation that could not then be changed without a further bill.

Amendments 203 and 220 seek to impose a requirement on ministers to introduce permitted development rights for renewable energy infrastructure for both domestic and non-domestic properties. However, permitted development rights are already in place for the majority of technologies that are listed, and we have previously consulted on others.

Further, the amendments seek to introduce permitted development rights for developments that could fall within the category of major developments, such as a 20 megawatt wind farm. Such permitted development rights would remove public consultation, including pre-application consultation, if they were to be progressed.

We have already committed to consulting on a work programme to expand permitted development rights following this bill, alongside a sustainability appraisal that has been progressed with input from a wide range of stakeholders. We should not pre-empt the outcome of that consultation.

Through energy efficient Scotland, we are putting in place a regulatory framework to make it the norm to invest in improving energy efficiency and reducing emissions from existing buildings. We are also taking steps to strengthen our policy framework for low-carbon heat and will publish a heat decarbonisation policy statement and action plan in summer 2020.

In short, the amendments cut across a wide range of work that is already under way to support renewable energy infrastructure. I ask Ms Beamish not to press them. She can be assured that I will continue to engage with her on the issues, as I have done in the past.

Claudia Beamish: I find it perplexing that the minister has said that my amendment on small-scale renewables would, if I understand him

correctly, make for more complexity. I am attempting to make things much simpler for people, particularly for the many constituents of mine who are off grid and want to move to low-carbon sources of heat and light but who have found that they would have to go through quite onerous processes in order to do so.

I do not really understand why the minister made those comments. I am hoping that he will make an intervention, to explain his point of view.

Kevin Stewart: Again, if there had been earlier discussion on the issues, we could have got it right. As it stands, Claudia Beamish's amendments would make things much more complex in some cases at points where we want to get rid of complexity.

That illustrates why it is always good to talk at early stages about issues, so that we can help to get it right.

The Presiding Officer: I call Claudia Beamish to wind up, and to press or withdraw amendment 199.

Claudia Beamish: I will not press the amendment, because it is not something that should be voted down. I am disappointed by what the minister has said. In the lead-up to the bill, I have worked on other issues with the minister, his ministerial colleagues and others, and I would be prepared to work in that way again. Frankly, I lodged the amendment at a lateish stage because I thought that it was quite straightforward.

I am not prepared to have the amendment voted down. I will have dialogue with the minister about what can be done in the future.

The minister highlighted a point about the building regulations—I was keenly aware of it, which made me hesitate about whether to lodge an amendment on the larger-scale infrastructure that I have argued for. I am aware that issues in the building regs will be consulted on, and that gives me some cause for optimism.

Amendment 199, by agreement, withdrawn.

Section 14C—Determination of applications: cultural venues, facilities and uses

Amendment 176 moved—[Lewis Macdonald].

The Presiding Officer: The question is, that amendment 176 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Carson, Finlay (Galloway and West Dumfries) (Con)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dugdale, Kezia (Lothian) (Lab)
Fee, Mary (West Scotland) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Marra, Jenny (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McDonald, Mark (Aberdeen Donside) (Ind)
McNeill, Pauline (Glasgow) (Lab)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Rumbles, Mike (North East Scotland) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Smith, Elaine (Central Scotland) (Lab)
Smyth, Colin (South Scotland) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Campbell, Aileen (Clydesdale) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Chapman, Peter (North East Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Corry, Maurice (West Scotland) (Con)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Edinburgh Central) (Con)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greene, Jamie (West Scotland) (Con)
Halacro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 86, Abstentions 0.

Amendment 176 disagreed to.

Amendment 177 moved—[Lewis Macdonald].

The Presiding Officer: The question is, that amendment 177 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)

Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 87, Abstentions 0.

Amendment 177 disagreed to.

Amendment 178 not moved.

Amendment 179 moved—[Lewis Macdonald].

The Presiding Officer: The question is, that amendment 179 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)

Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)

Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 87, Abstentions 0.

Amendment 179 disagreed to.

Amendment 129 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 129 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)

Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 87, Against 32, Abstentions 0.

Amendment 129 agreed to.

Section 14D—Determination of applications: brownfield land

The Presiding Officer: Group 22 is on determination of applications: brownfield land. There will be a short break after this group. Amendment 130, in the name of Kevin Stewart, is the only amendment in the group.

Kevin Stewart: Amendment 130 removes a section that was inserted by an amendment lodged at stage 2 by Alex Cole-Hamilton. I spoke against it then, and I believe that others now agree that it goes too far.

I fully recognise the importance of the green belt. Our policy for it is set out in the Scottish planning policy and planning authorities have a

key role in applying it locally. Naturally, we would expect that anyone who wants to develop in the green belt would set out how their proposals fit with national and local policies, and the planning authority would take that into account in making its decision.

However, there are many problems with Mr Cole-Hamilton's approach. It is very restrictive, definitions are unclear, and it could effectively ban all development in the green belt.

The green belt is important, but it is not a blanket restriction on development.

Alex Cole-Hamilton (Edinburgh Western) (LD): I look forward to hearing the minister's remarks to expand on his ludicrous claim that the provisions would lead to a complete ban of any development in the green belt. My amendment that was agreed to at stage 2 would merely force conversations to be had about the prioritisation of land use in any local authority area.

Kevin Stewart: That is not what Mr Cole-Hamilton's amendment said.

The green belt is important, but it is not a blanket restriction on development. For example, what would happen if someone who lives in the green belt wanted to extend their home in a modest way? Should there be a ban on sensitively designed car parks that allow people to access the countryside around our cities? Perhaps most worrying, it could lead to councils reducing their green belts and creating new, more flexible designations to allow for appropriate and necessary development.

I fully expect that, as we take forward our review of the national planning framework, we will have a proper debate on the future role of green belts in Scotland. I also expect that we will closely consider the issues of greenfield versus brownfield development. In the meantime, to avoid imposing on authorities, residents and businesses an overly restrictive and unworkable set of requirements, I call on members to support amendment 130 to remove section 14D from the bill.

I move amendment 130.

16:15

Alex Cole-Hamilton: Thus far in the debate, the minister has admonished several members for not coming to the table to discuss the workability of amendments that are before this Parliament. He said that my approach in section 14D goes too far, yet he has made no overtures to me to talk about making it workable or finding an amendment that would deliver on what I sought to do at stage 2.

I will take the opportunity to address a number of the points that the minister made in his remarks

in support of amendment 130. He said that it would be impossible for somebody who lives on green-belt land to build an extension. However, my amendment stated that the developer has to demonstrate why it would not be possible to make that development on existing brownfield land—if a homeowner is looking to build an extension, and does not own the brownfield land that might be available several miles from their house, it would be impossible to build their extension on that brownfield land.

We created the concept of green-belt and brownfield land for a reason. The section that I introduced was in response to a problem that is particular, but not unique, to Edinburgh. Over the past decade, my constituency of Edinburgh Western has experienced a rampant proliferation of housing development, some of it on greenfield land and some of it on much-loved natural heritage land. Liberal Democrats are not instinctively or ideologically opposed to housing—we recognise that Edinburgh needs new housing and we support the growth of Edinburgh's housing. However, it must be in the right spaces and provided on an intelligent basis.

Just two weeks ago, the SNP-led administration on the City of Edinburgh Council, along with members of other parties, green-lighted a much-unwanted development on the Cammo estate that will see a loss of much-loved areas of natural heritage. I should add that they are not green belt—but that is only because the SNP-led administration changed their designation in 2016. The garden district at the Gyle—again, green-lighted by the City of Edinburgh Council—will see the proliferation of 2,000 homes on areas that are already designated as green belt.

We need to engender discussions around the issue. We cannot have just a lip-service commitment to the idea of green belt or brownfield while there is no legislative imperative for councils to receive representations from developers as to why there is no way of building on a brownfield site. There are many deindustrialised areas in Edinburgh that are crying out for regeneration, and for the development of much-needed houses for mid-market rent and social housing. Frankly, developers are cynically not considering those houses, because they know that they can build mansions on greenfield land in my constituency instead.

I therefore ask members to reject amendment 130. Section 14D is important for instilling a conversation about the use of greenfield at a planning level. It does not lead to a ban on any development whatsoever on greenfield land. I ask the Parliament to reject the minister's amendment.

Graham Simpson: Although I supported Alex Cole-Hamilton at stage 2, this is an example of

where we need to consider what we have passed. It comes down to the words that are in the bill at the moment, which I will read out. The section states:

“Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for development on land designated as green belt land, a planning authority may not grant planning permission—

(a) if the applicant has not included in the application for planning permission a statement setting out—

(i) why the development cannot be achieved on land the planning authority consider brownfield land”.

So, let us think about that extension—how will that be managed? The section also requires the statement to set out

“(ii) the brownfield land that was considered and why it was not considered suitable to the development”.

The person therefore has to show that they considered a piece of brownfield land. How on earth is that achievable in the case of a small-scale extension or a conservatory?

Alex Cole-Hamilton: The point was made by the minister that anyone living on green-belt land who had an existing house and who wanted to build an extension would have to make a representation to the council as to why it was impossible for them to build on brownfield land. The argument that they would make to the local authority, quite reasonably, is “That brownfield land is not attached to my house.”

Graham Simpson: I simply read the provisions that were passed at stage 2, which refer to

“the brownfield land that was considered”.

Therefore, a piece of brownfield land has to have been considered if someone wants to extend their house. I am not against the principle of what Alex Cole-Hamilton was trying to achieve, but this is another example of where members just have to accept that they perhaps did not get things quite right at stage 2. I have done that.

I know that people have been trying to contact Alex Cole-Hamilton to discuss the matter. He could have requested a meeting with the minister, but it appears that he did not do so. That is to be regretted. We could have had improvements, rather than voting the provisions down.

Kevin Stewart: We have to work with what we have. Section 14D requires that planning authorities could not approve any application for development that was

“likely to have an adverse effect on any intrinsic natural or cultural heritage value of the proposed green belt land.”

That is a very high bar and does not allow authorities to consider the benefits of the

proposals—for example, facilitating access to the countryside.

Section 14D would also conflict with section 25 of the 1997 act, which sets out that decisions should be made in accordance with the development plan

“unless material considerations indicate otherwise”.

Planning authorities must have the discretion to appropriately weigh up relevant issues in making decisions.

Beyond that, definitions, as are, are unclear in section 14D. There is no statutory definition of “brownfield land”, and local authorities are not required to designate it, so it is not clear how an applicant could know what land is considered to be brownfield by the planning authority.

There is also a difference between designated green-belt land and greenfield land. There can be brownfield land in a green belt—for example, old quarries or derelict farms, which could very well benefit from redevelopment.

As it stands, section 14D is a guddle. I ask members to back amendment 130 to remove it.

The Presiding Officer: I apologise to Mr Rumbles, whose light went on just as I called the minister to speak. I have called every other member who wished to contribute.

I will sum up shortly about where we have reached. Before doing that, I will put the question on amendment 130.

The question is, that amendment 130 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)

Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 88, Against 32, Abstentions 0.

Amendment 130 agreed to.

The Presiding Officer: I point out that, altogether, we are five and a half hours into our stage 3 proceedings. Members might have noted that we have passed the extended agreed time limit by another five minutes, so I exercise my power under rule 9.8.4A to allow the debate on the group to continue.

Members should note that we are roughly 35 minutes behind schedule, but we might catch up some of that time. We will still take a short break of up to 10 minutes, but if members are back before that time, we will start sooner.

16:25

Meeting suspended.

16:36

On resuming—

After section 14D

The Presiding Officer: Group 23 is on the assessment of environmental effects. Amendment 200, in the name of Claudia Beamish, is grouped with amendments 181 and 219.

Claudia Beamish: Amendments 200 and 219 aim to bring climate change considerations more firmly into the process of determining an application for planning permission for a national development. Amendment 200 states that, before planning permission is determined, a planning authority must consider

“the development’s lifecycle greenhouse gas emissions”,

and the impact that those will have on our emissions reduction targets.

Earlier, in speaking about amendment 186, which related to section 1, on the national planning framework, I mentioned amendment 219, as it is consequential to that earlier amendment and to amendment 200. Amendment 219 defines “lifecycle greenhouse gas emissions” as

“the emissions associated with the construction, operation and decommissioning of a development.”

In my view, that rounded approach is correct.

At stage 2, I lodged a similar amendment to amendment 200, but I have made adaptations following the minister’s comments. I have removed a reference to “major” developments, which is an improvement and will prevent duplication. As I said, I had a similar amendment to section 1, on the national planning framework, and amendment 200 can work alongside that. The duty in amendment 200 is placed on the planning authority.

Again, I highlight the context of the Climate Change (Emissions Reduction Targets) (Scotland) Bill and the process of agreeing a target of net zero emissions by 2045, and the fact that the Government and other parties have declared a state of climate emergency in Scotland. In the light of that, national development proposals must be explicitly considered within that framework. The long-term cost implications and climate change impacts must be weighed up against potentially competing considerations, which may well be more short-term economic considerations. That can lead to an approach that is more aligned to sustainable development and it can help to guide us to make decisions that avoid investment that will not serve us well in future and could well lock in unsustainable developments in Scotland.

I move amendment 200.

Graham Simpson: At stage 2, I attempted to get through an amendment that was similar to amendment 181, but it was voted down by mistake when Monica Lennon voted the wrong way—she later admitted that it was an error. That was unfortunate. However, if the amendment had been agreed to and its provisions included in the bill, I would have been proposing to change them because, as with the issue that we debated in the previous group of amendments, my stage 2 amendment went too far.

I have therefore brought the issue back in a different form. Amendment 181 establishes the principle that development needs to result in positive outcomes for biodiversity and should provide assurance to communities that decisions to approve development will be positive for nature.

We will not support amendment 200, in the name of Claudia Beamish. There are environmental impact provisions elsewhere in the bill—including the provisions that amendment 181 will insert, if it is agreed to. However, we support her amendment 219, which defines “lifecycle greenhouse gas emissions” as

“the emissions associated with the construction, operation and decommissioning of a development.”

There is an example of a brief speech, Presiding Officer.

The Presiding Officer: Thank you, Mr Simpson.

Kevin Stewart: I supported amendment 186, in the name of Claudia Beamish, which requires assessment of the life-cycle greenhouse gas emissions of national developments, as part of the preparation of the national planning framework. That is the right time to undertake such an assessment. To introduce the same requirement for individual planning applications relating to the same developments risks introducing duplication, uncertainty and delay. For that reason, I do not support amendments 200 and 219.

I support amendment 181, in the name of Graham Simpson. I lodged amendment 173, to provide that

“securing positive effects for biodiversity”

will be a key outcome for the national planning framework. In addition, our strong track record in Scotland on environmental assessment means that consideration is given to biodiversity, where appropriate, in determining individual planning applications. I am happy to include the additional wording that amendment 181 offers.

Claudia Beamish: I am disappointed that the minister is not prepared to accept amendment 200. If the national planning framework identifies concerns about the life-cycle emissions of

developments, it is only logical and appropriate that those emissions should be assessed in the context of an individual planning application. The approach would put an onus on local authorities to carefully consider what they are doing in that regard. I will press amendment 200.

The Presiding Officer: The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)

Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 84, Abstentions 0.

Amendment 200 disagreed to.

Section 14E—Conditional grant of planning permission: noise-sensitive developments

Amendment 180 moved—[Lewis Macdonald].

The Presiding Officer: The question is, that amendment 180 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 32, Against 86, Abstentions 0.

Amendment 180 disagreed to.

16:45

Amendment 131 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 131 be agreed to. Are we agreed?

Members: No

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 87, Against 31, Abstentions 0.

Amendment 131 agreed to.

After section 14E

The Presiding Officer: Group 24 is on access panels. Amendment 168, in the name of Jeremy Balfour, is the only amendment in the group.

