

## Members' Library Service Request Form

Date of Document	24/07/13
Originator	Phil Mclean
Originator's Ref (if any)	Planner (Policy & Projects)
Document Title	Consultation response on draft Scottish Planning Policy

Please indicate if access to the document is to be "unrestricted" or "restricted", with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is "restricted", please state on what grounds (click on grey area for drop-down menu):

For Publication
-----------------

Please indicate which committee this document should be recorded into (click on grey area for drop-down menu):

Cabinet
---------

Additional information:

Authorised By	Monica Patterson
Designation	Deputy Chief Executive
Date	6 <sup>th</sup> August 2013

For Office Use Only:	
Library Reference	192/13
Date Received	04/09/13
Bulletin	Sept13

**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Consultation response on draft Scottish Planning Policy

---

## **1 PURPOSE**

- 1.1 To inform Members of the planning service's consultation response on the draft new Scottish Planning Policy.

## **2 RECOMMENDATIONS**

- 2.1 Members note the contents of the consultation response on the draft SPP.

## **3 BACKGROUND**

- 3.1 Scottish Planning Policy (SPP) was first published in February 2010, setting out the Government's policy on nationally important land use planning matters. It replaced and consolidated a suite of earlier national policy documents. As a statement of Ministers' priorities it is a material planning consideration that carries significant weight in planning decisions.
- 3.2 The Scottish Government is now reviewing SPP and has produced a draft for consultation purposes. While the draft new SPP is similar in many respects to the original SPP, it proposes an enhanced emphasis on sustainable economic growth and the economic benefits of development proposals. It also contains a focus on 'placemaking' – encouraging good quality development by taking a design-led approach.
- 3.3 Other proposed changes include a new approach to spatial frameworks for onshore wind developments, and extending the sequential approach (the 'town centre first' policy) from retail developments to also include leisure uses and public buildings such as offices, libraries and education and healthcare facilities.

- 3.4 Council planning officers have sent a response to the SPP consultation responding to the consultation questions where appropriate and commenting on other aspects of the proposed SPP. This is attached for Members' information.
- 3.5 The revised SPP is expected to be published in its final form in early 2014.
- 3.6 The third National Planning Framework (NPF3) is being prepared in parallel with SPP; it will set out the Government's strategy for Scotland's long-term spatial development. A separate response has been sent on the NPF3 consultation.

#### **4 POLICY IMPLICATIONS**

- 4.1 The final version of the new Scottish Planning Policy may have policy implications for the East Lothian Local Development Plan and for the determination of planning applications.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None.
- 6.2 Personnel – None.
- 6.3 Other – None.

#### **7 BACKGROUND PAPERS**

- 7.1 Scottish Planning Policy – Consultation Draft (April 2013).
- 7.2 Consultation response on draft Scottish Planning Policy.

<b>AUTHOR'S NAME</b>	Phil McLean
<b>DESIGNATION</b>	Planner, Policy & Projects
<b>CONTACT INFO</b>	x7017
<b>DATE</b>	24 July 2013

# **Scottish Planning Policy**

## **Consultation Draft**

# Contents

	<b>Paragraph</b>
<b>Planning Series</b>	
<b>Introduction</b>	1
Core Values of the Planning Service	3
Purpose of the SPP	4
Status of the SPP	6
Outcomes: How Planning Makes a Difference	8
<b>Principal Policies</b>	
Sustainable Economic Growth	15
Sustainable Development	24
Engagement	28
Climate Change	31
Placemaking	35
Location of New Development	41
Spatial Strategies	41
Town Centres	54
Rural Development	68
National Parks	72
Coastal Areas	74
<b>Subject Policies</b>	
Buildings	79
Enabling Delivery of New Homes	79
Supporting Business and Employment	104
Valuing the Historic Environment	114
Natural Resources	125
Valuing the Natural Environment	125
Enhancing Green Infrastructure	155
Promoting Responsible Extraction of Resources	166
Supporting Aquaculture	180
Movement	188
Promoting Sustainable and Active Travel	188
Utilities	207
Delivering Heat and Electricity	207
Enabling Digital Communication	225
Managing Flood Risk and Drainage	233
Reducing and Managing Waste	248

