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Thursday 26 January 2017

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Scottish Parliament

Thursday 26 January 2017

[The Presiding Officer opened the meeting at 11:40]

General Question Time

Access to Banking

1. Gordon Lindhurst (Lothian) (Con): To ask the Scottish Government what action it can take to ensure that communities and town centres provide at least a basic level of banking access for older and disabled customers and small businesses. (S5O-00599)

The Minister for Business, Innovation and Energy (Paul Wheelhouse): The regulation of banking remains reserved to Westminster and the Scottish Government cannot compel banks to maintain a branch presence where they have taken the commercial decision to close.

The Scottish Government appreciates that the banks must make savings and efficiencies in delivering services to customers in a modern and changing world, but clearly there is a continuing need—or a strong preference—for face-to-face provision of banking for some. Digital access will not be available to—or, indeed, suitable for—everyone, and many customers prefer direct contact for the provision of key financial advice.

Hence, although we recognise that declining branch activity may be a driver for banks today, we urge banks to see branch closures as a last resort and, before closing a branch, to consider consultation with local stakeholders and communities to explore all practical options.

Gordon Lindhurst: I thank the minister for that answer. The 2013 Scottish Government report, “Sustainable, Responsible Banking: a strategy for Scotland”, recognised the future importance of accessible community banking. It said that the Scottish Government would

“explore the potential for promoting further community banking options in Scotland.”

The 2016 Scottish National Party manifesto also made a commitment to encourage and support other providers of services in the banking sector. My understanding from the minister’s recent letter to me was that he remains committed to that; he mentioned in particular credit unions and post offices. Will he and the Government therefore commit to working with local community groups, such as those in Juniper Green in Edinburgh, in order to explore options and viable alternatives for

a continuation of banking services following the recent raft of branch closures?

Paul Wheelhouse: I certainly accept that the recent round of branch closures has been of great concern. I know from representations made by Mr Lindhurst and, indeed, Mr MacDonald in relation to Juniper Green and to previous closures in the Pentlands constituency and in Edinburgh more widely that the issue is causing great concern locally.

As I indicated in my letter, we strongly support the credit union movement and it is quite right to point out that banks are not the only organisations that can provide local banking services. Scotland is currently well serviced by credit unions—there were 99 credit unions in Scotland at the end of June last year. The Scottish Government is working with credit unions to grow the movement in Scotland, so there may be opportunities in localities such as those affected by the recent raft of branch closures to look at a credit union alternative.

At this moment in time, Scotland has a proportionately higher level of credit union membership than England and Wales—it is a well-established movement here. According to the Bank of England’s most recent quarterly statistics, approximately 7.2 per cent of the Scottish population are enrolled in a credit union compared with only 1.5 per cent of the population in England and 2.6 per cent in Wales. Clearly, it is an area in which we could do more work, but we are starting from a good base of support for credit unions.

Gordon MacDonald (Edinburgh Pentlands) (SNP): By this summer, the Royal Bank of Scotland will have reduced the number of branches that are available to my constituents from six to zero. The nearest branch will be at least two bus journeys away, which will impact on the elderly, the disabled and those constituents who prefer face-to-face banking.

Would the minister agree that, at the very least, large banks such as RBS that completely withdraw from communities should extend their mobile branch network to provide a service to those who are unlikely or unable to take advantage of online banking?

Paul Wheelhouse: I certainly agree with the sentiment that there is an onus on banks that have reduced branch coverage to try to make sure that they maintain access to banking services as best they can. Mobile banks are very successful, particularly in rural locations, so there is no reason why that service could not be rolled out in suburban and, indeed, urban Scotland where it is required. I am grateful that RBS has delayed closure—going from three months to six months—

to give more time to train and to assist customers with how to use digital banking.

As I said in my initial answer to Gordon Lindhurst, digital banking will not be a relevant means of access for all customers, and mobile banking may be a more acceptable option for many who prefer face-to-face contact.

The Presiding Officer (Ken Macintosh): If members make their questions brief, I will take three supplementaries. I call Kenneth Gibson first.

Kenneth Gibson (Cunninghame North) (SNP): Clydesdale Bank has announced that it will close 40 branches in Scotland—including two of its three branches in my constituency, at Beith and Saltcoats—thereby cutting jobs and greatly inconveniencing customers.

What representations is the Scottish Government making to Clydesdale Bank regarding the closures? Does the minister share my view that the bank has not complied with the British Banking Association's "Access to Banking Protocol", which requires that community engagement is undertaken and an impact assessment is published prior to any closure?

Paul Wheelhouse: I am particularly interested in the latter point, and I will look into whether the protocol has been considered in the particular case that we are discussing.

Members on all sides of the chamber have expressed concerns about the degree to which there has been meaningful consultation. In my original answer, I stressed the importance of the banks undertaking genuine consultation with the community and local customers who are affected before taking such a step, which should be seen as a last resort.

We respect commercial decisions when they have to be made, and it is clear that such decisions are necessary in some cases given the changes in customer preference for using bank branches, but there is an onus on us to try to protect those who are most vulnerable.

With regard to engaging with the banks through the Financial Services Advisory Board, the First Minister, the Cabinet Secretary for Finance and the Constitution and I engage regularly with the financial services industry, including one to one. I will raise these issues when I have the opportunity to do so with Clydesdale Bank and other banks on behalf of Kenneth Gibson and other members who have expressed concerns.

John Scott (Ayr) (Con): I declare an interest as convener of the cross-party group on towns and town centres. I am certain that the minister is aware of the rapid withdrawal of banks such as Clydesdale from Troon in my constituency and Cumnock in Jeane Freeman's constituency, in

addition to the closure of the branches in Mr Gibson's constituency, which reduces their presence significantly in Ayrshire and elsewhere. The minister will also be aware of the banking sector's proposals to end the free use of cash machines.

Noting those two facts, can the Scottish Government take specific measures to reduce the impact of the reduction in access to banking services, particularly for the elderly and our least well-off town-centre users?

Paul Wheelhouse: I certainly note the impact on John Scott's constituency and on other parts of rural Scotland. The impact of such closures is particularly hard when a branch is the last in town; closure in that case can have a big impact on the business community and on customers.

It is important that we think through how we can support people in that situation. We will listen keenly to any suggestions for Government action that could help, although I point out that regulation of the industry is still reserved. As I said in my response to Mr Lindhurst, we can consider alternative services such as post offices or credit unions where those might help vulnerable groups, in particular, to access local banking. I give Mr Scott an undertaking to listen to any options of which he is aware that we could undertake in respect of his constituency.

Daniel Johnson (Edinburgh Southern) (Lab): The minister mentions post offices. It was with deep worry that I heard the recent announcements about the closure of Crown post offices, including the Morningside post office in my constituency. Will he join me in condemning that announcement by the Post Office and the UK Government?

The Presiding Officer: Please be brief, minister.

Paul Wheelhouse: We share concerns about the contraction in the post office network and we are making representations to United Kingdom ministers on the issue. My predecessor Fergus Ewing was very active in that regard. The issue is of concern and we will look closely at whether we can do anything to support communities that are affected. Where credit unions and post offices are available, they are important alternatives to bank branches, and I hope that the Post Office will take into account the wider impact of what it is doing on access to key services.

Ferry Services (Mallaig to Armadale)

2. **Donald Cameron (Highlands and Islands) (Con):** To ask the Scottish Government what action it takes to ensure that suitable vessels are deployed on the Mallaig to Armadale ferry route. (S5O-00600)

The Minister for Transport and the Islands (Humza Yousaf): I am, of course, aware of the views of communities that are served by the service. I reassure them that Scottish ministers remain committed to the Mallaig to Armadale service and to supporting its long-term stability and growth.

The Clyde and Hebrides ferry services are operated by CalMac Ferries under contract with Scottish ministers. The operator charters the ferry fleet from Caledonian Maritime Assets Ltd. Under the public services contract, CalMac is responsible for the deployment of vessels on individual routes to best deliver the contracted services across the whole network.

For summer 2017, CalMac will run a two-vessel service on the route, deploying the MV Loch Fyne and the MV Lord of the Isles. CalMac anticipates that the vessel deployment on the Mallaig to Armadale route this summer will offer additional capacity and sailings as well as greater reliability. That should provide ferry users with an improved service on the route this summer.

Donald Cameron: As a result of this saga, both visitors and locals have faced massive disruption, and communities on both sides of the Sound of Sleat have suffered. Although many of the issues lie with CalMac, in relation to vessels, as the minister is responsible for both ferries and the islands and is a member of a Government that awarded the tender to CalMac, will he take personal responsibility for pursuing an urgent solution to this problem?

Humza Yousaf: As I said last summer to communities in Sleat, Mallaig and Armadale, I fully accept that there was an unacceptable level of service and disruption last year. That is why I tasked Caledonian Maritime Assets Ltd and CalMac to come up with a better, improved service. They have done that with the two-vessel solution, which will offer more sailings with an increased number of return sailings per day and across the summer season. In addition, more cars will be able to be taken on the route and the MV Loch Fyne will undergo some modifications to make it more suitable for the route. As well as that, CalMac has offered marketing and promotional support to businesses. Importantly, CalMac has also appointed a dedicated person, who will lead on engagement with the community for the route.

Of course, because of the tidal nature of the route, there will be some element of disruption. However, what is important is that CalMac now has a much better idea of when that disruption might occur and has put in place as many mitigating measures as possible. I am, therefore, confident that the summer timetable this year should run better than it did last year, but I will of course keep a close eye on that. I thank Kate

Forbes MSP and Ian Blackford MP, who have raised this issue with me consistently since I came into post.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Will the minister advise what long-term decisions are being made to ensure that we invest in our fleet of ferry vessels, so that all coastal communities are served?

Humza Yousaf: Transport Scotland publishes an annual vessel replacement and deployment plan, which looks at a programme of vessel retention and cascades information about acquisitions and disposals. However, the general point that the member has raised is an important one. It is, of course, this Government's successful introduction and roll-out of road equivalent tariff that has brought more tourists to the islands, which is a great success story. There are limitations, because we have a slightly ageing fleet of vessels, but we are taking steps to upgrade the fleet. We know that we have two hybrid vessels coming in 2018 that will be of great use across the ferry network. However, the member's general point is well made.

Wild Fisheries Bill

3. **Neil Findlay (Lothian) (Lab):** To ask the Scottish Government when it will introduce its wild fisheries bill and what it will contain. (S5O-00601)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): Draft provisions for a wild fisheries bill were consulted on last year. We will shortly conclude our consideration of the results of that consultation. In doing so, we will take account, in particular, of the need to protect angling participation and access to angling. As stated in the 2016 programme for government, our intention is to introduce a bill during this parliamentary session. The next programme for government will set out further detail on the Government's future legislative programme.

Neil Findlay: Will the minister take the opportunity now to rule out completely changing the law so that fishing for freshwater fish without a landowner's consent would go from being a civil case to being a criminal case?

Roseanna Cunningham: I will not pre-announce details of the bill's content ahead of the conclusion of our considerations. I can advise the member that discussions are current and active. I have had some communications from other MSPs about a number of different issues that were part of the consultation, but those options are not new and they did not signal Government intent. There are, indeed, risks to angling participation and associated access, which will be key factors influencing any final decision that I make.

Finlay Carson (Galloway and West Dumfries)

(Con): What progress has been made to review the inadequate compensation packages that are currently offered to businesses using traditional fishing methods, such as haaf, poke and stake netting on the Solway Firth?

Roseanna Cunningham: As the member is aware, conversations on that issue are on-going. We are looking at the issues in connection with haaf netting, for example, as part of an on-going project. It started in June last year, and a licence application is being prepared to continue the science work in 2017. All those discussions are on-going, but I am very happy to have a separate conversation if the member wishes to come and see me—again, I think—about the matter concerned and any other matters related to wild fisheries.

Young Carers (Access to Education)

4. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government how its learning directorate assists young carers in accessing their right to education. (S5O-00602)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Today is young carers awareness day, on which we are all invited to recognise the unique challenges that young carers in Scotland face. I am happy to do so and to acknowledge that, when this Government states that it is determined to ensure that all our children and young people get the same chances and choices to succeed at school and in life, that includes young carers.

The work that is under way across my portfolio—from the transformation of early learning and the increase in childcare entitlement to 1,140 hours by 2020 to the funding and activity to close the attainment gap, the plan to deliver excellence and equity in school education and the activity to take forward measures to widen access, review student support and reform the learner journey—will consider the needs of young carers to determine what more might need to be done to enable them to fulfil their potential.

Gillian Martin: Does the cabinet secretary agree that the solutions lie in a cross-portfolio approach, that they cannot be looked at purely in an education context, and that they are wider than being purely a Scottish Government responsibility?

John Swinney: I accept that point. It is important that we co-ordinate and link up at all levels of government—not just in the Scottish Government, but in local authorities and communities—to focus on the needs of individual young people and ensure that they are met. There are many good examples in the public services of

where that thinking is brought to the fore. It delivers much better outcomes and opportunities for young people and ensures that they receive the support to which they are entitled. The Government is committed to working in such a fashion.

Divorce and Separation (Impact on Children)

5. Ivan McKee (Glasgow Provan) (SNP): To ask the Scottish Government what steps it is taking to ensure that both parents can play an active role in their children's lives following divorce or separation. (S5O-00603)

The Minister for Childcare and Early Years (Mark McDonald): The Scottish Government recognises the importance of relationship support, given the impact that divorce and separation can have on children. That is why we are providing around £2 million per year through our children, young people and families early intervention fund to organisations that provide relationship support, including Relationships Scotland and the Spark.

We have also funded Relationships Scotland to develop a new parenting apart service, with the specific aim of helping separating or separated parents to support their children through what can be a difficult time, and we continue to support ParentLine Scotland, which provides advice and information to parents and families on a range of issues, including issues relating to the break-up of relationships.

Ivan McKee: Family breakdown can be a difficult time for all concerned, particularly the children. Recent research from Sweden, where shared parenting following family breakdown is now the norm and gender stereotypes regarding childcare responsibilities are becoming a thing of the past, has shown that, when children spend significant amounts of time with both parents, social, psychological and emotional outcomes are improved. Will the minister undertake to look into that research and to evaluate how it might inform the approach to family law and contact arrangements in Scotland?

Mark McDonald: I am happy to assure Mr McKee that we are aware of that research and that it forms part of the wide body of international research and evidence that helps to inform our approach to the development of policy. Mr McKee may also wish to know that we are already acting in the area to update and publish information to support parents who are separating.

We are also committed to reviewing the Children (Scotland) Act 1995. The intent behind our manifesto commitment in the area is to consider how to ensure that the child remains at the centre of responsibilities and rights relating to parents. In addition, we wish to ensure that the

legislation enables children to maintain relationships with significant adults in their lives when that is in the child's best interests even if their parents' relationship breaks down. We also need to protect children from inappropriate continuing contact.

Fibre Optic Cables (Rutherglen)

6. Clare Haughey (Rutherglen) (SNP): To ask the Scottish Government whether it will provide an update on the roll-out of fibre optic cables across the Rutherglen constituency. (S5O-00604)

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): The Scottish Government's investment through the digital Scotland superfast broadband programme has delivered fibre connections to more than 6,100 homes and businesses in the Rutherglen constituency, with more than 99 per cent of those who are connected being able to achieve superfast speeds.

Clare Haughey: It has been brought to my attention that some new housing developments in my Rutherglen constituency have been built with only partial access to fibre optic internet connectivity being made available at the time when homes are constructed. I understand that the United Kingdom Government has struck a deal to avoid that situation in future. What assurances has the Scottish Government received from the UK Government that that will apply to housing developments such as those in Rutherglen?

Fergus Ewing: The Scottish Government has discussed the issue with BT Openreach, which we understand offered to provide fibre to the premises. It has offered connectivity to housing developments of 30 properties or more and has a tariff proposal for smaller developments. I intend to have further discussions with BT about that.

From 1 January, amendments to the building regulations set out a standard for in-building physical infrastructure for high-speed electronic communications networks, which is rather a mouthful. It enables at any time easier installation of fibre in existing buildings.

The Scottish Government has acted in both respects on the important matter that Clare Haughey raised.

First Minister's Question Time

12:00

Engagements

1. Ruth Davidson (Edinburgh Central) (Con): To ask the First Minister what engagements she has planned for the rest of the day. (S5F-00789)

The First Minister (Nicola Sturgeon): Engagements to take forward the Government's programme for Scotland.

Ruth Davidson: The Royal College of Nursing said yesterday that there are not enough nurses to meet Scotland's needs. Does the First Minister agree with it?

The First Minister: There are more nurses working in our national health service now than there were when this Government took office, by a considerable number. However, as I have said many times before in this chamber, we are committed to working with not just the RCN but the British Medical Association and all other professional groups to ensure that together we are investing in the health service and continuing to make the reforms that enable and equip our health service to meet the challenges of the future.

As Ruth Davidson may be aware, yesterday I visited Napier University to meet student nurses, where we confirmed not only an increase in the number of student nurses but the protection of the bursary—which is not being protected in other parts of the United Kingdom. We also confirmed £3 million of additional support for student nurses who have children or other dependents, to make it easier for them to pursue the fantastic career of nursing.

Ruth Davidson: I am aware of the First Minister's visit yesterday. What is interesting is that the RCN spoke after that visit. It was specific in what it said, which I will read to the First Minister:

"It is not enough to say that there are more nurses ... The question is whether the number meets the demand."

The RCN says that it does not.

We should ask ourselves why we are in that situation. Six years ago, as health secretary, the First Minister embarked on two years' worth of catastrophic cuts to nursing places in Scotland. Nursing leaders warned her that those cuts were "not sustainable" and that they could impact on patient care, and members across the chamber warned her of the short-sightedness of her approach. Now, as predicted, patients are paying the price, as routine operations are cancelled and treatment waiting times grow—all because of staff shortages.

If the First Minister had her time over again, would she still make those cuts to student nursing places?

The First Minister: Let me make a few points about that. I well remember that period: at that time there was the significant challenge of student nurses being unable to get work. There was a problem of nurse unemployment, and we took decisions, which we were right to do, on the basis of the data that was available to us at the time.

The second point that I will make is important. Over the lifetime of this Government, there has been, I think, on average 1,000 more nurses in training each year than was the case in a comparable period under previous Governments.

The number of qualified nurses and midwives in our NHS is up by 5 per cent: there are more than 2,000 additional whole-time equivalent qualified nurses and midwives working in our NHS today. That is a sign of this Government's commitment to supporting and investing in our NHS.

I have been very clear and will continue to be clear about two things. The first is the need for continued investment. This Government was elected on a commitment to increase investment in the health service over this parliamentary session by £500 million more than inflation, which is a stronger commitment than that of any other party in this Parliament. Secondly, we have to reform our NHS, which is why we have integrated health and social care and why we are committed to getting more money into primary, community and mental health services.

Lastly, I simply say this to Ruth Davidson. Right now, she is arguing for a budget that would give a massive tax cut to the top 10 per cent of income earners in Scotland. I ask her to reflect on what it would mean for the health budget if we were to follow the advice of the Tories in this chamber.

Ruth Davidson: That sounded very much as if the First Minister was asking for praise for trying to mop up a mess that her own cuts had made.

Let us focus on the real-life impact of what has happened. We were contacted this week by a gentleman called Hugh Falconer from Inverurie, who was put on an urgent referral for treatment last year and was told that he would receive surgery within 12 weeks. However, he has now been informed that Aberdeen royal infirmary is no longer able to book his operation and has also stopped referring patients to the Golden Jubilee in Clydebank. He has been told that he will not get the operation that he needs. That is on the back of reports this week that in NHS Grampian there are operating theatres that are lying empty, because hospitals do not have the staff.

I know that the First Minister cannot comment on individual cases, but I remind her of Audit Scotland's findings last year that after 10 years of this Scottish National Party Government it has failed to do the long-term planning to build up a sustainable workforce in the NHS. Given that the Government has been at this for a decade, can the First Minister give an explanation to people like Mr Falconer who cannot get an operation while operating theatres are lying empty due to a lack of staff?

The First Minister: I mentioned the increase of qualified nurses and midwives in an earlier answer. Under this Government, staffing in total has increased by more than 11,500 whole-time equivalents. That takes staffing in our health service now to a record level; NHS Grampian, for example, is working to increase its theatre staff and its surgical team has just employed seven newly qualified practitioners. That is a sign of our commitment to staffing in our national health service.

However, we are committed to going further. Unlike other parties in the chamber—and certainly unlike the Conservative party—we are committed to further additional investment in our national health service. I will say it again: there will be £500 million pounds over and above inflation over the life of this Parliament.

I simply pose again the question that I posed in my last answer to Ruth Davidson, because it is important. Right now we are in a budget process in which we are committed to record investment in our national health service; instead, Ruth Davidson wants us to cut tax for the top 10 per cent of income earners in Scotland. I think that people have a right to expect some consistency from the Conservatives when they come to this chamber. We are choosing investment in our national health service, while Ruth Davidson thinks that we should choose tax cuts for the wealthiest. She is entitled to prioritise tax cuts for the wealthiest, but she cannot then come to this chamber and ask for even more money for the health service. It is time for Ruth Davidson to choose, because I choose investment in the health service.

Ruth Davidson: We want to grow the tax base to fund our public services. The First Minister is damaging our economy. I simply ask her: if staffing is all fine, why are theatres lying empty and patients not getting the operations that they need?

This week, the First Minister asked what kind of country we wanted to be. I am going to tell her the answer to that: I want a country that is run by a Scottish Government that spends its every waking hour sorting out public services such as the NHS, not obsessing about another referendum. I want a

Scottish Government that actually wants to deal with the child obesity crisis that has been exposed today, not one that plots how Brexit can be used to create more division and uncertainty in Scotland. That is the country that I want back. The First Minister says that we must confront independence, but I think that it is probably time for her to confront the failings of 10 years of this incompetent SNP Government and tackle them instead.

The First Minister: That is a bit rich coming from the party that created the Brexit disaster that the rest of us are now dealing with.

At least Ruth Davidson has posed the right question, because the question is about the kind of country that we want to live in. I will therefore go back to the question that I posed to her earlier, because she really cannot have it both ways. We are in a budget process right now, and Ruth Davidson's priority is, as she has said before in this chamber, to cut taxes for higher-rate taxpayers. She wants to cut taxes for the top 10 per cent of income earners in this country. She is entitled to set that as a priority, but if we do that, the reality is that we will have less money available to invest in our national health service.

Yes, there is a choice: a choice about the kind of country that we want to live in. I choose a country that invests in its health service, not one that cuts taxes for the richest. That is the difference between this Government and the Conservative Opposition.

I will continue to take the action that we have taken over these past 10 years to get more staff into our health service, to get more investment into our health service and to reduce waiting times in our health service. I will continue to ensure that we take that action over this parliamentary session, and I will leave the Tories—the increasingly right-wing Conservative Party—to argue for tax cuts for the richest in our society.

Engagements

2. Kezia Dugdale (Lothian) (Lab): To ask the First Minister what engagements she has planned for the rest of the week. (S5F-00802)

The First Minister (Nicola Sturgeon): I have engagements to take forward the Government's programme for Scotland.