Jeremy Balfour (Lothian) (Con): Amendment 168 concerns the pre-application consultation process for major developments. As I am sure many members are aware, the pre-application consultation is often the starting point—a very important one—for making sure that what is delivered, perhaps months or years later, is suitable and correct. The amendment calls for access panels, where they are available in a local authority, to be consulted at the pre-application stage. That is particularly in relation to major developments, because too often disability issues are not looked at or identified in an appropriate way. Planners and developers will talk about wheelchair access but, as we are all aware, disability is much wider than that, and the issues are often not addressed.

Amendment 168 would help developers and those who have disabilities to engage properly in the process, and I look forward to hearing what the minister has to say.

I move amendment 168.

Kevin Stewart: The Scottish Government absolutely supports the principle of disabled people being involved in shaping the places where they stay, and I have introduced an amendment to require planning authorities to engage with disabled people early on their development plans.

However, I cannot support amendment 168 as it stands for a number of reasons. As I noted at stage 2, access panels are not statutory bodies, and not all authorities have access panels that cover the whole of their area. Mr Balfour's amendment would require consultation after the application for a major development had been received by the planning authority, at which point it would be difficult to make any significant changes. Applications for major development include engineering works and energy projects, to which access panels might feel that they have little to add.

I consider that engaging disabled people at the pre-application stage on the right kind of developments will provide a better opportunity for access issues to be considered before finalised proposals are brought forward. We will bring forward proposals for changes to development management procedures, including pre-application consultation, following the completion of the scrutiny of the bill.

I am happy to commit that engaging with disabled people will be part of those proposals and that the Scottish Government will certainly

highlight the role of access panels, where they exist, in that process. I ask Mr Balfour not to press amendment 168.

Jeremy Balfour: I thank the minister for his helpful remarks and intervention, in the light of which I will not press amendment 168.

Amendment 168, by agreement, withdrawn.

Amendment 181 moved—[Graham Simpson]—and agreed to.

Section 14F—Conditional grant of planning permission: noise-sensitive developments

Amendment 182 moved—[Lewis Macdonald]—and agreed to.

Section 14G—Conditional grant of planning permission: provision of toilet facilities within certain large developments

The Presiding Officer: Group 25 concerns conditional grants of planning permission. Amendment 132, in the name of the minister, is grouped with amendments 133, 3, 202, 216 and 222.

Kevin Stewart: My amendments in this group—amendments 132 and 133—are just minor changes to tidy up the wording of the provisions relating to changing places toilets. We have also taken the opportunity to ensure that those essential facilities are accessible and publicly available. I thank members, including Jeremy Balfour, Mary Fee and Angus MacDonald, for their welcome input in relation to the issue.

The other amendments in the group have laudable aims, but they do not work in practical terms. I wish that Alex Cole-Hamilton and Claudia Beamish had engaged with me and officials on their amendments, as Jeremy Balfour and other members have done. At an earlier stage, we might have been able to agree on something that worked.

I will take Alex Cole-Hamilton's amendment 3 first. It would simply be daft to set standards for digital technology in primary legislation, because such technology changes extremely quickly. Fibre-to-the-cabinet provision, which the amendment mentions, is not even the gold standard today—Openreach routinely offers fibre-to-the-premises provision for any development of 30 or more houses, but that would not comply with the requirement that is proposed in the amendment.

Alex Cole-Hamilton: I accept that the minister might be speaking to my amendment in its original form, but, when I was reviewing the amendment for our worksheet earlier in the week, I noticed that there was an error in it. The minister will see that I have submitted a correction that means that, if my

amendment is agreed to, it will require fibre to be taken to the premises.

Kevin Stewart: The Government is committed to ensuring that each and every premises in Scotland has access to superfast broadband, through partnership between local authorities, developers and telecommunications operators. We have provision in planning policy and in building standards to support that. However, operators have to plan their work in different areas, and imposing broadband requirements in planning permission could prevent the delivery of housing if the timetables do not line up. As I said, it is unwise to specify certain technologies in primary legislation, when things change on a regular basis.

Mark McDonald (Aberdeen Donside) (Ind): The recent development at Dubford in my constituency has been hit by the fact that inappropriate infrastructure was laid, which does not allow my constituents in that area to benefit from broadband internet connections. Although I am open-minded with regard to Alex Cole-Hamilton's amendment, can the minister advise how such issues can be dealt with better in future to ensure that new developments are appropriately catered for?

Kevin Stewart: We have to deal with all these issues through changes to building standards and to planning policy, and I am committed to doing that. However, setting out technologies in primary legislation could cause chaos as technologies change. If Mr McDonald writes to ministers about the situation in Dubford, I am willing to ensure that that will go into the process, so that similar mistakes are not made again.

On Claudia Beamish's amendment 202, increasing cycling rates for transport and leisure is a key Scottish Government policy commitment. It has contributions to make to health and wellbeing and to combating climate change. We are putting £80 million a year into active travel, and we are funding cycling facilities in workplaces, public places and schools and colleges through the places for everyone fund and the cycle-friendly suite of programmes.

However, I cannot support the introduction of such detailed requirements in primary legislation, as they have not been subject to any assessment or consultation so that we can consider whether they are appropriate, the costs of the additional space that would be required and the possible practical difficulties that might arise. I appreciate that the amendment includes powers to amend its provisions, but I do not think that that is enough to justify introducing such detailed requirements at this—late—stage of the bill. Claudia Beamish also wants the provisions to come into force within one year of royal assent. That is very little time to

develop and consult on regulations so that we get them right.

I do not support the amendments in the name of Alex Cole-Hamilton and Claudia Beamish, and I ask them not to move them.

I move amendment 132.

The Presiding Officer: I call Alex Cole-Hamilton to speak to amendment 3. He has called members' attention to the fact that a correction slip on the amendment has been circulated to members.

Alex Cole-Hamilton: I apologise again for the error in the original drafting of amendment 3. I hope that members now understand that the amendment would see fibre optic cable taken both from the telephone exchange to the cabinet nearest the development and on from the cabinet to the development.

Members will see that the amendment is number 3, which indicates how early I lodged it. However, at no point have the minister or his officials attempted to approach me on the subject.

Kevin Stewart: If he goes back to his office, Mr Cole-Hamilton will find that Andy Kinnaird, the bill team manager, contacted his office to see whether Mr Cole-Hamilton wanted to talk about anything with regard to not only his amendments but other amendments.

Alex Cole-Hamilton: Apparently, Opposition members must now go cap in hand to the Government, although the Government might legitimately have concerns with Opposition members' amendments that it would seek to raise with them. Such is the arrogant approach of the Government to the bill and its stitch-up with the Conservatives.

James Dornan (Glasgow Cathcart) (SNP): Will the member take an intervention?

Alex Cole-Hamilton: I want to make progress. *[Interruption.]*

The Presiding Officer: Order, please.

Alex Cole-Hamilton: All of us will have had meetings with organisations such as BT Openreach about the exciting new benefits of 5G technology, which is set to revolutionise things such as home working, home gaming and entertainment and which will connect isolated communities to our broader society through the benefits of digital communication.

Amendment 3 is about future proofing. All of us probably have new-build housing developments, such as the one that Mark McDonald described, in our constituencies—developments that were built without adequate information technology infrastructure and utility provision. There are other

provisions for utilities in bills. Through the test of time—

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the member take an intervention?

Alex Cole-Hamilton: With a certain degree of trepidation, I will take an intervention.

Stewart Stevenson: I apologise for not raising the issue before now; I have only just read the amendment that is before us. It says nothing about what should be at the other end of the fibre; it talks only about what is at the development end. Therefore, to meet the requirements of the amendment, it would be perfectly proper for the fibre simply to go down the main road to the cabinet and no further. In that sense, the amendment seems rather inadequate.

Alex Cole-Hamilton: From the member's intervention, he can have only skim-read my amendment, because it indicates that it would do both things. I advise him to pay more attention.

Amendment 3 is about future proofing. Kirkliston, in my constituency, was built without adequate broadband provision—to the cabinet or to the premises. For a community just 6 miles from this location to have suffered broadband speeds of less than half a megabit in 2016-17—when the issue was addressed—was appalling. It is important to put such things in the bill. For the foreseeable future, we are not talking about a revolution in technology beyond fibre optic. If that comes, we can repeal this aspect of the legislation.

Mark McDonald: Will Mr Cole-Hamilton take an intervention?

Alex Cole-Hamilton: I am winding up, but I will take an intervention.

Mark McDonald: I am grateful to Mr Cole-Hamilton for giving way.

I was open-minded in relation to amendment 3. My concern is that, if we had been debating the issue, say, 10 years ago, we would have been talking about copper and exchange to premises, such as, for example, exists in Kingswells in my constituency. Retrofitting the infrastructure to ensure that properties there are adequately connected is now causing great difficulty. Mr Cole-Hamilton talks about future proofing, but my concern is that, if technology moves on in the future and retrofitting were to be required, residents and local authorities could be put to great expense to make changes. Does he accept that as a potential flaw of amendment 3?

Alex Cole-Hamilton: Every premises in the country that currently receives its broadband through copper will eventually have to have that

retrofitted, with pavements dug up and the rest of it. We all accept that developers will default to the use of copper because it is cheaper, and new builds will have to be retrofitted when we roll out 5G technology. In amendment 3, I am suggesting only that we should future proof. This is an important step to take. It signals that we are a future-minded country.

The Presiding Officer: I call Claudia Beamish to speak to amendment 202 and to the other amendments in the group.

17:00

Claudia Beamish: In the Parliament, we are lucky to have the benefit of safe bike storage that is within the distance that I have stipulated in amendment 202—that is, within 30m of the building. It is, in fact, as we all know, under the building.

We have showers, we have what the amendment terms, in rather old-fashioned language, “water closets”; and we have hand-washing basins

“with continuous supplies of hot and cold running water”.

We have

“changing rooms provided with seating”,

“facilities to enable a person to dry any special clothing and any personal clothing or effects”,

and

“suitable and sufficient facilities to enable a person to lock away ... any clothing which is not taken home ... the person’s own clothing which is not worn during working hours”

and “the person’s personal effects”. We also have

“on-site provision and availability of bicycle maintenance tools.”

I have listed those facilities in my amendment. We have led by example on them and it is clear to me that other people should have the opportunity to have similar arrangements when they cycle, walk or run to work.

Access to good facilities is one of a range of measures that would encourage people to cycle to work, and I hope that members will support amendment 202 on that basis. My personal experience of being able to use the facilities in the Parliament has made a significant difference to my ability to cycle to work and to that of many other people who, I know, also cycle to work.

There are other issues, such as on-road, segregated cycle lanes, presumed liability laws, good cyclist and motor vehicle driver education and more, but those, sadly, are for another day.

Today, we can do something to enable many people who would like to cycle to work to leave

their bikes safely and to shower and change as we can here, leaving towels to dry and locking away our kit. I have crafted amendment 202 so that ministers can alter the minimum number of employees and the arrangements that the amendment refers to, as well as the description of the cycling facilities expected. For example, I have deliberately not gone below 10 employees so as not to make the amendment too onerous, but Scottish ministers can make changes by regulation.

The arrangements are based on the Building Research Establishment environmental assessment method good practice standards, which are well respected and well recognised. I note what the minister said about bringing the provisions into force one year from royal assent, but, on the basis that we are in a climate emergency and that the BREEAM good practice standards are already in existence, surely that is long enough.

Yesterday, the minister made what was, frankly, a woefully ineffective and unadventurous statement on the cycling future. We have an opportunity to do something positive and robust that will help—let’s go to it.

Jeremy Balfour: I speak in favour of the minister’s amendments 132 and 133, which build on an amendment that I lodged at stage 2. I also thank Mary Fee for her support on the issue.

The bill will do many things and, no doubt, academics, lawyers and historians will look back in years to come to say where it has been effective and where it has been ineffective. Although the issue of changing places toilets has not had a lot of air time—or, perhaps, hot air—in the chamber, I think that, when we look back, we will see something that will radically change how we see development over the next 10 to 20 years.

For people who are unaware of them, changing places toilets open up facilities so that older, younger and disabled people can use them, which we take for granted. When they are installed, the provision will have an economic benefit for the whole of Scotland; perhaps more important, it will allow families to do things that they are not able to do at the moment.

For people who are unsure what a changing places toilet looks like, we have the privilege of having one in the Parliament, and people who go to the Royal Highland show over the next three or four days can see them there, too. The organisers have taken the step, ahead of the bill, of putting them in, because they can see the benefit that that will bring them and the people who go to the show and other such events.

I thank the minister again for tidying up my minor mistakes. I hope that the provision will give

a clear sign that Parliament wants families, whatever disabilities there may be within them, to be able to go out and enjoy facilities throughout Scotland.

Kevin Stewart: I have already paid tribute to a number of members who have been involved in the changing places toilets campaign. It would be remiss of me not to mention PAMIS, the charity that promotes a more inclusive society, which has been at the forefront of that campaign for a very long time and is finally seeing its efforts come to fruition—through not only the bill but the recent consultation that has been initiated by the building standards team.

Some matters are much better left not to primary legislation but to regulations made under secondary legislation. On the matter that amendment 3 deals with, Mr Cole-Hamilton has possibly got entirely the wrong end of the stick. Who knows for how long fibre will be the top-notch technology for people's homes? I have no idea how that aspect of science is moving forward—I am not sure whether anyone in the chamber has. However, if a reference to fibre is put in primary legislation, it will be difficult to change it in future. In his retort to Mr Cole-Hamilton, Mr McDonald was absolutely right: in certain parts of the country we now have a situation in which it is very difficult for changes to be made. However, in a debate such as this, the one thing that I would never do is accuse Stewart Stevenson of skim-reading anything. He is a man who knows the minutiae of everything, because he reads the lot.

Amendment 132 agreed to.

Amendments 133 and 134 moved—[Kevin Stewart]—and agreed to.

After section 14G

Amendment 3 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)

McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 24, Against 89, Abstentions 6.

Amendment 3 disagreed to.

Amendment 202 moved—[Claudia Beamish].

The Presiding Officer: The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)

Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 88, Abstentions 0.

Amendment 202 disagreed to.

Section 16—Schemes of delegation

Amendment 135 moved—[Kevin Stewart]—and agreed to.

After section 16

The Presiding Officer: Group 26 is on hill tracks. Amendment 14, in the name of Andy Wightman, is grouped with amendments 15 to 18.

Andy Wightman: For many years, there have been concerns over the proliferation of bulldozed tracks that have been built without planning consent, to poor standards, across some of our most scenic landscapes. *[Interruption.]*

The Presiding Officer: Order, please. Will members keep the noise down?

Andy Wightman: A campaign by Scottish Environment LINK, led by Ramblers Scotland, has been running for many years, and they have undertaken meticulous and detailed work to catalogue that abuse and identify how to effect greater public scrutiny, oversight and regulation.

They thought that they had some success with the previous planning minister, Derek Mackay, but he disappointed with timid and ineffectual reforms back in 2014.

A new report, “Changing Tracks: The case for better control of vehicle tracks in Scotland’s finest landscapes”, documents the on-going problem and the continuing failure of the planning system to deal with it.

I note that I have Mr Mackay’s attention. He will recall that, as the law stands, any private way, which is the technical term for such a track, that is built for the purpose of agriculture or forestry is a permitted development under section 30 of the Town and Country Planning (Scotland) Act 1997—that is to say, the principle of development is conceded by law and there is no requirement for full planning consent.

I want to underscore an important point about my amendments 14 to 18. Not one of them affects the permitted development rights that exist for agriculture and forestry. I have decided to pick my fights carefully, and picking fights with the farming and forestry industries is not something that I have the capacity or inclination to do. They can rest assured about that.

Any private way that is built for the purpose of field sports, however, is not a permitted development and it requires full planning consent. In addition, in a national scenic area, there is a requirement that all private ways for whatever purpose, with the exception of approved afforestation schemes, need to apply for full planning consent.

In 2014, in response to public concern, the law was amended by Mr Mackay to require all private ways under the permitted development regime to be notified to the planning authority. They remain permitted developments, however, and there is ultimately no means of refusing their construction.

