



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 29 January 2014

Session 4

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**LOCAL GOVERNMENT AND REGENERATION COMMITTEE**  
**3<sup>rd</sup> Meeting 2014, Session 4**

**CONVENER**

\*Kevin Stewart (Aberdeen Central) (SNP)

**DEPUTY CONVENER**

\*John Wilson (Central Scotland) (SNP)

**COMMITTEE MEMBERS**

- \*Richard Baker (North East Scotland) (Lab)
- \*Cameron Buchanan (Lothian) (Con)
- \*Mark McDonald (Aberdeen Donside) (SNP)
- \*Stuart McMillan (West Scotland) (SNP)
- \*Anne McTaggart (Glasgow) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- Petra Biberbach (Planning Aid for Scotland)
- Neil Collar (Brodies LLP)
- Pam Ewen (TAYplan)
- Robin Holder (Holder Planning)
- Derek Mackay (Minister for Local Government and Planning)

**CLERK TO THE COMMITTEE**

David Cullum

**LOCATION**

Committee Room 4



# Scottish Parliament

## Local Government and Regeneration Committee

*Wednesday 29 January 2014*

[The Convener *opened the meeting at 09:30*]

### National Planning Framework 3 and Scottish Planning Policy Review

**The Convener (Kevin Stewart):** Good morning and welcome to the Local Government and Regeneration Committee's third meeting in 2014. I ask everyone to ensure that they have switched off their mobile phones and other electronic equipment.

Our first item of business is an oral evidence session on the draft third national planning framework and the review of the Scottish planning policy. Along with our scrutiny, three other committees are examining the draft framework, as it is also relevant to their remits. We will focus our scrutiny on the framework's strategic relationship with the Scottish planning policy and examine how both documents support other key Scottish Government policies. We will also take the opportunity to question the Minister for Local Government and Planning on other planning-related issues that have arisen during our inquiry work in the past 12 months.

I welcome our first panel—Derek Mackay MSP, the Minister for Local Government and Planning; John McNairney, chief planner at the Scottish Government; Fiona Simpson, assistant chief planner at the Scottish Government; and Helen Wood, principal planner at the Scottish Government. Good morning to you all. Minister, would you like to make some opening remarks?

**The Minister for Local Government and Planning (Derek Mackay):** Yes—thank you, convener. The proposed national planning framework 3 is the spatial expression of the Government's economic strategy. It is about our ambition to create high-quality places that support sustainable economic growth across the country and realise our opportunities for development and investment. It brings together our plans and strategies to provide a coherent vision of how Scotland, as a place, should evolve over the next 20 to 30 years.

From the beginning of the process, I have been clear that I want the national planning framework and the Scottish planning policy to focus on planning for economic recovery, the transition to a

low-carbon economy and sustainable economic growth. The spatial strategy that is set out in NPF3 aims to achieve balanced and sustainable growth across Scotland. It plays to our strengths—by highlighting, for example, the role of the city regions and towns in continuing to attract investment—and it highlights where planning can help to reduce disadvantage.

The vision for our future development describes Scotland as a successful, sustainable place, a low-carbon place, a natural, resilient place and a connected place, but the national planning framework is much more than just a vision. It will be taken forward by development plans and decisions on planning applications, as they make a difference to our places and communities. To guide that, the proposed NPF3 explains what the strategy means for cities and their regions, towns, rural areas, our coasts and our islands.

The proposed NPF3 identifies 14 national developments that will build on our opportunities and help us to deliver our national strategy. National development status does not automatically grant planning consent, and robust planning and assessment will still be required as the projects come forward as development proposals. Neither does the status imply a Scottish Government spending commitment. Instead, it provides greater certainty for investors and delivery partners by establishing the need for the developments, and it aims to streamline consenting processes as proposals come forward.

The committee has set out a number of issues that it wishes to focus on in its consideration of the proposed NPF3. I will briefly highlight three of them and our responses to them. First, the committee has questions about the relationship between NPF3 and the Scottish planning policy. In short, NPF3 sets out broadly where there will be opportunities for development and growth in the coming years. It is complemented by the Scottish planning policy, which explains more about how we expect planning authorities to address nationally important land use planning matters and deliver positive and sustainable change. The relationship between the two documents is crucial. This is the first time that they have been reviewed together, and it has given us an excellent opportunity to define a clear vision and set out shared outcomes for the planning system as a whole.

Secondly, the committee is considering the preparation process and particularly the steps that we have taken to involve people in developing NPF3. We have undertaken extensive and innovative work to engage with people from the earliest stages of the process. In the early stages, many people shared with us their vision for the future through participative mapping. We

consulted widely on the main issues report and the draft SPP, and we had lively debates with communities, businesses, organisations and the Scottish planning profession throughout the process. In addition, to learn from the Parliament's view on NPF2, we took steps to ensure that the engagement went well beyond the usual suspects to involve a wider range of people, including members of the public.

It is inevitable that, with a national spatial strategy, we will not be able to address everyone's point of view. We have to make choices and prioritise actions that we believe are in the national interest. We have worked hard to ensure that the proposed framework reflects many of the ideas that people have shared with us. When there were competing views, I am confident that we have achieved the right balance.

Thirdly, the committee raised some questions about NPF3's role in delivering wider policy objectives. A good spatial plan should make clear choices and provide direction. It cannot and should not prescribe every development that should take place. It is an integrated, place-based national strategy for future development. I look forward to discussing spatial planning's role in delivering wider policies and achieving better outcomes for the economy, the environment and quality of life in Scotland as a whole. I welcome the opportunity to discuss with the committee planning matters, including NPF3 and the wider review of the Scottish planning policy.

**The Convener:** We have had NPF1 and NPF2, and now we move on to NPF3. Did the Government look at the effectiveness of NPF1 and NPF2 and the delivery of their aims before formulating NPF3?

**Derek Mackay:** Of course. The monitoring arrangements for the previous national planning frameworks were reported on, although we did not produce the report last year; doing so would have been unhelpful, because we were then working on the main issues report for NPF3.

For the progress from NPF2 to NPF3, we studied the impact of certain policy priorities. An example of a national development is the Commonwealth games in Glasgow, which were a project in NPF2 but are not required in NPF3, because the games will be under way by the time that the current process is at an end. There is a natural evolutionary process that means that national developments continue when required or do not continue when consent is no longer required because of local circumstances or for whatever reason. The wider policies are monitored through the monitoring report and the on-going action plan in NPF3.

**The Convener:** What are the benefits of having two separate documents for the NPF and the Scottish planning policy?

**Derek Mackay:** It is helpful to understand the purpose of both documents. Some people regard the NPF almost as an investment document for Scotland. It is heralded by the planning profession in other parts of the world as an example of a vision and policy document that sets out what we want to achieve in a spatial way. The NPF is about a spatial strategy that brings together the range of Government strategies; it is a spatial expression of Government policy, be that on energy, transport, economic activity or environmental protection.

The Scottish planning policy is what planners turn to in order to learn more about the material considerations to apply to local decisions, although it is supplemented by planning advice notes. It is about how to conduct a planning decision and what issues should be taken into account. It is about the how of the planning system, whereas NPF3 is more about the where.

As for how the SPP and the NPF come together, they are clearly complementary. As a relatively new minister who has been in post for more than two years, I wonder why this is the first time that both documents have been reviewed together. Others suggested that we should do that, but I think that it is the right thing to do and that it will lead to greater harmony between the SPP and the NPF and to a more joined-up approach. Each serves a slightly different purpose in the same system.

**Anne McTaggart (Glasgow) (Lab):** Good morning, minister and panel. You referred in your statement to engaging with people in participative mapping—it was probably easier for you to say that than for me.

**Derek Mackay:** It was a fluke.

**Anne McTaggart:** You have engaged with people on issues that they have reported to you. How has that been incorporated in the proposed framework?

**Derek Mackay:** Anne McTaggart will be well aware that there are certain controversial areas in politics, not least of which are the planning system and individual applications. Proposed developments sometimes do not meet with absolute approval, whether they are telecommunications masts, energy plants or wind turbines. A balance must sometimes be struck for controversial developments. For the engagement process, we follow a plan-led system, so that we have a rough plan of where developments should go.

The Grangemouth carbon capture and storage project is one of the designated national

developments on which the view is not unanimous and support is not universal. There will be local objections and opposition to the development. We take such views into account and form a balanced judgment. We decide whether something is in the national or local interest and whether it is the right thing to do. That is about decisions, policies and choices.

The difference from NPF2 is in how we have engaged. We published and shared our participation statement on how we would go out to the public, interested groups and professions, and other stakeholders. What is different is the use of participatory processes, through the maps, for example. We did not just ask people, "What are you for and what are you against?" We asked about the national need for development and where projects should be located. We asked where transport improvements were required. We mapped all that out and used a different methodology.

More people have engaged in the process by providing submissions or attending our events. We did not just go to the normal planning events, where we might be expected to go. We went to a shopping centre in Edinburgh. People who were out shopping were faced with NPF3 and the Scottish planning policy—by the way, I was there not to conduct a retail exercise but to engage with individuals on planning matters. Citizens of Edinburgh who were unaware of the issue were engaged in a way that they might not have expected.

Over and above our engagement with community councils, local authorities and planning officials and our engagement through the Government's e-planning network, we held local meetings and we targeted areas where national developments are proposed, so that people had an extra chance to say whether candidate projects should progress.