Kezia Dugdale: A new report that has been published today exposes the horrific gap in Scotland between the richest and the rest. The Royal College of Paediatrics and Child Health says that, in Scotland, a child from a poorer background is more likely to suffer from ill health than is a child from a wealthy area. In 2016—after a decade of Scottish National Party Government—a child's path in life is still determined before they

leave the womb, based on how much money their parents have. How does the First Minister think that cutting £327 million from local services will change that?

The First Minister: As Kezia Dugdale knows, that is not the case. The budget that we have proposed puts more than £200 million into local services.

The report that has been published today is important, and contains important messages for the Scottish Government and Governments across the United Kingdom. It is important to note at the outset the report's view that

"There have been notable improvements in health indicators for children over recent years ... There is much that the Scottish Government is doing to reduce the impact of poverty and inequality and there is much in Scotland that can be celebrated and learned from."

That said, I also agree with the report that

"more is required and we cannot be complacent".

We will consider carefully all the recommendations in the report. Many of them are already in train, through initiatives including our child and adolescent mental health and wellbeing strategy, the family nurse partnership approach, investment in health visitors and our forthcoming child poverty bill, which has income-based poverty measures at its heart. There is the maternity and neonatal review that was published last week, action to reduce smoking harm, action to tackle obesity and improve physical health, including support for the daily mile in our schools, and our new mental health strategy. Those are all things that the report says we should do and which we are doing. Of course, as we get new welfare powers, we will, for example, introduce a new best-start grant for the poorest families across the country.

I hope that, on this most important of issues, we have support across the chamber for the measures that we are taking to improve child health and reduce inequality in our society.

Kezia Dugdale: It is not just the Labour Party that says that there are £327 million of cuts. The Scottish Parliament information centre, the Fraser of Allander institute, the Convention of Scottish Local Authorities and the Scottish Trades Union Congress say it, too. Does the First Minister have an "alternative fact" for each and every one of those organisations?

Last night, Parliament refused to provide a majority in favour of the SNP's budget. I tell the First Minister this: Labour will not stand by while nationalist ministers who repeatedly profess their love for this country cut public services by £327 million, thereby hurting the most vulnerable people in the country.

The shameful gap between the richest and the rest follows young people into adulthood. New figures that were published by the Universities and Colleges Admissions Service show that, since the First Minister took office, more people are going to university. That is welcome, but here is the thing: since the First Minister took office, those people are 10 times more likely to be from richer backgrounds than from the poorest communities. Meanwhile, we also learned this week that there are now 150,000 fewer people going to our colleges. The First Minister said that closing the attainment gap is top priority. However, is it not the case that the gap between the richest and the rest is widening on her watch?

The First Minister: Let me try to take the issues one by one. On the budget, I heard Kezia Dugdale mention the Fraser of Allander institute. The comments that it issued immediately after the budget were along the lines that the headline from the budget is the more than £200 million of extra investment in local services—extra investment in our schools and extra investment in social care. Local councils are able to increase council tax to raise revenue. That is something that Labour councils have argued for, even though they promise that they will do the opposite in election after election. It is a strong budget that prioritises services, prioritises fair tax and prioritises boosting our economy.

Kezia Dugdale raised other issues in what I thought was a rather scattergun question—[*Interruption.*]. This week, we have seen the Government meet its commitment to maintain 116,000 full-time equivalent places in our colleges. That was our manifesto commitment; that is what we are doing. We are also proposing in the budget an increase of £20 million in the college budget and another £20 million, I think, in capital funding, so that we can continue the modernisation of our college estate.

On university access, if we look at the numbers, a record number of people from Scotland from the poorest backgrounds are getting places at Scottish universities through UCAS: the figure is up 3.2 per cent on the previous year and up 26.5 per cent on 2011.

As I was discussing with our new Commissioner for Fair Access when I met him earlier this week, there is much more to do. However, as we continue to take action, we are building on the solid progress that has been made by this Government.

Kezia Dugdale: That same Commissioner for Fair Access said this week—this can be read in this morning's *The Times*, too—that he does not have enough money to do his job.

The First Minister's answer can be summed up as "Move along, now—there's nothing to see here." Meanwhile, today's report says, in effect, that hundreds of children in Scotland are dying because they are poor, that young people are unable to access university because of poverty, and that thousands of women who are desperate to make better lives for their families are being squeezed out of college. The First Minister's response is to play a game of Russian roulette with the constitution and to impose cuts on schools and valued local services. She should stop grandstanding on Europe, end the games on independence and tell us this: what is the Scottish National Party's top priority? Is it closing the gap between the richest and the rest or is it another divisive independence referendum?

The First Minister: That was very telling, was it not? Interestingly, it is the Conservatives and Labour who want to talk about the constitution today, not me or any SNP members. [*Interruption.*] Not so long ago, Kezia Dugdale used to say that we should protect our place in Europe. Not so long ago, she stood where she is today demanding that the Scottish Government protect our place in Europe. Today, she is "grandstanding". Labour is—again—rolling over and doing exactly as it is told by the Conservative Party. It is no wonder that the Scottish Labour Party is in the pathetic state that it is in today—it does not have the courage of its convictions.

Let me turn again to the important issues that Kezia Dugdale raised: child poverty, inequality and getting more children from poorer backgrounds into university. Those problems did not start when the SNP took office, but developed under generations of Labour Government in this country. This Government has started to make progress to tackle the problems and is getting more young people from poorer backgrounds into university and tackling child poverty. We will continue to take the action that Scotland needs, and will leave Labour whining on the sidelines.

The Presiding Officer (Ken Macintosh): Edward Mountain has a constituency question.

Edward Mountain (Highlands and Islands) (Con): Does the management of the Wick community campus project—which cost more than £48 million and was due to open in October 2016, but was only handed over to Highland Council this month—cause the First Minister concern? In the light of the recent well-publicised problems with Edinburgh schools, parents in Caithness are rightly concerned to hear about supporting scaffolding being found behind a completed staircase and hidden behind a plasterboard wall. Will the First Minister join me in calling for an independent inquiry into the project?

The First Minister: That project is a Highland Council project. There have been delays in it, and I know that Highland Council has been engaging with the local community around the reason for those delays. I am happy to look into the particular issue that Edward Mountain has raised, although I think that, in the first instance, it would be a matter for Highland Council. However, I will ask the Cabinet Secretary for Education and Skills to look into it and to answer in writing that specific question to him.

Cabinet (Meetings)

3. Willie Rennie (North East Fife) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S5F-00786)

The First Minister (Nicola Sturgeon): Matters of importance to the people of Scotland.

Willie Rennie: Yet again, this week, the Parliament and the Government have been dominated by the matter of independence. It has been like that—[*Interruption.*] Scottish National Party members laugh, but it is the Government that is obsessed with independence and not with solving the problems in this country. It has been like that for almost every day of every week for the years that the Government has been in power. However, this week, we have heard about college places being cut, economic growth being weak and unemployment levels rising. Threats about independence will not solve those problems; a budget for the economy and for young people will.

Our costed budget proposals are urgent. Yesterday, the First Minister's Government failed to command a majority for her budget in the Parliament. It is not looking good for next week's vote. Does she recognise that?

The First Minister: First, I do not know how Willie Rennie has spent his week; I know that mine has been dominated by talking about nurses in our health service, education and getting more students into university.

Let me say this about the constitution: I did not ask for Scotland to be in the position of facing being taken out of the European Union against our will. I remember, in 2014, Willie Rennie, Ruth Davidson and Kezia Dugdale looking the Scottish people in the eye and telling them that if they voted no, their place in the European Union would be protected. It was not me, it was not this Government and it was not the people of Scotland who asked to be in this position, so I will apologise to no one for standing up for Scotland's interests and trying to protect them.

As for the budget, we will continue to talk to other parties if they are willing to talk to us in a constructive manner, which—in spite of the tone of his question today—I know that Willie Rennie has

been doing with the Cabinet Secretary for Finance and the Constitution. We will continue to look for compromise and to take appropriate compromises. However, we will also be very clear that, as the largest party in the Parliament by a considerable distance, we have a duty to the people of Scotland to deliver on our manifesto. With that principle very much in mind, we will continue to talk to other parties about budget positions over this week.

Willie Rennie: The First Minister started her answer to the question by denying being obsessed with independence. She then spent almost all the rest of the answer doing exactly that. [*Interruption.*] If SNP members will calm down just a bit, I will try to finish my answer.

I am afraid that the First Minister is so focused on her lifelong mission for independence that she is incapable of seeing the problems on her own doorstep. Let us look at the child health report that was published today; the deaths at Polmont prison; and the mental health sickness rates—the list goes on. Each and every one of those represents a human tragedy. Those are the things that need the First Minister's time, not more scheming about independence. With a week to go until the budget, the clock is ticking. Will she change in time? Will she look at the proposals from other parties seriously, rather than in the way that she is doing just now, or will independence always be first?

The First Minister: I will give Willie Rennie a bit of a tip. If he does not want me to answer on a particular issue, he should not ask me about it. If he asks me a question, I tend to try to answer it. If he had wanted to talk about the child poverty report or deaths at Polmont prison, he should have used all his questions to ask me about those really important issues, because they are the ones that I spend every single day looking at, considering and committing Scottish Government action towards.

Willie Rennie knows that we are carefully and seriously considering his budget proposals, as with any reasonable proposals that are made. I should say that we are not getting any reasonable proposals from the Conservatives or the Labour Party—they have already decided their position on the budget. If reasonable proposals are put forward, we will consider them. We will continue to seek to build compromise and consensus across the chamber, but we will also take seriously our duty to the people of Scotland, as by far the largest party in the Parliament, to deliver on the manifesto on which we were elected.

The Presiding Officer: I will take a supplementary question from Jenny Gilruth.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): What is the First Minister's reaction to the

United Kingdom Government's failure to reconsider the rape clause in its planned reform of tax credits?

The First Minister: I am very disappointed. The rape clause is completely unacceptable. The Scottish Government has made it clear to the UK Government that no process should ever be put in place that involves a woman being forced to disclose whether she has been raped in order to access social security for her child.

The Minister for Social Security wrote to the UK Government in December to state our opposition to the entire policy of limiting child tax credits to a maximum of two children, because that will have a devastating impact on low-income families in Scotland. That is yet another example of how the Conservatives come to this chamber demanding action on such issues while their colleagues at Westminster take action that undermines all our attempts to tackle child poverty and to improve equality in this country.

Tavish Scott (Shetland Islands) (LD): Is the First Minister aware that Shetland Rape Crisis wants to ensure that women who have been sexually assaulted no longer need to travel to Aberdeen for forensic examination? Does she accept that the prospect of travel by plane or overnight ferry is a barrier to rape survivors contacting the police? Will she therefore ensure that the necessary medical equipment and training for medical staff are now provided so that victims of sexual assault can be examined quickly, securely and—above all—in Lerwick?

The First Minister: I very much agree with the sentiments behind Tavish Scott's question. We are reviewing the way in which forensic examinations are undertaken for victims of rape to ensure that they are carried out appropriately and sensitively and to bring into force the provision in the Victims and Witnesses (Scotland) Act 2014 that, for example, allows a victim to make a request about the gender of the examiner who will examine them.

I fully understand that there are particular issues and challenges when we are dealing with our island communities, but someone who has been the victim of rape in an island community has the same right to access to justice as a victim of rape anywhere else has. We will continue to work with Rape Crisis Scotland and other organisations to make progress on those issues, and I would be more than happy to ask the Cabinet Secretary for Justice to discuss the issues as they relate to Shetland in more detail with Tavish Scott.

Ross Thomson (North East Scotland) (Con): The First Minister will be aware that her Cabinet Secretary for Finance and the Constitution is due to visit Aberdeen tomorrow to meet

representatives of Aberdeen and Grampian Chamber of Commerce amid their growing concern about the enormous hikes in business rates. At that meeting, Mr Mackay will be handed a letter that has been signed by every member of Unight, the safety group for Aberdeen city centre, where some venues face a 300 per cent increase in their rates. Unight has warned that the downturn has already forced some businesses into administration and that rates rises will mean that more businesses simply disappear. Will the First Minister give a commitment to Parliament and to north-east businesses that her cabinet secretary will do more than pay lip service to affected businesses and will take expedient and meaningful action to address the issue and seek a solution to mitigate the potentially devastating impact?

The First Minister: The finance secretary will have the discussions in Aberdeen, as Ross Thomson said, but I presume that the member heard the exchanges at First Minister's question time last week, when I explained that the revaluation process is independent and is not something that the Scottish Government can intervene in. Final valuations will be issued later this year. If any business thinks that the valuation for its property is wrong, it will have until September this year to issue an appeal.

The Scottish Government has the power to act on the reliefs and exemptions for business rates, and we have already taken action to lift 100,000 small business premises out of business rates altogether. We will continue to make sure—including by lowering the poundage rate—that we have a business rates regime that supports economic growth in this country.

United Kingdom Industrial Strategy

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what the Scottish Government's position is on the UK Government's new industrial strategy. (S5F-00801)

The First Minister (Nicola Sturgeon): Our ambitions for a sustainable and inclusive economy are underpinned by our economic strategy, our manufacturing action plan and, of course, our willingness to intervene in key strategic sectors, as evidenced by our action to save the steel plants and the Lochaber aluminium plant.

There has been widespread recognition that the United Kingdom has lacked a strategic approach to industrial policy for many years, so the publication of the industrial strategy this week is welcome. That said, there was a disappointing lack of engagement from the UK Government with the Scottish Government during the development of the consultation paper, which covers many devolved policy areas. We have written to the

Secretary of State for Business, Energy and Industrial Strategy to confirm that we remain ready to work with the UK Government on the matter for the benefit of Scottish businesses and our economy, as well as the wider UK economy.

Kenneth Gibson: Does the First Minister agree that it is vital that any industrial strategy that aims to reduce regional disparity must be compatible with key economic development projects, such as the Ayrshire growth deal? Will she advise members of whether an industrial strategy that the Prime Minister claims will reach every corner of the UK, despite the Tories' abysmal record on regional development, will be more likely to succeed in attracting investment and new talent while increasing innovation, research, development, employment and productivity with Scotland in or out of the single market?

The First Minister: I certainly agree with Kenny Gibson on the Ayrshire growth deal. Any industrial strategy has to be built on recognising and supporting regional economic strengths.

As I said in my initial answer, we have been disappointed by the limited consultation on the industrial strategy so far. In fact, the first time that the Secretary of State for Business, Energy and Industrial Strategy got in touch was on Monday morning, just hours before the document was published. Keith Brown has written to him to request much stronger engagement for the future. That is in the interests of the Scottish Government and the UK Government.

On Kenny Gibson's final point, there is a danger that the UK Government's proposed hard Brexit will jeopardise the Scottish economy, our businesses and the jobs that they provide. That is why we continue to call on the UK Government to deliver membership of the single market, with its market of 500 million people, ideally for the UK as a whole, but certainly for Scotland.

Neonatal Services

5. Miles Briggs (Lothian) (Con): To ask the First Minister what the Scottish Government's response is to the recent claim by Bliss Scotland that three quarters of the country's neonatal units do not have enough nurses. (S5F-00793)

The First Minister (Nicola Sturgeon): I welcome the publication of the report by Bliss Scotland and commend it on the important work that it does in supporting parents who have babies in neonatal care. Bliss Scotland played a vital part in our own national review and the recommendations that were published last week.

Boards must, of course, ensure that their neonatal units are appropriately and safely staffed. When there are peaks in demand, boards work together at a regional or national level to ensure

that babies receive safe levels of care. The neonatal managed clinical networks have put in place processes to manage and escalate concerns if any units are under particular pressure at any time.

Miles Briggs: I will quote directly to the First Minister what the chief executive of Bliss Scotland, Caroline Lee-Davey, has said about the reality that faces our service in Scotland. She said:

"neonatal units across Scotland are understaffed and under-resourced, and that is putting babies at risk".

Bliss Scotland's report states that just two of the units have any plans to recruit the necessary nurses to meet the bare minimum standards for adequate neonatal service provision. After 10 years of being in charge of our health service, will the First Minister apologise to parents throughout Scotland who see this workforce crisis in our national health service?

The First Minister: It is exactly those challenges, which are not unique to Scotland, that led us to carry out the review. As I said, Bliss Scotland was fully involved in that review. Miles Briggs quoted the chief executive of Bliss Scotland, Caroline Lee-Davey. I will quote her as well. She said that the review sets out a "progressive" and

"ambitious vision for family-centred care",

which is good news for the future of Scottish neonatal services,

"and it is particularly welcome"

to see the focus on

"mothers and babies being kept together."

Bliss Scotland is involved in ensuring that we take the action that ensures that there is high-quality neonatal care for babies when and where they need it. We will continue to press on with exactly that action.

Anas Sarwar (Glasgow) (Lab): I thank Bliss Scotland for a very powerful report.

Last week, the Scottish Government published the national review of maternity and neonatal services. There is a lot in that report that deserves consideration. I urge the First Minister to bring that forward with a statement to the Parliament. A key recommendation in the report is on local services. It says:

"a number of choices ... should be available to all women in Scotland including birth at home, birth in an alongside or freestanding midwifery unit, and hospital birth."

Given that that recommendation goes against the proposals to close the maternity units at the Vale of Leven hospital and the Inverclyde royal hospital, will the First Minister finally accept the will of the

Parliament, call those proposals in, and reject them?

The First Minister: The proposals that Anas Sarwar talks about in Glasgow and Clyde are not yet firm proposals, and we cannot call in something that has not been made in a firm proposal. The reason for that is that we made very clear that we expect health boards to have regard to the maternity and neonatal review recommendations before they take any decisions of that nature. That is exactly what NHS Greater Glasgow and Clyde is now doing—it is looking at the recommendations and assessing any decisions that it might want to take in the light of those recommendations.

On the review more widely, the Cabinet Secretary for Health and Sport has already said that, when we have had the opportunity to fully consider the recommendations—Anas Sarwar is right that there is an awful lot of detail in the report—she will of course come to the Parliament and set out the Government's thinking on how we take that forward. We are determined to act on the review. The key recommendation in it is that every woman should have continuity of care from a primary midwife who provides the majority of their antenatal, childbirth and post-natal care, as part of a new model of care for maternity services in Scotland. That is presumably why the chief executive of Bliss described it as “progressive” and an

“ambitious vision for family-centred care”,

and we will be proud to get on and make progress on delivering it.

Universities (Funding)

6. Daniel Johnson (Edinburgh Southern) (Lab): To ask the First Minister what the impact would be on redevelopment plans for universities, following its decision to ask the Scottish Further and Higher Education Funding Council to pay back £50 million. (S5F-00810)

The First Minister (Nicola Sturgeon): There is no impact on our commitments to colleges and universities. The underspend was primarily due to the difference between academic and financial years, and it was recouped only on the basis of explicit assurances from the Scottish funding council that all financial commitments made to universities and colleges had been met.

Daniel Johnson: Last month at the Education and Skills Committee, John Swinney said that all

“the financial commitments ... to universities and colleges had been met in full”.—[*Official Report, Education and Skills Committee*, 21 December 2016; c 28.]

However, we have learned this week that projects to develop the Hamilton campus of the University

of the West of Scotland and the Crichton campus of Scotland's Rural College were thrown into jeopardy as a result of that clawback. Why did the First Minister's deputy fail to mention those two projects, which were shelved as a result of that decision? At a time when universities describe their funding package as “unsustainable”, why did the Scottish Government take that money out of the university system?

The First Minister: I have already explained the reason for the underspend, and I do not think that the member's characterisation of those capital projects is correct. The Scottish funding council will talk to colleges on an on-going basis about their planned capital investments. For example, the Hamilton campus project is taking its course, and I hope to see it progress. I repeat what I said earlier, which is indeed what the education secretary said to Parliament in committee: there were no changes to the planned allocation of funding to universities or colleges, so no institution has lost out as a result. I hope that that reassurance is welcome to members.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): The First Minister has just been made aware of Labour's shameful attempts to link the UWS Lanarkshire campus, which is currently in Hamilton, to the issue. Although I am saddened that the campus will not continue at the historic current site in the town centre, does the First Minister agree that the solution that UWS has arrived at—to build a brand new state-of-the-art eco-campus at Hamilton technology park—will accommodate more students and potentially more teaching staff and has the potential to bring substantial economic and social benefits to Hamilton? Although the support and advice provided by the Scottish funding council throughout the process have been most welcome, should capital funding be required to complete the project, might the First Minister consider that favourably?

The First Minister: Christina McKelvie has just underlined the point that I made, which is that the Hamilton campus project is in train and discussions are on-going between the Scottish funding council and the university. I am pleased that UWS will be developing the new campus, because it brings the potential benefits that Christina McKelvie highlighted, particularly for young people in her constituency. As I have said before, the funding council has been fully involved to date and I expect that support to continue as the project develops to ensure that it is realised.

Liz Smith (Mid Scotland and Fife) (Con): The financial report to the Scottish funding council board dated 21 February 2014 confirms that the Scottish Government advised the Scottish funding council not to apply any of the £50 million of funds.

However, beyond that point, until 2 October 2014, when the Scottish Government issued further confirmation that it wanted the money back, the Scottish funding council was discussing with individual institutions how to spend the money. Who is responsible for that gross mismanagement?

The First Minister: As I understand it, the Scottish funding council knew throughout that the money was to be returned to the Scottish Government. As I said in my previous answer, the decision to do that did not affect the planned allocation of funding to universities or colleges. The Government will continue to ensure that we give fair funding settlements to our universities and colleges. I said in an earlier answer that the budget that is currently before the Parliament proposes an increase in investment in our colleges of around £20 million in resource funding and another £20 million in capital funding.

Throughout the lifetime of this Government I think that we have invested in the region of half a billion pounds in modernising our college estate. We have brand new college campuses in Glasgow—one of those, the Riverside campus, is in my constituency; I opened the new Ayrshire College campus in Kilmarnock just a matter of weeks ago; and there is a new college campus in Inverness. The evidence speaks for itself on the investment that this Government makes in our colleges and universities sector.

National Health Service (Agency Nurses)

7. Gordon Lindhurst (Lothian) (Con): To ask the First Minister what the Scottish Government's position is on reports of NHS boards spending over £1,500 on a single agency nurse shift. (S5F-00820)

The First Minister (Nicola Sturgeon): We are clear with boards that they must make every effort to drive agency spending down, but we recognise that there might be times, due to peaks in demand or staff illness, for example, in highly specialised areas, when agency staff are used to ensure safe care of patients. Agency usage in the national health service in Scotland remains very low. It amounted to 0.4 per cent of our nursing and midwifery capacity in 2015-16. To make further progress, we are working with NHS National Services Scotland on a nationally co-ordinated programme for temporary staffing.

Gordon Lindhurst: I think that my constituents in Lothian will be shocked by the figure and by the fact that some £4.8 million was spent last year on agency nurses and midwives in NHS Lothian alone. That is four times the amount that was spent in 2011-12, just three years ago. A humungous and increasing amount of money is

being spent on supposedly temporary measures, and that money cannot be spent on

“investment in our national health service”—

to use the First Minister's words. Surely the First Minister, as a former health minister who was responsible for cutting student nurse places, has the humility to accept some personal responsibility for the situation.