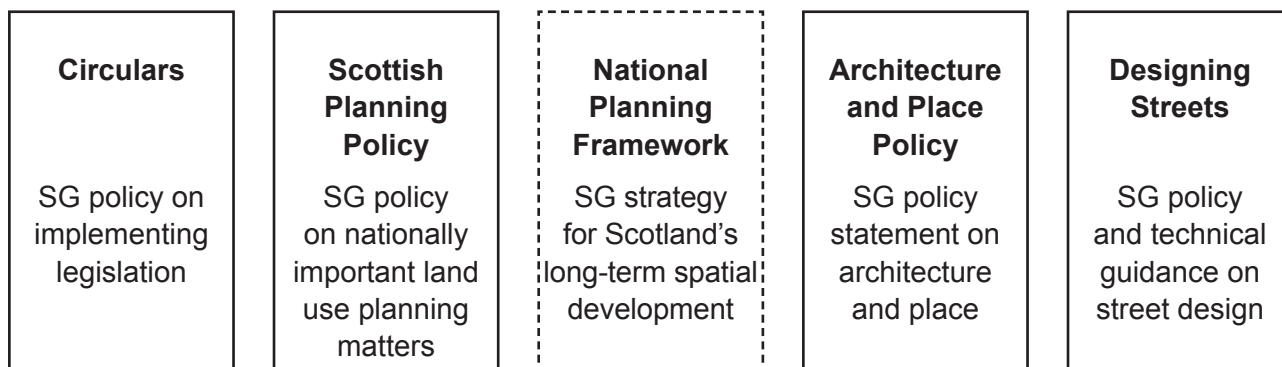
## **Annex – Parking Policies and Standards**

## **Glossary**

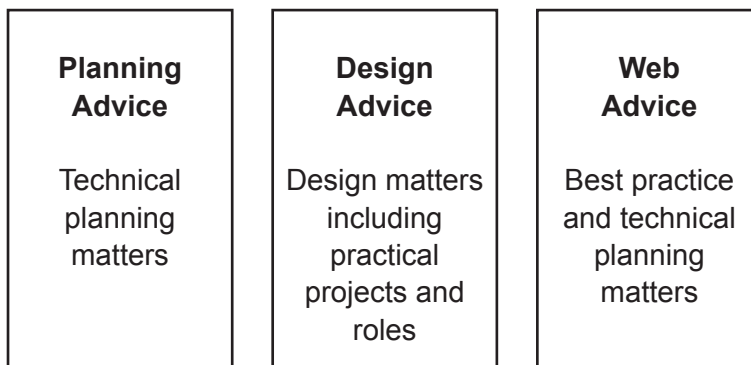
## Planning Series

The Scottish Government (SG) series of Planning and Architecture documents are material considerations in the planning system.

### Planning and Architecture Policy



### Planning and Design Advice and Guidance



Further information is available at: [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)

When finalised, this SPP will replace SPP (2010), Designing Places (2001) & Letters from the Chief Planner

statutory

non-statutory

# Introduction

- 1.** The planning system should deliver better places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.
- 2.** Planning should take a positive approach to enabling quality development and making efficient use of land to deliver long-term benefits for people while protecting and enhancing natural and cultural resources. An explanation of the planning system is available in '[A Guide to the Planning System in Scotland](#)'<sup>1</sup>.

## Core Values of the Planning Service

- 3.** Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
  - focus on outcomes, maximising benefits and balancing competing interests;
  - play a key role in facilitating economic recovery and sustainable economic growth in the longer term, particularly the creation of new jobs;
  - be plan-led, with plans being up to date and relevant;
  - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
  - be inclusive, engaging all interests as early and effectively as possible;
  - be proportionate, only imposing obligations where necessary; and
  - uphold the law and enforce the terms of decisions made.

## Purpose of the SPP

- 4.** The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for the development and use of land. It directly relates to:
  - the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- 5.** The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It does not restate the policy and guidance set out elsewhere. Further information and guidance is available at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning). A [glossary](#) of terms is included at the end of this document.