I hope that what I have said reassures members that we have engaged very much. I concede that there has been no referendum on NPF3. However, it is the Parliament's job to scrutinise what we put forward, is it not?

**Mark McDonald (Aberdeen Donside) (SNP):** Beneath NPF3 are strategic development plans and local development plans, which local authorities draw up. How do all the documents and processes link together? How do we ensure that local and strategic development plans take cognisance of NPF3, and vice versa?

**Derek Mackay:** That is an excellent question. What you describe is how the planning system should work. Once our policy has been agreed, it will sit at the top of the planning hierarchy and should be a material consideration that informs

development plans locally. We should engage better with community planning in that process and we must build stronger connections to ensure that that happens. Of course, community planning is separate from spatial planning. As NPF2 and previous iterations did, NPF3 will inform and help to shape development plans across the country.

A difficulty is that far too many planning authorities have not kept their local development plans up to date. They did not necessarily ignore NPF2, but their development plans are more than five years old, although the statutory requirement is to be less than five years old. That is why I have put so much energy into planning authorities' performance. I want them to get their local development plans up to date so that we can hold true to the plan-led system. I welcome the Parliament's support for my action plan on performance in the planning system, which was approved recently.

It is vital that, after we get agreement, NPF3 informs other development plans. In a perfect world, everything would be perfectly synchronised and local development plans would immediately follow the national plan. It is unfortunate that that is not the case because things have traditionally been out of sync.

If we were to start with a blank page, we would agree NPF3 and then start on local development plans. That is impractical, given the system that we have inherited. The best that we can do is ensure that local development plans are kept up to date and are alert to changing circumstances and policies. That is where the Scottish planning policy can assist us in achieving the aspirations in NPF3. I hope that that answers your question.

**Mark McDonald:** Yes. The convener and I remember the local development plan that was in place for many years in Aberdeen. What role do you have in bringing into line authorities that do not have up-to-date local development plans?

09:45

**Derek Mackay:** One of the key performance indicators that I outlined when I previously visited the committee is that local development plans should be less than five years old. This is a timely opportunity to ensure that they are, and my new planning fee regime will help with incentivising planning authorities to get on with that if they have not done it. To be frank, electoral cycles can sometimes get in the way. Sometimes there can be legal challenges, which—let us face it—have bedevilled a number of planning issues, and sometimes the issue is just the comprehensive engagement process, which I welcome.

If we engage properly at the earliest opportunity and consult elected members and communities

properly, I am convinced that we can get the development plans right and hold true to the planned system. Once the policies are agreed, I encourage all planning authorities to adopt them in the authorities' emerging local plans as quickly as possible. Of course, in any local determination, the national planning framework and the Scottish planning policy would have to be taken as a material consideration, irrespective of where the local development plan is.

**Mark McDonald:** I note that a number of national developments are outlined at annex A to the NPF, but no timescales are attached to them. Is there any particular reason why no timescales are attached, given that the developments are considered to be highly significant?

**Derek Mackay:** There are indicative timescales at the end of NPF3 for significant events that are taking place—not necessarily just those that are in NPF3. We also have an action plan with 30 points. We cannot attach timescales to the national developments because some of them are, for example, in the private sector. We are saying that there is a need for and support for such developments, but we cannot compel the private sector to deliver them. It would be wrong for us to set timescales for others to deliver that which is theirs. However, in the NPF, we accept that there is a need and a demand for such projects, which have the Government's support.

The Government and other partners will deliver public sector projects, for which there will be a timescale, but that will be a matter for them. It would be wrong for us as the planning authority to say, "You must do this by a certain date," when what we are saying is that a project is in the national interest and we support it. Some projects will have timescales and some will not; that depends on the nature of the development.

There are clear national targets that we should achieve, such as the climate change targets, which are set by Parliament. They inform our thinking, but it would be wrong for us to attach a timescale to a planning application that still has to go through the system. We must not prejudice an application, despite attaching significance to the project in NPF3.

**Mark McDonald:** The committee has done a large amount of work on regeneration. How do you see NPF3 and the SPP working to improve the regeneration of deprived communities?

**Derek Mackay:** Through our policies, we support the regeneration of brownfield sites, or what policy documents now refer to as previously developed land, vacant land or derelict land. Whatever we call it, we know that we want to develop there first. We want to develop areas that have previously been developed, as opposed to

greenfield or green-belt sites. We are redirecting our efforts to prioritising development where we can make the biggest difference by tackling disadvantage and focusing on some of the Christie commission priorities. We are looking at what is more sustainable, where success can be found and where the opportunities are across the country.

For some communities, that might mean income from or job opportunities in the renewables sector. For other communities, we attach national importance to projects. Ravenscraig is a good example of that. It offers an immense opportunity for mixed-use development including housing, but progress has stalled somewhat. Attaching national significance to the project aids the leveraging in of investment, support and confidence. In Ravenscraig's case, that means the redevelopment of one of the largest pieces of derelict land in the country.

We are attaching national significance to some sites but, more widely, our policies support tackling regeneration through the planning system; they are creative about that. However, I repeat that the NPF is not a spending document; it is a planning document.

**John Wilson (Central Scotland) (SNP):** My comments will be timely, given what the minister said about Ravenscraig. He knows my views about Ravenscraig. I welcome the fact that it is listed as an NPF3 project, although it has been in North Lanarkshire Council's local plan for a number of years. One reason for its failure to take off has been a lack of investment, particularly in housing developments on the site. However, I will set that aside.

I will concentrate on Mark McDonald's line of questioning. Where do a local plan and its process fit into the NPF? In the SPP, we asked local authorities to develop their local plans in conjunction with developers, communities and residents. The NPF then comes in. To paraphrase the minister, an overarching decision by the Scottish Government is that the NPF should take priority over local plans. Is that the case? If so, are we saying that debates and consultation to develop local plans could in many respects be seen to be pointless?

**Derek Mackay:** No—on the contrary. Local development plans are the most local embodiment of the plan-led system, but they should be informed by the national planning framework. It is not for the framework to determine in every locale the designation or zoning of every piece of land—that is absolutely for the local development plan and is what such a plan will achieve.

We have a number of national developments, not all of which are site specific—some extend



across the country. The digital fibre network is a new inclusion in the framework. We would expect to support such infrastructure if we want to be part of the electronic revolution and take advantage of its opportunities. That is highlighted in the framework. Local development plans might not refer to it yet, but that should happen in the future, so the documents can rely on each other.

That is not to say that something will get local consent just because it is in the national planning framework. I have set out how the importance that we attach provides greater certainty for national developments, and the Scottish planning policy should absolutely inform local decisions. The approach does not undo the work that has been done for a local development plan; it informs and helps to shape that by setting out national priorities. Incidentally, the Scottish planning policy normally has a great deal of support from local authorities, because we work closely with them on national policies and national developments, although we need to listen to a number of stakeholders in order to reach the right decision, of course.

There has not been a great deal of local opposition to what we propose or any great conflict with local development plans. We are talking more about a timing issue—about which aspect follows which.

I remember discussing Ravenscraig with John Wilson when the committee previously considered NPF3. We have retained Ravenscraig as a national development. I am mindful of his comments about displacement, net growth and net benefit. That is exactly why we discuss those issues in relation to town centres more widely in the Scottish planning policy, on which we have given the committee a position statement.

**John Wilson:** If my memory serves me correctly, when the committee considered NPF2, the then minister—Stewart Stevenson—gave us a matrix that showed how the projects that were presented to the Government for inclusion in NPF2 were measured. How many projects were originally presented to the Government for inclusion in NPF3?

I understand that a number of projects did not come from local authorities or development companies. NPF3 contains a number of strategic and overarching Scotland-wide projects, such as the high-voltage transmission lines and pumped-storage projects. In the past, a number of developers have said that they would like projects to be included in the NPF process. How many projects were considered and what scoring system was used to identify the final projects that are before us?

**Derek Mackay:** I will reply to that in writing so that I get the exact numbers for the committee. I would not want to mislead it with inaccuracies.

I thought that the committee already had information about the number of candidate projects that were submitted. I am more than happy to provide that information. More than 100 projects were submitted. Like my predecessors Stewart Stevenson and Aileen Campbell, we have a matrix that we use as criteria for considering whether a project will make it to national development status.

We had a great number of candidates and we were able to take it to 14, which, coincidentally, is the same number as NPF2, although they are constructed slightly differently. We went through a very methodical process for arriving at the final number. The criteria, the analysis, the scoring and the final outcome mean that the document is quite weighty. I am more than happy to share that with the committee.

**The Convener:** That would be useful.

**John Wilson:** To return to the SPP, minister, you have referred to the local planning process and planning authorities keeping their local plans up to date. You are well aware of my interest in the local plan that was developed by North Lanarkshire Council, which went through a lengthy appeals process. Following referral to the directorate for planning and environmental appeals, the local plan was amended and returned to the local authority because it was considered that not enough residential development had been identified in the local plan.

I am aware that there are urban growth proposals within the local plan. However, a recent development that was presented to the council is, because of its nature—it was outwith not only the local plan but the Clyde valley strategic plan—being referred to ministers for consideration. I do not expect the minister to respond on that particular development. However, my point is that that development was contrary to the strategic plan and the local plan—as agreed to after appeal—and it encroaches on the green belt. What assurances can we provide to residents throughout Scotland who have been through the process of agreeing a local plan, a strategic plan and urban growth areas, only to find that those plans are thrown aside because developers can make submissions outwith that process?