The First Minister: As I said, spend on agency staffing in the NHS is very low and agency usage amounted to less than half of 1 per cent of nursing and midwifery capacity in 2015-16. As I said earlier, we have increased the number of qualified nurses and midwives who are working in our national health service. We want reliance on agency staffing to reduce even further, which is why we are committed to investing even further in staffing.

I take personal responsibility for everything that is within the responsibility of the Scottish Government. I have not heard the member ask the Prime Minister or the health secretary south of the border to take responsibility for the report in July this year that an NHS trust paid more than £2,000 for a single agency shift.

We will continue to take the action that ensures that our NHS is properly staffed and delivers the excellent care that it delivers to patients across the country.

Holocaust Memorial Day 2017

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-03204, in the name of Jackson Carlaw, on Holocaust memorial day 2017. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises that 27 January 2017 marks Holocaust Memorial Day; believes that the day should serve as an opportunity for learning institutions, faith groups and communities across Scotland, including in Eastwood, to remember the six million men, women and children murdered by the Nazi regime in occupied Europe; notes that the theme of Holocaust Memorial Day 2017 is "How can life go on?"; understands that this theme aims to look at the aftermath of the Holocaust, subsequent acts of genocide and the challenging questions that such actions continue to raise for individuals, communities and nations about their responsibilities in the wake of such criminal acts; values the Holocaust Educational Trust's Lessons from Auschwitz project, which gives two post-16 students from every school and college in Scotland the opportunity to visit Auschwitz-Birkenau; celebrates the Holocaust survivors who subsequently made Scotland their home and thanks them for their contribution to Scotland as a nation, and recommits to ensuring that anti-Semitism in all its forms is challenged without fear or favour.

12:45

Jackson Carlaw (Eastwood) (Con): I am advised that there will be 146 train journeys tomorrow between Glasgow Central or Glasgow Queen Street and Edinburgh Waverley stations. I usually travel by train, as many colleagues do. Think about those 146 journeys and reflect on the fact that, in May 1944, it took just 147 train journeys—one more than the number of daily commuter trains across the central belt—to transport around 500,000 Hungarian Jews to their murder at Auschwitz-Birkenau in Poland.

The ingrained image is one of a constant stream of trains over several years hurtling across the European landscape in a grotesque feat of organisation. The truth—far more prosaic—is that it took just 147 rail journeys, which were non-prioritised, slow and lumbering; more often than not, they lasted days. They were among the most hellish rail journeys of any that have ever been undertaken. The appalling truths of the traumas that were endured on those packed cattle wagons are so awful that those who survived them rarely allowed themselves to speak directly and in detail of their experience ever again—of the baseness; of the collapse of dignity and person; of the sheer awfulness, confusion, foreboding and death.

Trains arrived at Auschwitz-Birkenau at all hours—some in darkness and some while the sun shone. All who disembarked were disorientated and found that they were immediately segregated

by gender and age without so much as a moment to gather their thoughts or to say goodbye to loved ones. Those who were fit enough to work—deemed, in Nazi terminology, "useful"—were often marched straight to the opposite platform and, within hours, transported to Nazi forced-labour work camps where many would ultimately be worked and starved to their graves.

The rest—mothers, the elderly, the infirm and, as can be seen in the photographs that are now displayed at Auschwitz-Birkenau, young children who were holding hands and skipping with joy to be free of the trains—began their final short walk, which was not much longer than a stroll down and back up the full length of the platforms at either Glasgow Queen Street or Edinburgh Waverley, to their murder in the Auschwitz gas chambers. There were 6,000 or so people per train. In less time than it will take us to participate in this debate, Jews arrived by train at Auschwitz-Birkenau, were processed, were marched to their execution and were gassed. Their bodies were then roughly stacked before cremation. From their arrival to their death in less time than the length of this debate—that was industrialised murder on a scale never hitherto seen.

The origins of the Holocaust began in Hitler's pre-war Germany. The Holocaust, as a term, came into being after the events; no one person ever saw the Holocaust in its entirety. Over the years, in different ways and in multiple countries, it was a series of outrages that led to the murder of 6 million Jews.

It began with the persecution of the Jewish minority in Nazi Germany itself. They were a minority; only one in 100 pre-war Germans was Jewish. For example, there were more Jews in the city of Warsaw than in pre-war Germany as a whole. Of the pre-war German Jewish population, 60 per cent emigrated before the war. Some went as far as China—a world away from Hitler—while others went to the United States. Too many, sadly, emigrated to the temporary sanctuary of Germany's pre-war neighbours. When Poland fell to Hitler, so did a population where one in 10 was Jewish—3 million people. It was at that point that persecution and prejudice—or talk of resettlement in far-off lands—turned to mass murder.

In 1941 and early 1942, the genocide began as Nazi butchers went to their victims. Some 1.5 million eastern European Jews were shot in woodlands, often just yards from their homes. Children, their mothers, grandparents and fathers—there was no journey for them across Europe; just a forced march to the edge of a hastily prepared pit in an all-too-familiar neighbourhood and a bullet in the back of the head. Sickeningly, the record shows that the only concern of Nazi commanders in the face of that

atrocities were for the spiritual wellbeing of the SS fanatics who carried out the executions.

Hundreds of thousands of other Polish Jews were confined to the Jewish ghetto in Warsaw, half a million in accommodation barely suitable for half that number.

On 20 January 1942, at the notorious Wannsee conference in Berlin, where the final solution was conceived and approved, it was determined that, instead of progressing a genocide in which the killers went to their victims, the Nazis would now transport the victims to their killers. Between July and September 1942, the Warsaw ghetto was liquidated and its population transported to the new Reinhard camps, named after Reinhard Heydrich, their architect. The first extermination camps were at Belzec, Treblinka and Sobibór—names that live on in infamy. With brutal efficiency, those death camps did their job and, job done, were destroyed and all obvious traces concealed. Only two people are thought to have survived Belzec.

Auschwitz was different, in that it was a labour camp first and then, with Auschwitz-Birkenau, both a labour camp and an extermination camp. Standing in its silent ruins today, one senses the scale—a scale not apparent to anyone there at the time. Those incarcerated in Auschwitz were not free to wander around, as visitors are now. Most saw only the barracks in which they were contained and the area in which they worked. In the intervening years since, many who survived and who could face what they saw as an obligation to return were themselves stunned to see the industrial scale of the camp.

Today, extraordinarily, as many as 1 million visit Auschwitz-Birkenau annually to see and learn—ironically, as many as were murdered there during the war. The two school students who addressed us at time for reflection on Tuesday visited Auschwitz last November as part of the work of the Holocaust Educational Trust.

The final months of the war saw the long death marches back to Germany of those who had survived the camps as the Nazi machine began to collapse. Many were shot at the side of the road if they so much as paused. In Budapest, in the winter of 1944-45, the killers again returned to their victims, with the first city-based exterminations of the war. Tens of thousands of Jews were shot on the banks of the Danube and dumped in its waters. Often, several were bound together, with one victim shot and the rest dragged into the icy waters and drowned.

That chaotic collapse also led to the final horrors of Ravensbrück, Dachau and Bergen-Belsen, where, between December 1944 and March 1945, the camp population increased to 45,000. There

were 17,000 deaths in one month alone. Starvation, dysentery and the freezing cold replaced the gas chambers as the method of killing.

A Holocaust that began in Berlin progressed to Poland and the east, and worked its way back westwards, as Nazi Germany collapsed. Finally, it ended, back where it began, in Berlin. Six million had been murdered.

In my contribution to last year's debate, I spoke of the events of 1946. More Jews were murdered across Europe in that year than in the 13 years prior to the war. As they returned to their former homes, they found others in them—often people they had known and trusted before the war—now wearing their pre-war clothes. They were not welcome back. Many were murdered on the spot.

We all ask now: why; how; who? The easiest answer is Hitler and Nazi Germany, but that is a convenient truth. Anti-Semitism existed long before the Nazis. Although, in many cases, the populations of countries throughout Europe made efforts to defy and thwart the Nazi persecution of Jews, others all too readily conspired to make it possible. The stain of anti-Semitism remains, and for all that we say "Never again", the genocides in Cambodia, Rwanda and Darfur stand as evidence of our collective failure to match that ideal.

On the street in my Eastwood constituency where I grew up in the 1960s and 1970s, every second home was a Jewish one. When the community commemorates Yom Hashoah in May, the names of those murdered by the Nazis are honoured on screen at the Giffnock synagogue. All too often, they are the familiar names of the grandparents, uncles, aunts and sometimes cousins of those I played with as a child and grew up among.

All this happened when my parents were teenagers, in a world run by my grandparents' generation, at death camps on sites that any one of us could stand on later this afternoon, in countries to which we now go on holiday, among peoples who are now our friends. We can surely all be proud that—apparently alone in Europe—Scotland remains the one country where no Jew has ever been killed because of their religion, but we cannot be complacent. The whispers of anti-Semitism that started all this can be heard again.

On 22 November last year, Rabbi Yossi Bodenheim proudly addressed the Scottish Parliament at our weekly time for reflection. Later that afternoon, as he walked back to Waverley station along the Royal Mile, he was, astonishingly, the victim of a minor anti-Semitic assault in front of his young son and heavily pregnant wife, who were left distressed and,

naturally, horrified. That happened in Scotland, in Edinburgh, in our time.

Last Sunday, at a Jewish Burns supper in my constituency, the First Minister cradled in her arms the two-week-old infant son of Yossi and Sarah Bodenheim—a tiny infant, Gavriel, dressed proudly by his parents in Scottish tartan. Embracing our Jewish friends, neighbours and fellow Scots should be the response of us all.

Today we remember the Holocaust and all the evil that it represents, but the fires, prejudices and ignorance that made it possible remain and probably, truthfully, always will. It falls to us and then to others after us to ensure that anti-Semitism is confronted and defeated, to be optimistic and hopeful, and to celebrate the life of Scotland, to which our Jewish community has contributed so vitally ever since and in which it will always be welcome.

12:55

Kenneth Gibson (Cunninghame North) (SNP): I thank Jackson Carlaw for securing debating time on a matter the importance of which continues to resonate: how can life go on? Even before the war, there was hostility to Jewish emigration, with internment camps across Europe from Romania to the Netherlands, but I will focus on anti-Semitism since the Holocaust.

The Kielce pogrom was an outbreak of violence against Jewish refugees in that Polish city in July 1946, and it was the deadliest slaughter of Jews in the war's aftermath. Only 200 Kielce Jews remained of a pre-war population of 30,000, the survivors having returned from either concentration camps or hiding.

A young Polish boy disappeared for several days and returned, falsely claiming that he had been kidnapped and held hostage in a cellar by Jews. Policemen broke into the building but found no trace of kidnapped children. The residents were ordered to hand over their valuables and the police started shooting. While some Jews were killed inside, others fled on to the street and were attacked with rocks and steel rods by civilians and members of the ruling Polish Workers Party. Around 20 Jews were beaten to death. Others who were injured were robbed and beaten by soldiers en route to hospital and assaulted by other patients on arrival. Forty-two Jews were killed and 40 wounded.

The sheer brutality and tragedy of the event shook the Jewish population so deeply that it shattered hopes that they could resettle in Poland after the Nazi era. Within a year, Poland's Jewish population had shrunk from 240,000 to just 90,000 due to emigration, mostly to a nascent Israel.

There were 3.3 million Polish Jews before the Holocaust.

The Kielce horror is just one example of the widespread anti-Jewish violence that was prevalent across Europe and beyond after world war two. In some countries, Jew-hating was superficially disguised, such as Stalin's campaign against rootless cosmopolitanism. The campaign was linked to the so-called doctors' plot of the early 1950s, with Stalin's paranoia leading him wrongly to believe that his mostly Jewish doctors planned to kill him. Indeed, prior to his death, Stalin was planning to deport the Soviet Union's entire Jewish population to Siberia.

In the late 1960s, thousands more Jews were scapegoated and expelled from Poland following Israel's victory in the six-day war over the Soviet Union's client Arab states. In 1980, fabricated attempts were made to link the rise of the Solidarity movement with so-called Jewish agitators from Poland's by then minuscule Jewish community.

In western Europe, the re-emergence and rise of far-right hate groups and Islamic fundamentalism has led to increased attacks against Jews and, sadly, we all know of allegations of anti-Semitism, disguised as anti-Zionism, in Jeremy Corbyn's Labour Party.

Continued tensions between Israel and the Palestinians feed anti-Semitic rhetoric, and some Arab states do not allow Jews to live there, ironically strengthening Zionism. Of course, Israel itself is measured differently and to a higher standard of probity than its neighbours—"the Jew amongst nations", Alan Dershowitz calls Israel. Witness the number of motions in the Parliament relating to the last Gaza conflict compared with the number on Isis or the Syrian bloodbath.

In Scotland, we celebrate Holocaust survivors, and our vibrant Jewish community is part of our rich diversity. Last year, pupils from Largs academy, in my constituency, visited Auschwitz and Dachau to understand the brutality of Nazism—an experience that led many to tears and which I am sure they will never forget.

A visit to Auschwitz by two pupils, Amy Culshaw and Imogen Harvey, was arranged through the Holocaust Educational Trust's lessons from Auschwitz project. The girls were so moved by their experience that on their return they arranged for a survivor of Bergen-Belsen, Hungarian-born Professor Ladislaus Löb, to visit Largs academy, which raised funds to pay for his flight and accommodation. To a captivated audience of 300, the professor shared his experiences as an 11-year-old living life in the Kolożsvár ghetto in 1944 before his internment in Bergen-Belsen until liberation. The professor also shared his

experiences in “Dealing with Satan: Rezso Kasztner’s Daring Rescue Mission”, for which he was awarded the Austrian Holocaust memorial award.

Educating future generations about the Holocaust must be combined with confronting those who deny it, as former Iranian President Ahmadinejad famously did. We must oppose anti-Semitism while striving to be a tolerant and humane society, never forgetting the lessons from the darkest period of man’s inhumanity to man.

13:00

Adam Tomkins (Glasgow) (Con): I remind members that my wife and our four children are Jewish.

In 1951, Hannah Arendt published her groundbreaking work, “The Origins of Totalitarianism”. Part 1 of the book concerns anti-Semitism. In a famous section entitled, “Between Pariah and Parvenu”, she says:

“During the 150 years when Jews truly lived amidst, and not just in the neighbourhood of, Western European peoples, they always had to pay with political misery for social glory and with social insult for political success ... Society, confronted with political, economic and legal equality for Jews, made it quite clear that none of its classes was prepared to grant them social equality, and that only exceptions from the Jewish people would be received. Jews who heard the strange compliment that they were exceptions, exceptional Jews, knew quite well that it was this very ambiguity—that they were Jews and yet presumably not like Jews—which opened the doors of society to them.”

The pariah has no country. The pariah, in Hannah Arendt’s account, is someone for whom human rights do not exist—hence her argument later in “The Origins of Totalitarianism” that at the heart of human rights lies the right to have rights, including the most important right of them all: the right to belong. This is how she puts it:

“The calamity of the rightless is not that they are deprived of life, liberty and the pursuit of happiness, or of equality before the law and freedom of opinion—formulas which were designed to solve problems within given communities—but that they no longer belong to any community whatsoever.”

I visit Israel frequently. It is the only country in the world that was founded to give the Jewish people that which everyone else takes for granted: a community of our own—a home. A couple of years ago, I went for the first time to Yad Vashem, Israel’s Holocaust museum on the western slopes of Mount Herzl in Jerusalem. “Yad Vashem” is a phrase taken from the book of Isaiah; it means “a place and a name”. It is a place of remembrance where the names of those who were murdered by the Nazis are recorded and where their memories are honoured. It is at once a place of calm dignity and outraged defiance.

No matter how much you think you know about the Holocaust and the suffering of the Jewish people, you realise within a few minutes at Yad Vashem that you will only ever be able to scratch the surface of its unimaginable pain. One resolution burns through you as you walk through the museum, aghast and appalled at what European evil did to the Jews: never again. As you leave Yad Vashem, you see carved into a huge stone archway the words of Ezekiel chapter 37, verse 14:

“I will put my breath into you and you shall live again, and I will set you upon your own soil”.

Amen to that.

Closer to home, last weekend I took two of my children to Kelvingrove art gallery and museum in Glasgow, where there is a series of exhibits about the Holocaust. Some of those exhibits record the testimony of survivors, and this extract caught my eye:

“Why I survived Liberation in Bergen-Belsen: after Liberation we got tins—one had beans and meat, one sugar and biscuits. Anyone who ate the beans and meat did not make it because their system could not cope. I changed my tin, I survived and I am here to tell you the tale, but just, I survived just.”

We will remember the past and we will honour the memory, and by that remembrance and by that honouring will we shape our future.

13:04

Elaine Smith (Central Scotland) (Lab): I thank Jackson Carlaw for bringing the debate to the chamber. Tomorrow, the film “Denial” will be released to coincide with Holocaust memorial day. We know that there are Holocaust deniers, and one can perhaps see why some people might want to deny the Holocaust—after all, who would want to believe that such obscene, cruel and degrading treatment, torture, maiming and murder was carried out by their relatives? For some of those who stood by and let it happen, it was perhaps easier to try to pretend that it did not happen, but the fact is that it did.

It is, of course, difficult to comprehend that any human could commit the atrocities that we now know happened. One survivor, Josef Perl, told of what he saw on arrival on a train to Auschwitz:

“Then I saw a baby being born as its mother was pushed out onto the ground. An SS guard grabbed the baby, cut the cord and threw it unceremoniously to one side, like so much rubbish.”

How can we even begin to comprehend the extermination carried out in the gas chambers and crematoria, or how anybody could design and build those absolute abominations? Kitty Hart-Moxon remembers arriving at Auschwitz-Birkenau at dawn as a teenager with her mother. She said:

"A reddish glow through the mist was flickering in the weirdest way and there was a sickly, fatty, cloying smell. Mother and I glanced at each other, baffled. Who could be roasting meat, great quantities of it, at this hour of the morning?"

As we heard from Jackson Carlaw in his opening speech, 6 million Jews were murdered by the Nazis in the Holocaust. Remembering atrocities is necessary to try to prevent them from happening again, and ensuring that the facts cannot be denied is absolutely vital. That is why Holocaust memorial day survivor testimonies, the lessons from Auschwitz project and voices speaking out everywhere, including in this Parliament, are so important.

A couple of years ago, as Deputy Presiding Officer of the Scottish Parliament, I visited Auschwitz-Birkenau with the Holocaust Educational Trust project for schools. The slaughter that was carried out there on an industrial scale was horrendous and, despite Nazi efforts to destroy them, there is clear evidence of the crematoria and the gas chambers. I do not know how people lived through that and then found the strength to carry on living. How does life go on after that?

Hearing or reading about the Holocaust is hugely important, but actually seeing that hellish place for yourself affects you in a way that is difficult to describe. The first shock is seeing the sign saying "Arbeit macht frei"—work brings freedom—knowing how many people were worked and starved to death and how few were freed. Then there are the harrowing photographs of many of those people. However, it is the rooms of belongings that I found most difficult; seeing shoes, suitcases, eye-glasses and prosthetic limbs is deeply disturbing. The room with human hair is devastating and is rightly treated with due respect because it contains human remains.

However, it was the room with household items that reduced me to tears, perhaps because they were so ordinary. Wooden spoons, favourite pots and pans, and cutlery had all been brought on the journey to that despicable hell-hole. Did their owners really believe they that were being resettled? Were they hoping that or was it just to calm their children? Some people even had to buy their own train tickets to the extermination camp.

At the end of our visit, we had to pick out one or two photos from those found in belongings to identify with. I chose a wedding photo that was just like my gran and grampa's. [*Interruption.*] I am sorry, Presiding Officer. Then I chose one of a baby who was in a pose exactly the same as a pose that my son is in, in a photo that I have of him as a baby—he also has Jewish ancestry.

I think that members of the Scottish Parliament must be encouraged to go to Auschwitz as part of

the Holocaust project and that they should be supported by the Parliament to do so. Perhaps the Presiding Officer can take that forward to consider as a practical outcome of this debate.

For various reasons, I did not get a debriefing after my visit to Auschwitz-Birkenau, but I think that anyone who goes there should get one. I went back a year later with my husband. It was still harrowing, but it helped to be able to talk to each other about it.

I will quote again the words of Kitty Hart-Moxon:

"I lived through Birkenau without ever understanding how any members of a great nation could indulge in such wickedness."

I do not think any of us can understand that, but we owe it to survivors to read their testimonies, to talk about it and to see the death camps for ourselves. In that way, we can try to prevent such atrocities from happening again.

I apologise, Presiding Officer, for saying this at the end, but I do not think that there should be room in this debate for partisan comment. Sadly, anti-Semitism occurs across political parties, and it is unacceptable wherever it occurs.

Again, I congratulate Jackson Carlaw on bringing this matter to the chamber.

13:09

Ross Greer (West Scotland) (Green): Like colleagues, I thank Jackson Carlaw for giving us all the opportunity to mark Holocaust memorial day here in the Scottish Parliament. On this day, we mark the worst atrocity in human history—a crime beyond comprehension, as other members have already said. It involved the industrial, political and military capacity of a world superpower being directed to the annihilation of the Jewish people and other perceived enemies and those who did not fit its horrifying plans for a master race.

It is estimated that over 1 million people were killed in Auschwitz alone before it was liberated 72 years ago tomorrow. Six million Jews were killed in the Holocaust, alongside a further 5 million people—Poles, homosexuals, those with disabilities, communists, trade unionists, enemies of the Nazi regime. Despite the vows to never allow such a crime against humanity to occur again, other genocides have happened since the Holocaust: in Cambodia, Rwanda, Bosnia and Darfur. On Holocaust memorial day, we remember not just the victims of the Third Reich, but all victims of genocide.

We have to grapple with the question of how these events could ever happen. Reading the testimony of the Soviet commander who liberated

Auschwitz, we see that he said, as he stood beside the ovens:

“How can this be in the midst of the 20th century? I can’t comprehend this.”

In the 21st century, can we comprehend it now? Can we prevent genocide from occurring again? Those questions have taken on a renewed importance in recent years.

The actual mass murders of the Holocaust took place between 1941 and 1945, but before that could happen, there was a long process—over a decade—of dehumanisation and of propaganda being targeted against the Jewish people in Germany in order to set the political context that would permit this mass murder and give it passive, if not active, acceptance. The propaganda was not rational. It was lies about the Jews being responsible for losing the first world war and lies about Jews plotting world domination. The fact that those were lies did not halt the advance of fascism.

Although we must be careful and it is rarely appropriate to do this, there are comparisons to be drawn with events that are happening today. Across Europe and America, we once again see lies and propaganda dominating news coverage, and that has fuelled the rise of the neo-Nazi movement, of the far right. Views that were once unacceptable have come back. Here in the UK, we have a columnist in a national newspaper describing refugees as “cockroaches” who should be met with gunboats. The United Nations High Commissioner for Human Rights described that as “pro-genocide propaganda”.

Too often, the media has served to legitimise the far right by giving it coverage. One of the final Opposition speeches that was given in the Reichstag before it was suspended included a statement that is uncomfortably relevant today:

“It would be easier to stand up to such exaggerations if the kind of reporting that separates truth from falsehood were possible at home.”