I lodged amendments 14 to 18 to provide another modest reform of the planning system by improving transparency and making some tracks that are not at present subject to full planning approval subject to such approval. None of those amendments bans tracks. Scottish Renewables is wrong to suggest in its briefing that the amendments would do that. All tracks that have been built by members of Scottish Renewables will have been through a full planning consent regime. This is not about whether or not there should be tracks. It is about the process and how much democratic scrutiny should be applied to proposals that have the capacity to be very damaging.

Hill tracks continue to be built for field sports, despite the fact that they require planning consent, due to a loophole in the law whereby the applicant

can claim that they are for agricultural purposes, which would make them permitted developments. The applicant says that there are a few sheep on the hill. That is hard for the planning authority to refute, and it is extremely difficult for it to refuse consent on that basis. It would be most likely to end up in court if it did so.

That loophole is closed by amendment 14. It does not change the intention of the law; it merely ensures that the current system, in which field sports tracks are subject to full planning consent, will be respected in practice and cannot be avoided.

Amendments 15 to 17 provide that any track that is constructed on a site of special scientific interest or in Scotland's two national parks will require full planning consent. In Scotland's national parks, there has been growing concern about the proliferation of tracks. The Cairngorms National Park Authority's current management plan contains a presumption against hill tracks—the plan was signed off by the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham—but the authority does not have the planning powers to ensure that it can be put into effect. Amendment 15 provides that.

Amendment 18 is interesting. National scenic areas are the only designated sites in which all tracks, with the exception of approved afforestation schemes, require full planning consent. That is the situation now. It has been the situation since 1987, when the then Scottish Development Department issued circular 9/1987 and the then Secretary of State for Scotland, Malcolm Rifkind, enacted the Town and Country Planning (Restriction of Permitted Development) (National Scenic Areas) (Scotland) Direction 1987.

17:15

I hope that Conservative members are listening. Amendment 18 merely transfers the good works of the former Conservative Secretary of State for Scotland, Malcolm Rifkind, into primary legislation—a fitting legacy, as I am sure that Conservative members will agree. I hope, therefore, that Conservative members can at least support amendment 18, which merely transfers Malcolm Rifkind's intentions into law.

If the amendments are agreed to, they will make no difference to permitted development rights for agriculture and forestry outside of the designated areas that are covered by amendments 15 to 18.

In conclusion, it is worth reflecting on the fact that a short pathway to provide wheelchair users with access to a beauty spot requires full planning consent but a vehicle track bulldozed up the side

of a mountain does not. It is time that that was changed.

I move amendment 14

Edward Mountain (Highlands and Islands) (Con): I will speak to the amendments regarding hill tracks and the creation of those tracks. Before I do so, I declare that I am a surveyor and a member of the Royal Institution of Chartered Surveyors, which I think has responded to the issue. I also refer members to my entry in the register of members' interests and my interests in land.

Amendments 14 to 18 seek to amend the legislation on class 18 permitted development under the general permitted development order. That is for the formation, alteration and maintenance of private ways.

The Parliament should be under no illusion that tracks can be built anywhere for any purpose: they cannot. The current process requires the developer to notify the local planning authority of their intention to create a track for agriculture and forestry through a prior notification process. There is no public consultation and consent is deemed to be given after 28 days. Planning authorities can object of course, which they often do, calling the application in for full consultation.

Andy Wightman: Mr Mountain will, I am sure, be aware of the Scottish Environment LINK report, "Changing Tracks", which demonstrates, based on a large number of prior notifications that have been made, that the process is ineffectual in providing public scrutiny of such developments.

Edward Mountain: Because the process is seen to fail in Mr Wightman's opinion, that does not mean that the process is wrong and needs to be amended. It means that the people who implement the process have to carry it out properly.

Mr Wightman's amendment 14 seeks to prevent the building of tracks for shooting and other field sports. Let me be very clear—the current legislation already prevents that, as the current permitted development is for agriculture and forestry, not shooting or field sports. Thus, the amendment is not required, because what Mr Wightman seeks to ban is already banned.

Mr Wightman's amendment 15 seeks to remove the permitted development order in national parks. Again, that is not required as the national park can determine its own policy. If it feels the need to refuse all prior notifications and call them in, making them go through the full planning process, all that it has to do is instruct its planning officers to do that.

That is also the case with amendments 16, 17 and 18. I do not support those amendments, because I do not believe that they are required.

What is required—I probably agree with Mr Wightman on this—is that planning authorities do the job that they are supposed to do with the current legislation. If they did that, this would not be an issue.

Kevin Stewart: Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended over the years, and commonly referred to as the GPDO.

There are permitted development rights for agricultural and forestry private ways, but I stress that there are not, and there never have been, permitted development rights for shooting and field sports.

I understand the concerns about hill tracks and their potential for negative impacts on visual amenity and the environment. However, we must also consider the needs of farmers and foresters, who need access to their land for their regular operations, including planting and harvesting and reaching remote grazing areas.

Edward Mountain: Would it be appropriate to have a standard laid out for the construction of those tracks? Such a standard could provide good guidance to people who do the construction and further enhance the work that the planners could do, with regard to people who did not build them correctly.

Kevin Stewart: I will come to that point at the end, if Edward Mountain does not mind.

National parks, national scenic areas and sites of special scientific interest cover about 20 per cent of Scotland, and those areas are not empty landscapes. Removing permitted development rights in all that land would impact on significant numbers of rural businesses in areas that are often already economically fragile.

I agree that we need to take a look at the issue again and to make sure that we have the balance right. Unlike most planning legislation, which is largely procedural, permitted development orders grant, or limit, planning permission, so decisions about permitted development rights need to be taken following careful consideration of the impacts, whether they be on the environment or on people's need to be able to go about their business.

For that reason, the place to consider amending permitted development rights is through the GPDO and not by amendment to the bill. That will allow for a thorough consultation that will give all parties a fair chance to have their views heard, with full impact assessments. The Scottish Government

has already committed to a wide review of the GPDO following the completion of this bill. We will consider the potential for changes to permitted development for private ways, and we will get started on that quickly.

I ask members to reject the amendments and to allow us to give proper consideration to the impacts before making such changes.

Andy Wightman: Mr Mountain referred to a ban. Rather like the situation with the earlier amendments on short-term lets, the planning system does not ban anything. I have no power to ban anything, and Parliament has no power to ban anything through the planning system. We are trying to make sure that the planning system can operate effectively. It is up to local planning authorities to decide for themselves whether they are going to grant or refuse applications or to grant them with or without modifications. Let us be very clear about that.

Mr Mountain is correct in saying that field sports are not a permitted development; I made that point in my opening remarks. The problem is that the system is being widely abused. Land that is used for field sports is often and frequently said to be used for agriculture—for example, because sheep on grouse moors act as tick mops. The presence of those sheep means that the land is used for agriculture, so people put in hill tracks that are for field sports but pretend that they are for agriculture.

A good example arose on the Ledgowan estate in Wester Ross. Highland Council was assured by the landowner that a track was for agriculture. One year later, the estate was put on the market and the sales particulars crowed about the network of tracks that were available to permit shooting on the estate. That is an example of blatant abuse of the current permitted development order.

Edward Mountain: Does Mr Wightman agree that, if a planning authority is seriously concerned that the track is not being built for agriculture or forestry, it could call in a planning application and demand that the applicant make a full application, so that it can be properly scrutinised? Does he deny that?

Andy Wightman: The local authority attempted to do that, but it could not provide the evidence that would refute the claim that the land was for agriculture, and the matter would have ended up in court. That is because of how the law applies. Amendment 14 is a reworded provision that would make it much clearer the land on which full planning applications would be required.

The minister said again that there are no permitted development rights for field sports, but—I have just made this point in response to Edward

Mountain—he knows that there is no way under the current regime to properly enforce that.

Mike Rumbles: Does the member agree that clarifying the law in that way—I think that that is what the amendment would do—would take away the controversy? This is not an attack on shooting and field sports; it is a proposal to ensure that the process of building tracks is properly looked at.

Andy Wightman: I welcome that intervention. Mike Rumbles is perfectly correct. Many planning authorities are attempting to deal with the problem, but they do not have effective powers or the resources to do so. All that I am attempting to do is ensure that the process facilitates an informed decision that is subject to full public scrutiny. In many instances, the authorities would consent to the creation of tracks. I do not have a view about whether tracks should be built—that is properly a matter for planning authorities.

The minister said that he will look again at the issue through the GPDO. The problem is that we looked at the issue in 2012 and no meaningful reforms came forward. I am a member of the Scottish Parliament, but I am not in the Government, so I cannot introduce secondary legislation on permitted development rights. I do not know when the reforms will ever be introduced; I have no idea what the Government's intentions are here.

The topic has been on the political agenda for more than two years. Ministers have had plenty opportunity to say that they will do something through the bill and they have chosen not to—they will not even agree to the proposal to extend the direction that exists over national scenic areas to national parks. That modest reform would address the very concerns that planning officers have in those national parks, where they try to create a presumption against hill tracks, but at the end of the day they cannot, effectively, implement that.

The Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)

Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 88, Abstentions 0.

Amendment 14 disagreed to.

Amendment 15 moved—[Andy Wightman].

The Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 88, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Andy Wightman].

The Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
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 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 87, Abstentions 0.

Amendment 16 disagreed to.

17:30

Amendment 17 moved—[Andy Wightman].

The Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)

Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)

Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 88, Abstentions 0.

Amendment 17 disagreed to.

Amendment 18 moved—[Andy Wightman].

The Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)

Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 88, Abstentions 0.

Amendment 18 disagreed to.

Amendment 203 moved—[Claudia Beamish].

The Presiding Officer: The question is, that amendment 203 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 89, Abstentions 0.

Amendment 203 disagreed to.

Section 16A—Call-in of applications by Scottish Ministers: further provision

The Presiding Officer: Group 27 is on the call-in of applications by the Scottish ministers. Amendment 136, in the name of Kevin Stewart, is grouped with amendment 137.

Kevin Stewart: Occasionally, there are reasons for the planning minister to call in and decide a planning application. That is a long-established power in the planning system, and it has been exercised by successive Governments. It is a responsibility that I take seriously and a power that I use very sparingly.

I fully respect the lead role that is played by our planning authorities and it is absolutely right that the vast majority of planning applications are decided by them. Sometimes, though, circumstances arise in which it may be more appropriate for further scrutiny and a decision at the national level, because in some way the proposed development raises issues of national importance. Those issues cannot be easily or comprehensively listed in advance—it comes down to the individual circumstances of individual cases.

Section 16A was added to the bill at stage 2 by an amendment from Mark Ruskell. It requires ministers to set out in regulations the possible circumstances in which they would consider calling in applications. I agree that there can and should be greater clarity of the circumstances that may lead to a call-in, but they can be much more reasonably and helpfully explained through the open text of a statement than in legislation.

Mark Ruskell and I have discussed that change. I am grateful for his input, and his agreement that the requirement can be handled through a ministerial statement, which is what amendments 136 and 137 do. I hope that members will support them.

I move amendment 136.

Amendment 136 agreed to.

Amendment 137 moved—[Kevin Stewart]—and agreed to.

Section 16B—Determination of applications: statement to accompany notification

The Presiding Officer: Group 28 is on the determination of applications. Amendment 204, in the name of Alex Rowley, is grouped with amendment 138.

Alex Rowley: Amendment 204 would require planning authorities to record whether a decision on an application complies with the local development plan and, if not, why that decision was in the public interest and in line with planning policy guidance.

Amendment 204 was submitted in response to criticism of section 16B, which was introduced at stage 2 to require planning authorities to state in a decision notice whether a planning decision complies with the local development plan. Such a provision is incredibly important in supporting a plan-led system, allowing for full transparency with regard to how many applications the authority has accepted that contravene the local development plan. It is vital that both the community and developers have faith in the validity of the plan, otherwise there is no incentive to engage in the development of the local development plan. The amendment would give that transparency, which is important.

I move amendment 204.

Andy Wightman: The minister's amendment 138 would remove section 16B from the bill. Section 16B was added at stage 2, following an amendment that I lodged. Its intention at the time was to form a basis for triggering a reformed appeals system, the substance of which we will debate in the next group. Put simply, section 16B requires each planning decision to be accompanied by a statement that outlines whether the planning authority considers its decision to be in accordance with the development plan. Depending on the answer to that question, the relevant appeal right—which will be discussed in the next group—would be triggered. I do not expect that Parliament will approve those appeal rights. Nonetheless, regardless of the fate of those appeal rights, I urge members to support the

retention of section 16B and to vote against amendment 138.

Like many members, I want a proper plan-led system, which Alex Rowley mentioned. In my view, the extent of discretion in the current planning system undermines such a plan-led system. I know that we differ on the extent to which we should have discretion in the planning system. Although I accept that there should always be an element of discretion, in my view, there is too much. However, regardless of where we stand on that question, retaining section 16B would enable us to capture statistics that would be useful in monitoring the extent to which determinations that are compliant with the plan are being made, and that would allow us to take a view on the extent to which we have a plan-led system in practice.

Alex Rowley's amendment 204 amends section 16B in a manner that is not helpful. Paragraph (a) of the amendment merely rewords section 16B, and paragraph (b) of the amendment is unnecessary, as all decisions will anyway narrate in detail why they were made. I therefore ask Alex Rowley not to press amendment 204. However, he is perfectly entitled to do so.

Kevin Stewart: I recognise that the real motive behind the provisions is not to bring clarity to the reasons for decisions, but to provide the hook for the amendments on appeal rights, which we will discuss next.

Superficially, section 16B on its own seems fairly minor and straightforward, setting out something that a local authority must state in its decision notice. However, when making a decision on a planning application, an authority must always have regard to both the provisions of the development plan and any other material considerations. That is a long-standing requirement at the very heart of our planning system, and the decision on every application is to be made in accordance with the development plan, unless material considerations indicate otherwise.

Decisions on applications always involve the decision maker reaching a conclusion about whether and how the proposed development accords with the development plan; that is considered alongside an assessment of other material considerations to decide whether, individually or collectively, they outweigh the position with development plan conformity.

Authorities must already give reasons for their decisions in reports published on the register of applications, setting out the provisions of the development plan and the other material considerations to which they have had regard. Explaining only the position in relation to the

development plan in the decision notice will not increase transparency—it will only create confusion by giving a partial picture of the reasons for the decision.

I note that Mr Rowley has attempted to address that by requiring further information to be included, but without using the term “material considerations”. During the passage of the bill, nobody has proposed removing material considerations from the decision process, and rightly so, so I am not clear why people are so shy of giving them their place.

For those reasons I ask members to reject amendment 204 and to support amendment 138.

Graham Simpson: This is where I part company with the minister. It had to happen.

Amendment 138 strips out something that we put in at stage 2. It is a very simple matter, with the provision that councils must state why a development is or is not

“in accordance with the development plan”.

It always used to be the case that councils had to do that. The requirement is not onerous: they have to give reasons in a decision notice in any case. I disagree with the minister: I think that it does help with transparency. Therefore, we will vote against amendment 138.

We will also vote against amendment 204. I think that Mr Rowley's wording is not quite right and that his amendment goes too far. We will vote against both amendments in the group.

Alex Rowley: The minister made an important point in referring to the motive. He needs to tell me what he thinks the real motive is. The bottom line involves a front-led planning system that engages communities. Communities put a lot of energy, time and resources into it. Before the ink is dry on the local development plan, developers come in with applications that completely ignore that plan. That is why people have lost faith in the planning process.

Kevin Stewart: I spelled this out in my speech: the amendment is fine when it comes to whether there has been deviation from the development plan. However, if the material considerations that were also looked at are not spelled out—considerations that Mr Rowley does not wish to see set out—that is not open and transparent. That is why his amendment 204 is not right.

Alex Rowley: As it looks like the minister will lose amendment 138—we will certainly vote against it—I will not press my amendment 204.

Amendment 204, by agreement, withdrawn.

Amendment 138 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 138 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 58, Against 60, Abstentions 0.

Amendment 138 disagreed to.

After section 16B

17:45

The Presiding Officer: Group 29 is on the right to appeal against planning decisions. Amendment 160, in the name of Andy Wightman, is grouped with amendments 161, 205 and 223.