**Derek Mackay:** I will answer the previous question first, because that is apparently the subject of the next committee that I will appear before in relation to this policy document. The exact number of formal proposals for national development status was 242. I am more than happy to share that with the committee. It will take

a bit longer for you to go through those proposals, Mr Wilson.

On your point about departing from the plan, it is acceptable within the planning system to depart from the plan if material considerations allow and lead us to that conclusion. If an application comes in for which there are considerations that prompt elected members, a delegated authority or ministers to choose to depart from the plan, it is possible to support such an application. You are absolutely right—I will not refer to any live planning application and, in doing so, prejudice or compromise the committee or myself.

It is possible to depart from the plan if there is a material consideration such as, for example, the economic benefit of an application, or a number of jobs or houses that are deemed to be required. In any application, as long as it has been determined in a transparent, open and accountable way, and those material considerations can be explained, it has been the case that we can depart from the plan.

That brings me to one of the significant changes in the SPP. As minister, I am part of a Government whose overarching purpose in making Scotland flourish is around sustainable economic growth. We have to attach greater weight to economic growth within the planning system, not just in performance but in ensuring that the right developments are in the right places and that we maintain our adherence to quality.

I want to see a stronger emphasis on economic impact and economic growth in planning policies going forward. That is why we have consulted rigorously on the presumption in favour of sustainable development and it is why I have asked for greater detail on economic impacts to be attached to planning applications, in a very open narrative. That is why I have said that due weight must be attached to economic impact in planning decisions. Given all that, I would say that we might depart from the local plan sometimes, so long as it can be evidenced why that has been the case and that all matters have been taken into account.

10:00

**John Wilson:** I accept and fully understand the need for sustainable development and economic growth, but do they come at the cost of the eradication of the green belt or developments that have been identified, such as urban growth developments included in local plans? It is a question of balancing the opportunity costs between sustainable developments, economic growth, protection of the green belt and protection of the local planning consultation process, which many people feel can be undermined by particular developments. Is the minister minded to give

greater strength to local consultation, engagement and involvement to ensure that, as a nation, we proceed with developments that people can buy into, rather than developments that in some cases may be seen as being foisted upon neighbourhoods?

**Derek Mackay:** I would be careful about trying to take a view on the planning system based on experience of one application or development, if that is what you are doing. However, I agree that greater engagement with communities is a good thing, as are better pre-application consultation and involvement with elected members, which is worth while. All those things are supported in the action plan on planning. Getting local development plans right should involve greater participation, and that should lead to a credible and robust local plan that is timely and up to date and reflects current policies and circumstances. It must also be adept and able to deal with individual circumstances.

Where I disagree with you is on the question of there being a choice between economic growth and sacrificing the green belt. For some local development plans in some areas—to meet housing needs, for example—there may be a requirement to release green-belt land, but that is a matter to be determined locally to find the right housing sites.

I can give an even better example. Let us say that a piece of land in a city or town is designated for industrial use but is in dereliction and cannot be developed, and then a house builder comes along who is interested in developing it for housing. Would we really just say no and dismiss all considerations about housing need and demand, economic growth, the needs of industry and skills, and local connectability and sustainability? Would we really dismiss all that in a purist way because the land had been zoned as industrial? No, we would be a bit more creative than that. That is why the planning system has to be flexible while abiding as far as possible by the local development plan.

The area is complex, but to return to the subject of agreement, good engagement will make all the difference. I think that we will get greater satisfaction from the planning system if people are engaged at the earliest point, rather than simply becoming objectors at the end.

**John Wilson:** Living in Lanarkshire, I know the number of brownfield sites that could and should be developed, so I am well aware of the need to get developments on those sites. Ravenscraig is a perfect example of that.

**Cameron Buchanan (Lothian) (Con):** I am still not convinced of the benefits of the NPF and the SPP being separate documents. I wonder why and

I cannot see the reasoning behind it. You explained at the beginning, but it did not quite resonate with me.

**Derek Mackay:** I suppose that it is helpful to think back to where the documents were before. Not only were they separate, but they were consulted on separately and arrived at separately. If any correlation between the policies happened, it was almost by accident rather than design. Now we have a process in which they are being considered together and consulted on together so that they make sense.

A great example is around energy. We shall say some things about energy in the national planning framework and then set policies in the Scottish planning policy. If I can try again to clarify the reasoning behind that, the difference is that the national planning framework is a spatial expression of where the Government thinks development should largely go, and of the key issues for the nation, the key opportunities and some of the challenges too, such as brownfield sites, previously developed land, inequality and so on. It is a spatial expression of various Government strategies and various opportunities, and it sets out the where.

Planning policy sets out the how. Of course, that could change and there could be a review of Scottish planning policy at any time, to take cognisance of circumstances. Telecommunications is an example of an area in which our policies are outdated, and that is why I have consulted on changing that. It may change again at some point in the future.

We have monitoring arrangements for updating NPF3. The Scottish planning policy, which gives advice to planning authorities on the issues that they should take into account for individual planning decisions, has to be separate as a document and a guide from NPF3.

I do not know whether a third attempt at answering the question will help you, or whether the colleagues behind me or the professionals beside me can offer further advice. My exposure to the system in the past two years has led me to the conclusion that it makes absolute sense to integrate and closely align the policies and consult on them together, but that there is a very cogent reason to keep separate the policy documents. It really boils down to the point that the national planning framework is the where and the Scottish planning policy is the how.

**Cameron Buchanan:** Okay. Thank you.

Is 60 days enough time for proper scrutiny of the NPF? That seems a very short time. Is there any reason behind having 60 days?

**Derek Mackay:** Usually the Conservatives complain that planning system decisions take too long rather than that the process has been truncated.

**Cameron Buchanan:** Can there not be a compromise on the time?

**Derek Mackay:** I will answer the question seriously now, having made that flippant remark.

I would agree with your point if there were only 60 days, but that is simply the total time for the current parliamentary exercise. We kicked off the process last April and we have had the draft national planning framework process and the consultation engagements, so the process has gone on for much longer than the 60-day parliamentary exposure that it will now enjoy. The consultation process has been much wider and has taken longer than the 60-day parliamentary process, but Parliament previously decided, through the Planning etc (Scotland) Act 2006, that there should be a 60-day period for parliamentary consideration.

If there were only 60 days for the whole process that would be unacceptable—you are right. However, the process has been going on for a great number of months beginning last year and going into this year, and it will of course conclude by the summer.

**Cameron Buchanan:** So the 60-day period is just to bring the process to a close and conclude it. Is that right?

**Derek Mackay:** That is right. There are 60 days of parliamentary scrutiny, but we have been dealing with the process for much longer. The last time that I appeared before this committee was outwith the 60-day period, but there is now the formal period of our laying the NPF before Parliament, the committee considering it, then our concluding it. However, the entire consultation and engagement process has been far more extensive than the current process. Some people are perhaps surprised that it takes so long, but I think that it is right that we take the time to get it right.

**Cameron Buchanan:** I also wanted to ask why the A9 upgrade is not included in the targets. It seems to be one of the most important things that people are asking about. I think that it was part of a Scottish National Party manifesto some time ago.

**The Convener:** I am going to be careful about references to individual projects.

**Cameron Buchanan:** All right—I am sorry.

**The Convener:** The reality is that we could all start listing projects that are dear to our hearts.

**Derek Mackay:** There was—

**Cameron Buchanan:** The A9 is pretty important to people.

**The Convener:** Minister, you may respond briefly but any other member who refers to one of the huge number of individual projects will be ruled out of order.

**Derek Mackay:** The A9 is, of course, already a commitment and transport colleagues can speak on it. The project does not require to be in the national planning framework, because it does not require consenting support. It may well still be a national priority for the Government, but it does not require the planning support that is attached to the national planning framework. There is therefore no reason to doubt its progress and, like a number of road infrastructure projects, it does not require NPF status.

**Cameron Buchanan:** Thank you.

**Stuart McMillan (West Scotland) (SNP):** At a meeting last night of the cross-party group on recreational boating and marine tourism, which I chair, a couple of members raised the issue of NPF3—obviously in the context of sailing and recreational boating. When I got back to my flat last night, I looked at the NPF3 document again, and there are three paragraphs in it that I want to highlight: paragraphs 3.13, 4.27 and 5.8. Paragraph 3.13 refers to ports and harbours. If there is to be further investment in ports and harbours, would the Government be content for them to be considered more as multi-use facilities, as opposed to being considered as harbours or ports just for ferries? Would you be prepared for them to be more multi-use facilities as opposed to just single use?

**Derek Mackay:** That would depend on the circumstances of the site. Sites will vary. Some ports and harbours have been identified under the national renewables infrastructure plan, or NRIP. They will have different purposes, and some of those purposes have changed from NPF2: the policies can adapt.

Mr Baker and Mr McDonald will be particularly interested to note the great deal of use of Aberdeen harbour, which has a national designation, and to note the competition for its use. That is an example. We would not necessarily want to prioritise, but we are saying where the opportunities are.

Of course we want more opportunities for leisure, tourism and recreation to be unlocked around the coast. I am particularly aware that there may also be regeneration issues.