The Social Democratic Party politician who said that did not survive the weeks after he made his comments.

In recent months, a US media outlet ran the headline “Meet the dapper White Supremacist riding the Trump wave”. I wonder whether “dapper” was the word that sprang to the minds of African Americans as that individual discussed the merits of the genocide of black people.

When we treat fascism as simply another political point of view, we have conceded legitimacy to that point of view and it becomes acceptable to discuss it in the mainstream. But genocide is not an acceptable point of view, and believing that we can win the argument by giving

these people a platform for debate misunderstands the problem. Fascism and anti-Semitism are not rational. Fascists and others who advance dangerous, lethal agendas are not and never have been interested in winning the debate. They just want to win. We cannot ever allow that to happen again.

Today, we must remember the victims of humanity’s worst crime and think seriously about how we can turn our determination to never allow it to happen again into a practical reality.

13:13

Stuart McMillan (Greenock and Inverclyde) (SNP): I, too, thank Jackson Carlaw for securing the debate. As he and others know, I have spoken in debates about Holocaust memorial day in the Parliament in the past, indicating my support for the Holocaust Educational Trust and the lessons from Auschwitz programme.

I visited Auschwitz in 2000. Any member, or anyone who has been there, will say what a harrowing construction it is. I will certainly never forget what I saw that day or how it affected me both at that time of my life and since then. It sticks with me to this day.

For me, 27 January is a crucial day. The Holocaust Educational Trust cards that we have been given state:

“We believe the Holocaust must have a permanent place in our nation’s collective memory.”

I am happy—although “happy” is probably the wrong word to use—that we have this day every year, so that we can remember what happened in the past.

A young lady called Kirsten Irvine, who is from Port Glasgow and attends my old high school, Port Glasgow high school, took part in the Holocaust Educational Trust’s lessons from Auschwitz project. I will quote directly from Kirsten’s blog.

Tomorrow, 27 January, marks the liberation of Auschwitz-Birkenau, the largest Nazi death camp. It is a time when we seek to learn the lessons of the past and to recognise that genocide does not take place on its own. It is a steady process that can begin if discrimination, racism and hatred are not checked and prevented.

The Nazis created an abyss in which racism and politics pulled together towards nihilism. In that dark chasm, Jews were murdered. When Jews were saved, it was often thanks to people who could act on behalf of a state or by institutions that could function like a state. When none of the moral illumination of institutions was present, kindness was all that remained, and the pale light of individual rescuers shone.

Thankfully, Scotland has a long history of welcoming people of all nationalities and faiths, supporting their integration into the Scottish way of life and recognising the vibrancy that they bring to our society and culture.

The work that the Holocaust Educational Trust does through the lessons from Auschwitz project, and the testimony of Holocaust survivors, has allowed dozens of young people in my constituency in Inverclyde to share what they have learned with their peers, and has helped reveal the role that their community played in showing tolerance and understanding.

Kirsten talked about Jewish people coming to Greenock. Between 1881 and the beginning of the first world war, nearly 3 million Jews left eastern Europe. Jews poured into Greenock by the thousands. A third of all passenger ships that crossed the Atlantic from the Baltic ports to New York stopped off there. As a result, Jewish boarding houses were established and Jewish soup kitchens were set up at the dockside at Customhouse Quay to cater for the thousands of homeless. Some Jews remained long enough only to catch the next ship out.

Gradually, in the 1930s, the Jewish population in Inverclyde began to dwindle, yet the appalling social policies perpetrated by the Nazis in Germany and across eastern Europe would once again see Jewish refugees on Greenock's shores. One of them was Leo Metzstein. He was born in 1933 as one of five children of Jewish parents in Berlin. As members can imagine, life was incredibly tough for Leo growing up. He had to run to and from school to stop himself being recognised as a Jew. His school was burned down during Kristallnacht.

Leo's father, as well as being Jewish, was rumoured to be a communist. He was found dead in a field in 1935, and the German authorities gave no explanation as to the cause of death. Eventually, Leo's mother took the incredibly difficult decision to flee Germany with her five children through the Kindertransport, which were the rescue efforts that brought thousands of refugee Jewish children to the United Kingdom from Nazi Germany between 1938 and 1940.

Leo and his family were brought to Scotland. There, the evidence of solidarity and support for vulnerable refugees across communities is evident. Leo lived for the duration of the war in Skelmorlie, which is in Kenny Gibson's constituency; he lived with 30 other Jewish children in a large house that was rented by the Jewish Refugees Committee.

It is vital for the future that we remember the past on 27 January. Given this year's theme—the question, how can life go on?—my

recommendation to anyone in the chamber, anyone who watches the debate and anyone who reads the *Official Report* is that it is absolutely vital that we continue to educate our future generations so that we can learn the lessons of the past and have a better future.

The Deputy Presiding Officer: Due to the number of remaining members who wish to speak in the debate, I am minded to accept a motion under rule 8.14.3 to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Jackson Carlaw.*]

Motion agreed to.

13:19

Annie Wells (Glasgow) (Con): Tomorrow, as we all know, is Holocaust memorial day: a day in which to remember the 6 million men, women and children who were murdered by the Nazi regime as well as those who were murdered in subsequent genocides in Cambodia, Rwanda, Bosnia and Darfur.

The significance of the day should not be underestimated. Hundreds of thousands of lives were destroyed or changed beyond recognition because of regimes intent on manifesting hatred and dividing societies along battle lines from which to kill. However, in testimonies that have been made available online by the trust, we hear of those extraordinary people who defied the will of their regimes and survived to tell their story.

On Sunday, I was humbled to attend a Holocaust interfaith peace service at Glasgow university and to hear from the daughter of a Holocaust survivor, Saskia Tepe. Now living in Scotland, Saskia spoke openly about her mother Brigitte Langer, who narrowly escaped death at Auschwitz by jumping off a train into a snowdrift and evading detection by wearing a nurse's uniform and tending to German soldiers on the front.

As well as giving us an opportunity to honour the survivors of the regimes, tomorrow marks an opportunity for us to use the lessons of the past to inform our lives today. We are fortunate in this country. Britain was one of few countries in the interwar period in which political extremism failed to gather mass—a vital block in the path to genocide. However, that is not to say that we are immune from racism or the language of hatred and exclusion, and that, too, should be a focus for tomorrow. What is the logical end point of racism and xenophobia if not to create permanent divisions in society? How do we tackle those discords in society and see their significance in the

everyday, even if they do not reach the frightening heights of genocide?

I was pleased to see statistics from a survey of last year's participants, in which 66 per cent reported that the day had made them feel more sympathetic towards people from different backgrounds. To mark this year's Holocaust memorial day, 20 events across Scotland have either taken or will be taking place. I will highlight just a couple of events in Glasgow. To mark the day, pupils from St Roch's secondary school will host a sharing-and-learning event with school pupils from schools across the city, and throughout this week, Glasgow City Council, in partnership with the Glasgow Film Theatre, has been screening "Inside Hana's Suitcase", the poignant story of two Jewish children in pre-world war two Czechoslovakia, to support Holocaust education in the city's primary schools.

I thank my colleague Jackson Carlaw for raising awareness of Holocaust memorial day and for the opportunity to speak in this debate. Of course, I also thank the trust itself for its efforts in organising the event, as well as those who have spoken honestly about their experiences in some of the darkest periods of our history to ensure that we learn from the past.

13:22

Neil Bibby (West Scotland) (Lab): I join members in thanking Jackson Carlaw for giving us this important opportunity to mark Holocaust memorial day 2017.

As we know, tomorrow—27 January—marks the 72nd anniversary of the liberation of Auschwitz-Birkenau, the notorious death camp and symbol of the horrors of the Holocaust. The scale of the inhumanity that took place there is staggering; indeed, as Elaine Smith said, it is still hard for many to comprehend all these years later. Auschwitz was the site of the largest mass murder in a single location in human history, with more than a million people, 90 per cent of them Jewish, dying there.

Yet even in the horror of it all, there are still powerful individual stories of strength, heroism and bravery. One such story is that of the late Rev Ernest Levy, a Holocaust survivor whom I had the honour of meeting in east Renfrewshire a number of years ago through the Presiding Officer, Ken Macintosh. As a young man of 19 and 20, Ernest Levy survived seven Nazi concentration camps, losing half of his family including his father, a brother and a sister. He settled in the west of Scotland for the latter 48 years of his life.

In recalling his experience of Auschwitz, Ernest Levy described it as a world of evilness beyond description where a person ceased to be a person

but was reduced to a number. They were totally dehumanised. Ernest Levy was the first Holocaust survivor whom I had ever met and the time that I spent listening to him will stay with me for the rest of my life. I will always remember what he told us about his experience, but I will also remember his humanity and enduring belief in the essential goodness of people. Such humanity from someone who had gone through so much is an example to us all, and he shared his story with me and others so that the lessons of that dark period in history would not be forgotten. There are many others who work hard to ensure that those lessons stay with us, including some organisations that I would like to thank today.

The Holocaust Memorial Day Trust, which Annie Wells mentioned, is supporting a series of events across the country for people to come together to remember the millions of people who were killed not only in the Holocaust but in subsequent genocides in Cambodia, Rwanda, Bosnia, Darfur and anywhere in the world where the act of killing people because of their religious beliefs or ethnicity continues.

Like Stuart McMillan, I commend the work of the Holocaust Educational Trust, which works in partnership with schools, universities, local authorities and other institutions to educate children and young people about the Holocaust and its contemporary significance. Many will be familiar with the Holocaust Educational Trust's lessons from Auschwitz project. Every year, it enables two pupils from every high school in Scotland to visit Auschwitz and to go on to become young ambassadors for the trust. Marianne Allan and Ewan Boyle from Notre Dame high school in my region were among those pupils who were chosen to take part recently. Upon returning from Auschwitz, they spoke of the profound impact that the visit had on them and of the human stories of real families who were devastated by what happened there and the real lives that would never be the same again. The pupils said that seeing the camp in person gave them a much greater understanding of that terrible time than anything that they could ever have learned from a textbook. We should fully support the trust's initiative.

Across the country, many of our local schools mark Holocaust memorial day every year. In my area, Renfrewshire Council and East Renfrewshire Council participate in a joint Holocaust memorial service. This year, pupils from Paisley grammar will recite verses from "Birdsong" by Gillian Clarke. Given some of the parallels with today's child refugee crisis, Heriot primary will be hearing the life stories of Kindertransport survivors, and pupils will also be reflecting on the number of child refugees who we have welcomed into our communities over these past few months.

As has been mentioned, the theme of this year's Holocaust memorial day is the question, how can life go on? That makes us think of how, in the wake of such unimaginable horror, humanity continues on its path and of how, by learning the lessons of the past, we can try to build a more accepting and tolerant society for the future.

We know that genocide never just happens. There is always a set of circumstances that occur or are created and which build the climate in which genocide can take place. We need to provide future generations with the knowledge that they need to understand how those events came to pass and prevent them from happening again.

Holocaust memorial day provides each of us in Scotland and across the world with an opportunity to reflect upon the values that we hold dear, so that we can continue to build a safer, more inclusive society—one without prejudice and without anti-Semitism, where our differences are respected.

13:27

Richard Lyle (Uddingston and Bellshill) (SNP): I thank Jackson Carlaw for securing this Holocaust memorial day debate.

Over the years, many religious peoples have faced persecution in all parts of the world—none more than the Jews. Today, we remember the suffering to which that proud people were subjected by Adolf Hitler and his gang of Nazi thugs. At the end of the first world war, Hitler blamed the Bolsheviks and the Jews for Germany's defeat. His first utterance on political questions emphasised what he called "the anti-Semitism of reason", and his ultimate goal was total removal of the Jews.

The final solution was a Nazi plan for the extermination of the Jews during world war two. That policy of deliberate and systematic genocide of Jews across German-occupied Europe was formulated in procedural terms by the Nazi leadership in January 1942 at the Wannsee conference, near Berlin. That decision culminated in the Holocaust, which saw the killing of 90 percent of Polish Jewry and two-thirds of the Jewish population of Europe.

Across Europe, there were more than 60 labour camps, concentration camps and extermination camps—too many to name, but including Auschwitz-Birkenau, Bełżec, Chełmno, Jasenovac, Sajmište, Treblinka and Sobibór. Most people will remember Sobibór, where inmates rose up and killed a number of their guards before escaping from the camp through a minefield in which a large number of prisoners died, although many reached the safety of the forest. What the prisoners suffered in Sobibór was made into a film

that stands beside other films that show what the Jewish people had to suffer in those dark days of world war two.

I recommend two other films to anyone who wants to see what terrible crimes were committed against the Jews: "The Pianist" and, of course, "Schindler's List". "The Pianist" tells the story of Władysław Szpilman, who lived in the Warsaw ghetto. What he and his family suffered at the hands of their captors was outrageous and inhumane. He managed to survive only due to the kindness of a German officer, who recognised him as a great Polish pianist. Near the end of the war, that officer was captured by the Russians. No one knows what happened to him, but Szpilman owed his life to him.

"Schindler's List", is the most powerful film I have ever seen. It details what happened to Jews who were torn from their day-to-day lives and how Oskar Schindler helped them. In 1939, Schindler acquired an enamelware factory in Kraków, Poland, where he employed about 1,750 workers. At the factory's peak in 1944, 1,000 of them were Jews. Schindler's Nazi connections helped him to protect his Jewish workers from deportation to, and death in, the concentration camps. As time went on, Schindler had to give Nazi officials ever-larger bribes and gifts of luxury items that were obtainable only on the black market in order to keep his workers safe.

By July 1944, Germany was losing the war and the SS was closing down the concentration camps. Many people were killed in Auschwitz and other camps. Schindler convinced SS-Hauptsturmführer Amon Göth, who was commandant of the nearby Kraków concentration camp, to allow him to move his factory to Brännlitz in the Sudetenland, thereby sparing his workers from almost certain death in the gas chambers. Using names that were provided by Jewish ghetto police officer Marcel Goldberg, Schindler compiled a list of 1,200 Jews, who then travelled to Brännlitz in October 1944. Schindler continued to bribe SS officials to prevent the execution of his workers until the end of the war.

At first, Schindler was only out to make money, but when he saw what was being done to the Jews, he saved the lives of 1,200 of them. The film was powerful and showed the world the truth of the barbaric methods that people can use. Let us not forget the Holocaust; let us ensure that that can never happen again. I am very happy to support today's motion. I ask that everyone ensures that anti-Semitism—in all its forms—is opposed forever.

13:32

The Minister for International Development and Europe (Dr Alasdair Allan): I thank Jackson Carlaw for lodging the motion, which highlights Holocaust memorial day, and all the members who have taken part in the debate. It is essential that we come together each year to commemorate one of the darkest periods in human history.

When we look back to that time, the scale of the atrocities and the depth of—to use Robert Burns’s phrase—“Man’s inhumanity to man”, remain difficult to truly comprehend. Many of us in this chamber, myself included, have had the privilege of visiting Auschwitz and have come away from that experience lost for words, because of both the individual acts of immense cruelty and the scarcely imaginable scale of the crime.

During the Holocaust, 11 million lives were extinguished—the equivalent of the population of Scotland twice over. The tragedy and the crime that occurred provide us with the opportunity to reflect that those lives were lost due to the denial of basic human rights and freedoms—the rights that each one of us has to our own culture and heritage, to freedom of expression and thought, and to peaceful coexistence as part of a multicultural society.

Since then—as Ross Greer and others pointed out—fundamental human rights have continued to be denied and there have been atrocities all over the world, from the massacre in Srebrenica to the atrocities in Darfur. Reflections such as today’s debate provide us with an opportunity to grow and to prosper for a better tomorrow. We must use this period of reflection to renew our collective commitment to tackling all discrimination and to promoting a multifaith and multicultural society that is based on mutual trust, respect and understanding.

As a number of members have said, it is right to confront the reality of events—events from which we would often prefer to avert our eyes. It is right that we confront anyone who would deny or belittle the reality of those events.

Many members mentioned their visits to Auschwitz and the things that made an impression on them. I could mention many things, in my case, but I want to focus on one. I have spoken about people averting their eyes. I am sure that other members who have visited Auschwitz had the experience of seeing the camp commandant’s house and learning that he apparently lived there quite happily, ostensibly with his family. He wrote home to his friends and extended family—as did they—about where they were going on holiday, what they were having for dinner that night and so on. It is a chilling lesson in what happens if we turn our eyes away from the reality and horror of the

events that we commemorate today and this week.

I will say something about what we are doing in Scotland. The Scottish Government works in partnership with the Holocaust Memorial Day Trust, along with our intermediary partner, Interfaith Scotland, to deliver Scotland’s national Holocaust memorial day event each year. This year’s events, which are hosted by East Dunbartonshire Council, are under way. On Sunday 22 January there was, as we have heard, an interfaith service that was attended by almost 400 people, with representation from the various faith communities. Low Moss prison will host an event to raise awareness and educate prisoners. Guest speakers include Umutesi Stewart, who is a survivor of the Rwandan genocide who now resides in Scotland, and Saskia Tepe, whose mother, Brigitte Langer, suffered the tribulations of war and its aftermath some three times.

We are actively engaging with our communities. The First Minister and the Cabinet Secretary for Communities, Social Security and Equalities hosted the second interfaith summit in November 2016, which discussed the shared ambitions and challenges of Scotland’s diverse faith communities.

One of the issues that we must talk about is faith-based prejudice. Let me be very clear: anti-Semitism, in any form, has absolutely no place in Scotland. As Ross Greer suggested, we should take on people who suggest that intolerance is just as valid a point of view as tolerance.

We appreciate the significant contribution that our Jewish communities make to this country. Scotland is and long has been their home. We are committed to working with communities who experience hate crime to ensure that a zero-tolerance approach is taken and that the ignorance and inequalities that create the conditions of hatred are robustly tackled. That is why the Government is very willing to support—and does support—the work of the Holocaust Educational Trust, for example, in taking Scottish senior school pupils to visit Auschwitz. We undertake trips of that kind on a regular basis, and I think that they are valued by the school communities that are involved.

I hope that commemorating the Holocaust and acts of remembrance such as this mean that we will never forget such atrocities and that we will never allow them to take place again. There is an obligation on each of us to confront that history, to dignify the story and the people who suffered, and to pass on the obligation to future generations through a legacy of hope.

We want a Scotland in which everyone, regardless of their background, is able to live and

raise their family in peace. If we can aim to do that in Scotland—if we can aim for a Scotland where all can live as part of a modern forward-looking society that is built on respect and mutual trust—we will perhaps at least be able to respond, in our own modest way, to the terrifying accusation that the Holocaust represents against humans and human history.

The Deputy Presiding Officer: That concludes the debate, and I thank all members for their contributions.

13:39

Meeting suspended.

14:30

On resuming—

Hate Crime

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Annabelle Ewing on hate crime. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): Recent news coverage of events around the globe has starkly demonstrated that hatred and prejudice continue to have very serious consequences for people and communities across society. In recent times, we have seen racism and religious bigotry on the rise around the world. Those reports, and the subsequent and increasingly frequent online furore that they generate, can lead to increased attacks on everyone, from people from ethnic minority communities to people with disabilities and every other vulnerable community that is easy prey for bigots and bullies. Discussions in the media and online about Brexit highlight the need for us to ensure that people from across the European Union who have made Scotland their home feel secure.

Scotland is an open and inclusive nation, but we are not immune from such hateful behaviour. Our communities sometimes face prejudice and abuse through direct physical confrontation and through cowardly online hate abuse. I know that everyone across the chamber would condemn the deliberate targeting of our minority communities with hate-filled prejudice. I am sure that we are all united in seeking to offer our communities the protection in law that they need to give them access to justice when they are subjected to such behaviour.

Prejudice and hate have huge impacts on the quality of life of individuals and the communities to which they belong. Trust becomes more difficult and whole families and groups withdraw into smaller circles of safety, with significant consequences for the overall levels of trust and social capital across the whole of society. Our debate earlier today on Holocaust memorial day highlighted why we must never forget the injustices that have led to demonisation of communities and to horrific acts of genocide. We must be vigilant to ensure that history does not repeat itself and that no one is allowed to make scapegoats of our minority communities. We must all of us always bear witness.

Last November, Parliament debated hate crime and raised the possibility of a review of hate crime legislation. Organisations including the Law Society of Scotland and the Equality Network provided written briefings supporting such a

review. The need for robust legislation to tackle hate crime is as great as ever, which is why I am announcing today that the Scottish Government has commissioned an independent review of hate crime legislation. The review will be led by one of the most senior members of the Scottish judiciary—Lord Bracadale. He will make recommendations on how we can ensure that the hate crime legislation that is applied to protect Scottish communities is fit for purpose in the 21st century.

The review will be taken forward entirely independently of the Scottish Government. The remit has been placed in the Scottish Parliament information centre, and I confirm that it will consider whether existing hate crime law represents the most effective approach for the justice system to deal with criminal conduct that is motivated by hatred, malice, ill-will or prejudice.

Lord Bracadale's considerations will include whether the current mix of statutory aggravations, common law powers and specific hate crime offences is the most appropriate criminal law approach to take; whether new categories of hate crime should be created for characteristics that are not currently covered in existing legislation, such as age and gender; whether existing legislation can be simplified, rationalised and harmonised; and how any identified gaps, anomalies and inconsistencies can be addressed. Lord Bracadale will also consider whether we need to change or amend the current legislative framework and whether it guarantees that human rights and equality, including the right to freedom of speech, are protected.

Another central concern of the review is the need to consult all interested parties to ensure that Lord Bracadale's recommendations are informed by evidence. That is why Lord Bracadale will conduct an open public consultation on the review. In addition, he has indicated that he is happy to meet spokespersons from all the parties that are represented in Parliament so that he can incorporate the views and opinions of Parliament in his findings and recommendations.

The current legislation that relates to hate crime has developed piecemeal over decades. The review presents us with an opportunity to take stock and to look at all the legislation holistically. That means that the review will consider the wide range of legislation that has an impact on tackling hate crime, including the Offences (Aggravation by Prejudice) (Scotland) Act 2009, the Criminal Justice (Scotland) Act 2003 and the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

I am, of course, aware of the views of members on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

The Government remains opposed to repeal of the 2012 act without there being a viable alternative. Such a move would remove protection from some of our most vulnerable communities: for example, repeal of section 6 would leave an unacceptable gap in Scottish legislative protection in that, unlike elsewhere in the United Kingdom, prior to the 2012 act's introduction there was no specific offence in Scots law that criminalised threats that were made with the intention to incite religious hatred. That was an obvious gap, so it was clear that legislation was required to address it. The review that I announce today acknowledges the concerns of Parliament and provides a responsible and practical response by allowing the 2012 act to be considered in the context of all hate crime legislation, which will help to ensure that the overall legal coverage that is offered to vulnerable communities is appropriate.

Let me be clear: the review goes far beyond football. We are determined to ensure that people who peddle extreme and intolerant ideologies, those who admire the hatred of the far right and who want to undermine civil liberties and human rights, and those who simply want to make scapegoats of anyone who is different from themselves, do not find any foothold. There is no place for such behaviour in modern Scotland.