Andy Wightman: As members know, there has been a long debate about whether to reform appeal rights. Given that the stage 3 proceedings have now gone on for six hours and 42 minutes, I do not intend to rehearse all the arguments in full, but it is important to put on record the core arguments at stage 3 of the second planning bill of this parliamentary session.

Current appeal rights in the planning system date from the Town and Country Planning Act 1947. At that time, applicants—who were typically landowners themselves—were suspicious of the ability of public authorities to make decisions about development. Public and local authorities had just been given the power to do so following the nationalisation of development, which the 1947 act introduced. Landowners were rightly suspicious of the ability and motives of the new public authorities, which now had rights in relation to landowners' land. Because a person's right to develop their own property was being removed, it was conceded at the time—correctly, in my view—that a right of appeal should be granted against any refusal to grant planning consent.

However, that was 70 years ago. Today, we almost have a plan-led system—we do not quite have one, but we are moving to one, and it is much more of a plan-led system than it was in 1947. There is no requirement for appeals to be universally available to applicants.

Equally, there is a strong argument for providing a limited right of appeal to third parties. The debate on third-party right of appeal has moved on since the Planning etc (Scotland) Act 2006. It is now focused on equalising the rights of appeal, first, by providing a limited right of appeal to third parties and, secondly, by restricting the existing rights of applicants to appeal.

In a proper plan-led system—such things exist in continental Europe—there should be no rights of appeal at all. Indeed, there are none. The plan should make clear what is permitted and what is not. However, as we heard in the discussion on the previous group of amendments, we are still in the world of discretion, material considerations, unallocated sites and so on.

My amendments 160 and 161 are identical to those that were lodged at stage 2, which were rejected—there were three votes against the amendments, two votes for them and two

abstentions by Conservative members. I am grateful to the Presiding Officer for allowing the amendments to come back at stage 3. We can perhaps resolve the matters that led to the Conservatives' abstentions. At stage 2, they were unsure where they wanted to go, so we will learn where they have got to in a few moments.

Amendment 160 provides that, when a planning authority gives notice that an application is

“not in accordance with the development plan”

under the provisions of section 16B, which we have just voted to retain, the existing appeal rights of applicants would be removed. In other words, there would be no right of appeal on an application that violated the development plan. The right of appeal would remain open to applicants if a planning authority refused consent for an application that was in accordance with the plan.

Amendment 161 would introduce a similar right of third parties to appeal determinations when consent is granted to an application that is not in accordance with the plan and when a decision is made

“on land in which the planning authority has an interest”.

Amendments 160 and 161 are very tightly framed and, in my view, will build trust in the planning system and move us more towards a plan-led system.

This debate has matured over recent years. It is abundantly clear that the current system of appeals is undermining local democratic decision making by allowing legitimate decisions that have been made by planning authorities to be appealed, against the wishes of local communities, officials, members of the planning authority and the planning authority itself when they wish to uphold agreed plans.

I note that Alex Rowley has lodged amendment 205 on a third-party right of appeal, but there is no amendment on the existing right of appeal. Nevertheless, we will support amendment 205 if my amendments 160 and 161 are rejected.

I move amendment 160.

Alex Rowley: Amendments 205 and 223 would introduce an equal right of appeal. Developers and communities would be able to appeal when a decision was approved that did not comply with the local development plan.

On appeal rights, our guiding principle is that the planning system does not operate on a level playing field and that the system is in desperate need of reform. However, the issue of an equal right of appeal was a notable omission from the bill as first drafted. Our amendments would give communities a right of appeal when a development is approved that is contrary to the

local development plan. Our proposals also seek to strengthen the plan-led system by limiting applicants' right of appeal.

Despite promises that were made in 2006, the problem of a lack of community engagement in the planning system has endured. The Government's review concluded that front loading consultation has not worked and, during the committee sessions ahead of consideration of the bill, the City of Edinburgh Council argued that our limited system of front loading has not been enough to generate community trust and confidence in the planning system.

If planning authorities are to create places that people want to live in, there must be early and meaningful engagement of communities and real community influence in local development plans. However, as it stands, early engagement could take place and be reflected in the local development plan, yet still have no influence on final outcomes because of developers' right to appeal. Currently, the only route for the public is to take court action, but judicial review is too expensive for most people and can place a large burden on local communities.

With such a weak link between public input and decision making, and no mechanisms for the public to hold developers to account, there is little incentive for the public to get involved in planning. A local development plan-led right of appeal, such as we propose, would encourage communities and developers to get involved in the drafting, because they would know that they would be subject to the plan at the end of the process.

It is disappointing that the bill has made no meaningful attempt to shift some power away from developers and ministers into the hands of communities. That is an issue that we will continue to campaign on, because communities up and down the length of Scotland that have participated in their local development plan and have given up their time and resources to have an input into how their communities are shaped, find that then, before the ink on those plans is dry, developers have come forward, completely ignored those plans and battered ahead with their proposals. That is not right, and people who have taken part in the process have been left feeling bitter and betrayed.

Sandra White (Glasgow Kelvin) (SNP): I note Alex Rowley's comment about people being left feeling disappointed and betrayed. I mean no disrespect by the comments that I will make, but a number of years ago, as an MSP, I tried to introduce a third-party right of appeal in a member's bill and the Labour Party opposed it. I felt quite betrayed by that.

Alex Rowley: In Andy Wightman's excellent introduction to this group of amendments, he made the point that time moves on. *[Interruption.]* Surely, most of the members who are shouting and waving their hands, including Mr Dornan, have come across planning applications on which the community has had no say and is left feeling powerless. Just because some Labour MSPs years ago did not back Sandra White's proposed member's bill, I will not stand here and say that we should not get it right this time round. If we want people in communities up and down Scotland to have confidence in the planning system, we need to address the issue.

I understand that the Tories and the SNP are going to come together to block the proposals and will not listen to communities, so I hope that they pay the price for that.

Daniel Johnson: I speak on this grouping because the issues are of huge importance to my constituents, who have been in touch with me in huge numbers in advance of consideration of the bill. My constituents and people in communities across Scotland feel that the planning system is simply stacked against them. Indeed, at a local meeting that I was at recently, I had to correct someone who described the planning system as a marathon and not a sprint; the reality is that, for too many people, it is neither of those—it is a siege. Communities have to defend and get their activities and co-ordinated campaigns right every single time, whereas developers need to get it right only once. The experience of communities in my constituency and elsewhere is that they receive application after application for the same sites and they have no redress. That is why the issue matters. That has been the experience at Craighouse and it is certainly the worry that my constituents have regarding Midmar paddock and the fields in Liberton.

The planning system is not infallible, which is why appeals exist in the first place. If it is right for developers to be able to appeal planning decisions and to question decisions and the basis on which they were made, surely it is also right for communities to be able to question those selfsame decisions. This is not an unfettered veto; as Alex Rowley and Andy Wightman have set out, it is a proportionate measure to enable communities, with reference to the plan, to question decisions that have been made. As Alex Rowley pointed out, front loading simply has not worked. Ultimately, the measure is a way in which we can incentivise developers and planners to consult more adequately and to get the plans right, because they will know that communities have the ability to appeal. Ultimately, it is about upholding a plan-led system and ensuring that communities have a stake in it.

Neil Findlay: I support Alex Rowley's amendments 205 and 223. It has been said:

"Following my involvement in a number of local planning controversies I became aware that planning was the root of many controversies not only in the area I represent but throughout the country as a whole. Time and time again applications have been approved despite considerable local opposition. Many of those involved in these campaigns, interest groups as well as ordinary folk, believe the system to be unfair and heavily skewed in favour of developers. They point out, rightly in my view ... the inherent unfairness of a system in which, developers have the right to appeal, when applications are rejected, whilst objectors do not have the same right when applications are approved. The imposition of controversial applications in the face of considerable community opposition has engendered increased bitterness and alienation with the political system.

To restore public confidence not only with the planning system but with the political system as a whole we must trust the people and give them the power to have a real influence in decisions which affect their local communities. ... I believe introducing Third Party Right of Appeal ... would be an excellent first step in this process."

Those could have been my words, as they reflect my experience as an activist, a councillor and an MSP. However, of course, they are not my words; they are the words of Sandra White, when she introduced her proposed third party planning rights of appeal (Scotland) bill in 2003, which was sponsored by Alex Neil, Linda Fabiani and Christine Grahame. I am sure that, as men and women of principle and in the interests of consistency, they will support our amendments today. At that time, when I was an activist, I supported Sandra White's proposed bill, against the Labour Government, because I believed that it was right.

Today, I will support amendment 160. I wonder whether those people, who now sit on the Government back benches, will stick to their principles and support the amendment.

18:00

Change is desperately needed. All the power in the planning system lies with developers, who have the money to engage consultants, hire PR companies, run pre-application exhibitions and buy off opposition. Developers have the right to appeal against refusals and often use that right; communities have no such right. How can anyone think that that is fair? Earlier, the minister referred to people's human rights. How does the current system respect human rights?

When I was a councillor, there were 16 applications for large-scale industrial development in my ward in a very short space of time. There were applications for landfill sites, opencast coal sites, mineral extraction, recycling operations and numerous wind farms. Many of the applications were speculative and some were opposed by the

community, with hundreds and hundreds of objections. They were opposed by neighbours, planners and councillors, but they were appealed and approved by reporters who were acting on behalf of ministers.

How on earth can that be fair? Every one of us knows that it happens in every constituency in the country. There is no level playing field. The cards are stacked against communities from the outset. It is unfair, it is unjust and it is wrong.

I say to SNP members today that they have a choice between siding with communities and introducing fairness into a heavily skewed system and siding with the Conservative Party and the big business and landed interests who want to keep things as they are, because it suits them nicely, thank you very much.

It is clear that there are many cosy deals being done on the bill between the Tory and SNP front benches. I say this: if members choose to side with the Conservative Party and the SNP Government over planning rights of appeal, despite the thousands of emails that we have had from people in communities who are concerned about the issue, they will pay a heavy price.

Murdo Fraser (Mid Scotland and Fife) (Con): Third-party right of appeal is a perennial issue. This is not the first time that the Parliament has considered the matter. I am a veteran of the debates in session 2, when we debated the issue in the context of the bill that became the Planning etc (Scotland) Act 2006.

At the time, we heard passionate speeches such as we have just heard from Daniel Johnson, Neil Findlay and Alex Rowley, on these very issues, but those speeches were made not from the Labour benches but from the SNP benches. Back then, we had a Labour-Liberal Administration in this place, which was strongly holding the line against calls for an equal right of appeal. In opposition, the SNP made the arguments for why such a right should be brought in.

Now, of course, the positions have switched over completely: the Labour Party in opposition is arguing for an equal right of appeal and the SNP in government is arguing against it. I say to Mr Findlay that there is one word for the Labour position today: opportunism, because Labour did not take that view when it was the party in government.

Neil Findlay: I took that position. I argued against the Labour Government at the time. The member is wrong and he should admit that he is wrong.

Murdo Fraser: I appreciate that Mr Findlay was not in the Parliament at the time, but the seats where my Conservative colleagues are sitting

were full of his Labour Party colleagues, holding the line against a third-party right of appeal. [Interruption.]

The Presiding Officer: Order, please.

Murdo Fraser: In contrast to all the parties that are swithering and slithering around on the issue, the Scottish Conservatives have been clear in our view.

Alex Rowley: Will the member take an intervention?

Murdo Fraser: Not just now, thank you.

We will not support a third-party right of appeal, for very good reasons, which I will spell out. I am sympathetic to the calls that we hear from community groups about the planning system. I am sympathetic to the view that there is a lack of say in planning decisions. I am sympathetic to communities who argue that the planning system is weighted against them and that well-resourced developers with deep pockets can come in with teams of lawyers and planning consultants, very often opposed by a group of private individuals with limited means, who have to fight against a juggernaut of developers. Communities feel that there is an unfair fight; I recognise the point that Daniel Johnson made about how communities often feel about the planning process.

Third-party right of appeal is not the answer to that problem, not least because it comes at the end of the process when decisions have already been made. It is too late then to kick the decision towards Scottish ministers, and it is the wrong time to try to address those concerns.

Alex Rowley: Is Mr Fraser aware of the fight by the community of Aberdour in his region, which participated in a consultation from the start of the planning process? The decision then went to the local area committee of democratically elected councillors, which includes two members of his party. Both have condemned the fact that, despite the process for development going through the local development plan, the developer came along, put in an application, and appealed against the committee's decision to Scottish ministers. The housing application has been awarded. Is the member aware of that?

Murdo Fraser: I am aware of that situation. I could quote numerous similar examples, but I do not believe that an equal right of appeal is the answer. If the member will bear with me, I will explain why and what we think the answer is.

The other problem with an equal right of appeal, or even a limited third-party right of appeal, is the additional delay and cost that it adds to the planning system. We need to have a country that is open for business and for development. To have a growing economy, we need to encourage

development in the right places. Members will be well aware—and will have been lobbied by representatives from right across the business sector—of why bringing in such rights will simply complicate matters further.

The biggest concerns that people on all sides have about the planning system are its complexity and the question of delay. The solution is not to add an extra layer of complexity and yet more delays into the system.

I do not support the amendments, but I recognise that there is a serious issue to deal with. We are proposing a better approach, because, in a short time, we will discuss amendment 146, in the name of my colleague Graham Simpson, which introduces the concept of mediation in disputes between communities and developers and encourages constructive engagement early in the process.

Neil Findlay: Will the member take an intervention?

Murdo Fraser: No. I am closing my remarks.

That is a better way to proceed, because it allows those issues to be dealt with early in the process, rather than being tacked on at the end, adding an extra level of complexity, cost and delay.

I encourage members to reject the amendments, and we at least will be consistent with the view that we held in 2006.

Monica Lennon: We have heard a lot about power in the debate, and power is very much exercised in planning. On this issue, we know about the stakeholders, who have a lot of power and many rights, and about those who do not have so much or so many. We are here to speak for our communities.

We have a very positive and permissive planning system that approves over 96 per cent of planning applications. Many of us have talked about wanting there to be a plan-led approach, but as Andy Wightman has spelled out, it is a highly discretionary system.

In the debate around the bill, Labour has argued for a plan-led, rights-based system. I was not in the Parliament in 2005 and 2006 when the Planning etc (Scotland) Bill was passed; I was working as a planning officer then. A lot has changed in how we talk about community empowerment and in the relationship between local and central Government. We are trying to get away from that top-down approach.

There are people who would argue that there should not be an appeal system at all, but it is right that we have checks and balances. However, right now the opportunity for appeal rests only with

developers, and communities feel that that is unfair.

We have put forward a proportionate solution, which is not about people getting to put in an appeal if they fall out with their neighbour. I am listening to the point about mediation, but it is a bit patronising. We are talking about big proposals, such as for incinerators. I know colleagues in the chamber—Richard Lyle, Clare Haughey, Christina McKelvie, Fulton MacGregor, James Kelly, Claudia Beamish and Aileen Campbell—who have had some experience of incinerators.

We have situations in which developers with deep pockets are able to make not only repeat appeals but repeat applications, and communities feel worn down by that process. I really do not feel that mediation is the answer in such situations. I am sure that my colleague Alex Rowley will not mind me saying that I take slight issue with the framing of the matter as being to do with third-party rights. I think that we should be talking about equal rights of appeal—Andy Wightman's point about equalising the situation is important.

The point is that this is not 2005 or 2006. We have to think about how well planning legislation is working. I believe that during the passage of the 2006 act, colleagues in the chamber would, in good faith, have hoped that the proposals around front loading would go some way towards changing the culture.

Mark Ruskell (Mid Scotland and Fife) (Green): Does the member agree that an unlimited right of appeal for developers actually undermines the good developers who are working with the local development planning process, are doing all the front-loading work and have sites in the local development plan to develop? Does she agree that it penalises private business, too?

Monica Lennon: Yes, I think that that unfettered right of appeal for applicants can cause a lot of delay and uncertainty, particularly for neighbouring sites, because the reality is that some of the appeals are in the system for a long time—years, in some cases.