In the draft NPF3, we are trying to express the opportunities that exist, without being prescriptive. We are certainly highlighting them in a way that we were not able to do before. That is partly down

to having a marine strategy and to having land use planning connect to marine planning. Can we be flexible? Yes, we can. Do we see opportunities in various parts of Scotland for the renewables industry? I would say yes to that, too.

**Stuart McMillan:** A further point raised last night was about the potential to create new marine facilities. One of the problems with some of the examples that were provided last night was the lack of broadband access. This is where the three paragraphs of NPF3 that I mentioned tie in. Multi-use facilities, where they are appropriate, could help the sailing community and the wider marine tourism sector, which currently brings in something in the region of £300 million a year to the Scottish economy. If there was better broadband access, would the Government be keen to encourage multi-use facilities?

**Derek Mackay:** Yes, absolutely. In our investment plans to encourage broadband, and also mobile coverage, for that matter, policies have to be updated in terms of digital infrastructure and connectivity so that we can cover as much of the country as possible. Some of the more rural areas have perhaps missed out in the past because of commercial demand, and that is why the policies are calibrated to get coverage to all parts of Scotland.

I will shortly launch a consultation on telecommunications to ensure that we have the right planning regime to support development in every part of the country. You have referred to section 4.27 on page 34, where we specifically refer to outdoor recreation and sailing. The areas that you have touched on are covered in the framework document.

We have tried to keep the document as concise as possible, while saying as much as we can—we could have said a lot more. Things are not refused because of their omission but, where there are opportunities, we have tried to cover them. I do not disagree with anything that Mr McMillan has said this morning.

**Stuart McMillan:** The town centres first policy has been in operation since 1990, yet some town centres have declined in terms of the numbers of people going there, some shops closing and the proliferation of other shops whose numbers many people in those communities do not want to see increase. With regard to the NPF and SPP, what can the Government do to stimulate town centres, particularly those that have experienced a decline in their fortunes in recent years?

10:15

**Derek Mackay:** I point to three main strands of work. First, we are trying to create dynamic and resilient places under NPF3 and we identify

individual towns as demonstrations to illustrate how policies make a difference. You are absolutely right in that, under the SPP and the town centre first policy, there has been a sequential approach, but only in terms of retail. We propose to extend that so that all types of development that we consider are put through the same process. We will ask whether something could be located in a town centre first. If it cannot, we will then look to the edge of town and then out of town.

Secondly, there are other new elements, such as health checks, in our town centres to help to inform the planning process.

The third element is the Government's town centre action plan. To assist decision makers with what the town centre first policy should look like and how it should be applied, we have established a working group so that we have chapter and verse on how to apply it. That will be concluded in good time for the policies to be put in place.

I suppose that the key element is to extend the sequential approach whereby we try to prioritise development in town centres first and only if it cannot go there do we look elsewhere. That is easier in some sectors than in others.

We are taking a range of other actions to try to support our town centres. We debated them not so long ago, and they include the general rejuvenation of our town centres, diversification, rehousing, demonstration projects, use of the digital revolution, the cultural element, events and accessibility. I note that business rates will have an impact as well.

Planning policy is supportive of town centres as places in which to do business, to live and to learn, and indeed as places to enjoy. We need diversification and repopulation, and we need local solutions, because they will differ from one town to another. Planning protection for town centres is being strengthened rather than weakened. That said, town centres still face a multitude of challenges from internet shopping, changing footfall, people being more mobile and choosing to go elsewhere and, maybe, other local matters. Our town centres are affected by a range of issues, but planning policy is alive to that. That is why we attach such importance to it in both documents.

**Stuart McMillan:** Okay. Thank you.

**Richard Baker (North East Scotland) (Lab):** Minister, you said in response to Mr McDonald that the national planning framework is a planning document and not a spending document, but would it not have been sensible to attach at least some budgetary and financial information to it, particularly on projects that are sponsored by the Scottish Government, to give confidence that the

outcomes that have been set out in the document will be achieved?

**Derek Mackay:** I am not sure why it would be helpful to do that in the planning document. It is certainly helpful to do that in strategy documents such as those on transport, but I am not sure what it would add to an individual planning document in which we set out policy, sites of national importance, the status that they should enjoy, our timescale—at the end of the document—and the on-going action plan. I am not sure what added value we would have got from attaching to the document the economic value or cost of projects. It is a fair point, but I do not see how that would assist the planners in the decisions that they make. That is why I pointed out that it is a planning document and not a spending document.

**Richard Baker:** I appreciate the minister's point of view, but the issue is about confidence that the ambitions in the document will be achieved. What action have you taken to reassure yourself that there are sufficient resources and investment in planning and planning departments at the local authority level to ensure that the objectives can be achieved at the local level?

**Derek Mackay:** That is a good question. Resourcing in the planning system is something that we have taken seriously. The main source of income for the planning service is planning fees, and that is why we increased them by a record 20 per cent, which was the largest increase in planning fees since the Parliament was created. That income has assisted local authorities, and there have been individual grants to support advisers in the planning system and the planning service itself.

Audit Scotland has identified an issue around resourcing of the planning system, but I am convinced that the increase in planning fees has helped, and the high-level group that I co-chair with COSLA has also looked at the resourcing issue in its focused work. I am fairly confident that, generally speaking, planning authorities are equipped to do their job adequately and that the variance in performance is less to do with resource and more to do with other issues.

**Richard Baker:** Finally, TAYplan has suggested that

"The 12 principles set out in draft SPP may result in more debate on what weight is attached to these and how these are used, rather than being used positively as guiding principles"

and that "more guidance" will be required in their application and use. Are you actively looking at that issue?

**Derek Mackay:** I fully expect that, as with any planning document and its guiding principles, guidance will follow to assist planners on how to

conduct their decision making. Indeed, that is why we have the current plethora of planning advice notes. That said, I have tried to keep the principles as concise as possible.

**John Wilson:** As an aside, how do the proposals in the Regulatory Reform (Scotland) Bill to exempt local authority planning functions from the sustainable economic growth duty sit with your comments about the priority of sustainable economic growth? How do you intend to balance all that to ensure that planning authorities make sustainable economic growth one of the criteria when developing projects?

**Derek Mackay:** That is a very good question and I appreciate the opportunity to clarify the matter again—although I hope that we did so during the passage of the Regulatory Reform (Scotland) Bill.

It would have been inappropriate to place on the planning service a legal duty to deliver sustainable economic growth in the way described in the bill because planning decisions are set out in previous legislation, not least the Planning etc (Scotland) Act 2006. It is important that we protect the planning system's purity with regard to the issues that it should consider; in any case, under the Government's policies, economic impacts are clearly considered when planning logic is applied. As you can imagine, if we had made the sustainable economic growth duty a legal duty instead of a policy, we might have ended up in court every time a planning application was turned down. It would have been a new court of appeal for the planning system.

We have an appeals process specifically for planning policy in the directorate for planning and environmental appeals and those who do not like it have other legal recourse. Had we created a legal duty in that respect, we would have created a scenario in which every planning application would have been subject to an individual determination by a judge or sheriff in court. I suspect that if people had had the money to take such action the planning system would have ground to a halt. As a result, such a move did not feel appropriate.

The question, then, is how we deliver sustainable economic growth and sustainable development through the national planning framework, Scottish planning policies and the guidance notes, and I think that it is far more appropriate for the planning system to undertake such activity, given its starting position as the planned system. Indeed, the law makes it very clear how planning decisions should be taken.

There is an expectation that sustainable economic growth will be delivered. I do not accept the false argument that there is a difference between sustainable economic growth and

sustainable development. They are the same thing; they are complementary; and we can design policies in which they can be delivered in harmony. I think that, if I read out the definitions of the two terms, you would struggle to tell me which was which. Given that they are in keeping with each other, we can deliver sustainable economic growth and sustainable development as part of the policy mix rather than introduce a legal duty, which would have been inappropriate and would have been quite separate to the operation of the planning system.

I hope that that answers your question.

**John Wilson:** Thank you very much, minister. I will wait and see the purity of the planning process for myself.

**The Convener:** Finally, minister, you mentioned harmony. Sometimes there is not much harmony in planning; indeed, according to some members of the public, there is not that much common sense either. What is often brought to my attention—in my neck of the woods and elsewhere—is contradiction. In other words, a local development plan says one thing, but the strategic development plan says something different. Something that I have noticed of late is that things in the local development plan do not feature in the regional plan and yet various planners say that this or that development is of regional importance. How do we get these things right and stop the public feeling confused or upset by such matters? How do we inject common sense into the process?

**Derek Mackay:** That is a very good question. I would like to think that common sense exists in decision makers, who will be supported with advice, guidance and clarity of policy direction. That is what we have tried to achieve in the current review.

Nevertheless, convener, I think that you are right. I am not going to tell you that we will achieve absolute harmony in the planning system, because that would simply not be the case. After all, many planning decisions are based on conflict. For example, they are about one person's preference over another's or individual stakeholders having a difference of opinion over what land should be used for. There will always be conflict, but as long as we can conduct it in an open, transparent and accountable way with clarity of purpose as well as clarity about the issues that have been put into the mix as material considerations, we should have confidence in the system. Good levels of engagement and member participation are to be encouraged and as far as any conflict between the strategic development plans and local plans is concerned, I have to say that of course we want them to be more streamlined.