People who indulge in hate crimes often fear losing their privilege and power—that is, the privilege to abuse and the power to harm the weakest and most marginalised people in our society. Some people cannot accept that the only secure future is one in which we are able to live side by side, as equals, with equality that is based on trust, respect and—most important—understanding.

The laws that have been put in place to tackle hate crime were designed to protect vulnerable people. They make it clear that a modern forward-looking society will not tolerate hatred of people simply because of who they are. Now, more than ever, we need to revisit the body of applicable legislation in Scotland and ensure that that fundamental principle is not allowed to slip or to be lost in the changing global environment. If hatred is left unchallenged, people will be pushed towards ever more polarised positions, which will lead to greater and greater fragmentation of society. We will be vigilant; we will not stand by and let that happen.

I reaffirm the Scottish Government's commitment to tackling all forms of hate crime. The independent review will ensure that Scotland leads the way in providing adequate and appropriate protection to all communities. I commend this important review to Parliament and hope that all parties will engage positively with Lord Bracadale as he develops his

recommendations, in order to ensure that Scotland can live up to the ideal of being a modern, outward-looking, open and inclusive country.

The Deputy Presiding Officer: Thank you, minister. I will allow around 20 minutes for questions, after which we will move on to the next item of business.

Douglas Ross (Highlands and Islands) (Con): On behalf of the Scottish Conservatives, I thank the minister for the advance sight of her statement and welcome the forthcoming review of hate crime legislation in Scotland. We can all agree that hatred and prejudice have no place in our society. Members on the Conservative benches will engage with Lord Bracadale as he embarks on his important undertaking.

The minister mentioned

“the wide range of legislation that has an impact on tackling hate crime”,

but then went on to focus only on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Why does the Scottish Government continue to ignore the will of Parliament when it comes to that flawed piece of legislation? Less than three months ago, the Parliament voted to repeal the 2012 act, which, I remind the minister, has been heavily criticised by the legal profession and the judiciary. Why is she including that piece of legislation in the review, instead of setting out a timeline for its repeal? The will of Parliament on that was made clear in November 2016.

Although it is important that the criminal justice system is equipped to deal with hate crime, it is also vital that victims come forward to report their experiences of hatred. I note that, in its latest hate crime statistics, the Crown Office says that disability hate crime

“continues to be under reported compared to other forms of hate crime.”

Can the minister confirm what the Scottish Government is doing to encourage and to improve the reporting of all types of hate crime in Scotland, and how the Bracadale review will look at the reporting of hate crime?

Annabelle Ewing: I welcome the constructive comments that were made at the outset of Mr Ross’s question. It is good to hear that the Conservative Party will engage with the review.

Mr Ross mentioned the position of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. The review has a very wide reach and I referred to a number of pieces of legislation. I also felt that it was important to reflect and to recognise the views of the Parliament with respect to one piece of the hate crime legislation jigsaw, which is why I spent

a bit of time on it; members would have been surprised if I had not done that.

Our position remains clear: without a viable alternative, we do not support a repeal of the 2012 act for the reason that such a move would take away protections. With the threats to civil liberties, to peoples’ rights and to equality that we see around the world at this time, now would be the wrong time to take protections away from people. What we should be doing—and this is the responsible position of this Government—is ensuring that the whole body of hate crime legislation is fit for purpose in the 21st century, including the 2012 act, which is the key piece of hate crime legislation.

Mr Ross’s second question was on disability hate crime, and I agree that there is much more to be done to ensure that people with a disability feel more comfortable in bringing forward their concerns. In that regard, I was very pleased to note the publication of the disability delivery plan by my colleague, Jeane Freeman, in early December last year. The plan sets out 93 actions, one of which is to ensure that the Scottish Government works with disabled people’s organisations and Police Scotland to do what we can to encourage more reporting of incidents of hate crime.

Claire Baker (Mid Scotland and Fife) (Lab):

The announcement of the review is welcome and we will work with Lord Bracadale. There is a need to ensure that our legislation is relevant to the modern world and its challenges, and that racism, bigotry and hatred have no room in our society. Last year, there was a doubling of Islamophobic hate crimes, and there are year-on-year increases in crimes relating to disability and sexual orientation. It is clear that we must take greater action and ensure that all our citizens are protected.

I note that the 2012 act is included in the review. The minister is aware that it is the view of Parliament that it should be repealed and, although I note what she said about the impact of repealing it, we do not share her view that there is no viable alternative. I believe that the review will recognise that.

We wish the review well. To support the work of Lord Bracadale and to better inform the review, will the minister commit to publishing a full breakdown of all hate crime statistics, as is currently the practice in the report on religiously aggravated offending in Scotland?

Annabelle Ewing: I thank Claire Baker for her constructive comments and for her desire to be involved in the review by ensuring that her and her party’s input are part of the work that Lord Bracadale takes forward.

The 2012 act is a key piece of the jigsaw of hate crime legislation in Scotland. It is quite right and proper that, as part of the wide consideration of whether hate crime legislation is appropriate and effective in 21st century Scotland, we look at the 2012 act, too.

In the consultation that Mr Kelly undertook—I see that he is not in the chamber—the Crown Office took the view that, in some circumstances, the only way in which it could secure a conviction would be by using the provisions of the 2012 act. Stonewall Scotland and the Equality Network expressed concern that simply repealing it would send a worrying signal that such behaviour was acceptable. I hear what Claire Baker says—there are differing views—but the issue will be part of the wider review.

We all need to do much more to ensure that people feel comfortable about reporting hate crime, in whatever way it manifests itself. That is a commitment that we have made.

I undertake to look into the issue of the hate crime statistics and speak to the statisticians. I do not want to do things that might, statistically, present particular challenges, but I hear what Claire Baker says. The best way to go is for us to bring to the table any information that we can.

The Deputy Presiding Officer: I ask members to bear in mind that the longer the questions and answers are, the less chance there is of everyone getting an opportunity to ask their question.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): The minister will be aware that the Equality and Human Rights Commission has raised concerns that the start of formally leaving the EU could cause an increase in crime and a backlash against EU citizens—we have already seen that in England following the referendum in June. How will the Scottish Government ensure that that backlash does not occur in Scotland?

The Deputy Presiding Officer: You caught me by surprise there, Ms McKelvie. That was very quick for you. I call Annabelle Ewing.

Annabelle Ewing: Presiding Officer, I will not comment on your exchange with Christine McKelvie.

Immediately after the referendum vote in June 2016, the First Minister said:

“citizens of other European countries living here in Scotland—you remain welcome here, Scotland is your home and your contribution is valued.”

That is the message that all of us must strive to get across every single day, particularly given that the article 50 process will apparently be triggered fairly shortly. It is a duty incumbent on all of us to

ensure that all our citizens feel comfortable living in Scotland, where they have chosen to make their home.

On practical considerations, the intention of the hate crime review is to ensure that hate crime law protects every citizen in Scotland and that it is available for all. That is an important feature of the review.

My colleagues in the equalities team will shortly proceed with another hate crime awareness campaign, which I think was announced in the excellent debate that we had in November last year. I am sure that that will be a timely intervention as we approach, with some trepidation, the months ahead.

Annie Wells (Glasgow) (Con): Last June, figures from the Crown Office showed that, in Scotland, sexual orientation and disability-related hate crime rose by an alarming 20 per cent and 14 per cent respectively between 2015 and 2016. I raised that issue in the chamber during a debate in November and I want ask the minister again what specific action the Scottish Government will take to tackle those types of hate crime.

Annabelle Ewing: In response to the member's colleague, I explained the very important development of the disability delivery plan, under which 93 separate actions are expected to be carried out. We will work closely with disability organisations and Police Scotland to encourage increased reporting.

On the increase in reported sexual orientation hate crime, I note the statistics and I find them very worrying indeed. We have proceeded with a range of activities, including in the equalities portfolio. Significant funding has gone in over recent years. In the current financial year, some £3.1 million is available for a wide range of projects to ensure that, across all areas, we are vigilant. In our schools, the refresh of the anti-bullying guidance is expected quite soon. We are working with time for inclusive education campaigners to ensure that the issues that they have raised are properly addressed.

Fulton MacGregor (Coatbridge and Chryston) (SNP): What is the Scottish Government doing to tackle the problem of sectarianism that exists across the country, affecting people in my constituency and many others?

Annabelle Ewing: The member raises an important point. The Scottish Government has invested some £12.5 million over the past five years to the end of this financial year in a number of important projects that seek to tackle sectarianism, working through the education sector—there were particular projects involving the Citizens Theatre, sense over sectarianism and Nil

by Mouth, to name but three. We recognise that education is a key element in tackling sectarianism and we have been working with Education Scotland to produce a national resource for schools.

Over the past five years, we have committed more than any previous Administration; of course, future funding activity will be informed by Dr Duncan Morrow's important review of the 2016 report that his advisory group prepared on tackling sectarianism in Scotland. Dr Morrow is looking at how the recommendations are being implemented. We expect that work to be produced shortly and we will look at that review carefully to inform the next steps.

Mary Fee (West Scotland) (Lab): I welcome the statement on hate crime. Can the minister provide any further details on the open public consultation? Can she give us any assurances that such a consultation will reach all those in Scotland who are subject to hate crimes and who may otherwise be overlooked, for example people for whom English is not their first language or Gypsy Travellers?

Annabelle Ewing: The member raises an important point and I will ensure that it is fed into the process. It is absolutely the case that evidence from anybody who has something to say will be most gratefully received. In terms of general stakeholder engagement, shortly after this statement I will be speaking to some key stakeholders. We will also be in written contact with other stakeholders today and I hope that, through their networks, they can help to make sure that as wide an ambit is reached as possible.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): One of the most significant developments in the past few decades has been online hate crime, which is utterly vile and yet is underreported, in my view, because a lot of online abuse is accepted as just being normal. Will the review ensure that it is easier and more routine to report online hate crime that is targeted at someone and motivated by prejudice, while—importantly—safeguarding freedom of speech?

Annabelle Ewing: The issue of online hate crime is quite fundamental now, because so much activity takes place online. That is the future. Therefore, an important part of Lord Bracadale's review is to look at how effective our legislative framework is at dealing with online hate crime and at what we can do to enhance that protection—while of course recognising that one of our important rights is indeed freedom of expression.

Some online protection is provided in section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. A simple repeal of the 2012 act without anything

else being put in its place would take away protections that currently exist.

Patrick Harvie (Glasgow) (Green): I welcome the review and in particular the commitment that it will include consideration of a consolidated hate crime act, which I have thought was worth considering since Parliament passed my own member's bill, which became the 2009 act.

However, I wish to ask about the comments by the minister that prior to the introduction of the 2012 act, there was no specific offence in Scots law criminalising threats made with the intent of inciting religious hatred. The minister describes that as an obvious gap. Is it not more accurate to say that it was a choice that Parliament consistently made by consensus that aggravation of existing offences was the way to go rather than the introduction of piecemeal incitement legislation? Can the minister confirm that the review group will not be given any preset assumptions or preconditions about the role that the Government expects incitement to hatred legislation to play in future?

Annabelle Ewing: We have set the remit for the review, which has been placed in SPICe. Lord Bracadale will carry out the review and he will determine where his review takes him. In terms of the expressed remit, he is being tasked to look at the important issue of statutory aggravations.

The review will be independent, and Lord Bracadale—one of the most experienced practising criminal law judges in Scotland—will take it where he feels that it needs to go to fulfil the remit, which is to look at whether the body of law in this area is piecemeal and requires consolidation. I know that, some years ago, Patrick Harvie rightly called for consolidation. Lord Bracadale's duty is to look at the whole body of law to determine whether it is effective and appropriate in the context of 21st century Scotland. I am sure that he will read the *Official Report* of questions and responses on today's statement, and I know that Patrick Harvie and his party will wish to feed into the review.

Liam McArthur (Orkney Islands) (LD): I thank the minister for early sight of her statement and I welcome the review as part of our on-going efforts to bear down on hate crime in all its forms. The Scottish Liberal Democrats will certainly be more than happy to engage with Lord Bracadale.

Can the minister advise whether the Lord Advocate or the Crown Agent has identified particular cases or types of case that are not being brought forward or securing prosecution in the current legal landscape? Can she assure members that the support that is available to victims, some of which is based on legislation, will be up for consideration in the review?

Annabelle Ewing: I welcome Liam McArthur's constructive approach to the review, and it is good to hear that he will be happy to work with it. I am not aware that the Lord Advocate has brought any information to me regarding particular cases, but it is timely that we take a look at the adequacy of our hate crime legislation in 21st century Scotland, given that it is covered in both common law and statute, and that—as we heard from Patrick Harvie—there are a number of statutory aggravations.

Victim support is probably not an element of hate crime legislation that falls directly in Lord Bracadale's remit, but it is for the Government to continue to look at that matter. I assure Liam McArthur that, under the justice portfolio, we will always continue to look at what more we can do to help victims.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Does the minister agree that more should be done to prevent homophobic bullying at school, in light of the shocking statistics that 90 per cent of lesbian, gay, bisexual, transgender and intersex people have experienced homophobia, biphobia and transphobia at school and 27 per cent of LGBTI people have attempted suicide once as a result of bullying, in addition to the fact that 79 per cent of teachers support the LGBTI time for inclusive education—TIE—initiative?

Annabelle Ewing: Obviously, every child should feel safe and respected at school, and each one of us has a duty to ensure that that happens.

On the TIE campaign specifically, I echo what the First Minister said at First Minister's questions last week: there is a commitment to take forward the issues that the TIE campaign has brought to our attention, and we wish to do that in consultation with the excellent TIE campaigners.

Jamie Greene (West Scotland) (Con): It is fitting that we are discussing hate crime today given that, just an hour ago, I sat in the chamber and listened to members describe some of the horrors of the Holocaust. While hate will never go away, the means by which it manifests itself have changed dramatically. Will the review, in considering the issue of cyber abuse and online hate crime, robustly and adequately ensure that offences are recorded and dealt with properly?

Annabelle Ewing: The first task of the review with which Lord Bracadale will proceed, which was announced today, is to assess the adequacy and effectiveness of the substantive body of hate crime legislation that exists. Lord Bracadale may wish to look at the mechanics to ensure that we have ways of recording, reporting and assessing how we are doing in the coming years, but I suspect that it will more likely be a matter for the

Government to consider at the end of the process when we receive the review recommendations.

Pauline McNeill (Glasgow) (Lab): I welcome the minister's statement. Does she recognise that tackling hate crime is about not simply framing the right laws but resourcing services to implement them? Will she give a commitment that the Government will not rush to legislate for the sake of it?

Nonetheless, as other members have highlighted, there are some areas that Lord Bracadale should consider for review. Social attitudes to transgender people have improved, but they still face acute prejudice, and we know that there is severe underreporting of transphobic hate crimes. Does the minister agree that that may be an area of interest to Lord Bracadale, who might wish to examine whether a specific law is needed to address such crimes?

Annabelle Ewing: At the end of the process, the Government will carefully consider any recommendations that are made by Lord Bracadale. I imagine that Lord Bracadale will wish to consider the area of transphobic hate crime among other areas when looking at the adequacy in the 21st century of the body of hate crime legislation in Scotland.

John Mason (Glasgow Shettleston) (SNP): One of the strengths of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is that, fairly obviously, it deals with offensive behaviour at football but also deals with sectarianism, anti-Irish racism and anti-Catholicism. Can the minister assure us that we will not lose focus on those important issues?

Annabelle Ewing: Yes. Lord Bracadale has been commissioned to look at the adequacy of the body of hate crime legislation in Scotland, including looking at, as part of the wider review, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Of course, that act remains on the statute book until such time as it is not. As I said in response to Fulton MacGregor, our focus on investing in funding for important projects to tackle sectarianism has meant that we have invested £12.5 million over the past five years. We will consider how we will take forward those projects, including working with Education Scotland to ensure that we have a national resource embedded in our national education system to ensure that tackling sectarianism remains very much on the agenda in Scotland.

Improving Scotland's Planning

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-03612, in the name of Kevin Stewart, on improving Scotland's planning—improving Scotland's places.

15:02

The Minister for Local Government and Housing (Kevin Stewart): I am pleased to be debating the planning reform agenda so early in the new year. I was delighted to publish "Places, People and Planning: A consultation on the future of the Scottish Planning System" earlier this month. The Scottish Government has made a commitment to bringing forward a planning bill in this parliamentary session. The consultation paper is an important step towards that, and I look forward to the contributions of members of the Scottish Parliament at this early stage. I encourage all members of the public and stakeholders to get involved and respond to the consultation, too.

Planning is important to all of us. It has a big influence on the places where we live, work and play. A strong and efficient planning system can play a key role in attracting investment, supporting us all to lead healthier lives and stimulating economic growth. Planning works with our environmental assets to make development sustainable. It gives people a say in decisions that affect them and can support the health and wellbeing of our communities by creating great places that make it easy to walk, cycle and play.

Our current system has a lot to offer, but there is room for improvement. I want Scotland to have a planning system that can respond to the world that we live in today and anticipate the world that we will live in tomorrow. We have developed our proposals for change to our planning system in a collaborative way. The whole process began with the appointment of an independent panel by the then Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil. The panel was asked to provide recommendations for change that reflected the experiences of users of the system, and I welcomed its report when I responded to it last summer.

The panel took an objective look at the planning system, heard evidence from a wide range of people and identified how planning could be improved. Its hard work and common sense were the perfect foundation for us to work from in building a programme of change.

The independent panel did us all a great service by highlighting how the system could be improved. The recommendations were well received by

people with an interest in planning, and I was struck by the high level of consensus that emerged in response to the panel's report.

Since then, we have taken forward an intensive programme of work to explore the panel's recommendations further. We established six working groups, which gave their time to help us to develop options and proposals for change. Crucially, the groups included people from many different backgrounds and from communities, as well as people from the public and private sectors. That allowed a healthy debate and exchange of views—as with, I have no doubt, the debate that we will have today. The working groups showed that, although people might have different perspectives, they can come together and find common ground on which shared proposals for change can be built.

Our consultation paper is the output from all that work and discussion, and it will be used as we develop the bill. Targeted research, evidence gathering and technical work will continue to be progressed to support our thinking, and that will come together with the outcomes from the consultation to help to identify the need and support for specific proposals for legislative change. I should be clear that the independent panel acknowledged that our planning system is not broken but has so much more potential. It also confirmed that, with some improvements, it can be a system that delivers great places for people across Scotland.

The review was not just about planners debating the details of an already complicated system. The independent panel reminded us that we must not forget the outcomes that we are seeking from changes to the planning system. We want continuing investment in Scotland, we want more high-quality homes to be built, we want infrastructure to support development and we all want to improve the health and quality of life of our communities.

I am confident that planning can help to deliver on those outcomes, but only if it makes things happen and if it works with and not against people. We need a planning system that understands and reflects our needs and aspirations, builds a better future for us all by supporting inclusive growth and improving Scotland's health, and actively shapes, strengthens and grows our great places. We need a system that is systematically concerned with health and health inequality.

People seem to agree that we need strong and flexible development plans and that we can reduce complexity in the system. People support the delivery of more high-quality homes and recognise that that depends partly on proactive planning of infrastructure to ensure that things are connected and accessible. People recognise the importance

of green space to our physical and mental health and to an improved quality of life.

We all recognise that decision making must be efficient and transparent so that we can build certainty and improve public trust in planning. We need planners to show leadership for the future of our built environment and to create great places where people can thrive, and we need to look at smarter resourcing of the system. Above all, I think that there is agreement that it is time to move away from conflict and towards much more positive collaboration with communities. I want planning to be something that is done with people and not to them.

The consultation paper has four key themes. We want to make plans for the future, and aligning community planning and spatial planning will help to ensure that the development plan is recognised and supported across local authorities and by partner organisations.

Planners can be a more active part of regional partnership working. We can remove procedures and reduce duplication by better co-ordinating spatial strategies in the national planning framework. The consultation paper suggests moving from a two-tier system to a single tier of local development plans that are supported, but not dictated, by national policy. Our proposals reflect the need for planning to be flexible so that it can respond to different circumstances around the country, such as the specific challenges and opportunities for island and rural communities, as well as those for the city regions.

There is scope to make local development plans more engaging and easier to use. We can replace confusing main issues reports with clear draft plans. If we remove supplementary guidance, people will be able to find out everything that they need to know from one document. Introducing an early gate check will mean that significant issues are dealt with earlier, rather than in a lengthy examination at the end of the process. Much fuller community and developer involvement and stronger delivery programmes are, in my view, crucial.

It is absolutely true that people must make the system work. I have no doubt that many members receive correspondence on planning matters from their constituents, and that makes it clear to all of us that people care about planning, even if at times they do not like the decisions that are made.

Our package of proposals aims to significantly increase the level of community involvement in the system. Development planning and early engagement are critical. We want communities to make their own plans for their own places and to involve young people more.

Gil Paterson (Clydebank and Milngavie) (SNP): We are all aware that, when it comes to developments, the developer has much more power than the community—that is not just a perception but a reality. Does the minister envisage that, following the consultation, which I very much welcome, the balance of power might change somewhat?

Kevin Stewart: I welcome Gil Paterson's intervention. We need a much more collaborative approach. Wise developers already have a huge amount of consultation with local communities. In this day and age, when we see technological advances, much more use could be made of things such as 3D visualisations, so that people get a real idea of what is proposed for an area.

Of course, people's input can lead to changes. As Mr Paterson is well aware, I was in his constituency on Tuesday, and I know that major developments are due to take place there. We hope that, in that place and in other places across Scotland, there can be more community involvement; community planning should be involved in spatial planning.

As members may have noted, we do not propose an equal right of appeal. We do not want more decisions to be made centrally, and we do not want to undermine investor confidence and create uncertainty for communities by generating more conflict at the end of the process. We are consulting on whether more review decisions should be made at a local level, to reduce appeals.

Helping to build more homes and deliver infrastructure is a crucial aspect of the consultation. We know that the number of homes that are granted planning approval each year far outstrips the number that are built, and we understand that deliverability and viability are part of the reason for that. We therefore propose that applicants or promoters of sites in a development plan should be able to provide assurances that sites are deliverable within the development plan timeframe. Planning authorities need better information to make better decisions on their plans.

We need planning authorities to move towards an active delivery role that diversifies housing provision so that we can provide greater choice. We need to support medium-sized developers and self-builders to expand capacity and we need to support alternative models of delivery in the development industry.

We can all agree that infrastructure is absolutely key to delivering the homes, businesses and places that Scotland needs. We do not believe that we need a new infrastructure agency to do that; we just need to work better together

nationally and regionally. The development plan is key to better infrastructure planning.

Stronger leadership and smarter resourcing are needed. We are also consulting on a new, higher fee cap for major developments. Further thinking on fees to support a new system will be required. There is a level of consensus that a better service requires better resourcing. We need to look at how we can get the balance right, and I am clear that there must be a continuing emphasis on improving performance.

Not everything that we do will require legislation. However, if we want a great planning service, everyone—developers, communities, planning authorities, the health service and other agencies—has to be prepared to play some part. Performance is not just a matter for planning authorities; everyone can contribute by providing and requesting information when required, doing all that we can to reduce the timescales or showing leadership and focusing on outcomes.