People have heard me talk about the incinerator in Whitehill. That situation, on which we have had a members' business debate, has been going on since 2013, which is a year after I became one of the councillors in the area. I have to say that colleagues across the political divide have worked closely on that issue. The late Lynn Adams, an SNP councillor who has, sadly, passed away, was instrumental in that work; she worked with the community, me and other Labour colleagues, and Margaret Mitchell, who I did not mention earlier. There is a lot of unity around the issues.

I know that the minister has heard me say this before, but how can it be fair that we have a

situation in which these applicants keep coming back with appeals when the development is not in accordance with the local development plan or Scottish planning policy, which means that there is no local or national justification in policy or strategy terms for the applications? The remedy that is available to communities is to raise funds to enable them to go for judicial review, which we know is a limited route, in any case.

With regard to the Whitehill incinerator, the minister will know—

The Presiding Officer: I ask Monica Lennon to bring her remarks to a close.

Monica Lennon: The appeal has just been withdrawn. However, that is not the end of the story, because a trench has been dug and there is an existing consent.

The point is that, for communities, there is no peace of mind and there is no incentive to get back out there and get involved. If we want front loading and we want communities to genuinely be part of plan making, we have to get the balance right. The 2006 act did not achieve that—we have not seen the desired transformation in planning or the necessary resource going into community empowerment. I strongly urge colleagues to listen to communities and Planning Democracy and support the amendments in the name of Andy Wightman and Alex Rowley.

Patrick Harvie (Glasgow) (Green): I had not intended to speak on these amendments, and I will try to do so briefly.

The 2006 act has been mentioned repeatedly in this discussion. In my first two or three years in this Parliament, I was a member of the committee that scrutinised that piece of legislation, and I will remember the arguments around appeal rights. Alongside colleagues from a number of political parties, I made the case that, if we wanted successful, active engagement, up-front community consultation and participation in the early stage of the planning process, we were more likely to achieve that if communities and developers knew that, at the end of the day, the community would have a right of appeal, and that we were more likely to undermine that active, up-front engagement by continuing to maintain the un-level playing field that we have at the moment, whereby the developer has a right of appeal and the community does not.

I suspect that this is not really a matter of disagreement between Labour and the SNP. I know that people have had a lot of fun winding each other up about the fact that the parties have changed their position, but I think that this is principally a difference between Government and back benchers.

I suspect that it will always be the case that planning ministers of any political party will find themselves under pressure from civil servants and vested interests and will say that appeal rights are not the right thing to do. I think that that is what happened to the Labour Party at the time. I suspect that back benchers of any political persuasion, who are more interested in representing their communities, will find themselves drawn to the argument for fairer appeal rights.

18:15

If I remember rightly, Pauline McNeill and Sandra White often found themselves on the same side of that argument against the position of the Government of the day. I hope that members who take seriously their interest in representing communities will continue to make that argument against the Government of the day. Since that bill was passed without community appeal rights, members across the political parties—including a large number of SNP members at public meetings and hustings—have said that they have not given up on the principle of levelling that playing field and that they will continue to make the case for equalising appeal rights, including community appeal rights.

Is the minister asking his party colleagues to break those long-standing promises that, over many years, they have made to communities?

Claudia Beamish: I was not intending to speak either but—[*Interruption.*] Members can sigh, but this is important.

Before becoming an MSP, as a community activist for seven years alongside an ex-mining village, and as a community councillor alongside Clydesdale District Council, I fought to stop an application for an opencast site. People were repeatedly worn down. That happens again and again. As Monica Lennon said, it can be a war of attrition, and it is between unequal groups. Often, communities feel exhausted by repeat applications and by the difficulties of raising money to get to a judicial review, as has happened in my region recently with CRAG—the Clyde river action group—and the application from Patersons Quarries for gravel extraction on the River Clyde.

Often, applications are made near marginalised communities, as has happened in the past with opencast sites. Farmers are worn down and, frankly, gradually bought off by the company. In a civilised country, that is not a place where anyone should be. It is shameful that, on this matter, the Scottish Government is not on the side of the people. An application for a development in the right place is nothing to fear. I feel sad that this day has come in our Parliament.

Kevin Stewart: The Scottish Government's position on third-party right of appeal has been clear and consistent. We do not support its introduction, nor do we support any restrictions on the current right of appeal.

I want people to be truly involved in the positive planning of their areas. As well as having opportunities to say what they think, people need to know that they have been properly listened to.

Neil Findlay: In clear language, can the minister tell us what is fair about a developer having the right to appeal and a community not having that right?

Kevin Stewart: One of the simple things is that I believe in local democracy. A developer does not elect councillors. Communities elect councillors and the councillors take the democratic decisions that they were elected to take.

I want people to be involved. The bill already brings new opportunities—

Neil Findlay: Then the reporter overturns it.

Kevin Stewart: Mr Findlay was a councillor at one point. Obviously, as I do, he believes that councillors are elected to take democratic decisions. However, in this case, he wants to overturn the decisions that are taken by councillors. [*Interruption.*] I have had enough of Mr Findlay.

The Presiding Officer: I am sorry, Mr Stewart; we have a point of order from Mr Findlay.

Neil Findlay: The minister might not be aware that, in many local authorities, councillors make decisions but they are undemocratically overturned by a reporter acting on behalf of the Government.

The Presiding Officer: Mr Findlay, that is not a point of order; it is just a point.

Kevin Stewart: As per usual! The bill already brings new opportunities. People will be able to engage meaningfully through development planning and local place plans, which will give people a greater opportunity to genuinely influence the future of their places. We have also committed to improve the arrangements for pre-application consultation on major developments, following on from the bill.

We still have to discuss proposals that are before us today to support mediation. What is proposed will open up planning to positive engagement at the right time to help to influence development. I am certain that introducing new rights of appeal or restricting the current right of appeal is not the way to go.

Jackie Baillie (Dumbarton) (Lab): Will the minister give way on the point about mediation?

Kevin Stewart: No.

I am convinced that introducing new rights of appeal or restricting the current right of appeal would be counterproductive. It would create conflict and undermine efforts that improve trust in the planning system. It would add uncertainty, undermine local democracy and be divisive, and there would be no impetus to engage earlier.

Crucially, restricting current appeals could deny our communities much of the investment that they need. Many of our much-needed homes and the places where we work and spend our leisure time exist only because they have been approved on appeal.

The amendments would make appeal rights dependent on a statement made by the planning authority as to accordance with the development plan. As I have just been making clear, that is only half the story of how the decision is made. It can come down to a matter of interpretation of complex information and careful professional judgment, which may not be universally accepted.

Jackie Baillie: Will the member give way?

Kevin Stewart: No, I will not take an intervention.

That approach also misses the vital ability of our planning system to recognise changing circumstances. There can be very good reasons for making a decision that is not in accordance with a development plan; for example, where an emerging draft development plan contains far more current and relevant policy intent than the ageing plan that it is about to replace, or where a worthwhile development opportunity presents itself, perhaps following the closure of a major employer.

An additional right of appeal may, on the face of it, appear to promise a lot to communities and individuals, but I am concerned that those claims are misguided. The reality is that an additional right of appeal will simply add time, cost, procedure and conflict to an already stretched planning service, and there are better options for people. At the end of the day, all that an equal right of appeal would mean is that reporters—who have been cited today as all bad, it seems—would take the decisions, or I would. I would be much happier for people to become involved at the beginning and for there to be no conflict at the end. I therefore urge members to reject all the amendments.

Andy Wightman: I will keep my remarks short. I say with all sincerity that the continuing demands for equalising rights of appeal are designed not to increase bureaucracy or complexity but to strengthen a plan-led system. It is my view that,

ultimately, as we move towards a plan-led system, we can abolish appeal rights completely.

The arguments have been well put and I am glad that they are on the record, once a decade, when we debate a planning bill. I welcome the passionate contributions from Monica Lennon, Neil Findlay, Claudia Beamish and others.

Much of the debate leading up to the 2006 act was concerned with the fact that the act would improve up-front engagement and community participation. Those arguments were used to refute the need for any reform of the appeal system, but that has not happened—very little, if any, of that has transpired. Therefore, the arguments that were made in 2005 remain as valid today as they were then, if not more so.

Murdo Fraser said that early engagement is important. Indeed it is, but how should we expect people to feel when they engage in good faith, and early on, only to find that a plan in the development of which they have been heavily involved, and which has been upheld by planning officials and by democratically elected local councillors, is then overturned by the minister? The minister responded to Neil Findlay by saying that communities directly elect councillors, which of course they do. However, as I have just said, we still have situations in which a plan is clear, an application comes in that violates the plan, officials refuse the application and elected councillors uphold the refusal—and then the decision is overruled by the minister on appeal. If we do not reform the system of appeals, we will undermine trust in what remains the slow process of building a plan-led system.

I will leave my remarks there. The debate has allowed us to have a useful reiteration of the arguments. Clearly, my amendments have not quite got there, but I look forward to coming back in 10 years' time to see whether we might make some progress then.

The Presiding Officer: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 25, Against 93, Abstentions 0.

Amendment 160 disagreed to.

Amendment 161 moved—[Andy Wightman].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)

McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 25, Against 93, Abstentions 0.

Amendment 161 disagreed to.

Amendment 205 moved—[Alex Rowley].

The Presiding Officer: The question is, that amendment 205 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
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 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
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 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)

Matheson, Michael (Falkirk West) (SNP)
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 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
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 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
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 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 25, Against 93, Abstentions 0.

Amendment 205 disagreed to.

The Presiding Officer: Before we move to the next group of amendments, I will call a short suspension for 10 minutes. I advise members that it does not look as though we will be able to finish our consideration of amendments at stage 3 today. I ask all the business managers to meet me outside the chamber so that we can have a short discussion about that. Business will resume in 10 minutes' time.

18:29

Meeting suspended.

18:42

On resuming—

The Presiding Officer: I have a quick update on where we are. There is, potentially, up to an hour and 45 minutes of business still to go. We will try to make progress; that will depend on members keeping their comments concise. I will call every member who is down to speak—in other words, those who are to move and speak to amendments. Please think about which contributions to make, because we do not want to erode our time tomorrow. We will go on until 7.30 pm, when we

will stop consideration of amendments and proceed with decision time and members' business. I am conscious that there are events taking place in Parliament that members want to attend.

Section 16D—Meaning of “material considerations”

The Presiding Officer: Amendment 139, in the name of the minister, is in a group on its own.

Kevin Stewart: Material considerations play an important role in decisions on planning applications, by enabling authorities to take account of the individual circumstances of each case. However, trying to predict everything that could be deemed to be a material consideration for every case, under the various sections of the Town and Country Planning (Scotland) Act 1997, is an impossible task. Doing so could restrict what planning authorities could consider, or it could require them to consider issues that might not be relevant.

Leaving the phrase “material considerations” undefined will mean that it is for the decision maker to work out what needs to be taken into account. Ultimately, disputes would be for the courts, because whether something is or is not “material” is already a question of law. The Law Society of Scotland welcomes amendment 139, and agrees that defining the term could result in its being too restrictive or too wide to carry any useful purpose, as Mr Wightman accepted at stage 2.

A short explanation of how the principles of material considerations work is contained in our “Planning Circular 3/2013: Development management procedures”, and we will revisit the guidance after the bill has been passed.

I move amendment 139, and I hope that members will support it.

Andy Wightman: We need a plan-led system that has less discretion and ambiguity. Material considerations can override the development plan, but are defined nowhere.

Section 16D of the bill was introduced by me at stage 2, and was supported by the committee. It requires that material considerations be set out in regulations in order to bring more certainty to the system, and to strengthen a plan-led system. It will be up to ministers how prescriptive they wish to be in such regulations, so I see no good reason for not doing that.

Amendment 139 will remove section 16D. Therefore, we will oppose it.

18:45

The Presiding Officer: The question is, that amendment 139 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)

McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 86, Against 29, Abstentions 0.

Amendment 139 agreed to.

Section 19A—Planning obligations: publication

The Presiding Officer: Group 31 is on planning obligations. Amendment 140, in the name of the minister, is grouped with amendments 141 to 145.

Kevin Stewart: I see merit in increasing the transparency of developer contributions, so that those who have interests can be better informed about the context of planning decisions. However, it is crucial that the system remains proportionate and avoids placing unreasonable burdens on local authorities.

New requirements were added at stage 2 for planning obligations to be published and promoted by the planning authority, and by any other person who is bound by the obligation. Amendments 140 to 142 are intended to remove the requirement to promote planning obligations, and will require that only the planning authority publish the planning obligation.

The planning obligation will need to be published only in one place—ideally, it should be found in the same place as details of the planning application, which are all held by the planning authority.

In addition to that, the duty to promote is unclear and could be burdensome. I think that we can find better ways of making sure that planning information is readily available to the public through development management regulations and improved online systems.

At stage 2, amendments were agreed to that would allow a planning obligation to be modified or discharged either by formal application or by simple agreement. Amendments 143 to 145 would require that any agreement to modify or discharge a planning obligation needs to involve all those against whom the obligation would be enforceable, that it be made in writing and that it be recorded, because it is binding on future owners of the property.

Amendments 140 to 145 are positive amendments whose aim is to increase fairness and transparency in the planning obligations system. I hope that members will support them.

I move amendment 140.

Alex Cole-Hamilton: I rise to speak against amendment 142, which is in the name of the minister. It would delete part of a change that I secured at stage 2 to do with planning gain obligations and how they are recorded and reported by local authorities, and how they are reported to the local community that will be affected by a developer. Why did I call for that change? We all have examples in our constituencies of developers making generous commitments to planning gain and planning obligations only to renege—for any number of reasons—on them, with very limited consequences.

I have talked many times in the chamber about the example of AMA (Cramond) Ltd, which built

the Brighthouse Park development in Cramond in my constituency. It promised that, after building many luxury homes—some being multimillion-pound homes—it would build a sports pavilion, but it walked away after development of the last property, claiming that it had no funds left to deliver on that commitment to planning gain. Nothing happened to that developer. Very few people in the community know that such a commitment was made. I add that the organisational memory of local authorities is only as good as the councillors, who might not be re-elected.

I want to retain the obligation on developers to inform communities of the expectation around planning gain, so that they can hold developers to account.

The Presiding Officer: Minister—do you wish to add anything?

Kevin Stewart: I have nothing to add.

Amendment 140 agreed to.

Amendment 141 moved—[Kevin Stewart]—and agreed to.

Section 19B—Planning obligations: publication

Amendment 142 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 107, Against 11, Abstentions 0.

Amendment 142 agreed to.

Section 20—Planning obligations: modification or discharge

Amendments 143 to 145 moved—[Kevin Stewart]—and agreed to.

Before section 21

The Presiding Officer: Group 32 is on the promotion and use of mediation et cetera. Amendment 146, in the name of Graham Simpson, is the only amendment in the group.

Graham Simpson: We have already dealt at some length with appeals and why people feel the need for a third-party right of appeal. We have voted on that.

I have looked at the matter and I have enormous sympathy with communities that feel left out of the planning system. We have a system in which applicants for larger developments hold meaningless, poorly advertised and poorly attended so-called community meetings ahead of putting in their applications. They tick a box and, when most people find out what is happening, it is far too late. Rows flare up, people feel let down and steamrollered, and nobody really wins.

That is what has fuelled the demand for equal appeal rights. I thought that there must be a better way, because if someone gets to the stage of an appeal, they are at the end of the line. Surely there has to be a way to avoid all the conflict that appeals introduce. At stage 2, I said that I wanted change at this stage. I have been looking at

mediation and I have had useful chats with Scottish Mediation and others, including Homes for Scotland, which would not automatically be thought of as an enthusiast for this sort of thing. I have said to Homes for Scotland that it needs to think about why people want appeal rights and why they are frustrated.

We really need to address the issue, so I have come up with the idea of mediation. We should see it not as something to be used at the end of the process; it should be part of the process from the beginning. It should be used not once people have fallen out; it should be used to bring people together throughout the process. My amendment would mean that mediation could be used during the preparation of local developments plans, in the pre-application consultation or at the application stage—at pretty much every stage of the planning process.