I have commissioned some research into the value of the strategic development plans to find how they are interplaying and the added value that they have brought to the planning process, and I will be happy to share that with the committee when we get it. However, as I mentioned earlier, there is an issue about what comes first. The order is the national planning framework, the local plan and, finally, the interplay with the strategic development plan, and we will try to achieve harmony in all that.

Finally, I note that the front page of a UK planning magazine features the Scottish Government's planning minister along with the title, "The Modern Evangelist". If I am being evangelical for Scotland's planning system, that evangelism is going south of the border. I will therefore do my best to deliver harmony in Scotland and then take it south to London.

**The Convener:** Thank you very much for your evidence, minister. I hope that you enjoy the scrutiny of this matter at the other committees you have to visit during the 60-day period.

I suspend the meeting for five minutes for a changeover of witnesses.

10:27

*Meeting suspended.*

10:32

*On resuming—*

**The Convener:** We move on to the second panel. I welcome Petra Biberbach, who is chief executive of Planning Aid for Scotland; Neil Collar, who is head of planning law at Brodies LLP; Robin Holder, who is chief executive of Holder Planning; and Pam Ewen, who is strategic development planning authority manager for TAYplan.

As no one wants to make any opening remarks, we will move straight to the questioning. Mr Collar, you have said that there may be merit in the NPF and the SPP being a single document. I think that you were here to hear the minister's explanations earlier. Why do you think that there may be merit in the NPF and the SPP being a single document?

**Neil Collar (Brodies LLP):** The fact that the documents have been run in tandem this time round has highlighted that there are two separate documents but they are very connected to each other. Quite a lot of the questions that we were asked to respond to highlighted that.

I was interested in the committee's questions this morning and the minister's explanation. I took from that that the two documents have different purposes. The minister broadly referred to the how and the where, but my feeling from listening to the

discussion is that there could be further evolution in the process and that having the two as a single document justifies serious consideration. It strikes me that it would be possible to have one document that addresses both purposes and makes those different purposes clear. That would be easier for all of us to refer to.

**The Convener:** Does anybody else have a view on that?

**Robin Holder (Holder Planning):** I endorse everything that Mr Collar said. The how and the where are inextricably linked. It appears from reading the two separate documents that they were written by different people, although I do not know that that is the case. Their tones are different. Perhaps that is because of the difference between the how and the where, but I get a different sense of the conclusions and outcomes in the two documents. If anything, the SPP is a little bit more cautious and seeks a little bit more balance here and there. Also, I think that NPF3 extends into policy areas, and where it does so I am not sure that it necessarily says the same as the SPP.

**The Convener:** Planning Aid for Scotland says in its submission that the public need to be much more aware of NPF3 and Scottish planning policy. Would you like to comment on that, Ms Biberbach?

**Petra Biberbach (Planning Aid for Scotland):** First, I thank you for the invitation to present today.

Since the 2006 planning reform, which had the twin aims of inclusivity and efficiency, much good work has been done on driving forward a more efficient planning system, but we would like a more inclusive planning system. That is one of our great concerns. By inclusivity, we do not mean a homogeneous, one-view-supporting public, but a greater dialogue. To achieve that, we have to raise considerably the level of awareness that we have such a thing as a planning system in Scotland.

The planning system is a public service and, like no other public service, it is open at the earliest opportunity for people to engage with. However, people often know about planning only late in the process and, because of that, they become entrenched in their views and, shall we say, distrustful of not only the process but what is presented.

If we flipped it round and truly had a system in which people could engage at all levels and all the time, we would find that it was more efficient, transparent and representative. However, to do that, we must ask some serious questions. Where do we want to get planning to? At what level do we want people to be engaged? Do we want active citizens and, therefore, is it time to ask whether planning should be taught as part of active

citizenship in schools? Should people learn about engagement and articulating arguments for and against a proposal? Awareness raising is a big ask, but we must address it.

**The Convener:** I raised in my last question to the minister the contradictions that sometimes exist, such as when a development features in a local development plan but is not in the strategic plan even though planners and others have said that it is a strategic priority for a region. How does your organisation deal with those confusions as they arise? I imagine that you get quite a lot of people coming to you saying that a development is in one plan but not in another and asking what counts.

**Petra Biberbach:** It is quite difficult to be general about specific matters. In Scotland, we have a plan-led system, and that is helpful. However, we sometimes have deviation from it, which must be explained by material consideration, for instance. The most important thing is that people need to trust the system, and they have that trust only if they are involved at the earliest opportunity.

I hand over to Neil Collar on the point about deviation between different plans.

**Neil Collar:** Your question, convener, and the minister's earlier comments highlight the fact that we have a system that tries to build in flexibility. Flexibility has its good points and its bad points, but we are focusing on helping the public to understand that things might seem to be contradictory.

The flip side of that is that those of us who advise developers also have to advise them about what we refer to as consent risk. One of the features of the British system is that there is higher consent risk than in other systems. In other words, there is less certainty because, although we have a plan-led system, we also have the ability to take into account material considerations.

Developers have a similar problem to members of the public in the sense that there are no guarantees and there can be contradictions. We all find that when we are explaining matters to people. If we say that one document says something but another document says something else, they ask why, and the answer is that they were prepared at different times. That theme came out in the minister's comments. It is hard to get the system in sync because that means doing various plans at similar times.

**The Convener:** Can I stop you there? Timing is often used as an excuse, in some regards. I give you as an example a proposed development in which there is conflict between the local development plan and the strategic development plan, although it is said that the proposal still

features highly. The proposal is non-controversial, as far as I am concerned. The area is in the local development plan as a site for a religious building, but it does not feature in the strategic development plan, although the planners have said that it is of strategic importance to our region.

There is conflict when a proposal appears in one plan but not in another and the planners continue to say that it is of strategic importance. I am sure that that happens quite a lot. That scenario, which is nothing to do with timing, creates difficulties for the public, who do not understand what is going on. Does Ms Ewen want to contribute, as a planner?

**Pam Ewen (TAYplan):** Comments have been made about awareness. As planners and as the planning profession, we all constantly try hard to reach people who would not otherwise know how to engage with the planning process. The engagement and consultation work that has been done as part of producing NPF3 has played a big part in that. The numbers who have been reached through people going out into shopping centres and other locations, as the minister said, really help. We try to go to people rather than open a community hall and get them to come to us.

TAYplan has worked with schools in the past and we are about to do even more work with them. When we are looking 20, 30 or 40 years ahead—as I do in TAYplan and as NPF3 does—I strongly believe that it is young people who are 10, 17 or 25 years old whom we are planning for, although I do not discount people in other age groups. The homes that we are building and the jobs that we are creating are for our young people.

I would support the Government looking at how to entrench people's involvement in shaping their places in the education programme. It is hard to get into schools and get the door open to run workshops. However, once we are in there, headteachers see a huge difference.

You make an interesting point about the relationship of something that is in a strategic development plan to other plans. The question of what is strategic lies behind what you say, and that differs in different areas. Strategic development plans focus on strategic cross-boundary aspects or on really big strategic issues. Something might be seen as strategic in one local authority area, but it might not have to feature in the strategic development plan. The approach in the TAYplan area could differ from that in the Aberdeen and Aberdeenshire area and in Glasgow and the Clyde valley, because they have different geographies and are different places.

**The Convener:** I understand that, but I was talking about planners contradicting what they have done by saying that something is strategic



but not explaining the situation. A difficulty that we have, and which the public experience, is that a huge number of folk think that planners talk a different language from them. I see Ms Biberbach smiling; I am sure that she has the experience day and daily that people feel that the language that is used is completely and utterly alien to their everyday lives.

**Petra Biberbach:** You are absolutely right—the language that is used in planning is not the day-to-day language that the average person uses. However, we must remember that planning is a quasi-legal process, so it is right for it to be steeped in such language. Planning Aid offers a sort of translation service and awareness raising.

Once we strip down the language and get back to what it is about, we see that it is about three key things. Planning is about the vision—for Scotland, the United Kingdom or wherever. It is also about place making—about how well we want to live and be connected. As Harry Burns said recently, places are about wellbeing. It is also about citizenship—about having a good democracy and interaction. One person might not want a wind farm, for example, whereas another might be adamant that more green technology should be used and they might therefore want the wind farm. Planning is about different value systems and having a dialogue—the planning process does that in a way that no other public service does.

On the question about differences—contradictions, almost—in what is strategically important, we can rest assured that there is some sort of timeline. It is true that, as the minister said, there are plans that are already out of date or obsolete, and newer ones come along, so it is important that things are explained to the general public, that they are encouraged to get involved and that they are given the information in an unbiased way.

10:45

**The Convener:** I was a little bit derogatory about planners and the language that they use. Would you like to respond, Ms Ewen?

**Pam Ewen:** In part, I agree with you, but that is the case with many professions. It is possible for professionals who work in areas such as planning, transport or legal affairs to become entrenched in using the language that they find comfortable. Along with Planning Aid for Scotland and others, we in TAYplan try hard to ensure that plain English is used and to think about how we work with the public and whether we are truly engaging with them and encouraging them to become engaged.

In part, I agree with you, but I reassure you that TAYplan and other authorities that I am aware of make a lot of effort to get the right balance

between using plain English and recognising that we are talking about a legal document that will be scrutinised and used for planning applications. Sometimes, it is a case of striking that balance.