We need to make sure that our future planners have the skills and experience to deliver great places. Planners should share their knowledge and skills by working together and connecting with communities and services that can help to deliver vibrant and healthy places to live and work in. I want stronger relationships to be forged between the public and private sectors to help to deliver a better system. As planning is, of course, a democratic process, the role of politicians in the process is vital, and the consultation paper highlights the importance of training for elected members who serve on planning committees.

The 20 proposals that are outlined in “Places, People and Planning” show that everyone has a role to play in making our planning system work better. In my time as planning minister, I have been really encouraged by people’s enthusiasm to talk about the review and by the early reaction to the consultation. I am keen to continue to hear as many comments and suggestions from as wide a range of stakeholders as possible to help to define the elements of the planning reforms that need more consideration as we take the consultation forward.

Presiding Officer, 2017 will be an important year for planning in Scotland. We want to make sure that there is a wide and open debate about the future of planning, so I am grateful to all those who will contribute to today’s debate.

I move,

That the Parliament recognises that improving Scotland’s planning process will require making the planning system more plan-led and accessible, increasing the influence of local people on decisions about the future of their communities and ensuring the delivery of the high quality homes and infrastructure that Scotland needs; agrees that, together with developing skills, smarter

resourcing and digital transformation of the planning service, as well as removing any unnecessary procedures and practices that do not add value, planners can focus on delivering great places for people to live and work, and notes the publication of *Places, people and planning: A consultation on the future of the Scottish planning system*, which includes steps being taken to ensure that the planning system plays a proactive and positive role in attracting investment and creating great places in Scotland.

15:17

Graham Simpson (Central Scotland) (Con): I declare an interest as a serving councillor in South Lanarkshire. Having been a councillor in that area for nearly 10 years now, I have been involved in a number of contentious—and some less controversial—planning wrangles. None of us who have been in public life can have been untouched by the planning system and we will all have our own thoughts on it, as shaped by our own experiences.

My basic view is that, as things stand, the planning system is top down. Planning is done to people, not for them or with them; it rarely makes people happy and councillors are usually keen to run a mile from it. We therefore need to change things. I think that the Scottish Government recognises that, and there is much to be commended in the Government’s proposals that are out for consultation at the moment. As a result, we will support the Government motion.

As time does not permit a detailed examination of “Places, People and Planning”, I will say a little about what I see as its strengths and where I think there is room for improvement. Later, my colleague Jamie Greene will focus on digital connectivity and how that links into the planning system; Bill Bowman, in his maiden speech, will concentrate on how planning can deliver jobs; and Liam Kerr will have something to say on infrastructure, which is so often a sticking point.

What are the strengths of the consultation document? First, it is good that we have it. It follows on from the independent review of the planning system that was led by Crawford Beveridge and which reported last year. Both that report and the Government’s document highlight the need for longer-term thinking. They talk about simplifying the system by, for example, removing main issues reports. That makes sense to me. They also recognise the need to involve communities at the start of the process, not when it is too late. However, we must ensure that local people can have a say throughout the process, not just at the start.

Both documents suggest that Government should deal with fewer appeals. That would be a good thing, but the proposal that bigger developments be decided only by officials takes away democratic accountability and should, I

believe, be revised. More discussion is required on the matter.

Appeals to Government would still happen. We think that there are issues with locally accountable politicians being overruled. I also suggest that there should be some caution around the idea of community councils being the main vehicles of consultation. As everyone here knows, community councils are often not representative of real communities.

The paper talks of council-approved community bodies preparing local place plans. What if a group of locals want to get involved and the council does not like them? What will the criteria be? Will there be funding for capacity building in areas where people are not organised?

However, the whole direction of the proposals is about where development should take place and not about where it should not. The planning proposals still feel top-down. The approach is about Government setting targets for local government to deliver, and it is not clear at all what would happen if a council were to say no. The independent panel suggested that centralised approach. It is a difficult balance to strike and I suggest that, at the very least, a change of tone is needed.

If the Government wants to set numbers—we understand why it would—it also needs to recognise that achieving its targets might be difficult when set against local needs and aspirations. As Kevin Stewart said, collaboration, not confrontation, should be the aim of the game.

There is little mention in the Government's paper of protecting what we have and of saving green spaces. There are only two paragraphs where green spaces get a mention. That is a missed opportunity and it should be rectified. That is the point of the amendment in my name, which is lodged as a positive contribution to the process and not a negative one. I hope that Kevin Stewart will take that on board.

Green spaces within communities and green-belt land are as vital to the vibrancy of Scotland as building more homes and infrastructure—all of it is important. We would like local communities to be given the chance to identify for special protection green areas that are of particular importance to them. By designating land as local green space, communities would be able to rule out new development other than in very special circumstances. That approach is one whereby planning is done with communities, not to them.

We also need a greater focus on the green belt. Councils and communities should be encouraged to identify the land that should be protected. Having new 10-year plans would give people

certainty and tell developers where they should not seek consent.

There should be alignment between the planning system and the Scottish Government's climate change plan, the draft of which has just been published. The section on land use talks about an ambition to create more woodlands, which will absorb greenhouse gases and create jobs. People enjoy woods. They are great for health and wellbeing. They should be protected in the planning system and not seen as things to be chopped down by developers. In this week's consensual debate on forestry and woodlands, Gillian Martin made the point that existing woodlands should be protected, and I agree with that.

There is no mention of woodlands in the planning proposals, but there is mention of the central Scotland green network—I represent part of the area that the network covers. However, as far as I am aware, the network has no power to block development or to make compulsory purchase orders, for example to create new country parks. I believe that the planning review should beef up the CSGN.

Overall, we have before us a good set of proposals. We should aim to end up with a system that delivers development—which is something that we need—in the right areas. Everyone in the chamber recognises that Scotland needs more homes. Different parties have come up with different figures on how many are needed, but we all agree on the general thrust. I think that we can achieve consensus as we go through this process.

"Places, people and planning" recognises the challenges. It suggests some ways through those challenges, such as simplified planning zones, which are something that we agree with. It talks about increasing resources for the planning system, and that is long overdue. It suggests enhancing enforcement powers, which is also long overdue, as too many people get away with ignoring the planning system. The paper recognises the difficulties in actually developing land that has planning permission, but it does not suggest that there is an easy answer, because there is not. Finally, it strongly favours city deals and growth deals as ways of delivering prosperity and jobs. Those approaches involve councils working together to bring economic growth not because they have been forced to but because they see the benefits. On that, I know that there is agreement.

The proposals are a good start. If Kevin Stewart wants to work together, we are up for that.

I move amendment S5M-03612.1, to leave out from "which includes" to end and insert:

“and urges the Scottish Government to put greater emphasis on protecting green spaces in its final proposals, noting their importance to the environment, quality of life, health and wellbeing.”

15:25

Alex Rowley (Mid Scotland and Fife) (Lab): I also welcome the consultation. Planning reform is long overdue. It will be important to try to engage as widely as possible if we are serious about engaging communities across Scotland.

Today, a number of briefings were sent to us from the Royal Town Planning Institute Scotland, Planning Aid for Scotland, Planning Democracy and the John Muir Trust. I intend to circulate those briefings. I encourage those organisations to consider how they can engage more widely with community organisations. Graham Simpson talked about community councils. The reality is that the community council is the body that is consulted, so it tends to take more interest in planning. Therefore, community councils are a good starting point for engaging in this debate before the consultation closes on 4 April.

Kevin Stewart: I welcome Mr Rowley's comments. At the early stages of the consultation, I wrote to MSPs highlighting that it was live. I would be grateful if everyone in the chamber would use their networks to contact as many folk as possible, to allow them to take part in the consultation. I am grateful for what Mr Rowley has said, because I want to see as many folk involved as possible.

Alex Rowley: On that basis, there is a lot of room to work together.

I was disappointed when I saw the minister's motion, because the important starting point for us is to recognise where we are. Within weeks of the commission that Alex Neil put in place reporting, the first thing that the Government did was to rule out the equal right of appeal. Gil Paterson asked about the balance between developers and communities. Many communities and people who have experienced the planning process do not feel that there is equality between the two groups at this stage.

I hope that, over the coming period, we can tease out what rights communities will have. In Inverkeithing, for example, a green-belt development was recently approved not by the local authority, which refused it—that is the democratic process—but by the reporter, who overruled the council. We see far too much of that happening in many communities. We need more than warm words to empower communities.

The other reason why it is right to amend the motion is that we need to recognise the pressure

that planning officials are under. The motion talks about the

“digital transformation of the planning service”.

The minister should look at the Fife planning system. From the moment that a planning application has been made, it can be tracked. If a person registers, the council will inform them of every step in the process. A lot of advances are being made. However, planning services across Scotland are under massive pressure.

The Royal Town Planning Institute Scotland has said:

“Between 2010 and 2015, around 20% of posts were lost from planning departments in Scotland. On average only 0.63% of local authority budgets were used directly for planning functions. Currently 63% of the costs of processing a planning application are recovered by the fee charged.”

As the consultation says, we need to look at whether we should go further to recoup those costs. However, one of the biggest pressures—this makes it slower for planning authorities to deal with applications—is that budgets have been cut year in, year out and, consequently, the number of planners has gone down. However, it is not just about the numbers, because the expertise in the planning system is also lost. We need to address that, not gloss over it. That is why I lodged the amendment and why I do not support the motion.

I wrote to the Cabinet Secretary for Communities, Social Security and Equalities regarding the planning review and raised the concern about the equal right of appeal. In that letter, I highlighted the point that few people would disagree with the Government's intention of strengthening the planning system to ensure that it better serves communities throughout Scotland. I also highlighted community planning to her. We need to tease that out and think about how we can better join it up because it is one way that local communities can have a far greater say by setting out their priorities. We need to think about how that happens.

On resources going into communities where major developments are taking place, it is important that we do not consider only physical resources, as important as they are. I refer to the concerns that the Royal College of General Practitioners expressed about general practitioners' surgeries. The RCGP's chairman, Dr Miles Mack, said:

“Any attempts to tackle Scotland's insufficient housing supply must consider the impact upon local general practices, many of which are struggling to survive while serving the size of communities they are already responsible for.”

The key point is that we must engage communities so that, when housing developments take place,

we ensure not only that the infrastructure—the surgeries, hospitals and schools—is in place but that the services can be provided. Community planning can deliver a lot of that.

As Graham Simpson and the minister said, there is a lot in the consultation paper. Although we do not support the motion, we support the review that is taking place and urge ministers and every MSP to take the issue into communities and get the discussion going so that we can build a better planning system that can deliver the infrastructure, housing and jobs that we need in partnership with communities rather than to communities.

I move amendment S5M-03612.4, to leave out from “recognises” to end and insert:

“believes that the central purpose of the planning system is to regulate the use of land in the public interest; values transparency, efficiency and openness in all aspects of the system and welcomes steps to improve the experience of all interested parties, including applicants, developers and communities; notes the publication of *Places, people and planning – a consultation on the future of the Scottish planning system*, which includes steps being taken to ensure that the planning system plays a proactive and positive role in attracting investment and creating great places and homes in which to live in Scotland; believes that the operation of the statutory planning system has been undermined by cuts to local government; recognises concerns about the barriers facing individuals and communities to fully engage in the planning process, despite a shift towards frontloading, and notes their limited rights to challenge decisions, and believes that reforming the system is an opportunity to put communities and people at the heart of decision-making and that the proposed planning bill presents an opportunity to help tackle inequality and improve public health.”

The Deputy Presiding Officer: We move to the open debate. I have a little time in hand, but I ask the usual suspects not take advantage of that. Speeches will be of up to six minutes.

15:32

Ben Macpherson (Edinburgh Northern and Leith) (SNP): The effectiveness of our planning system affects aspects of all our lives: it affects the quality of our environments and the sustainability of our communities; it influences local services and opportunities; and it helps to determine how we feel as individuals when we leave our homes, walk out the door and embrace the day ahead of us.

Planning, as the title of the consultation suggests, is about places, place making and, most importantly, people. Whether it be the places where we live, where we work or that we visit, planning and places have a real impact on all our lives.

As the constituency MSP for the most densely populated part of Scotland, I will focus my remarks

on matters that affect our urban environments. As a representative for Edinburgh, I warmly welcome the Scottish Government’s commitment to change the planning system because, in this city—our capital city—there is considerable dissatisfaction with the status quo.

I welcome the ambition of the consultation to change the planning system so that it can play a more active role in making development happen and—crucially—happen in the right places. I fully endorse the Scottish Government’s determination to improve community engagement. There is much that I could say on planning and in relation to my constituency, but I will focus on three aspects of the consultation: building more homes; infrastructure investment and related considerations; and giving local people a more effective voice in the system.

First, on building more homes, in the north of Edinburgh there is significant capacity to develop unused and underused land for our growing capital city. I welcome the possibility that the consultation provides of accelerating development in areas such as north Edinburgh, where development has been stalled since the financial crisis of 2008. I look forward to new legislation helping us to realise development in the waterfront area, where there is huge potential, and in other parts of Scotland so that we can deliver on the ambitious and important target of providing 50,000 affordable homes in the course of the current parliamentary session.

In addition to the measures in the consultation, I wonder whether greater consideration can be given to using the planning system to make it easier for unused land to be utilised now and in the short term while it is awaiting full development. We could use innovative solutions by means of temporary installations or so-called “interwhile” solutions, which could include measures to utilise shipping container models, or other potential solutions such as the NestHouse model, which, when it is installed, will be used in my constituency in the proposed Social Bite village in Granton to help to address homelessness.

Secondly, I welcome the proposals in the consultation to introduce powers for a new local levy to raise additional finance for infrastructure and to make improvements to section 75 obligations. That will make a meaningful difference. Others have raised the point about GP practices, but I would like to raise another other point. North Edinburgh Childcare, which is a remarkable organisation in my constituency, recently emphasised to me the need to give greater consideration to the capacity of childcare provision in a geographical area when it comes to planning. North Edinburgh Childcare will respond to the consultation, and I look forward to the

Scottish Government considering that organisation's ideas, particularly given the Government's strong commitment to significantly increase the availability of childcare.

Thirdly, I warmly welcome the consultation's ambition to give local people a more effective voice in the system, to involve them at an early stage and to examine how statutory requirements can be improved accordingly to encourage early engagement.

Over recent years in my constituency, there have been several planning decisions that have been overwhelmingly against the wishes of the affected local communities. In general, those decisions have related to small-scale development plans that were believed to be out of kilter with the make-up of the respective areas, and local people have campaigned hard against such development plans. Whether we are talking about the save Canonmills bridge campaign, the save Heriot hill campaign, the concerns about development at 127 Trinity Road or other local campaigns, many local groups in my constituency feel that their voice has not been heard in the current system, so I sincerely welcome the Scottish Government's commitment to bring about change and to listen to communities.

The consultation proposes to give people an opportunity to design their own places. I warmly welcome that approach and have seen how it can make a difference in Newhaven and Broughton, where co-designers and consultants such as HERE+NOW, based in Edinburgh, have worked with local organisations to deliver meaningful projects.

I also welcome the intention in the consultation to invest in community planning, and I particularly look forward to seeing the results of the Scottish Government-funded charrette to look at planning and social issues in Leith that will be delivered by the local organisations Citizen Curator and Leith Creative.

Lastly, I welcome the consultation's proposal to involve community councils. I have seen how that has made a difference when it has happened at an early stage in the process, particularly with big developments. Communities and developers have been able to engage in good faith.

On keeping decisions local, there is an issue about rights of appeal. In the consultation, the issue of a third-party right of appeal is addressed and ruled out in the case of a local authority decision in favour of a developer. I agree with that. On the other hand, however, the consultation does not refer directly to the situation that arises when a local authority and local councillors refuse planning permission, but development is subsequently permitted by appeal. That has

happened in my constituency and the decisions of local elected members have been undermined. I believe that that imbalance is problematic and should be thoroughly considered.

I emphasise that I warmly welcome the consultation. Through improved building standards and planning, and through the creativity of Scotland's architects and communities, we can do more to enhance the places that we live in and the spaces that we share. I look forward to the positive change ahead.

15:39

Bill Bowman (North East Scotland) (Con): I am honoured to have joined the Parliament as a list member for the North East Scotland region. However—it is a big however—I am sure that we all wish that the event that led to my becoming a member had not happened. I pay tribute to the late Alex Johnstone, who served his constituents so well after becoming a member of the Scottish Parliament. [*Applause.*] There are many here who knew him for longer and better than I did but, in the time that I knew him, he was supportive, encouraging and always approachable. I hope that I can be like that, too.

Now, about me. I was born in Glasgow. When I was 11, my family moved east—from a Glasgow perspective, it seemed a long way east—to Kirkcaldy in Fife, where I lived while a teenager and growing up.

On graduating from the University of Edinburgh, I studied to become a chartered accountant and, having passed my exams, I became a member of the Institute of Chartered Accountants of Scotland, which I regarded then and regard now as the gold standard of chartered accountancy institutes.

I joined KPMG, and I spent five years with it in Edinburgh. Then, I moved to its Aberdeen office, where I spent the next 20 years. I learned a lot about the north-east region there. I audited and advised companies and organisations in many industries, such as the oil and gas industry, naturally, and the farming, fishing, food processing, engineering, transport, shipping and hospitality industries. That was not just in Aberdeen, but throughout the region.

After 20 years there, I moved east again, but a little bit further this time. I went to Romania, where I continued my professional activities with KPMG for the next 10 years, with a focus on helping companies to grow and develop their accounting and reporting, as well as training and developing the generation of auditors and accountants who were required to meet that emerging country's growing need for such people. That was the most rewarding part of the work.

I then came back to Scotland and entered front-line politics. I had the time, desire and opportunity and—thanks to listening to Ruth Davidson at one of our Scottish conferences—I decided to stand in the 2015 Westminster election in the Dundee East constituency. Having of course not succeeded in that, in 2016 I stood in the Scottish Parliament election in the Dundee City East constituency.

Dundee and the adjoining Angus area have a long and illustrious history. They have world-class educational institutions and the Dundee waterfront development is showing how to prepare today for the future needs of a city. The V&A building will be an iconic symbol that will be recognised far and wide, and people will think of Dundee when they see it.

Perhaps the waterfront development is an example of how planning can bring together the regeneration of an area that had fulfilled its original use and had no immediate other use with commercial and retail developments, and arts and culture, through the V&A and related projects. The ultimate measure of the waterfront's success will be the wealth and jobs that it creates in the area. I hope that it will yield a social dividend for constituents in the area, who need and deserve that.

Such a social dividend should be at the heart of our planning system. Planning and the developments that flow from our planning system, such as the construction of new schools, leisure facilities and housing developments stimulate economies in the local area and the jobs that are created in that process mean that more people can go home satisfied that they are able to provide for themselves, their families and dependants after a hard and honest day's work. I am sure that all members agree that there is no better feeling than that.

North East Scotland is as diverse a region as it is big, from the Banff and Buchan coast in the north through to Angus and Dundee in the south and all the places in between. I look forward to representing the people of that vast area in the chamber to the best of my ability.

One thing that I have learned from the debates that I have attended is that it is best for members to keep within their time—members do not usually get a telling off for that—so, with that, I will draw my speech to a conclusion. I thank members for listening. *[Applause.]*

The Deputy Presiding Officer: Thank you, Mr Bowman. I hope that all your colleagues and mine will take note of your closing sentences.

15:45

George Adam (Paisley) (SNP): I congratulate Mr Bowman on his first speech. Obviously, it comes on the back of circumstances that none of us desired, but it was good to hear from him for the first time. That will probably be the last time that I will be extremely nice to Mr Bowman in the chamber.

If I had been asked 10 years ago, before I became a councillor, whether I would ever desperately want to speak in a debate on planning, I would have said, "You're having a laugh." However, the longer I worked in my council ward and the more I have worked in Paisley in its entirety, the more I have found that planning is one of the major issues. I agree with the minister that the planning system is not broken, but it can be, and do, so much better.

I want to bring up some local issues and challenges for me. My problem, which is both good and extremely challenging, is that the great town of Paisley has more listed buildings than any other place in Scotland, other than our nation's capital. Many people are shocked when they hear that, because when they think about Paisley they have a vision of post-industrial decline and not of the vibrant and exciting town that I know and love. The advantage is that, as we move towards the summer announcement of the UK city of culture 2021, our historic buildings will play an important part in any success with our bid for that. The challenge is that many of those historic buildings are now empty and, in some cases, they are slowly but surely rotting away. My constituents are angry that it appears that nothing can be done regarding those historic sites.

We have listed buildings such as the old Paisley territorial army hall, which has lain empty for years. A developer currently owns the building and there has been planning permission for flats for some time, but regeneration never seems to happen, as the developer sits on it and waits for sunnier economic times. There is also the old Royal Alexandra infirmary. The front half of the building has been redeveloped but, because of various on-going problems, the rear of the building is rotting away. The owner is a London-based developer who has probably never seen Paisley and would not be able to point to it on a map. The building is regularly broken into by young people and others, and there is serious antisocial behaviour on occasions—for example, fires have been started. All of that is happening as families live next door. They have to live with that on-going issue.

Renfrewshire Council has no intention of enforcing any of the legislation that is available to it for fear of ending up with responsibility for the building. Rather than try to find alternative

solutions, it just leaves the building as it is. There is legislation available, but no one appears to want to take responsibility. The minister is correct that everyone who is involved in the process needs to show leadership, but some of our communities feel that there is no help. There is an issue with listed buildings and the planning process. Historic Environment Scotland does its job and desperately tries to save buildings, but councils tend to run away from the responsibilities. There needs to be more input from local communities so that they feel that they are being listened to and that things can change.

I welcome the fact that the Scottish Government wants the planning system to increase the delivery of high-quality housing developments through a quicker, more accessible and efficient process. That would be helpful, but my problem is that developers and local authorities would prefer to build on greenbelt land or build new schools and further infrastructure rather than to look at alternative options. Planners and developers would rather move people out of our towns and cities and build on what they deem to be easier sites.

Brownfield sites in certain towns are too difficult and risky for developers, but when brownfield sites are in leafy suburbs or certain cities, people spend years pushing plans through the system, no matter how difficult it is to do that.

We need a system that makes it easier to develop and regenerate our towns and cities. We need a can-do attitude that pushes planners away from their risk-averse ways. I am not saying that we should be reckless; I am saying that we need to rise to the challenge and create the flexibility in the system that will help to redevelop our communities. We do not need a system that is patchy, at best.

I therefore welcome the fact that the Scottish Government wants Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve that, we can simplify and strengthen development planning, by aligning community planning and spatial planning and by introducing a requirement for development plans to take account of the wider community, so that local people get the opportunity to ensure that the planning system delivers what they want.

As I said, what I want is development of our town centre. That is what the public wants for the historic buildings that I mentioned. I could mention more buildings, such as the old fire station, across from my constituency office, which has not been occupied in my lifetime—and that did not begin yesterday, Presiding Officer.

Our approach should ensure that communities have a new right to come together to prepare local

plans, so that they have the opportunity to plan their own places. Such plans should form part of the statutory local development plan—that is important. Such an approach will empower people and ensure that they can move towards getting what they want for their communities. It can and should change the imbalance in the current system.

The Scottish Government proposes to discourage repeat applications and improve planning enforcement. Now we are talking. Improving enforcement would help in many of the cases that I have experienced.