We need to have a better system, in which everyone is involved in shaping communities to everyone's benefit. I commend mediation as part of that solution.

I move amendment 146.

Alison Johnstone (Lothian) (Green): I believe that Graham Simpson is firmly in favour of equal rights of appeal, but, although I understand why he feels he needs to—as he put it himself—come up with something, this is a feeble response. We need mediation only because the system is confrontational, and part of the reason why the system is confrontational is that it is not equitable. When people know that, at the end of the day, their views will be disregarded, it is hugely frustrating.

I got involved in politics, 30 years ago, trying—and failing—to save a local playing field. That particular developer used to write, naming me, in the local press—I was a private citizen. I am not convinced that mediation would have helped me, the local community councils that campaigned against the development or the folk who were around me. We raised £12,000 to fund a QC to fight our case, and we still lost. With the greatest of respect to Mr Simpson, it was not mediation that we needed, but an equal right of appeal. The amendment is well meaning, but it is not good enough.

Mark McDonald: I listened carefully to the points that Graham Simpson made. When we were talking about third-party rights of appeal—although they fell, I backed those amendments—I was struck by the fact that much of the objection to them was on the basis that they would increase costs and potentially lead to greater complexity and to things taking a greater length of time. Graham Simpson said that we could have mediation when local development plans are being

discussed and when applications are being made. I question how much time, complexity and cost would have to be factored in as a consequence of that.

Beyond that, I am not entirely clear about how a system of mediation would work in a situation in which multiple individuals might be affected and might choose to object, but who would not necessarily do so on a collective basis. Many planning applications are objected to not by organised groups but by individuals, on an individual basis, who might not wish to enter into mediation on a collective basis. I presume that individual mediation would therefore be required, which—again—would be time consuming, complex and potentially costly.

If Graham Simpson can outline how the system of mediation that he proposes would overcome those hurdles, I might consider voting for his amendment. However, at the moment, I do not see how one can argue against third-party right of appeal on the basis of complexity, cost and time, and then propose a system of mediation that entails exactly that, albeit at the front rather than the back end of the process.

Kevin Stewart: I have received correspondence in support of amendment 146 from Scottish Mediation. I also note that the charity Article 12 in Scotland has recommended that mediation should be made available for members of the Gypsy Traveller community, so that they can gain equal access to decision making.

We will look to build upon the policy and guidance that are already in place. We will work with planning authorities, practitioners and others to develop the guidance. I support Mr Simpson's amendment.

Graham Simpson: I will respond to the comments from Alison Johnstone and Mark McDonald, which were useful. However, it was inaccurate for Alison Johnstone to call the amendment "a feeble response".

Neil Findlay: Will Mr Simpson give way?

Graham Simpson: I will not give way.

As I said earlier, to understand what mediation here is, one needs to understand that it would come not at the end of the process; it should be embedded throughout the process. It is not necessarily about solving disputes but about bringing people together to talk. If it was done properly, we could have a much better planning system.

Mark McDonald wants details, but the amendment does not set out the details; it leaves that to regulations. The reason for that is that we need to consult on all this and bring people on

board, so that we have a system that people agree with.

I urge the chamber to back the amendment, because we will end up with a better planning system if we do.

19:00

The Presiding Officer: The question is, that amendment 146 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 110, Against 7, Abstentions 0.

Amendment 146 agreed to.

Section 21—Fees for planning applications etc

The Presiding Officer: Group 33 is on monitoring compliance with conditions. Amendment 147, in the name of the minister, is grouped with amendment 169.

Kevin Stewart: Amendment 147 removes the duplication of an existing power that allows ministers to set the scope and level of fees that authorities can charge for carrying out their functions under the planning acts. In fact, the current legislation has already been used to introduce a charge for monitoring surface coal-mining sites, which demonstrates why a specific provision is not required. The Delegated Powers and Law Reform Committee recommended that the duplication be removed, and I am happy to implement that recommendation.

Amendment 169, in the name of John Finnie, would require planning authorities to include in their enforcement charter a statement of how they will monitor compliance with planning permission regarding major developments in their areas and how they will make the records available to the public. I believe that that is a helpful move, which would increase transparency around the monitoring of conditions on major developments, and I encourage members to support Mr Finnie's amendment.

I move amendment 147.

John Finnie (Highlands and Islands) (Green): I will be brief, as the minister has covered most of this. Amendment 169 concerns major developments and the principle that the polluter pays. For example, in relation to opencast mining in the past, East Ayrshire Council applied this method using section 75 agreements. It involves the public understanding that undertakings made by major developers are monitored.

I thank the minister and his officials for their engagement on the issue.

Amendment 147 agreed to.

After section 23

Amendment 169 moved—[John Finnie]—and agreed to.

The Presiding Officer: Group 34 is on training requirements. Amendment 162, in the name of the minister, is the only amendment in the group.

Kevin Stewart: All planning authorities currently provide their elected members with training, but it

is not mandatory for members to attend and there is limited consistency in what is provided.

The training of elected members was overwhelmingly supported in our consultation, and many stakeholders were surprised that it was not already mandatory. I was disappointed that the committee voted to remove those provisions at stage 2. Ensuring that elected members are equipped to make decisions in a consistent manner is essential to maintaining trust in the planning system.

In seeking to bring back this provision, I have refined my proposal so that it no longer specifies that an examination will form part of the training requirements. I believe that there is agreement among planning stakeholders that the bill should make training a requirement for elected members making planning decisions, and I hope that members will support the reintroduction of the provision.

I move amendment 162.

Alex Rowley: We are happy to support amendment 162 on training for councillors, who have a huge range of responsibilities. Any support that we can offer them is welcome. However, the training must be flexible and it must work around councillors with a range of different backgrounds. It cannot become a barrier to having a range of voices in the planning system.

On a wider note, I believe that all members need to recognise the massive workload that we are expecting councillors to manage. Councillors might be on the planning committee, the education committee and umpteen other committees. The workload is increasingly making such jobs full time. The Parliament needs to look at that issue.

Graham Simpson: A similar amendment was rejected at stage 2 largely because of the requirement for councillors to pass an exam in order to carry out their democratic duty, which I thought was pretty outrageous. The minister has lodged amendment 162, which does not include the requirement for councillors to sit an exam. On that basis, we will support the amendment. The fact is that, in any case, every council offers training to their councillors on planning matters.

The Presiding Officer: Does the minister wish to add anything?

Kevin Stewart: I have nothing more to add.

Amendment 162 agreed to.

The Presiding Officer: Group 35 is on the performance of planning authority functions. Amendment 163, in the name of the minister, is grouped with amendments 183, 165, 166 and 185.

Kevin Stewart: The performance of the planning system is vital. We are reforming planning so that it better serves us all.

Everyone deserves to receive a good service—from householders who want to extend their homes to large-scale developers and communities who want to be assured that their views are being listened to. How planning performs even matters to people who do not engage in the service but who benefit from what planning does for our communities.

I was disappointed that the Local Government and Communities Committee chose to remove the performance provisions at stage 2, which is why I have sought to return them to the bill. Throughout the parliamentary process, I have worked with members and stakeholders to build understanding and seek consensus where we can. I have listened to what people have said and have made a number of changes to the provisions, which now put a much clearer emphasis on supporting the improvement not only of planning authorities but of the system as a whole.

I will outline some of the changes that we have made. Amendment 163 reflects the fact that performance reporting needs to recognise planning's contribution to positive outcomes. Amendment 183 would rebadge the performance co-ordinator as an improvement co-ordinator, and it would widen that role so that the person operated in the capacity of an adviser to all those involved in planning, meaning that everyone could play their part in a fair and effective planning system. We have lightened the provisions in amendment 165 to clarify the supportive nature of any assessment while ensuring that necessary improvements will happen.

We will continue to work closely and constructively with planning authorities and wider stakeholders to develop the framework for how performance should be viewed and how the co-ordinator will support improved performance across the system.

I ask that members support the provisions in their new, improved format and agree to all the amendments in the group.

I move amendment 163.

Andy Wightman: All the provisions in the amendments in the group were in the bill as introduced and were removed by the committee at stage 2. Today, they make their unwelcome return. We like them no more than we did at stage 2, and we will vote against all the amendments.

Amendment 183 was lodged after the Government withdrew amendment 164, which drew the ire of the Convention of Scottish Local Authorities. It is worth noting the letter that COSLA

sent me on 10 June, which sets out the conclusions from the committee's stage 1 report. The report states:

"The Committee sees no need or justification for the Bill's proposals on performance and recommends that section 26 of the Bill be removed. We consider that the Scottish Government should continue to work collaboratively with COSLA."

COSLA said that, since stage 2, it has attempted to work collaboratively with the Scottish Government, but without success.

I am glad that amendment 164, which included language relating to corruption and impropriety, was withdrawn. Nevertheless, we see no case for the amendments in the group being brought back at stage 3.

Alex Rowley: We will not support amendments 163, 165, 166 and 185, but we will support amendment 183. It was a surprise and a disappointment to realise that COSLA was not consulted in the development of the amendments that were lodged by the minister, whose door is open to everybody.

The assessment of planning authorities' performance and annual reporting is in the public interest, so it should be seen as an opportunity to champion the interests of planners, as much as the Government exerts its influence. However, the amendments do not have that effect. They are framed by what feels like the punitive ability of the Government to intervene and direct planning authorities when they have little or no recourse or opportunity to promote their interests. COSLA's view should have been sought regarding how to do that effectively, but it was not.

As it stands, we support the creation of the role of improvement co-ordinator. We believe that, with the right consultation, it could become a role that could work with the planning authorities—not against them—to bring about positive changes in the planning process, which is in the public interest. Possible changes include promoting the role that planners play in public health and equalities, sharing best practice and highlighting issues in the planning system that planners should not be held responsible for, such as delays with section 75 payments and a lack of resources more generally.

I appeal to the minister. I heard what he said about working with COSLA and local authorities. He should have already done so, and, if he wants to get them on board, he needs to commit to listening to them instead of telling planning authorities and COSLA what they should or should not be doing.

Graham Simpson: We have already heard that many—in fact, all—of these amendments were thrown out at stage 2.

There are three elements to the amendments. One, which was covered by amendment 163, is the annual performance report that councils would be asked to produce. In itself, I have no objection to an annual performance report. Councils regularly report on things, and I do not see that as particularly onerous.

We then come to the planning co-ordinator, which is an extremely controversial role that members wanted to throw out. The Government lodged a stage 2 amendment on the planning co-ordinator that really got COSLA's back up. I held a meeting at COSLA's offices with its representatives and other stakeholders after the Government lodged its amendment, and I asked them to tell me what their concerns were about the bill and its amendments. We discussed the matter at length and got to the point where we are now with the Government's new amendment.

I was happy to feed back COSLA's comments to the minister—as we all know, he has an open door. I am glad that he has listened to what COSLA had to say, because he will now have to work with COSLA and others to develop the planning co-ordinator role.

The third element is the power to appoint someone to conduct assessments of planning authorities' performance. That is covered by amendments 165 and 166, which would change the bill little from how it looked when it was introduced. The provisions proposed by the amendments are far too onerous. They would allow someone—an unnamed person—to go into a council and demand to see any papers that they wanted. They propose sweeping powers, and I am disappointed that they remain as amendments. I would rather that the minister does not press amendments 165 and 166, but we will certainly vote against them.

Kevin Stewart: I have listened to a huge number of the comments that have been made and I have made changes along the way.

The issues of performance and how we deal with it were high on the agenda for stakeholders and members of the public when we were consulting. We have an obligation to deal with performance issues, and I hope that members will support all the amendments in the group.

19:15

The Presiding Officer: The question is, that amendment 163 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 87, Against 30, Abstentions 0.

Amendment 163 agreed to.

Amendment 183 moved—[Kevin Stewart].

Amendment 183A moved—[Monica Lennon].

The Presiding Officer: The question is, that amendment 183A be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 87, Abstentions 0.

Amendment 183A disagreed to.

The Presiding Officer: The question is, that amendment 183 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)

McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 106, Against 11, Abstentions 0.

Amendment 183 agreed to.

Amendment 165 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 165 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 57, Against 60, Abstentions 0.

Amendment 165 disagreed to.

Amendment 166 moved—[Kevin Stewart].

The Presiding Officer: The question is, that amendment 166 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)

Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)

Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 58, Against 59, Abstentions 0.

Amendment 166 disagreed to.

Section 26C—Chief planning officers

The Presiding Officer: We move to group 36. Amendment 170, in the name of Alexander Stewart, is the only amendment in the group.

Alexander Stewart (Mid Scotland and Fife) (Con): The role of chief planning officer is a new one that the bill creates, and it was introduced by way of amendment at stage 2. Section 26C(2) sets out the role in broad terms. It is appropriate for the detail of the role to vary between planning authorities, given that one size might not fit all.

The planning authority's role in the running of its affairs is to be respected. However, it is important to recognise that the planning system is Scotland-wide, so there is merit in a degree of consistency across authorities in their approach to planning matters.

It is therefore appropriate that the Scottish ministers be required to issue guidance on the role of the chief planning officer. That will ensure that

there is some consistency across planning authorities, including on the responsibilities and functions of chief planning officers.

Such guidance might help authorities as they frame the new role for their organisations. Providing for the issuing of guidance is a more flexible approach than setting out aspects of the role in detail in the bill. Guidance can cater for a range of circumstances and can more easily be revised than primary legislation, if it needs to be updated to reflect the changing environment. I ask members to support amendment 170.

I move amendment 170.

Kevin Stewart: I am happy to support amendment 170 on the role of the chief planning officer. Scotland is leading the way by creating this statutory post and I have no objection to ministers being required to produce guidance on the role. Of course, we would do so in close collaboration with the profession, Heads of Planning Scotland and COSLA.

The Presiding Officer: The question is, that amendment 170 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 91, Against 26, Abstentions 0.

Amendment 170 agreed to.

Section 26D—National Scenic Areas

Amendment 11 moved—[Rhoda Grant].

The Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 88, Against 29, Abstentions 0.

Amendment 11 agreed to.

Amendment 206 moved—[Rhoda Grant].

The Presiding Officer: The question is, that amendment 206 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)

Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caitness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Johnstone, Alison (Lothian) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 110, Against 6, Abstentions 0.

Amendment 206 agreed to.

Section 26E—Notice by planning authority of applications for listed building consent

The Presiding Officer: Group 37 will almost certainly be the last group of the day. Amendment 148, in the name of the minister, is the only amendment in the group.

Kevin Stewart: Section 9 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 was amended at stage 2 by an amendment from Gordon Lindhurst that would require planning authorities to notify neighbours of applications for listed building consent in certain circumstances. It would also require that notification for listed building consent applications should be given to the same people in the same way as for planning applications. It is not clear that those two requirements will always be compatible, nor that such a requirement is necessarily appropriate. Listed building consent has a different purpose and deals with different types of work from planning consent. In particular, listed building consent is often required for internal works that have no impact on neighbours. Planning authorities have also raised concerns about the possible impact of the requirement; no fee is charged for listed building consent so, at present, there is no income to cover additional notifications.

However, I am happy to consider whether there are gaps in notification for listed building consent that we should fill—for example, for internal works to shared buildings. Amendment 148 removes the specific requirements and instead puts in place provisions so that the powers to make regulations about applications for listed building consent match those for planning.

When we review the development management regulations after the passage of the bill, we will consider and consult on whether any changes also need to be made to the regulations under the 1997 act. That will allow us to ensure that the requirements are appropriate for each regime.

I move amendment 148.

Amendment 148 agreed to.

After section 26E

Amendment 212 moved—[Alex Rowley].

The Presiding Officer: The question is, that amendment 212 be agreed to. Are we agreed?

Members: No

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Marra, Jenny (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McDonald, Mark (Aberdeen Donside) (Ind)
McNeill, Pauline (Glasgow) (Lab)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Rumbles, Mike (North East Scotland) (LD)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Smith, Elaine (Central Scotland) (Lab)
Smyth, Colin (South Scotland) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Campbell, Aileen (Clydesdale) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Peter (North East Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Corry, Maurice (West Scotland) (Con)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 87, Abstentions 0.