**John Wilson:** Good morning. My question is about engagement with the public. As a list MSP, I am often approached—as are other MSPs—by constituents who do not understand the reasons for decisions that they have received. It is fine for Mr Collar to talk about the public engagement that has taken place on NPF3 and the SPP and the way in which the Government consulted on them, but it is clear that the overwhelming majority of the population do not engage until a development is taking place next door to them.

We need to think about how we get the message over to individuals who reside next to an area that has been designated as green belt but who find, all of a sudden, that a development is planned for that area that is outwith the local plan and the strategic plan. How do we explain to individuals what the planning system is about and how such decisions are made when they are clearly contrary to the local plan or the strategic plan, as the convener said, or, as I mentioned to the minister, they are totally out of keeping with the urban growth plans for the particular village or town?

**Robin Holder:** Petra Biberbach touched on the fundamental issue, which is education. If people begin to get an understanding of the process only late in the day when proposals arise, it is almost impossible to bring them up to speed quickly.

There is huge complexity in the planning system, which has developed over the years. That is one reason why, as I mentioned, I think that Scotland should have a single national plan, not an SPP and a national planning framework. The first question that people ask is, “What is the difference?” I am not sure that people are clear about that. We have strategic development plans and local development plans and main issues reports on both those documents. From beginning to end, that process usually has a sweep of years. Because of the lack of timing that Mr Collar referred to, or the fact that events are out of sequence, people simply do not understand where the process is at any one point in time.

Last night, I attended a community council meeting to talk about a green-belt release somewhere in East Lothian. We might expect a community council to be reasonably able to understand the system or, at least, to be informed about it, but the community council that I spoke to last night did not have the faintest idea about how the planning process works. If it does not know about that, we need to take a step back somewhere in the system, because it is no good for developers, consultants or council planning

officers to go out into communities if they have not had that early engagement.

**Pam Ewen:** I agree with what has been said. Many people find out about a development or change in their town, village or city when an application is made that relates to an area that is close to them. It is a question of how we can entrench understanding more through our education system. It is about educating people about how their places change and are constantly changing, and about how they can get involved.

With the national plan, strategic development plans and local development plans, we have a positive and internationally recognised development and planning system in Scotland. Having recently done some work in Ireland and Wales, I know that our system is well recognised, and we should celebrate that. The only way that I can see of making a big difference is to take the issue into the education system, whether that is done at secondary schools in geography or in some other context. If we try to entrench it in that way, people through the generations will have a greater understanding.

**The Convener:** Mr Collar?

**Neil Collar:** I do not have anything to add, but I endorse what the other witnesses have said.

**The Convener:** Ms Biberbach, do you have anything to add?

**Petra Biberbach:** John Wilson used the term “green belt”, which is planning terminology. If we ask the general public what they understand by the term “green belt”, they will think of a green field; they do not understand the implications of the green belt. We are already starting to use planning language that has a specific meaning but which does not mean anything to the general public.

I must explore Robin Holder’s point, which is a good one. Local government legislation has given community councils a role in the planning system, but it is a limited function. It is to comment on planning applications, but it does not extend to allowing community councils to become active in the development plan process, which is the proactive side of planning. We would love it if the committee could consider extending the role of community councils, because they represent a level of local democracy that we very much want to see, and that might help to drive a greater awareness.

We all have experience of community councils that work well, but lots of them do not work well at all, and some areas no longer have community councils, which is worrying. We might want to consider extending the function of the seven principles of public life, so that there is

transparency and representation and so that community councils are seen to be seeking out the general public’s views before they air their opinions. I shall leave that thought with you.

**Robin Holder:** Although community engagement is important, we already have a slow planning system and we cannot let greater community involvement extend the timescales.

**John Wilson:** Ms Biberbach highlighted an issue about the terminology that we use in planning, and the term “green belt” is a perfect example. When planners refer to green-belt land, they are talking about something different from what someone who lives in that locality would think of when they see a field being grazed by sheep or sown with corn. The public consider that to be green belt, but such fields might not always be designated as green belt. How do we ensure that the consultation makes that clear?

It is not just about education; it goes wider than that. It is about educating residents about what is meant by the language that is used by planners. The term “green belt” is a good example, but we also talk about brownfield sites, protected areas, sites of special scientific interest and so on. The minister told us earlier that, if there is a material consideration, those designations could disappear. How do we get that message over to the general public?

**The Convener:** Of course, developers refer to green ligature at certain points as well.

**Petra Biberbach:** I would like to make a quick point that chimes with some of the things that were said earlier. In the week when the minister launched the consultation on NPF3, we launched our young placemakers initiative, which is all about involving and enthusing young people aged 16 to 25. We are trialling that in the TAYplan area, at strategic level as well as at local level, and we want to work with everyone to enthuse young people about the planning system and what it does.

We are not telling people to become planners, architects or planning lawyers; the aim is for them to become engaged citizens and to take an interest. For example, a young placemaker in Orkney was particularly keen on renewable energy, and a young girl in Perth and Kinross was interested in the Gypsy/Traveller element. We can take an issue that planning touches on and enthuse people about the debate. Given social media these days, we can reach a lot of young people much more quickly, and by doing so we can start to explain the terminology.

**John Wilson:** I welcome work to enthuse young people and encourage them to get engaged in the process. However, the decision-making process is as complicated for developers as it is for the

general public. Surely a simplified system would be better than the one that we currently have.

**Petra Biberbach:** I raised the issue only because I was asked about how we raise awareness of the terminology. We have to start somewhere. In Norway, a young child has a right to be involved and heard in the planning system. We do not have that here, but we might want to consider such an approach.

**John Wilson:** The point that I was trying to make is to do with the expectations that come with engaging individuals in the planning process. The system is different in Norway, where every citizen has a right to engage in the planning process; as I understand it, we do not have that right to engage in the Scottish planning system. There is no third-party right of appeal against a planning decision.

**Petra Biberbach:** That is a different matter.

**John Wilson:** You can correct me if I am wrong, but my point is that, if we engage young people and other citizens, we raise expectations. In a recent example, elected members approved a local development, despite planning officials having made serious objections. The decision left the community dumbstruck because, although the planning officials had given a definite no, the elected members said yes. How can we get individuals to engage when they see the vagaries of a process in which a decision can be overturned on the whim of elected members, against the advice and recommendations of planning officials and others?

**The Convener:** That scenario happens daily, and often the other way round.

**Robin Holder:** It is interesting that Mr Wilson refers to politicians' decisions as whims. At the end of the day, the politicians are the elected representatives of the people, and they will make decisions based on the information that is given to them.

If it is being suggested that any objector should be able to appeal against any decision, I strongly disagree. Such an approach would bring the system almost to a complete halt.

**John Wilson:** I should have said that I was quoting constituents when I used the phrase "whim of elected members".

**Petra Biberbach:** That is the nub of the matter. The planning system is highly political. Local government is also the planning authority. Different views and values will be brought out through the planning system—someone will want something in a certain place, and someone else will take a different view—and it will be up to the officers, who are highly experienced professional people, to make a recommendation, which the elected members ratify.

We now have delegated power, which can help a little in that respect. In some areas, we have local review bodies, which can consider an appeal against a decision. To an extent, that further politicises the planning system.

**Anne McTaggart:** I have a few questions. Does the panel think that the SPP should have statutory force?

**Robin Holder:** In my view, it should. As someone said this morning, it contains the main points of policy to which all decision makers refer. As we said, the NPF is more about where development takes place, but how it takes place is critical, and that is something that the Scottish Government and the Parliament should oversee.

11:00

**Pam Ewen:** I agree with the points that Robin Holder has made. There is merit in looking more seriously at a national plan in which the where and the how are linked with the policy. However, that is probably for four years down the line and the evolution to the next stage. A big step has been taken at this stage. There could be more clarity if there was a much stronger statutory requirement to take account of the SPP policies.

**Neil Collar:** I agree that there is an anomaly. It comes back to explaining things to the public. The SPP is not mentioned in the Planning etc (Scotland) Act 2006. The Scottish Government is not given a specific power to issue policy; that is not mentioned in the act. If you are a member of the public, the first thing you might think to do is go and look at the act. It is an anomaly that NPF3, which we are talking about today, has statutory force, but the SPP is not mentioned.

**Petra Biberbach:** We did not comment on that in our written submission. However, anything that helps to make the system more efficient, provides greater transparency and allows the public to have a better understanding of it has to be welcomed.

**Anne McTaggart:** The panel have kind of answered my next question. Will the SPP and the NPF assist in planning culture change?

**Petra Biberbach:** We welcome the way in which NPF3 is presented. From the public's point of view, it is easily readable. This time round, the Scottish Government has done a lot more to reach out to the public and the uninitiated, which must be welcomed. As Pam Ewen said, we are on a journey and there is evolution. With some of the provisos that I referred to earlier, the planning system in Scotland could become even more inclusive and robust. At the end of the day, the more up-front engagement we have, the less cost there is at the end, because it is very costly to fight through the courts when an application goes

wrong. The more consensus we can build right from the start the better.