As I said, how we deal with historic buildings is extremely important to me. The world-famous Thomas Coats memorial church is in the west end of Paisley. It is a massive building and it is regarded as the Baptist cathedral of Europe—if the Baptist church has that type of structure. It has been part of the Paisley skyline for more than 100 years. Built in the Gothic revival style in red sandstone, it has a striking crowned steeple that is 200ft from the ground, and it seats 1,000 people—

The Deputy Presiding Officer (Christine Grahame): And there you must conclude, Mr Adam, with seating for 1,000 people. You are out of time.

15:52

Monica Lennon (Central Scotland) (Lab): I refer to my entry in the register of members' interests: I am a proud member of the Royal Town Planning Institute. As a chartered town planner, I am sure that members will believe me when I say that I approach this debate with great enthusiasm—although George Adam has given me a run for my money in that regard. I should also say, for the record, that I am a serving councillor in South Lanarkshire Council.

Where we live and our surroundings can determine how happy we are, how much we earn and how long we live. The built and natural environment around us shapes our daily experiences, as Ben Macpherson said, provides the setting for economic activity, influences how we interact with other people and, as I was pleased to hear Kevin Stewart say, has a very real impact on our health and wellbeing.

Because of that, decisions about the use of land and buildings and the green spaces and transport corridors in between should always be guided by what is in the public interest—a principle that is stated in the Labour amendment.

The planning system was created out of a vision of and commitment to a healthier and more equal society. Patrick Geddes, born in Aberdeenshire in 1854, is regarded as the pioneer of modern town

planning. Geddes championed a mode of planning that was concerned with primary human needs. He believed that to understand and improve a community, one had to be a part of it. We can still learn from his teachings and principles.

Other pioneers of planning, such as Sir Ebenezer Howard, who founded the Town and Country Planning Association in 1899, held utopian and progressive ideas. They saw planning as being concerned with all aspects of human behaviour, from art and culture to education and the nature of work. They recognised the intrinsic value of beauty in design and the natural environment to people's health and wellbeing. The approach transformed the way in which society thought about and built places.

The development of new settlements in the interwar period led to a transformation in housing standards and sparked a worldwide interest in town planning; but it is safe to say that if we fast-forward, from the 1980s town planning became unfashionable.

Some members might be familiar with Michael Heseltine's infamous quote:

"There are countless jobs tied up in the filing cabinets of the planning regime."

My concern about our approach to today's debate is that we seem to be accepting that the housing crisis that we face around the country is somehow due to plans for the homes that we need being locked up in planners' inboxes. Despite the tone of some of what I have heard today, I hope that that is not the case. When I think of the great places that we have in Scotland and of the professionalism of the planners here, I hope that the Government will reject the characterisation that Michael Heseltine espoused.

Housing is a major concern for us all. In 2014 and 2015, a number of major reports on housing in Scotland were published: the Royal Institution of Chartered Surveyors published its report "Building a Better Scotland" in 2014; the commission for housing and wellbeing that was set up by Shelter Scotland reported in 2015; and the Scottish Government published the "Joint Housing Delivery Plan for Scotland" that same year.

RICS set out a number of recommendations, which are not all about the planning system. It recommended that a Scottish housing observatory be established; that the

"post of Housing Minister is elevated to a Cabinet Secretary position"

—that could be a promotion for our esteemed colleague, Kevin Stewart; and that

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

I do not know whether the minister wants to address those points now, but we would like to hear about that in his closing speech.

We have talked a bit today about collaboration and equity. Ben Macpherson spoke about third-party rights of appeal, and we have to change that language. The community and the people who live in an area are in no way third parties; they should be front and centre, and it is unfortunate that that has been dismissed out of hand. We should all look at that, because however much we want to believe that front loading is the answer, it has not achieved the level of confidence that we need.

Like many members, I know of planning applications in which people in my community have got involved who, afterwards, felt deflated and the worse for doing so. Kevin Stewart knows about the incinerator in my council ward. An appeal went to the Scottish Government and sat for 12 months, after which the only recourse for the community would have been a judicial review, the legal bar for which is very high and which would have cost in the region of £30,000 to £50,000—so the community is priced out of doing it.

I have only 30 seconds remaining—Ben Macpherson took all the extra time and good will—but I hope that the Labour amendment will be taken in good faith. We believe that health and the reduction of inequality are at the heart of the planning system. The place standard toolkit that is being promoted is a great idea, but it has no statutory footing. We would like a shift towards putting health and equality on a level playing field with the environmental impact and the way in which that is assessed.

We need to keep a door open to looking at how communities can be involved. I pay tribute to the representatives of Planning Democracy and other organisations who are in the public gallery. They are giving up their time to be here today and they support communities day in day out. We have to keep an open mind on community involvement.

The Deputy Presiding Officer: Thank you, Miss Lennon. You have the privilege of having complimented and promoted Mr Stewart and of having made Mr Macpherson blush.

15:58

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): One of our easiest functions as MSPs is to highlight the challenges and grievances in our constituencies, and that always seems quite easy for the Highlands. It is much harder—and a much greater responsibility—to identify intelligent solutions; and there is seldom a black-and-white, cut-and-paste answer.

When I first stood as a candidate for election, a seasoned politician had one piece of advice for me: steer clear of planning. I hope that they are not watching this speech.

Planning is but a means to an end, and that end should be high-quality homes and infrastructure and sustainable communities and futures. However, more often than not, the end is frustration and costs—costs, which are often unnecessary, in time, money and labour. The Government's motion sums that up as

“unnecessary procedures and practices that do not add value”.

I will give members a home-grown example. At the end of last year, Cairngorms National Park Authority finally approved an application for a housing development at the old sawmill site in Rothiemurcus. It had taken five years. The common theme at the final meeting, when planning consent was granted, was why?—why did it take five years of four local young couples and their families jumping through the hoops, forking out the cash and spending their spare time to get planning permission? The greatest irony of all is that it was on a brownfield site. Forty years ago, a commercial sawmill occupied the site and then it was a dump, before nature took over. In the vast majority of conversations and correspondence, there was a general consensus that the situation was, in a word, ridiculous. In the end, though, we have four young couples who are committed to the local community, who will raise their children there and support the local school, and who will work and make an income to plough back into the local community. That is the end that I want to see throughout the Highlands. Planning is but the means—or the obstacle—to that end.

I have said before in the chamber—and I will say again—that, in the Highlands, the price of housing is higher than the Scottish average, while income levels are below the Scottish average. Let me provide some figures. In 2009, the median gross weekly pay for all employees in the Highlands was 91 per cent of the overall Scottish figure. In my constituency, the median house price was 8 per cent higher and increases in house prices in the three years to 2008 were significantly higher than the Scottish average. As I have also said in the past, I believe that that is partly due to concentrated landownership patterns. Today, though, I will go further and argue that, since the 1970s at least, planning law and policy and their application have restricted the development of rural areas. This week, I spoke to a land surveyor who went even further: he said that, in the past 40 years, the now long-held restrictions in local authority policies to planning consent outside designated settlement areas has, almost single-

handedly, driven the dramatic increase in property values in the Highlands.

So what is the solution? Don't get me wrong—I am a country girl who loves the beautiful scenery of the Highlands, and I have the best of it in my constituency. Historically, housing was based on land topography, and the distribution of communities could be widespread—crofting communities often still are.

So what do we need? First, wisdom is required in relation to what and how we build. Building standards need to be adapted to rural areas such as the Highlands. Expert advice is also required. While I have, in the past, strongly disagreed with Scottish Natural Heritage on its verdict on the housing development in Staffin, I recognise its advisory role on Scotland's natural heritage. In fact, I have been quite impressed with the changes that SNH has made to its engagement with the planning process, to the extent that, since 2014, the number of its responses to planning applications has fallen from more than 1,500 to more than 500; in the same period, its outright objections have halved to five. That is praise where praise is due—though I still hope that the housing development in Staffin gets the go-ahead by those tasked with the responsibility for that.

Lastly, we require a cheaper process, with up-front costings and guidance; smarter use of digital resources—I welcome the comment on that in the Government motion; and an attitude that sees challenges as something to be overcome not beaten by.

All of those are steps in a process that is primarily concerned with listening to all members of the community—and I emphasise all members: those who are vocal and organised and those who are not. It should be a process that allows for objections and fair appeals and does not keep on overruling communities.

Today we are discussing the means, but I want to leave members with the end: rural communities that live and work and learn and play in Highland places that are beautiful, affordable and alive.

16:04

Andy Wightman (Lothian) (Green): I congratulate Bill Bowman on giving his first speech in the chamber and welcome him to Parliament.

I welcome this debate on planning, a subject that is often regarded as dry and technical but which—as a number of speakers have already made clear—plays a vital role in allocating land, balancing competing demands, providing public infrastructure, protecting the environment and mitigating climate change. Indeed, we think that

the planning bill should incorporate such aims, in particular on climate change, as key purposes of planning.

At the third reading of the Town and Country Planning Act 1947, Lewis Silkin, Attlee's Minister of Town and Country Planning, noted that

"planning is concerned to secure that our limited land resources are used to the best advantage of the nation as a whole, and it provides for resolving the often conflicting claims upon any particular piece of land."—[*Official Report, House of Commons*, 20 May 1947; Vol 437, c 2196.]

Much has changed since 1947, but Silkin's observation remains as valid today as it was 70 years ago. Among the complaints and frustrations of the current planning system is the fact that the original vision of a plan-led system has ended up becoming stressed to the point of failure, in many cases, by the vested interests of developers.

Alex Rowley has already mentioned the Royal Town Planning Institute Scotland briefing, which makes it clear that between 2010 and 2015, 20 per cent of planning posts were lost and that the budget for planning is now covered substantially by fees.

In the welcome move towards better up-front planning, resources need to be allocated from general taxation to provide the skills and the time that are necessary to plan the high-quality environments that will improve the quality of people's lives—an investment that the former chief medical officer for Scotland, Sir Harry Burns, frequently stressed was critical and would amply repay itself in improved health outcomes.

Nowhere is that more relevant than in the challenge of housing Scotland's population in affordable, warm, long-lasting and sustainable homes. The current system of delivery of housing is dysfunctional and unsustainable in the private sector. To create affordable and high-quality housing for all, we need to radically transform how we plan places. In our view, that starts right at the beginning of the construction process.

Put simply, the hegemony of the speculative, volume house-building industry has failed—it carries too much risk, it fails to respond to the challenge of creating high-quality places, and its lobbying power has corrupted the planning process right across Scotland. In our view, it has no future.

The Greens want a return to a public-led development planning process in which communities are in charge, master-planning is detailed and comprehensive and those who wish to invest in new development appear at the end of the process. We want to end, for example, the call for sites element of planning, which hands all the initiative to landowners and commercial interests, putting communities on the back foot and obliging

them to act defensively. We welcome the emphasis on up-front planning, zoning and local place plans, as long as they give communities a stronger voice and guarantee that they will be full participants.

Our amendment, which was not selected today, focused on two vital reforms that we believe could transform the planning system. The first is a return to the roots of planning, in section 48 of the 1947 act, to allow public authorities to acquire land at its existing use value. That measure was in line with the recommendations of the Uthwatt committee on compensation and betterment, which met during the war and led to the 1947 act.

Three observations were often made of the Uthwatt committee's report—there were those who agreed with it; there were those who disagreed with it; and, finally, there were those who had actually read it. The provision was repealed in 1959 but retained for the development of new towns. We propose its reintroduction.

To understand the concept, it was precisely the means by which Edinburgh new town was constructed. Land was acquired by the common good fund; master-planning was undertaken; and individual plots were sold for self-build or to developers under contract to town councils.

Put simply, planning consents increase the value of land a hundredfold or more. That value belongs to society as a whole, but today that value is captured by landowners. Ending that windfall would mean that houses could be built for two thirds of current prices and the balance invested in higher-quality and/or more homes.

The second reform is to the system of appeals. The Greens support a third-party right of appeal in order to equalise the power relationship in the planning process. Consultation on the review noted widespread calls for an equal right of appeal, but the proposal was rejected by the review and by the Government. I commend Planning Democracy's continuing campaign for a stronger public voice in the planning system.

I have been discussing the matter with a wide range of interests over the past few months and I am aware of an alternative way forward that would equalise appeal rights, which is simply to abolish completely the existing right of appeal on behalf of applicants. The very existence of any right of appeal is an anachronism and a hangover from the Town and Country Planning (Scotland) Act 1947, as was recently noted in evidence to the Local Government and Communities Committee, when John McNairney, the chief planner for the Scottish Government, said:

"The 1947 situation is essentially that the landowner was no longer free to dispose of his property as he saw fit; he had to seek permission. That is the context for being able

to appeal against the decision that he was aggrieved about.”—[*Official Report, Local Government and Communities Committee*, 7 September 2016; c 45.]

The right to appeal was a concession to landowners as a result of their development rights being nationalised. However, it will be 70 years this August since the act became law, and there is no longer any principled justification for such a right of appeal; many European countries do not operate any such appeals process. I commend that suggestion to Parliament.

Greens look forward to constructive engagement on the topic of planning in the months ahead, and we recognise that planning plays a critical role in building, developing and sustaining communities throughout Scotland. We commend the motion and all the amendments, and we will support them at decision time.

16:11

Alex Cole-Hamilton (Edinburgh Western) (LD): I extend a welcome to Bill Bowman and congratulate him on making an excellent first speech. He does so in this Parliament in our nation’s capital, which is a great microcosm of all that is good and all that is bad about planning in this country.

My constituency of Edinburgh Western is a thriving and diverse community and, like the rest of the city, it is growing year on year. Every year, Edinburgh gets 5,000 new people, and demand for housing is vastly outstripping supply. Edinburgh has a housing shortage—a housing crisis—but in my constituency, we have a development problem. Development is happening incrementally, and dormitory developments are being thrown up to feed into the city, particularly on the outskirts in communities such as Kirkliston and South Queensferry. Those are wonderful villages and towns, but already they are not, in and of themselves, sustained by adequate infrastructure in and of themselves. They lack affordable direct public transport links to the city, despite paying Edinburgh council tax rates, and they are not served by adequate superfast broadband. There are many other strains on those communities.

Anger and tension over development have been generated nowhere more than in and around the Cammo estate on the fringes of the Maybury bypass. The estate is one of the most beautiful sites of natural heritage on the eastern seaboard. For many years, developers have sought to develop on it, and people have rightly and successfully campaigned against it. However, we have now reached an impasse in which, very sadly, Cammo is now zoned for development as part of the local development plan. That outcome is the result of something of a betrayal of trust, which has left the local community reeling.

Last year, a capital coalition motion suggested that unwanted housing in that area could be jettisoned from the local development plan if the planners accepted the Gyle garden city in the development plan, against the advice of officials. However, because of the delay from the Scottish Government and dubiety about both the plans, they were both included and both areas will now be built on.

Building on the Cammo estate will lead to a massive loss of green belt, and to gridlock at Barnton on the fringes of the A90, which is one of the most polluted roads in Scotland. The garden city development would fall in the footprint of the Ladywell medical practice, which is already at capacity and which would, with an extra 4,000 patients, need to close its lists.

The Minister for Local Government and Housing rightly issued the City of Edinburgh Council with a stinging rebuke of the way in which it handled the local development plan, but all the developments that I have mentioned were taken through without a coherent strategy for infrastructure, roads or health centres, thereby compounding the problems that I have described.

Liberal Democrats are not ideologically opposed to new housing; I have articulated our city’s distinct need for it. We are simply opposed to unintelligent housing development—the development by increment that I have described. Those developments are now, more than ever, driven by developers’ business models rather than by the needs of the communities that they seek to serve. Indeed, the environment for development has changed; developers are far more likely to build detached and terraced houses and to sell the units as they go along, because that is how they sustain their business model. However, that approach has three particular drawbacks: it burns through the green belt; it creates properties of higher value, which means that even affordable properties in the area are still outwith the range of first-time buyers; and it encourages early occupancy of unfinished developments before the amenities for it are constructed, which exerts further pressure on existing infrastructure and amenities.

Andy Wightman: I am intrigued by Alex Cole-Hamilton’s comments about incremental development. Does he imagine that if the Liberal Democrats had been running Edinburgh council in the late 18th century, they would have supported the development of Edinburgh’s new town?

The Deputy Presiding Officer: He is taking you back a bit, Mr Cole-Hamilton, but there you are.

Alex Cole-Hamilton: By “development by increment”, I mean unintelligent housing

development such as I have referred to, in which things are just thrown up on pieces of land that become available at a point in time when developers are hungry to prosecute development.

With regard to the Brighthouse Park development in Cramond, for example, the Cramond campus had lain fallow but held the promise of a new sports pavilion and playing fields. However, the developer felt that that was no longer a cash-viable business proposition, so it has pulled out, against its section 75 obligations.

The point about first-time buyers is particularly important in Edinburgh because of the deteriorating housing stock that we have in flatted developments, which are the most common properties for first-time buyers to occupy. I am sure that many members will have met, as I have, the Property Managers Association Scotland, which paints a terrifying picture of the extent of housing dilapidation.

Where have we come to in all this? I think that the Scottish Government has got something right in that it is looking at use of planning gain and section 75 orders. On matters such as dilapidation, we should compel developers, as a condition of their taking on a new project, to replace a certain number of dilapidated roofs on existing tenement buildings, for example, or to build infrastructure of roads, health centres and so on. I was gratified that the Cabinet Secretary for Health and Sport wrote to me after one of our exchanges in the chamber about the infrastructure issue, which I have raised many times. She said in her letter:

“I agree with you that we need appropriate Primary Care infrastructure in new housing developments”.

I very much welcome the Government’s direction of travel—especially the infrastructure-first approach of the independent planning review committee. The Liberal Democrats will work closely with the Scottish Government on that and related issues—in particular, on shifting the power of final decision making in planning away from Scottish ministers and back to local government, except where perverse decisions are taken. The motion is very much a start towards that end, and the amendments add something to it, so we will support the motion and the amendments at decision time.

16:17

Gordon MacDonald (Edinburgh Pentlands) (SNP): I, too, congratulate Bill Bowman on his maiden speech,

Edinburgh is one of the UK’s economic hotspots. As a result of that, the city’s population has grown from 447,000 in 2002 to 499,000 in 2015—an 11 per cent increase over that period. In

recent years, population growth has accelerated and the city now attracts just over 100 new residents every week. The results are lack of affordable homes, private rents increasing faster than inflation and pressure on the green belt as developers submit speculative plans for arable land around Edinburgh. Much of that speculation is taking place because the local development plan is overdue. Although I agree that LDPs should have a life of 10 years as opposed to five, we need to ensure that delays do not occur in future years when the LDP is being updated and refreshed.

Regarding the availability of land for housing, we cannot continue to push Edinburgh’s boundaries, because in doing so we will destroy the very reasons that make Edinburgh an attractive place in which to live and work. We must find ways to encourage developers to build more homes that are easy to commute from into Edinburgh—and not by car, because the road network in the west of the city grinds to a halt at peak times, but by taking advantage of on-going improvements in the railway infrastructure.

There also has to be a way to encourage use of brownfield sites first, whether they are urban gap sites, areas that are zoned for a purpose but not yet developed, or areas that are being held for land banking and speculation. The “Scottish Derelict and Vacant Land Survey” highlighted that Edinburgh has 82 sites totalling 183 hectares, with constrained sites in the city being able to provide more than 7,000 new homes, if they were to become available.

I welcome the suggestion that there should be a new local levy, but is not it time to consider introducing a general land tax on development land and vacant and derelict land in order to reduce land banking and increase the supply of land for homes?

The City of Edinburgh Council has worked successfully with neighbouring councils to meet the increasing housing demand. However, as the Royal Town Planning Institute for Scotland asks in its briefing, if the requirement for strategic development plans is removed from the planning process, how will the Government ensure that local authorities work together to decide where national housing needs will be met?

The consultation on Scotland’s planning system needs to address the concerns of local communities. Community councils have a formal role in the planning process and are consulted on development plans, on pre-application consultations and when a planning application has been submitted, but they have little or no funding to assist them to carry out that duty. The Scottish Government is considering increasing

“planning fees to ensure the planning service is better resourced”.

Can some of that additional revenue be given to community councils so that they are better resourced? That additional funding would support communities

“to create their own ‘local place plans’ and for these plans to be used as a framework for development within local development plans.”

That would help to ensure that all communities have the resources to produce a full plan, which should become a statutory part of the local development plan.

I also welcome the proposal to discourage repeat applications. In the communities that I represent, from Balerno to Winton, house builders have appealed all the way to the Scottish Government reporter and had their plans thrown out, yet what seems to be only a few months later, communities have been back considering similar plans for the same site. In order to put a stop to repeat applications, the communities that I represent need three things. The first is an escalation in planning fees, for anything other than minor developments, for subsequent proposals, regardless of the developer or house builder. Secondly, all points that have been made in previous rejections must be addressed regardless of the company or person who makes the new application. Thirdly, if an application for a site has been to appeal and has been rejected by the reporter, there should be a moratorium to provide respite for the community for up to 10 years.

Another area of interest is the opportunity to make improvements to section 75 obligations that are connected to planning permission applications. They can include financial contributions to schools, roads, transport and affordable housing. We rightly ask developers to contribute to school extensions because of the impact of their developments. As Alex Rowley asked, why do we not ask for contributions to primary health care, given that new developments have a similar impact on those local services?

Regarding a third-party right of appeal, it cannot be right that a developer can appeal a refused decision but a community cannot appeal a granted decision. I realise that the Government wants to remove bureaucracy. As Andy Wightman said, Planning Aid for Scotland says in its briefing that many successful European countries do not operate an appeal process at all—that is, there is no right of appeal for any party. It suggests that that would encourage us to get things right at the start, which would lead to discussion and debate about the kind of places that we need and want.

The consultation states:

“People are at the heart of our proposals for reform. Everyone should have an opportunity to get involved in planning.”

As the minister said in his opening speech, we should encourage everyone to take part in the consultation before it closes on 4 April.

The Deputy Presiding Officer: I call Jamie Greene, to be followed Bob Doris. Mr Doris will be the last speaker in the open debate. You have been warned.

16:24

Jamie Greene (West Scotland) (Con): I start by welcoming Bill Bowman to Parliament. Despite the sad circumstances in which he does so, I am sure that he brings a lot of experience. I also reiterate his point about the development of waterfronts. In his speech, he talked about Dundee, but I have seen in my area the benefits that redevelopment of Greenock waterfront has had on the local community. It now provides opportunities for retail and the arts, as well as new jobs and businesses, so development works when it is done properly.

I would like to cover three areas that I think are the three essential ingredients of sustainable planning: reliable information, community participation and connectivity. Let us start with reliable information. Planning requires foresight and foresight requires data. As far back as 1987, the World Commission on Environment and Development recognised the importance of using technology and consultation in sustainable development. I am sure that in those days there were not many BBC computers lying around the local library, and they could not produce 3D models of the quality that we use today.