Amendment 212 disagreed to.

Business Motions

19:29

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-17816, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 25 June 2019

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: An Update on Scotland's Education Reforms

followed by Stage 3 Proceedings: Management of Offenders (Scotland) Bill

followed by Election to the Scottish Parliamentary Corporate Body

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 26 June 2019

1.30 pm Parliamentary Bureau Motions

1.30 pm Portfolio Questions:
 Communities and Local Government;
 Social Security and Older People;
 Finance, Economy and Fair Work

followed by Ministerial Statement: Progress on Establishing the Citizens' Assembly of Scotland, Scotland's Constitutional Future

followed by Ministerial Statement: Tackling Child Poverty Delivery Plan, First Year Progress Report

followed by Scottish Government Debate: Working Group on Tenement Maintenance

followed by Ministerial Statement: Transvaginal Mesh Update

followed by Appointments to the Poverty and Inequality Commission

followed by Business Motions

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

followed by Members' Business

Thursday 27 June 2019

11.40 am Parliamentary Bureau Motions

11.40 am General Questions
 12.00 pm First Minister's Questions
 12.45 pm Decision Time
 Tuesday 3 September 2019
 2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 4 September 2019
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Transport, Infrastructure and
 Connectivity
followed by Scottish Government Debate
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Thursday 5 September 2019
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Transport, Infrastructure and
 Connectivity
followed by Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, in relation to any debate on a business motion setting out a business programme taken on Wednesday 26 June 2019, the second sentence of rule 8.11.3 is suspended and replaced with "Any Member may speak on the motion at the discretion of the Presiding Officer";

(c) that, in relation to First Minister's Questions on Thursday 27 June 2019, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister"; and

(d) that, for the purposes of Portfolio Questions in the week beginning 24 June 2019, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motions S5M-17818 and S5M-17819, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the stage 1 timetable for two bills.

Motions moved,

That the Parliament agrees that consideration of the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill at stage 1 be completed by 20 December 2019.

That the Parliament agrees that consideration of the Referendums (Scotland) Bill at stage 1 be completed by 8 November 2019.—[*Graeme Dey*]

Motions agreed to.

Parliamentary Bureau Motion

19:30

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-17817, in the name of Graeme Dey, on a committee meeting at the same time as the Parliament. I ask Graeme Dey to move the motion.

Motion moved,

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Public Petitions Committee can meet, if necessary, at the same time as a meeting of the Parliament from 11.40am to 11.55am on Thursday 27 June 2019.—[*Graeme Dey*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

19:30

The Presiding Officer: There is one question to consider. The question is, that motion S5M-17817, in the name of Graeme Dey, on a committee meeting at the same time as the Parliament, be agreed to.

Motion agreed to.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Public Petitions Committee can meet, if necessary, at the same time as a meeting of the Parliament from 11.40am to 11.55am on Thursday 27 June 2019.

Point of Order

19:30

James Dornan (Glasgow Cathcart) (SNP): On a point of order, Presiding Officer. Can you give me some guidance on how a member would correct inaccuracies that they made in their contributions? Earlier today, Monica Lennon made it clear that she believed that the minister spoke only to people he wanted to speak to or who agreed with his position. I became convener of the Local Government and Communities Committee at the start of stage 2 of the Planning (Scotland) Bill, and there is not a member of that committee who, if they were speaking honestly, would not say that, at every meeting that the minister attended—he was there almost every week—he made it clear that he would speak to anybody about any issue regarding the bill. I think that the aspersions on his reputation that were cast today should be corrected by Monica Lennon.

The Presiding Officer (Ken Macintosh): I thank the member for his point of order, which was similar to the one that was raised by Rachael Hamilton earlier. There is a corrections procedure, either through the *Official Report* or through the member making a statement. It is up to the member concerned to decide whether their statement needs to be corrected.

I thank the member for giving me advance notice of his point of order.

Children and Young People (Health-harming Products)

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-15977, in the name of Kenneth Gibson, on protecting children and young people from the marketing of health-harming products. The debate will be concluded without any question being put.

Because we are continuing stage 3 of the Planning (Scotland) Bill tomorrow, the clocks are not being reset. I will try to be as accurate as possible in telling you when your time is up. I ask everyone to have due regard to that—especially certain people.

Motion debated,

That the Parliament recognises the significant role that marketing plays in driving consumption of health-harming products, as discussed at the meeting of the Cross Party Group on Improving Scotland's Health: 2021 and Beyond on 20 February 2019; notes the evidence presented by Dr Nathan Critchlow from the Institute of Social Marketing at the University of Stirling on how young people in the UK recall examples of alcohol marketing and can identify alcohol brands, and that exposure to alcohol marketing is associated with increased consumption, higher-risk drinking, susceptibility to drink, and brand knowledge among young people; acknowledges the stance taken by Scottish Women's Football against alcohol sponsorship as part of its aspiration to be a "clean sport", as outlined by its Chair, Vivienne MacLaren; notes the unanimous agreement of those represented at the meeting that alcohol marketing has no place in childhood and that all children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship, and welcomes the commitment within the Scottish Government's Alcohol Framework to consult and engage on a range of potential measures to protect children and young people from alcohol marketing in Cunninghame North and across Scotland.

19:33

Kenneth Gibson (Cunninghame North) (SNP): I warmly thank colleagues who signed my motion and facilitated this debate on what I believe to be an important public health issue. Even more, I thank those intrepid souls who have stayed behind to hear the opening speech, and those who are participating in the debate—it has been a long day for us all.

I thank members of the cross-party group on improving Scotland's health: 2021 and beyond, of which I am co-convener. Many of the members are active campaigners against the irresponsible marketing of health-harming products. Specifically, I am grateful to Alcohol Focus Scotland and the Advertising Standards Agency for their briefings.

It is undeniable that marketing drives the consumption of health-harming products, including alcohol. On average, every week, there are 22

alcohol-specific deaths in Scotland and 683 hospital admissions. Those are not just statistics, they are people, families, and communities that are deeply affected by alcohol harm.

The first United Kingdom-wide study that examined awareness of alcohol marketing and ownership of alcohol-branded merchandise in young people was co-ordinated by researchers from the institute of social marketing at the University of Stirling and Cancer Research UK. It found that young people, above and below the legal purchasing age, are conscious of alcohol marketing and that almost one in five owns alcohol branded merchandise. At least half of 11 to 19-year-olds who were surveyed saw the equivalent of one alcohol advert every day, while a third of under-18s saw two a day. On the whole, young people easily recalled around a third of the alcohol brands in the survey.

Those findings are supported by a study that was conducted in 2015 by Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise, which found that 10 and 11-year-olds were more familiar with certain beers than with leading brands of biscuits, crisps and ice cream.

Of course, awareness is not an issue in itself, but when Dr Nathan Critchlow presented the UK-wide survey to the cross-party group on Scotland's health, he emphasised results that demonstrated that, in current drinkers, alcohol marketing awareness was associated with increased consumption and greater likelihood of higher-risk consumption. Dr Critchlow's assertion is consistent with international research that shows that children find alcohol marketing messages appealing and that that influences their perception of alcohol. We must all be cognisant that alcohol marketing reduces the age at which young people start drinking, increases the likelihood that they will drink and, if they already drink, the amount of alcohol that they consume.

Alcohol marketing is particularly prominent in the sports sector. Alcohol brands are high-profile sponsors of major sporting events that are viewed by millions of adults and children alike.

Scottish Women's Football is setting a sterling example in that regard, by taking a strong stance against alcohol sponsorship, as part of its aspiration to represent a clean sport. As SWF chair Vivienne MacLaren put it:

"Accepting alcohol and gambling sponsorship would be incompatible with our role in promoting healthy lifestyles amongst girls and women and supporting them to make positive choices."

Alcohol and gambling industry sponsorship represents major funding sources for grass-roots sport, and it is a bold and admirable step to reject

outright such financial backing. I hope to see more sporting bodies and teams follow the lead of SWF and reject alcohol marketing.

At the February meeting of the CPG on Scotland's health, attendees unanimously agreed that alcohol marketing has no place in childhood. I whole-heartedly believe that all children should have the opportunity to play, learn and grow in spaces that are healthy, safe and free from exposure to alcohol advertising and sponsorship.

Television advertising remains one of the biggest sources of exposure to alcohol imagery, and commercial adverts for alcohol continue to air before the 9pm watershed. Later this year, the Advertising Standards Authority will publish research on children's exposure to alcohol product ads on TV. However, according to the ASA's research, in 2017, children's exposure to alcohol ads, relative to that of adults, was 22 per cent. That figure is too high.

As colleagues know, powers over broadcast advertising are reserved to the UK Government. Therefore, I welcome the Scottish Government's assurances that it continues to urge its UK counterparts either to protect children and young people from exposure to alcohol marketing on television before 9pm and in cinemas, or devolve the powers so that we can make that decision in Scotland.

Of course, we have powers to regulate other marketing channels, including public spaces, alongside digital and online routes. That is why I welcome the commitment within the Scottish Government's "Alcohol Framework 2018: Preventing Harm" to "consult and engage" on measures

"to protect children and young people".

Restricting alcohol advertising is one of the World Health Organisation's three "best buys", or most cost-effective methods of reducing alcohol consumption and related harm across a population. Those restrictions ensure that vulnerable groups, such as children and young people, and those who are recovering from alcohol dependence, are specifically protected from the impact of alcohol marketing. I trust that that is something that the Scottish Government will consider carefully in its next steps on changing Scotland's relationship with alcohol.

We can learn lessons from our Irish neighbours, who, last year, signed into law the Public Health (Alcohol) Act 2018. That world-leading legislation prohibits the advertising of an alcohol product in or on a sports area during a sports event. It also introduces a broadcast watershed ban on TV alcohol advertising from 3 am to 9 pm and, for alcohol advertising on radio programmes, from midnight to 10 am and 3 pm to midnight. Another

key tenet of the new law is the introduction of a structural separation of alcohol from other products in retail outlets, as happens in many other countries. Over the next three years, I will watch the act's implementation, with a view to pushing for evidence-led best practice in Scotland.

Looking more broadly at alcohol marketing, I note the calls from a number of organisations to end self-regulation in the alcohol industry, particularly a report published last year by Alcohol Concern and Alcohol Research UK entitled "Fit For Purpose? An analysis of the role of the Portman Group in alcohol industry self-regulation".

The Portman Group is one of the key regulators of alcohol industry marketing and promotion in the UK, with a code of practice that applies to the naming, packaging, marketing and promotional activity of UK alcohol products. According to the group's website, it is currently funded by eight member companies, one of which accounts for more than half of the UK alcohol market.

One shortcoming of the group's self-regulatory approach is its position that a drink may appeal to children if it "resonates with under-18s in a way that it does not with over-18s". That narrow definition precludes taking action on drinks that appeal to the full range of consumers, including under-18s, and places the focus of enforcement on drinks with a superficial appeal to young children—who are likely to be less interested in alcohol—as distinct from adolescents.

The Portman Group and other regulatory bodies must move beyond the false assumption that underage drinkers are only attracted to childish imagery and accept that appealing to the youth market inevitably captures adolescents. Other criticisms of the self-regulatory approach include overly subjective decision making despite the wide body of evidence available regarding purchasing and drinking behaviours, such as the comprehensive research by Dr Critchlow that has already been described.

I trust that the Scottish Government will consider the shortcomings of self-regulation in its consultation on measures to protect children and young people from alcohol marketing and will work with UK counterparts to strengthen regulation where powers are reserved. The marketing of health-harming products is an issue that involves organisations ranging from the Scottish and UK Governments to regulators such as the ASA, Ofcom and the Portman Group, to alcohol brands, advertising agencies, sporting bodies, cultural event organisers and more.

One body alone cannot manage the multichannel reality of modern marketing practices. Ensuring that our children grow up in spaces free of alcohol-related marketing requires

a carefully co-ordinated approach. Yet, just because something is challenging does not mean that we should not pursue it. Just this week, we heard that alcohol sales in Scotland have fallen to their lowest level in 25 years, and data from NHS Scotland showed that alcohol consumption dropped 3 per cent from 2017 to 2018, demonstrating the positive impact of minimum unit pricing. Progressive action works.

Let us build on the momentum from the 2018 alcohol framework, its commitments and the assertive rejection of health-harming sponsorship by Scottish Women's Football to foster an environment in which children are free from the known harms of irresponsible alcohol marketing.

The Deputy Presiding Officer: We move to the open debate, with speeches of around four minutes, please. Alison Harris will be followed by Emma Harper.

19:42

Alison Harris (Central Scotland) (Con): Thank you, Deputy Presiding Officer.

As my party's spokesperson for children and young people, I am always pleased to speak on any issue that relates to the wellbeing of Scotland's young people. I welcome this members' business debate, which gives us the opportunity to consider measures that we can take to protect children from harmful products. I thank the cross-party group on improving Scotland's health for the work that it has done on the topic, and I thank Kenny Gibson for bringing the issue to the chamber.

As we all know, marketing is one of the most powerful of the tools that are used to persuade us to make purchases and buy goods. It affects trends and it influences buying patterns. When we walk through the front door of a supermarket or any other shop, the visual tool of marketing is all around us.

Children are particularly drawn to marketing. Experts have pointed out that children and young people often accept unconditionally, and without questioning it, the information that is presented in adverts. However, parents do not need statistics for them to realise the significance of advertising in children's lives. We know that, on television, brands and commercial messages of all sorts are a large part of our children's lives from a very early age, and we know that, as children mature, they experience intense marketing along the way. The average eight to 13-year-old child watches about three and a half hours of internet or television a day, and it is estimated that those same children make approximately 3,000 requests each year for products and services that they have seen on TV or online.

Research clearly indicates that alcohol advertising and marketing have a significant impact on youth decisions on whether to drink: advertising plays a huge role in that. That, in turn, can be seen to contribute greatly to creating an environment that promotes underage drinking. I read somewhere not so long ago about a study of young people who were asked to respond to alcohol advertising. The study found that underage youths are drawn to music and to animal and people characters, and to the humour in alcohol advertising. The same study found that ads that were liked by youths were more likely to elicit from them the response that they wanted to purchase the brand and products that were being advertised.

Digital marketing has advanced beyond TV adverts. Popular social media stars put out posts here and there, telling their followers what a great time they have had while using certain products. Although adults are, perhaps, minded to be cynical about their motives for doing so, some young people take such posts at face value. That is a worrying thought, considering the frequency with which alcohol and tobacco appear in them.

The link between advertising and youth trends is therefore evident, and the ways in which young people see marketing are evolving, which presents new challenges in protecting them from harmful products such as alcohol.

Alcohol knows no social bounds—it can affect anyone in society—and that can have a knock-on effect on children. Regulation on its marketing should keep up with technology, but I firmly believe that we need to take a balanced approach: we need to educate children that they have to respect alcohol. It is also possible that we need a culture change, because I am not convinced that just banning alcohol from children's sight until they turn 18 is the way to go. I agree that alcohol marketing has no place in childhood, but let us remain open to combining that approach with a strong foundation that is based on education of children from an early age.

The Deputy Presiding Officer: I call Monica Lennon. Oh. I am sorry. I forgot about Emma Harper. How could I? I call Emma Harper, to be followed by Monica Lennon.

19:46

Emma Harper (South Scotland) (SNP): Thank you, Deputy Presiding Officer. I congratulate Kenneth Gibson on securing this important debate, and on his excellent and detailed opening speech. The debate gives all of us, across the chamber, the opportunity to discuss both the progress that has been made in protecting our young people from exposure to marketing of

health-harming products, and the further steps that must be taken as we move forward. I thank Alcohol Focus Scotland, ASH Scotland and Obesity Action Scotland, which provided members with a joint briefing ahead of the debate.