**Neil Collar:** I do not think that I can usefully add anything to that.

**The Convener:** Does anyone else wish to add anything?

**Pam Ewen:** On culture change, one of the biggest shifts that I have seen in NPF3 is in the outcomes focus. That takes in the Scottish Government's wider focus on outcomes and links to the Christie commission. In TAYplan, we are just about to get into our main issues report stage. We have done a lot of work on our outcomes with other public sector agencies. That is about working in collaboration, working to the same outcomes and considering how those outcomes fit with the national outcomes. That is a big cultural shift, which will take time to drill through the whole development plan. I certainly welcome the clear shift in NPF3.

**Robin Holder:** Culture change is the fundamental issue. The implementation of the SPP and NPF3, mostly by local authorities, is the key to delivering sustainable economic growth. The biggest hurdle is the speed at which development plans are prepared. Preparing a plan is relatively straightforward; it is a plan showing where things are going to be, which is consulted on. If the plans are up to date, there are no confusing situations where developers come in with lots of appeals and people wonder why an appeal does not fit with a plan—North Lanarkshire might be a good example in that respect. I work with developers a lot. If the plan is up to date and it does not include a certain site, there will be no appeals, because such appeals will not succeed. It is critical to have up-to-date plans.

Since the act was passed in 2006, only four local development plans have been approved. There will be more coming through the system in the next year, but that is a lamentable pace at which to move. It may well explain the appeal that was referred to earlier. The Glasgow and Clyde valley SDP has been approved, but the LDP that sits beneath it is lagging behind. It might well be that the developer sees a difference between those two documents and is exploiting it or, perhaps quite rightly, the developer is making a proposal that sits with the more recent plan but not the earlier plan. The disjunction between plans causes a huge amount of confusion.

**The Convener:** That was a point that I was trying to make earlier.

**Anne McTaggart:** Thank you for those suggestions, Mr Holder. When it comes to a culture change, I am enthralled by the point about encouraging schools and the education system to become more involved.

**Cameron Buchanan:** I have attended many community council meetings, and I am not sure that community councils should be totally empowered. They tend to delay things, and they come to masses of different conclusions. That would delay the process.

When people speak about planning, they mostly mean housing. Should we really empower the community councils? Some of them work well, and some do not. They can comment, but I do not think that they should have the power to veto, change or appeal plans. What do the witnesses think?

**Petra Biberbach:** I have to disagree with you. Under the current system, community councils attract exactly the kind of people whom you describe. They see themselves as the guardians of the status quo, and they do not necessarily want change. The average age of community council members is well into the 60s, they are white and so on. We can make all the assumptions, and they are not necessarily representative of—*[Interruption.]*

**The Convener:** I am sorry, but somebody has an electronic device on. As I said at the start of the meeting, all such devices should be switched off. They muck up the sound system quite badly. We have an obligation to ensure that the throngs who are watching this meeting at home on the internet can hear what we are saying.

I am sorry for the interruption, Ms Biberbach.

**Petra Biberbach:** It is fine.

To reiterate, there is a self-selection process going on in community councils, and they attract the kind of people who want to maintain the status quo. We would like to see, and we should be arguing for, more robust, inclusive community councils, like those on the continent and in the Scandinavian countries. We should really empower them and resource them properly but also make them responsible. For instance, the young placemakers initiative is trying to get more younger people involved in community councils, so that they reflect the attitudes, awareness and desire of young people with regard to their areas. That is one way forward.

I agree with Mr Buchanan about his current experience, but that does not mean that we have to throw the baby out with the bath water. As a structure, the community council is absolutely perfect; we have just not used it enough.

**Cameron Buchanan:** The desire to make community councils responsible is definitely laudable. It is also a question of information. We are not keeping them informed in advance about what is happening. People can come to community council meetings to be faced with a

sheet of paper that they have to read quickly. It depends on the community council, but some of them are not very active.

**Petra Biberbach:** The practicality of the work of community councils is like that. Their members are volunteers and they often work on a six-weekly meeting cycle. They often have one planning convener, who gets all the information from local authorities—and a huge amount of information is given out. They have to cope with all of that and make decisions. They are also supposed to involve the general public, as they are supposed to be representative. They have to do all that on a shoestring budget.

You are right, Mr Buchanan, and Robin Holder's experience is absolutely correct. We have worked with thousands of community councils over the years, and there is a real disconnect between what community councils could be and what they are at the moment. They are not fulfilling their proper function.

**Richard Baker:** This question is as much about practicality as about policy. In the previous evidence session, I asked the minister whether he was confident that local authority planning departments are adequately resourced to implement local and national planning strategy effectively. The minister was confident that that is generally the case. You all have experience of potential local variation. Do you agree with the minister's assertion?

**Robin Holder:** I am a user of the system, as a planning consultant. My experience is that there is huge variation. It very much depends on the decisions of individual councils as to how they focus their resources.

I think that the minister suggested that increasing planning fees would have benefits in the form of improvements to service. I have seen no evidence whatsoever of that, and my worry is that the increase in planning fees will fall into the funds of the whole council. I have seen no way to incentivise decision makers to do things quickly and efficiently. There are no sticks and no carrots. Simply increasing fees might mean more money for councils but, unless I am misunderstanding, there will not be any particular requirement for or link to improvements in service.

**Pam Ewen:** The question is difficult. My experiences right across local government show that there is generally less resource to do what was done in the past. We have to work smarter and more efficiently. TAYplan has a team of three—myself and two other planners—and sometimes we call on additional resources, but we deliver on time. We have won awards for that work. You just have to look at the resources that you have, in the same way as any other business

or organisation does, and deliver to the best of your abilities.

Of course there are balances to be struck. In this evidence session, we have talked a lot about consultation and the need to get out, and there is a resources need to be balanced with what a consultation can do. The TAYplan area is huge, so I have to look at the resources that we have and how best we can get out to people to engage and enthuse them so that they make comments. There is always a balance to be struck.

The call for written submissions asked about reductions in staff resources, but I cannot comment on the extent of those. However, the issue is not just the number of staff. I have used consultation as an example, but there are also issues around the application process and the amount of work that the resources have to do. Planning authorities have been given additional work to do with the resources that they have, so we are talking about not just the numbers of staff but the amount of work that they have to do and how that has changed over time. Any organisation or business needs to be flexible with its resource and able to respond according to its needs.

**Neil Collar:** I have nothing to add to what the previous two speakers said.

**Petra Biberbach:** In 2008, we had an economic crisis, and we have come through it. There has been a huge reduction in the number of planning personnel, but they have still coped with the same or an increasing amount of work. We have certainly seen a huge increase in volunteering activity for Planning Aid, partly because planners want to keep their experience up to date.

We need to look at resourcing in the wider sense of public sector reform. We welcome the alignment between other public sector services such as community planning and land use planning. Perhaps resourcing can be looked at slightly differently.

**Stuart McMillan:** My question is for Mr Holder. Your written submission states:

"I am strongly of the view that NPF3 should contain regional housing targets."

Can you give me a bit more information about why you think that?

**Robin Holder:** Under the current system, strategic development plans that are based on the content of quite a complex exercise of housing need and demand assessment incorporate the regional housing target. There are different SDPs and some have been better than others in terms of their speed and content, but there is no reason why that cannot be addressed in the NPF. The panel might not support this view, but I doubt the need for strategic development plans. In my view,

they are an extra layer in the system and delay the production of the detailed plan. I am not saying that we do not need to undertake regional planning because we absolutely do; however, I question the statutory need for a strategic development plan that, in my experience, does not deliver enough added value to justify its existence.

In my experience, the battleground of the strategic development plan is the housing numbers, because they feed into the local plan allocation of housing sites. In the case of SESplan, the recently approved plan was a battleground indeed, and it wasted a lot of the time and energy of the Government, the developers and the six councils that are involved. The battle was all about what the housing requirement should be.

In my view, the Parliament should establish housing requirements on a regional basis and include them in the NPF. That would take away a whole load of arguments at the lower level. I am not saying that it would not put more emphasis on your responsibilities, but I believe that the responsibility for doing that rests with the Scottish Parliament. I am afraid that some councils do not wish to make provision to meet the full housing need and they will present plans that do not comply with Scottish planning policy. That is usually resolved—eventually—through big examinations, appeals and lots of arguments. We could have a much simpler system if SDPs in a statutory sense were removed from the system and some of the responsibilities were taken over by the NPF, or indeed if it contained a national plan.

11:15

**Pam Ewen:** You will not be surprised to hear that I do not agree with a lot of what Robin Holder has said. I do not want to go into strategic development plans in detail, but I note that the minister said that the Government has consultants undertaking a review of strategic development plans in terms of their process and content, and I hope that a positive report will come to the Scottish Government at the end of February or in March.

I will try to give an overview of development planning in Scotland. I touched on the fact that, in the past few years, I have done work in Wales and Ireland. As I understand it, Wales proposes to implement a similar planning system to the one that we have in Scotland, and England is now jealous of what we have because it did away with strategic planning and is now in quite a mess in that regard. It is for those reasons that I believe that we have a good, solid development planning system at the national level, at the city region level, where that is appropriate, and at the local level.

On housing targets, I believe that the issue is how well strategic development plans deal with housing rather than whether the planning should be done at the national level. The TAYplan authority believes that it should be a local decision, not a Scottish Government decision, and that it is for our local politicians to identify the amount of housing and then allocate it. We will have to wait and see what comes out in the finalised Scottish planning policy, but the questions that it raises go to the crux of the matter. It gets quite technical, but the question is about the level at which a strategic development plan should allocate. Some allocate at the overall strategic development plan level, but in TAYplan we drill right down, and where we have to make decisions across council boundaries that is set out in the plan.