Consultation is nothing new. It has always been an integral part of the planning process, but the way in which consultation takes place has changed greatly and can still change. The Scottish Government’s research report shows that there is huge potential for use of digital imagery and 3D visualisation to aid the planning process. In order to benefit from those opportunities, we need access to data and tools. There will be a discussion about who owns the data, who has the right to access it and how we should present it. For example, we do not want to stifle entrepreneurial companies that have great ideas about how to connect rural areas to alternative high-speed internet, but cannot do so because datasets on infrastructure are incomplete, inaccessible or owned by someone else, and nor do we want to transpose the inefficiencies of a paper-based plan to an inefficient digital one. We do not necessarily need to go to a library to see a model anymore: virtual reality on a mobile phone,

or easy-to-read and easy-to-search papers online can make consultation more accessible.

Good planning decisions must be based on evidence and take into account a number of social, historical, cultural and environmental factors. No one aspect is more important than another. The needs of a developer to run a profitable business are important, but the needs of an environmental group, a local community council, local businesses, existing residents, wildlife groups, road safety groups and so on are equally important. How does one layer on those external factors when looking at a model of a building or a housing scheme?

That leads me to community participation. A criticism of the current system is the extent to which planning appeals can, and do, overturn community-supported decisions. Many people perceive there to be an inherent bias and unfairness in the planning system and feel that it favours development and developers, as Gil Paterson mentioned. There is also the question of how children and young people are represented, in order to ensure that their needs are at the heart of all our planning decisions. We are planning for their future, after all. In addition, are the needs of disabled people also taken into account?

My colleague Graham Simpson talked about the current top-down system. Greater participation leads to better planning. Good planning is holistic, which leads me to my third and final point.

Andy Wightman: Will the member take an intervention?

Jamie Greene: I will give way, if I am given some extra seconds.

The Deputy Presiding Officer: I can give you the time back.

Andy Wightman: I heard Jamie Greene's comments about community engagement. What is his position on a third-party or equal right of appeal?

Jamie Greene: I am no planning expert. One of the first pieces of advice that I was given when I got into politics was to stay away from planning. I am not the only member to do that.

The views of the community should be taken into account, but ultimately local authorities are best placed to make decisions, and decisions should not be overturned by a central body. I hope that that answers the question, but if it does not I will be happy to research the issue further and to write to Andy Wightman.

I will carry on with my point about connectivity. Digital connectivity is in my portfolio and I am very much interested in it. We rely on the internet to fill in our tax returns, to stream entertainment, to

choose energy suppliers and to shop around. The people who miss out on that infrastructure are missing out on hundreds of pounds of savings each year. I am passionate about digital participation, which should start not when a person moves into their house, but in the planning process. We heard today at First Minister's question time about new housing developments in our cities that do not have access to high-speed fibre; new housing schemes—not antiquated inherited structures.

Good planning should consider the impact of technologies such as fibre and 5G and how they can be integrated into local environments. There are some great examples of that. Renfrewshire Council is currently rolling out public access to wi-fi in its town centres. The council estimates that that will increase the number of visitors to the town centres, with a quarter of them spending more time in the area because of the free wi-fi. That will have a knock-on effect on retail.

In summary, good planning is based on reliable information and community participation, but it must also have connectivity at its heart, because that will lead not just to better places but to happier places.

16:30

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Like others, I commend Bill Bowman for making his first speech in the chamber since becoming an MSP. I think that he will find in the months and years ahead that a lot of agreement quite often gets reached in this place; it just does not get reported all that often.

I will look at the independent planning review's recommendation that the local development plans that councils produce should be extended to run for 10 years. I understand the strategic benefit of such a move, given the certainty that a 10-year plan provides. There are benefits that come from planning well over a longer period and providing a reliable, trusted and stable regime for all. I get all that, but I have concerns.

First, councils already have 10-year development plans—Glasgow City Council does, anyway—which they revise at five-year intervals. In my experience, and as has been the case in Glasgow, a plan can be deeply flawed and can ignore communities. I will give a specific example from my constituency but, before I do so, I declare an interest as a home owner who opposed an alteration to Glasgow's most recent local development plan in the area that I stay in.

There is a huge swathe of land that extends from Summerston in Maryhill west towards Bearsden and East Dunbartonshire and north towards Balmore Road. It has been designated as

green belt for many a year but, in 2014, the city council decided that it wished to rezone the entire area and allow it to be zoned for housing. That was despite the council stating as recently as 2011 in the main issues report on the development of its plan that

“re-using brownfield land, as opposed to greenfield land”

was

“a cornerstone policy of the new Plan”

that it was about to develop. It also said that releasing any more greenfield sites would undermine that strategy.

One would have thought that the draft plan to be consulted on would mirror some of that thinking—after all, we are talking about the main issues report on the development of that plan. However, that was not at all the case—there was a complete U-turn, although the council’s analysis of housing needs flew in the face of the drastically altered conclusion that it eventually reached.

I stay around the corner—literally a stone’s throw away—from the land in question. Although I am the MSP for the area and a local resident, I was not notified, and I have no faith in the process that has led to the release of virtually all of Glasgow’s green-belt land to the north and west of my constituency. Ten-year plans that do not have community buy-in or appropriate levels of consultation simply lock in errors over a longer period, which is unacceptable. Before we give local authorities greater powers over communities, we must make sure that they are getting the basics right.

I note that the Government’s proposals give consideration to scrapping the main issues report. However, had the main issues report and guidance in the case that I just mentioned not been available to me and my constituents, we would never have known that the city council had directly contradicted itself in its final conclusions. I therefore contend that there is merit in keeping that document.

I will move on to the charrette process, which is often said to be the gold standard in community consultation, and I will look at how it has worked for regeneration in the Hamiltonhill area of my constituency. Hamiltonhill, which is just south of Possilpark, has seen a series of demolitions and housing clearances over the years. There remains a committed community that has waited patiently for the promised regeneration and development, and I am really pleased to say that I am feeling positive about the regeneration that is just about to happen and the plans that are there. There was a charrette at the very start of the process, but we have to make sure that it is not just an event but a process that is followed right through from the

plan’s development to planning permission and whatever the new community will look like.

The Hamiltonhill community action group, which is made up of committed residents who wish to be part of the new Hamiltonhill, attended the initial charrettes and has been consulted to a degree since then. At meetings that I have sought with the local housing association and the council, I have talked about co-production and about sitting down with the local community action group and the public partners to design what the new Hamiltonhill could look like. I will just gently say that there has been some resistance to that idea.

I support charrettes, but a charrette must not be just a tick-box exercise at the beginning of a process that locks out community engagement afterwards. We must follow through on some of that.

I agree with what has been said about the idea of place planning by local communities. Gordon MacDonald and George Adam spoke about locking some of that into local development plans. There are places in my constituency where that has happened organically—for example, there is a local regeneration strategy in Royston because the council was not doing one, and we are about to start one in Springburn. That points to ways of levering in investment that might otherwise not have come along. If we can take some of the grass-roots community planning that the people who I represent want to be supported in and wed that to a council culture that is more open and engaging and involves co-production, we will have something special.

On the planning legislation that will come before the Parliament, I say yes to long-term strategic planning but no to locking in failures in the current process. I say yes to locality planning and yes to ensuring that local communities are directly in control of the majority of that.

The Deputy Presiding Officer: Before we move to closing speeches, I say that I am extremely disappointed in Kate Forbes. This is the second time this week that she has not been in the chamber for closing speeches, even though she was in the chamber when I said that we were moving to closing speeches shortly. I have no doubt that the whips will convey that to her, and I expect a proper excuse for the Presiding Officers.

16:36

Pauline McNeill (Glasgow) (Lab): I welcome the debate and the minister’s comment that it is a wide and open one—I hope that he is ready for this.

I commend Graham Simpson for an excellent speech. His amendment is also good but,

unfortunately, we cannot support it—I will get to why that is the case later. I agree whole-heartedly with his analysis that, as it stands, planning is an extremely top-down system. Kate Forbes, who is not here—

Kate Forbes: She is.

The Deputy Presiding Officer: I have to say that Ms Forbes made a hasty entrance. However, I still expect a reasoned excuse.

Pauline McNeill: Kate Forbes—who is here—rightly said that planning is a contentious matter for politicians. I am a former member for Glasgow Kelvin, in Glasgow's west end, so I cut my teeth on many campaigns about planning applications.

The reason why I cannot support the Conservative amendment, although I support its content, is that I will not be supporting the Government motion. I am trying to get my head around what is contained in the consultation document. I can only outline what I have seen so far. It proposes some technical changes, the implications of which we need to examine; some streamlining for house building; a bit of centralisation for housing targets; and an attempt to encapsulate what many of us want, which is community involvement in planning.

As Planning Democracy has said, the review assumed that streamlining planning would lead to more and better development. However, blaming the planning system per se for the slow delivery of development is not the right way to go; it is a bit of a distraction from asking more serious questions about resources. As Monica Lennon said, there is a lack of planning officers, and Homes for Scotland has referred to the fact that the national average time for planning decisions on applications has slowed to 48.5 weeks, which is quite a disgrace.

I will begin by talking about the importance of development plans. I do not really care that much if we move to 10-year plans. If the planning system is based on the development plan being a transparent document that sets out the local authority's vision for an area, the local authority should, broadly speaking, be required to stick to it. However, in my experience of certain parts of Glasgow, that is not the case. Either local authorities stick to the development plans and the appeal process equally, or we must concede that the community should have some other form of redress, which I will get to.

The minister will be aware that, prior to 2009, local authorities were required to give notification of all breaches of their development plans, so that the Scottish Government could consider whether an individual breach was justified. The Government changed the requirement to give notification of all breaches to a requirement to give

notification of a material breach. The guidance is as wide as the River Clyde, and communities are confused by that change. There were 15 areas where councils were required to notify the Government, but I think that that has been reduced to three. I cite that track record as one of my reasons for not wholly trusting the Scottish Government when it talks about community involvement.

In a good speech, George Adam talked about developers sometimes preferring sites that are easier and more lucrative, which is understandable. That has been the case in Park Circus, which is an international conservation site in the west end of Glasgow. The resourceful community there has run a well-resourced campaign and has cited multiple breaches of the development plan and the policy guidance on conservation. Trees were cut down from the site before consent was granted, and green space has been removed. I understand that building is to begin soon, and the community has no redress.

That is my point. Local authorities must—that applies to the Scottish Government, too, if it is asked to make a decision—stick to the guidance or there has to be a right of appeal.

Gordon MacDonald made an excellent speech. He, Andy Wightman and others addressed that tricky area. I have brought the issue—in the form of a community right of appeal—to the Parliament in the past. I have always believed in the need not perhaps to have an equal right of appeal but to have redress for communities.

The imbalance of power between communities and the planning system would get wider under the proposals, and that must be seriously considered. Ben Macpherson made an important point on that theme: it is even more frustrating when a local authority has used its development plan to make a decision and refused consent, but the application is granted on appeal.

A lot of areas in the system are imbalanced. This is our opportunity to look at how we could change that.

I would like the minister in summing up to address Graham Simpson's point about the consultation document saying that ministers will take fewer decisions. I do not understand why, in a democratically accountable system, they would want to take fewer decisions, so I want to hear about that.

The 12-week pre-consultation period was a direct result of my amendment to the Planning etc (Scotland) Bill in 2006 to find a way of involving communities. That process has failed, because developers use it to their advantage. There needs to be a serious re-examination. If the Government

believes in front loading and in giving communities a say, it needs to look at how that will be achieved.

16:42

Liam Kerr (North East Scotland) (Con): It is apt that, in the year we mark the birth 260 years ago of one of this country's finest civil engineers, Thomas Telford, we are having this debate today. Few people have contributed more to our national and international infrastructure than the Dumfriesshire lad who went on to design and build countless canals, roads, harbours and buildings in this country and beyond. However, had he been working in 21st century Scotland and not the 18th century, how many of the architectural gems that we enjoy and still use today would have been completed, given the tight strictures and rules on planning and building? Maybe fewer. That is not, of itself, a bad thing. We do not live in Georgian times and planning rules and regulations and on what can be built where, when and, of course, by what workforce are vital.

As the minister made clear at the outset, although the current system has a lot to offer, there is always room for improvement. Therefore, we will support the Government's motion, although ideally, as set out in our amendment, we would like it to go a little further.

The document says:

"Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion".

As has been said, that opinion is important.

The motion calls for

"increasing the influence of local people on decisions about the future of their communities"

My colleague Graham Simpson noted that, in Scotland today, the planning system is top down, with little input from those most affected—the people.

As the minister acknowledged in his opening remarks, it often seems that planning is done to individuals, not for them or with them. Both the consultation and the review rightly note that and recognise the need to involve communities at the start of the process. We do that by making it more accessible by removing

"main issues reports' and supplementary guidance",

as the consultation makes clear, and by having more community involvement in the preparation of local place plans and

"more review decisions ... made by local authorities rather than centrally."

Jamie Greene was quick to note the motion's call for digital transformation and how digital

connectivity can link into the planning system. It is the final proposal in the consultation but it is no less valuable for that. In a considered and measured contribution, he said that planning should be done with foresight of the connectivity needs of the future and due consideration of the evidence.

Like proposal 16 in the consultation, the motion talks of developing skills, which is surely a key priority for any Government and should be at the heart of any development plan. I was delighted to hear the excellent maiden speech from Bill Bowman address that point. In an interesting and engaging contribution that augurs well for the future, he talked of how Dundee's waterfront development shows how effective planning can bring regeneration together with commerce, hospitality, the arts and culture. In a persuasive summary, he talked of how the ultimate measure of the waterfront's success will be what wealth and jobs it creates. Echoing Jamie Greene's comments, he said that such a social dividend should be at the heart of our planning system.

On that note, I draw attention to one of the consultation's many proposals on empowering people, which says that the Government seeks

"to introduce measures that enable children and young people to have a stronger voice in decisions about the future of their places."

I found that very interesting.

Before I address our amendment, I will add a little to the discussion on infrastructure. It is interesting that the review of our planning system had this to say on infrastructure planning:

"Infrastructure is a central part of Scotland's Economic Strategy ... linking infrastructure with planned development is the most significant challenge for the Scottish planning system at this time."

I agree.

Bill Bowman talked about the north-east. The burgeoning town of Inverurie—Scotland's fastest-growing town—saw its population grow by one third in less than 10 years but has a bypass that was designed in the 1980s. We are delighted that the Aberdeen western peripheral route is being delivered, but it has been on the table for 40 years. The Laurencekirk junction improvements have been promised since 1999 and the Usan section of the east coast main line remains the only single-track part of the line. Therefore, proposal 13, which seeks to embed "an infrastructure first approach" with better co-ordination, must be worth exploration.

I said that we would support the motion. However, we seek support for a small but important amendment that

“urges the Scottish Government to put greater emphasis on protecting green spaces in its final proposals, noting their importance to the environment, quality of life, health and wellbeing.”

For many people in our cities, the green spaces in communities and the green belts that surround our towns and cities are vital to the vibrancy and wellbeing of those communities. As Graham Simpson says, we would like the Government to consider allowing communities the chance to apply for special protection for particular green areas that are important to them. As George Adam suggested, we urge the Government to look to give communities the ability to protect their green belts.

Graham Simpson also proposed new 10-year plans, which would give people certainty and indicate clearly to developers where they may not seek planning consent, as well as a planning process that acknowledges woodlands.

I note Ben Macpherson’s point on appeals, which was particularly well made and worthy of further consideration.

We have had a good-natured and constructive debate, which echoes the sixth outcome that the review proposes: that there should be more “collaboration rather than conflict”. It is vital to Scotland’s economic future that we get planning right. That is why the Conservatives are supportive of the Government motion and the consultation. It is a good consultation. Like Gordon McDonald and the minister, I encourage all members of the public and stakeholders to respond to it.

I urge all members to consider our amendment. It is vital for the environment of Scotland—and, indeed, for the health and wellbeing of its people—that, in the final proposals, emphasis is put on the protection of green spaces.

I circle back to the start of my speech. Thomas Telford was a Dumfriesshire shepherd’s son who went on to be a member of the Royal Swedish Academy of Sciences and the founding president of the Institution of Civil Engineers and who is now entombed at Westminster abbey. He was a true great. Let us work together. Let the consultation be a signal to all that the country is building again. Let our ambition match that of Telford and let us make this the moment when our planning system really becomes world leading and inspires a new generation of Telfords for the 21st century.

16:50

Kevin Stewart: I am very grateful to all members for participating so actively in this debate on planning. As I said at the outset, planning is relevant to everyone and we all have a role to play in making the planning system work better. Although there are a number of issues on which

we might disagree, there are many things on which we can all agree. I apologise, because I will not be able to respond to everyone who spoke in the debate.

I welcome Bill Bowman and congratulate him on his maiden speech. I miss Alex Johnstone immensely. He was a man who used to give me a good ribbing almost on a daily basis. He participated in parliamentary debate robustly, but he was always good humoured and friendly to all colleagues. He would have been glad that Mr Bowman recognised North East Scotland in the way that he did. Mr Bowman mentioned the Dundee waterfront regeneration and the social dividends that that could bring. We need to see such social dividends from development.

Graham Simpson agreed with much of what the consultation paper says. His amendment focuses on protecting green spaces. Existing planning policy is very supportive of that—local development plans should identify the green spaces—and I am more than happy to accept the Conservative amendment, because I agree with the thrust of it.

Where I disagree with Graham Simpson is on his assertion that the system, as it stands, is top down. The Government provides policy guidance on key national issues through the national planning framework and Scottish planning policy, which are, of course, subject to consultation, but we look to planning authorities to ensure that the local plans that deliver development for communities are right for those communities and protect their spaces.

A couple of folk—Kate Forbes and Jamie Greene—mentioned that they were told by previous colleagues to avoid planning at all costs. I was told something similar when I first entered Aberdeen City Council, but I became enthralled by strategic planning. That was mainly down to my discovering the 1952 Aberdeen local plan, which was a wonderful document. [*Interruption.*] I hear some “Ahs” in the background—I do not know whether those are supportive “Ahs” from folk who have read it or whether members are thinking, “Oh no—not again.”

That document was a brilliant piece of work. The foreword was written by Tom Johnston, the Labour wartime Secretary of State for Scotland. I am paraphrasing, but he congratulated the folk who put the document together and said that it was wonderful and that he hoped that all the plans would come to fruition. He said that the red weevils of bureaucracy were the only thing that would prevent those plans from coming to fruition. Unfortunately, his prediction came to pass, because many of the things in the plan did not happen and, in many cases, that was for bureaucratic reasons.

We have the opportunity here and now to look at the systems that we use. We agree with many of them, but there are many that folk in the chamber do not agree with. Let us all work together to get as many folk as possible to add their views to the consultation so that we come up with the best possible final scenario that we can in the planning bill.

Ben Macpherson, Alex Cole-Hamilton and other members have talked about infrastructure. In recent times, some things have come to light that were not really discussed before, such as the infrastructure for primary healthcare. We need to look at that. Ben Macpherson also talked about childcare on his patch. When we look at infrastructure, that should include social infrastructure and ensuring that childcare facilities exist, for example.

Mr Macpherson also mentioned looking at brownfield sites as part of permitted development for temporary use. That is also well worth exploring.

As per usual, George Adam managed to get in lots of talk about Paisley and its history—there was no surprise there. On his point about historic buildings and buildings that are left to waste, we have to ensure that we do better in enforcement. We have the opportunity to do that through the consultation and the planning legislation. The Government is committed to looking at reviewing compulsory purchase orders and to exploring compulsory sale orders to ensure that we get it right for such buildings in those places.

Pauline McNeill: I know that the minister has only three minutes to close, but I am anxious that he addresses two points. First, if the Government is clearly not going to support any right of appeal for communities, how does the minister seriously think that that imbalance can be redressed? Secondly, why are ministers taking fewer decisions?

Kevin Stewart: I have got that point in my final points.

On getting it right for communities, I have said all along that we need to ensure that community planning and spatial planning are interlinked. Community plans should be taken account of in spatial planning. Beyond that, as others have also said, I want more people to be involved in the system at the very beginning. In particular, I want young folk to be involved in it, as they are almost always the ones who come up with solutions that some of us have not thought about. After all, we are planning their futures.

Pauline McNeill asked about ministerial decisions. Ministers still require certain applications to be notified, but they use powers to recall sparingly, where there is a natural issue. It is

important that we are proportionate in that. In some regards, I am often in a no-win position in my job.

I realise that I have 30 seconds left.

I appeal to every member to get their communities involved in the consultation. I am keen to hear from communities throughout Scotland and all stakeholders. The planning bill presents us with a great opportunity. Let us ensure that we hear all the voices of the people of Scotland.

Children and Social Work Bill

16:59

The Deputy Presiding Officer (Christine Grahame): The next item of business is consideration of a legislative consent motion. I ask John Swinney to move motion S5M-03461, on the Children and Social Work Bill.

Motion moved,

That the Parliament agrees that amendments to the Children and Social Work Bill, introduced in the House of Commons on 7 December 2016, which relate to the cross-border placement of children in secure accommodation, so far as these provisions fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*John Swinney*]

The Deputy Presiding Officer: The question on the motion will be put at decision time.

Business Motion

16:59

The Deputy Presiding Officer (Christine Grahame): The next item of business is consideration of business motion S5M-03706, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for next week.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 31 January 2017—

after

followed by Topical Questions (if selected)

insert

followed by Ministerial Statement: Scottish Government response to the Independent Review of the circumstances surrounding the death of Bailey Gwynne—[*Joe FitzPatrick*.]

Motion agreed to.

Decision Time

17:00

The Deputy Presiding Officer (Christine Graham): There are four questions to be put as a result of today's business. The first question is, that amendment S5M-03612.1, in the name of Graham Simpson, which seeks to amend motion S5M-03612, in the name of Kevin Stewart, on improving Scotland's planning: improving Scotland's places, be agreed to.

Amendment agreed to.

The Deputy Presiding Officer: The second question is, that amendment S5M-03612.4, in the name of Alex Rowley, which seeks to amend motion S5M-03612, in the name of Kevin Stewart, on improving Scotland's planning: improving Scotland's places, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 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)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (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)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 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)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (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)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (South Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Thomson, Ross (North East Scotland) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 28, Against 57, Abstentions 27.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that motion S5M-03612, in the name of Kevin Stewart, on improving Scotland's planning: improving Scotland's places, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 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)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (South Scotland) (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)
 Lindhurst, Gordon (Lothian) (Con)
 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)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 Thomson, Ross (North East Scotland) (Con)
 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)
 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)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 93, Against 19, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament recognises that improving Scotland's planning process will require making the planning system more plan-led and accessible, increasing the influence of local people on decisions about the future of their communities and ensuring the delivery of the high quality homes and infrastructure that Scotland needs; agrees that, together with developing skills, smarter resourcing and digital transformation of the planning service, as well as removing any unnecessary procedures and practices that do not add value, planners can focus on delivering great places for people to live and work; notes the publication of *Places, people and planning: A consultation on the future of the Scottish planning system*, and urges the Scottish Government to put greater emphasis on protecting green spaces in its final proposals, noting their importance to the environment, quality of life, health and wellbeing.

The Deputy Presiding Officer: The fourth question is, that motion S5M-03461, in the name of John Swinney, on the Children and Social Work Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that amendments to the Children and Social Work Bill, introduced in the House of Commons on 7 December 2016, which relate to the cross-border placement of children in secure accommodation, so far as these provisions fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

Meeting closed at 17:03.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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