As I am a former nurse and the current deputy convener of the Parliament's Health and Sport Committee, promoting better health for the people of Scotland is of great personal and professional interest and importance to me. Every person who loses their life, or who has an adverse health experience, due to inequality or to overexposure to substances that are known to have harmful impacts on health is one too many.

Research from the World Health Organization, Action on Obesity, the British Heart Foundation and others has conclusively shown that the more that young people are exposed to harmful health substances including alcohol, tobacco and even energy drinks, the more likely they are—in later life as well as in their younger years—to use such products and, consequently, to develop a range of health conditions that might have profound effects on their health and day-to-day lives. That leads to our healthcare services incurring significant costs, which should emphasise the need for us to take pre-emptive action to address the issue.

I am proud that Scotland is already leading the way in the UK on promoting better health for our people. Policies that were introduced by the current and previous Scottish Governments include banning tobacco advertising in 2002; banning smoking in enclosed public spaces in 2006; raising the age for being able to buy tobacco from 16 to 18 in 2007; making prisons smoke-free in 2018; introducing rules on the supply and sale of vapour products in 2017; and introducing the Alcohol etc (Scotland) Act 2010, which placed a legal ban on offering multibuy discounts such as three for two offers and 25 per cent discounts for buying six. The Alcohol (Minimum Pricing) (Scotland) Act 2012, which Kenneth Gibson mentioned, has paved the way for the introduction of revised pricing that is already benefiting Scotland's people.

Presiding Officer, that is a braw list, indeed. All those policies have the aim of stopping children's and young people's overexposure to alcohol and other harmful substances. However, we still have progress to make. Despite all the welcome steps that I have just outlined, alcohol and high-fat food brands, in particular, are still highly visible in our everyday lives. Whether we see them through adverts on TV, at the cinema, on billboards or online, in magazines and newspapers, at shops, pubs or through sponsorship of music events, it is hard for us to avoid them, and they do not discriminate in terms of the gender or age of the people who see them.

Every year, the alcohol and fatty-food and sugary-food industries spend hundreds of millions of pounds on marketing their products. Companies that promote alcohol and unhealthy food might claim to advertise only to adults, but we know that the existing advertising codes are not adequate to protect our children properly.

In the absence of the ability to change broadcasting laws, I encourage the Scottish Government—I am sure that it is doing this—to consider seriously the asks and recommendations from Alcohol Focus Scotland. Some of the key asks that I think merit further exploration include

“Prohibition of outdoor alcohol advertising and advertising in public spaces ... Alcohol advertising restricted to factual information in adult press”

and

“Cinema alcohol advertising only for 18 certificate films”.

I ask the minister to continue to do all that she can to put pressure on the UK Government to bring about a reform of advertising regulations in order to protect our children, young people and vulnerable adults better from harmful substances.

I welcome the debate and again thank Kenneth Gibson for lodging his motion. I look forward to hearing the minister’s response.

19:50

Monica Lennon (Central Scotland) (Lab): I congratulate Kenneth Gibson on securing this important debate. We say that customarily, but I genuinely believe that this is a very important topic. I was glad to be at the cross-party group when it was discussed—that was a really good meeting. In particular, I note that what the Scotland women’s national football team is doing is very principled and it sends out a really positive message.

I will keep my remarks mostly on the alcohol aspect. Colleagues will be aware that I talk about that a lot, but a lot of positive work is happening in the Scottish Parliament, with the Scottish Government and with cross-party support, to change Scotland’s relationship with alcohol. We have seen some positive signs just today, with the information from the monitoring and evaluating Scotland’s alcohol strategy programme. The fact that alcohol sales have reduced is encouraging, and we hope that it is a signal that minimum unit pricing is already having an effect.

We know that the number of alcohol-related deaths in Scotland is higher than the numbers in other parts of the UK. I do not think that any member of this Parliament is complacent about that.

There is a lot of support for action, with 70 MSPs and 37 organisations having signed up to the following pledge:

“I believe that alcohol marketing has no place in childhood. All children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship.”

We are in a really good place to work towards that.

I pay tribute to a former colleague from the Labour benches, Dr Richard Simpson, who did a lot of work on the subject in the previous session of Parliament and continues to advocate on it. He will sometimes tweet me or even direct message me to keep me on the right track or suggest things that I might want to ask the Scottish Parliament information centre or ministers about. We are lucky that there are passionate members of the Scottish Parliament who want to continue to make progress.

If I may, I will plug an event that I will be hosting in Parliament on Thursday 19 September at 1 pm. I am sure that many of the members who are in the chamber this evening will attend. I and the Minister for Public Health, Sport and Wellbeing, Joe FitzPatrick, will be welcoming to the Parliament some young people from the Children’s Parliament who are investigators. They have been speaking to their peers across schools in Edinburgh about the impact that alcohol has on them and the fact that, when they get up in the morning, when they walk to school, when they walk through parks and when they are at the cinema, alcohol is everywhere.

I end by paying tribute to some of the charities that pick up the pieces when children are affected by alcohol in harmful ways, whether that is through what we sometimes think of as experimental underage drinking or through their families. I pay tribute to Blameless, which is a charity that is based at the Hamilton Accies football stadium. If the minister has not been able to get along to visit it so far, I am sure that it will warmly welcome her. In fact, its doors are open to anyone. It is difficult for children who are affected by alcohol harm to get support. There used to be groups such as Alateen, but it is not really accessible to young people any more.

The fact that we are having this debate and that there are the forums is really important, but I hope that we will keep doing everything that we can in Scotland to raise the bar and make sure that all our children and young people are protected from health-harming products.

19:54

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am grateful to my colleague Kenneth Gibson for bringing this important debate to the

chamber. Children and young people are incredibly receptive to marketing messages, whether they are direct or subliminal. We all remember what it was like when we reached a certain age and we tried to be a grown-up. At that stage drinking alcohol, smoking cigarettes and using any product that adults used seemed attractive and cool.

The reality is that, as the helpful briefing from Alcohol Focus Scotland tells us, drinking during adolescence poses risks to long-term health and wellbeing by affecting important brain developmental processes, and by establishing drinking patterns that can continue into adulthood. Alcohol consumption during adolescence might also have a heightened effect on mental wellbeing. For example, it can be associated with a higher risk of self-harm and suicide attempts.

The fact is that adolescents are more susceptible to the intoxicating effects of alcohol because of their physical immaturity and lower tolerance levels. Moreover, we all know that the effects of alcohol can result in antisocial behaviour, which can blight communities.

As Monica Lennon said, MSPs, the children's commissioner and many third sector organisations, including Children in Scotland, Children 1st and Barnardo's, have all supported the pledge that says:

"I believe that alcohol marketing has no place in childhood. All children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship."

However, despite ever-more stringent advertising restrictions, young people are exposed to the marketing of alcohol, through the broadcast media, the internet and sports sponsorship. I applaud Scottish Women's Football for having a fantastic team and taking us into the world cup tournament—I wish the team the best of luck in its match against Argentina tonight—and for refusing to accept alcohol-related sponsorship. That is truly a progressive and sensible approach that I would dearly like men's football authorities to take on board.

The Scottish Government can lead the way in transforming this damaging culture. The commitment in the Scottish Government's alcohol prevention framework to consult on measures to restrict alcohol marketing to protect children and young people is hugely positive, as was our minimum pricing initiative that was introduced last year.

Alcohol Focus Scotland is working with the Children's Parliament to explore children's thoughts and feelings about alcohol and how it impacts on their lives. The findings will be reported later this year. Children and young people must

have a say in any initiative that promotes their health and wellbeing.

Of course, we know that it is not just alcohol marketing that poses a danger to young people but the marketing of junk food, high in fats and sugar, body-enhancing products such as slimming pills, influential video games and much more, all of which are designed to target a young demographic that is likely to be influenced. Successful marketing relies on targeting the audience by finding out which products have most appeal to a certain demographic.

I am pleased that the advertising authorities are now more responsible and aware in promoting products that appeal to young people. We have made some strides in that area, and I hope that progress continues.

I conclude with a final plea to retailers to do more to keep harmful products away from our young people—our future generations.

19:58

Brian Whittle (South Scotland) (Con): I congratulate Kenneth Gibson on securing time for the debate. I know that we are here late in the day but I, for one, am grateful to have the opportunity to speak on something that, like Kenneth Gibson, I am very passionate about.

We are talking about a background of an exponential explosion in ever more sophisticated marketing tactics and access to products that are eminently harmful to our children and young people. The motion focuses on alcohol consumption, but we could quite easily speak about excess consumption of high-sugar food and drink products, high levels of caffeine in drinks, fast food, processed food or even the over-consumption of video games and social media—controversial.

However, as we are focusing on alcohol, we should applaud Scottish Women's Football for its stance against alcohol advertising. The argument against is, of course, that it would be difficult to replace revenue in the associated sports. However, Kenneth Gibson, like me, is of the era in which the likes of motorsport and snooker were heavily sponsored by tobacco companies—I remember the famous JPS Lotus team, for example. Exactly the same arguments were made back then when legislation banned that kind of advertising. However, as we know, the sky has not fallen in on those sports and they have gone from strength to strength. In fact, Formula 1 is one of the world's most cash-rich sports these days.

Sport is entirely the wrong environment in which to promote such products, because their consumption has exactly the opposite effect to the

positive effect that sport can bring. Perhaps the stance that the Scottish Women's Football team has taken will show the way for other sports when they consider that kind of sponsorship.

In our drive to tackle the many impacts of the consumption of health-harming products, we must acknowledge that there are many factors that this Parliament could affect. For example, we know that premises where alcohol can be purchased are disproportionately prolific in the most deprived areas—some 40 per cent higher, in some cases—so how this place, and local authorities, agree licensing of those premises gives politicians the ability to influence access to brands and their associated marketing.

Furthermore, we need to look at the exposure of children and young people to alcohol in the home environment. I met Alcohol Scotland a couple of weeks ago and was told about what the children of parents who have alcohol issues said when asked what they would want. Their most frequent reply was that they wished that their parents would abstain from drinking until the children had gone to bed. That answer should raise so many flags with us. Those children are basically looking for the parental attention that most take for granted; they are losing out on opportunities to have access to activities, indoors and out, in a family and community environment. Those behaviours are learned, so we need to consider how we can break that destructive cycle.

Monica Lennon: Just to put some figures on those points, it is estimated that about 51,000 children and young people live in households where alcohol harm is an issue. We are not talking about a few children; they could fill Hampden stadium. Does Brian Whittle agree that an area of Government focus should be how to support those young people and reduce stigma, so that they can get help?

Brian Whittle: I do agree with that point, and I am going to speak about some of the ways in which we can tackle the issue. When we speak about poverty and food poverty, parental alcohol or drug abuse has an impact, so it is very important that we deal with it.

My final point is about the other side of the debate: how we can encourage better choices and behaviours. Limiting the marketing of health-harming products to our children and young people is, of course, commendable. However, are we doing all that we can to market and promote health-enhancing behaviours? I suggest that there is a lot more that we can do to make such opportunities more accessible and affordable, irrespective of background or personal circumstances. In adopting that approach, this Parliament could really grasp the preventative health agenda and develop policies that catch our

poor health outcomes further upstream, offering not only a better budget spend but, more importantly, far better long-term health outcomes.

How we help to build and support our communities is extremely important in that challenge. Supporting our third sector will be key; giving communities the opportunities to play and to take part in sports, physical activities, art, drama and music will have a significant impact in tackling the issues that we are discussing.

There is much more that I would love to say on this important debate. I again thank Kenny Gibson for giving us the opportunity.

20:03

The Minister for Mental Health (Clare Haughey): I am pleased to close for the Government this evening. I commend Kenneth Gibson for lodging the motion and highlighting the importance of protecting our young people from alcohol advertising. I also add my thanks to the cross-party group for its important work.

I will set out the distinct challenges that we face in Scotland. Since the 1980s, we have seen substantially increased alcohol consumption and, consequently, high levels of alcohol-related harm. On average, every adult in Scotland drinks around one third more than the lower-risk guidelines of 14 units per week.

That has a range of serious consequences. There are, on average, 22 alcohol-specific deaths every week in Scotland and 683 hospital admissions. Behind every one of those statistics is a person, a family and a community.

That was the motivation behind our 2009 alcohol framework, which has been successful in taking steps towards a healthier relationship with alcohol. We have banned irresponsible promotions of alcohol, lowered the drink-drive limit and implemented our national alcohol brief intervention programme.

We have taken significant steps over the past decade. Our refreshed alcohol framework, which was published last year, builds on a decade of progress and sets out 20 further actions to prevent harm. Our approach is rooted in the best international evidence. At the heart of our new framework are the World Health Organization recommendations to tackle the affordability, availability and attractiveness of alcohol.

We have taken bold action on affordability—I am proud to serve in the Government that implemented our world-leading minimum unit pricing policy last May.

As members may know, the annual monitoring and evaluating Scotland's alcohol strategy

monitoring report was published today. That includes alcohol sales data for 2018, with eight months of post-minimum unit pricing sales. The volume of pure alcohol sold per adult in Scotland fell by about 3 per cent from 2017 to 2018 to its lowest level for 25 years. Those are very promising signs.

Brian Whittle: Are we able to look behind those average figures to see what impact minimum unit pricing has had on deprivation?

Clare Haughey: I am not clear on whether we are able to do that. Having heard the chief medical officer talk about the issue this morning, I understand that the report includes the very first figures on minimum unit pricing, and we will certainly have to compare data year on year.

I am pretty sure that more figures are coming out in September. If that is incorrect—the member will be aware that I am covering for the Minister for Public Health, Sport and Wellbeing—I will let the member know.

I turn to the attractiveness of alcohol. Like other members, I am shocked by the sheer volume of alcohol marketing that children experience. The University of Stirling survey that is referenced in the motion found that half of the young people surveyed had seen at least 32 instances of alcohol marketing in a month, which is at least one a day. That is simply too high.

It is clear that the current self-regulatory system for advertising is not providing adequate protection. Many of our European neighbours already have a stronger approach, and Ireland will introduce mandatory restrictions from November.

Our new alcohol framework contains two significant actions on alcohol marketing: to press the UK Government to restrict television and cinema advertising of alcohol; and to consult on a range of measures, including mandatory restrictions on alcohol marketing that are within our devolved powers.

We know that children still spend large amounts of time watching television, on which alcohol adverts are aired prior to 9 pm. Regrettably, powers over TV advertising are outwith the control of this Parliament. If Westminster remains unwilling to act, we will press for the relevant powers to be devolved. However, we can take action on other forms of advertising that are within our devolved powers.

When children and young people travel around their local areas, they are exposed to alcohol adverts on billboards, bus shelters and digital screens. The University of Stirling research demonstrates that a quarter of young people see alcohol billboards weekly.

We also recognise that the marketing landscape has changed substantially, with the increasing prevalence of the internet and social media usage. Digital marketing often utilises new, more interactive methods. Our young people are particularly exposed, as they spend more time online and are more likely to be active on social media.

Young people grow up in a digital world and face a new set of pressures. I have seen the effects that that can have in my own portfolio. We know that social media can have negative impacts on young people's emotional wellbeing and that there are connections to other things such as body image and disrupted sleep.

I recently announced that we will co-produce advice on what healthy social media use looks like. It will be created by children and young people for children and young people. We are providing £90,000-worth of funding to make that happen. I am delighted that the successful applicants were the Scottish Youth Parliament and the Children's Parliament.

In developing our proposals on alcohol marketing restrictions, we are similarly committed to co-designing with children and young people. Policy to protect young people should be developed with them, not imposed on them.

Turning to alcohol sponsorship of events, I join other members in applauding Scottish Women's Football as an exemplar for pledging not to accept alcohol sponsorship.

Marketing is a diverse area, with many views and impacts to consider, and we will engage with all interested stakeholders and take their views into account.

I am very encouraged by the consensus in the chamber this evening on protecting our children and young people from alcohol advertising. I know that all the party leaders have signed Alcohol Focus Scotland's pledge for an alcohol-free childhood. The Minister for Public Health, Sport and Wellbeing will welcome further discussions with members as our proposals are being developed.

Meeting closed at 20:09.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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