It is important for investors, consultants, developers and communities to get clarity through the plans because that is what they are all about. A lot of people who look at the plans think just about housing. One of my ambitions is to get them to think more widely, because the plans are also about climate adaptation and longer-term issues—they are not just about housing. I am firmly of the view that it is not for the Scottish Government to set national targets. A lot of technical work and local knowledge go into identifying the need and demand. However, more could be done in the Scottish planning policy to develop a more consistent approach throughout Scotland.

**Neil Collar:** Today we are focusing on the process rather than on the content of the NPF, but I agree with Mr Holder that it is noticeable that not much is said in the NPF about delivering housing. I endorse his point, which I would sum up by saying that there are a few substantial examples of where the plan-led system has failed to deliver housing land supply to address the housing need. I take the minister's point that a study is being done but, from what I have heard so far, it is a study of the value of the strategic development plans at a general level, and there is a need for more detailed scrutiny of how they are addressing housing in particular. As Mr Holder said, it is a difficult issue and one that the whole system has to grapple with. In some areas, it sucks up a lot of time and energy and has caused no end of problems.

**The Convener:** Ms Biberbach?

**Petra Biberbach:** No comment.

**Stuart McMillan:** I know that another committee of the Parliament has the remit for and focuses on housing, but it could be argued that if housing were to be considered in NPF3, as Mr Holder has suggested, the Government could be accused of trying to centralise powers and take more powers away from local authorities and local decision

makers. The Government does not have that agenda. Its agenda is about empowering local authorities and local communities so that they can take more decisions for themselves.

**Robin Holder:** Can I put it another way? Currently, the councils work with the Scottish Government to establish that number through the housing need and demand assessment. That is a technical exercise and there is not a great deal of discretion as to what the number is going to be. It is about the big number, after which the local plans decide where things are going to go, and that—crucially—is about local community involvement. The actual number, however, is the result of a technical assessment, and that gets confused in the political domain of the strategic development plan.

For the south-east Scotland plan, a housing need and demand assessment was carried out and, although Government policy says that the demand should be met and that enough land should be allocated to achieve it, the SESplan authority decided that it was not going to do that. A reporter then came along and said, “I’m sorry, but that doesn’t comply with Scottish planning policy—do it.” The plan was a complete waste of time, because it was clear to all the observers, including me, that if it was not in compliance with Scottish planning policy it was going to be changed, but that did not prevent political influence from delaying the plan by two or three years. Maybe there are times when the Government needs to step up to the plate and take charge.

**Stuart McMillan:** You have made some interesting points.

I have another question, if that is okay, convener.

**The Convener:** Please be brief, Mr McMillan, as other members want to come in.

**Stuart McMillan:** It concerns community planning, which is mentioned in Mr Holder’s written submission. At the bottom of page 3, Mr Holder, you state that you

“do not get the impression of a successful connection between land use planning and community planning.”

There have been a number of discussions today about community planning, which the committee has looked at previously. If the situation is as you suggest, surely it should be for local authorities to improve on what they are doing and to empower the people who stay in their areas, rather than there being some kind of diktat imposed from the top down.

**The Convener:** Mr McMillan, I did ask you to be brief.

**Robin Holder:** That question would be better addressed to the council heads of planning. I agree with what you say in that the issue relates to how councils deal with their communities.

**Mark McDonald:** Part of the question that I was going to ask was addressed by Stuart McMillan, so this question is for Ms Biberbach. I declare an interest in that my wife is a member of a community council—following on from the point that Ms Biberbach made, my wife is the youngest on that community council by a good 20 years.

The written submission from Planning Aid for Scotland majors heavily on community involvement as distinct from community council involvement. How do you see that being brought into the planning system in a different way, Ms Biberbach?

**Petra Biberbach:** I want to make sure that I understand the question. Are you talking about community council involvement in community planning?

**Mark McDonald:** Your written submission makes a number of points about the need to involve communities more and there is a reference to community planning. However, there is also a reference to community involvement and I do not think that they are necessarily exactly the same thing. How do you see more community involvement being encouraged in the planning system, rather than simply the same faces appearing at community councils and community planning partnerships?

**Petra Biberbach:** That links to the previous point about community planning and the alignment with spatial planning. In Scotland, we have a system whereby public service delivery is decided through the community planning process. Alongside that, we have spatial planning, which sits in a different orbit. We find that there are community planning partnerships that never know about community councils or that there is such a thing as the planning system. The spatial expression is left out when new public service delivery is planned.

We are now seeing public sector reform, which is good, with the four Ps—preventative spend, partnership, place and people. It is welcome that we are moving to more of a place agenda because that can, for the first time, link much more cohesively with community planning, which is supposed to be about communities and forward planning. At present it is about neither, but it can and should be about those things. In our work through the charretteplus model, we are working with local communities from the bottom up to explain how the planning system and the engagement work, but we are also working with

community planning teams in local authorities so that we can start to bring the two together.

As I said earlier, community councils have a crucial role, but at present they are not properly resourced. Also, their role should be extended to include a statutory role in the community development plan process, which they do not have at present. It is all very reactive. If the role of community councils is properly enhanced, they will become representatives of their local communities. That is what we want to aim for. We are doing a lot of work with community councils because we firmly believe that they have a crucial role in the planning process, but there is a long way to go.

**Mark McDonald:** I want to ask about the charrette process—I throw this question open for the other witnesses to answer as well. In my constituency, there was a charrette for the Grandholm development in Aberdeen and it had a huge amount of community involvement. One of the difficulties, though, is that in many respects we still have planners and local councillors who are stuck in the old way of planning, and that can transplant itself to the charrette process or mean that the benefits of that process are not communicated to the public. How can we bridge the gap between putting in place the charrette process, which is a good way to do things, and getting the message communicated to the public via people who, at present, still think of things as they were before the charrette process was brought in?

**Petra Biberbach:** For those people who have not heard of the charrette process—it is French terminology—I note that it involves a vision statement being articulated from the bottom up by the local population, which works with the architects and planners to draw up a visual statement. It is powerful for the community because, for the first time, people can not only come together and air their views, but also see their views and ideas visualised.

With the charretteplus process, which we are hoping to work on with Pam Ewen, we have translated that, bringing in the community planning team as well, so that we can harness the ideas of and energy in local communities and then say to them, “We can take this on and do it. These are our ideas.” If there is more cross-sectoral working, that helps to realise people’s visions. The traditional charrette process was between communities and built environment professionals, but we are now trying to link it to other local government services.

**Neil Collar:** I will pass on the question, as I do not have any direct experience of charrettes.

**Pam Ewen:** Petra Biberbach touched on the fact that we are looking at the charretteplus model to widen out the approach. “Charrette” is just a term that is used. An engagement exercise is badged, and whether or not it is called a charrette it is the essence of the engagement that is important.

However, I return to the key point that that has to be balanced with the resources that we have, and I reiterate Robin Holder’s point about not taking too long to consult. There is a balance to be struck. I could spend 12 months going around the TAYplan area, speaking to thousands of people, and I would get a lot more engagement, but that is not what is wanted in the planning system. In undertaking engagement and consultation, we need to strike the right balance, taking into account the available time and resources, and different judgments will be made in different areas.

**Robin Holder:** I endorse that. I have been involved in a few charrettes, and they are tremendously effective. Someone used the word “translation”—I think that it was Petra Biberbach. Charrettes are about translating the jargon into a practical discussion about what it all means, and we can do that only with 20, 30, 40 or 50 people at the same time. Can we do that 10, 20 or 30 times over in a community? Not really. I take the point that has been made.

11:30

**Mark McDonald:** Your view is that we need to consider ways in which planning can be done with people, rather than to people.

**Petra Biberbach:** Yes. Consultation can be about something that has already been done, on which planners then go out to communities. We want to flip that around and ask people, “What would you like?” That is a proper participation process, which involves engaging the community and harnessing their own vision. That is much more powerful.

It is left to individual local planning authorities to decide how much they want to spend on engagement. There is no dedicated budget, and the funding can be made up of all sorts of things. The committee might wish to look into that in a bit more detail in order to develop a more efficient, inclusive planning system. Should we look into how much local authorities spend on engaging with the general public?

**The Convener:** It is not up to us to dictate to local authorities how they budget; that is a matter for them. However, we always look for best practice, and we try to export it where that is possible.

Thank you very much for your evidence today.



11:31

*Meeting suspended.*

11:40

*On resuming—*

## **Petition**

### **Wind Turbine Applications (Neighbour Notification Distances) (PE1469)**

**The Convener:** Agenda item 2 is consideration of PE1469, by Aileen Jackson, which calls on the Scottish Parliament to urge the Scottish Government to consider a change in planning regulations to enable an increase in the current neighbour notification distance of 20m in relation to wind turbine planning applications.

I look to members for suggestions of action.

**Richard Baker:** The petition raises valid concerns. The Scottish Government has said that it intends to produce more guidance on wind turbine proposal development. I hope that the Scottish Government takes on board some of the points that have been made in the petition. We, or the Public Petitions Committee, will be able to engage in more informed deliberation on the petition once that new guidance has been published. That will be very helpful before any final decisions are made.

**The Convener:** Do we agree to note the petition?

**Members** *indicated agreement.*

11:41

*Meeting continued in private until 11:53.*



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