---

1 [www.scotland.gov.uk/Resource/Doc/281542/0084999.pdf](http://www.scotland.gov.uk/Resource/Doc/281542/0084999.pdf)

## Status of the SPP

**6.** The SPP is a non-statutory statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities it is a material consideration that carries significant weight, though it is for the decision maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

**7.** Policy which reflects legislative requirements is expressed as what must be done. Policy which reflects Scottish Ministers' expectations of an efficient and effective planning system is expressed as what should be done. The Principal Policies set out from paragraph 15 are overarching and should be applied to all development. The SPP sits alongside the following Scottish Government planning policy documents:

- [The National Planning Framework](#)<sup>2</sup> (NPF), which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP includes context from the NPF for subject policy areas;
- [The Architecture and Place Policy Statement](#)<sup>3</sup>, which sets out Scottish Ministers' priorities for the quality of buildings and places;
- [Designing Streets](#)<sup>4</sup>, which is a policy statement for street design. It is a technical manual for the design, construction, adoption and maintenance of new streets and redesign of existing streets; and
- [Circulars](#)<sup>5</sup>, which contain policy on the implementation of legislation or procedures.

## Outcomes: How Planning Makes a Difference

**8.** The key challenge for the planning system in Scotland is to create better places for people to live, work, visit and invest. Scotland's aspirations to be a successful, sustainable place, a natural place to invest, a low carbon place and a well-connected place are reflected in the NPF3 main issues report.

**9.** The Scottish Government's [16 national outcomes](#)<sup>6</sup> set out in more detail how sustainable economic growth will be delivered. They are the impetus behind other national policies and strategies, such as those for climate change, land use, transport, energy, digital infrastructure, regeneration, housing, biodiversity and the marine environment. Planning is broad in scope and cross cutting in nature and many of the principles and policies set out in these strategies are reflected in the SPP.

2 <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/npf/NPF3>

3 <http://www.scotland.gov.uk/Topics/Built-Environment/AandP>

4 <http://www.scotland.gov.uk/Publications/2010/03/22120652/0>

5 <http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars>

6 <http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome>



**10.** At a local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)<sup>7</sup>. Greater integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)<sup>8</sup>.

**11.** There are three main ways in which planning policy seeks to positively shape the future of Scotland. The following table shows the planning outcomes which the Scottish Government is seeking and their close links with national outcomes. Some parts of Scotland are undergoing rapid change. In others, there may have been less development in recent years, but there will be opportunities to strengthen resilience and promote sustainable development. For planning to make a difference, new development needs to lend its weight towards achieving these outcomes, which focus on creating well-designed places, valuing and enhancing the natural and built environment and promoting sustainable economic growth and the transition to a low carbon economy.

**12. Outcome 1: Planning improves quality of life by helping to create well-designed sustainable places for Scotland’s people.** By delivering high quality buildings, infrastructure and spaces in the right locations, planning provides opportunities for people to make sustainable and healthy choices. Choice as to how to access the amenities and services they need; choices to live more active, engaged, independent and healthy lifestyles; choices in how they contribute to the economy and their community; and choices to reduce the environmental impacts of their consumption and production as part of the transition to a low carbon economy. Good quality places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. All of this means that planning has an important role in promoting strong, resilient and inclusive communities.

**13. Outcome 2: Planning protects and enhances Scotland’s built and natural environments as valued national assets.** By ensuring that we protect and make efficient use of Scotland’s existing resources, natural systems and the services they provide, planning can make an important contribution to climate change adaptation. Its role in sustainable water catchment and flood risk management is one example. Planning can also reduce and mitigate the impacts of climate change, influence our patterns of consumption and production, and help us live within our environmental limits. Planning should also be an important means of realising the aspirations which communities have for their local environment and facilitating their enjoyment of it.

**14. Outcome 3: Planning supports sustainable economic growth and the transition to a low carbon economy.** By allocating sites, particularly those attractive to dynamic industries with the greatest potential to create new employment opportunities, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation and benefiting related businesses. This illustrates the important role of planning in promoting a more resilient and adaptable economy that creates jobs, increases productivity and enhances the environment, whilst reducing emissions, inequalities and disparity between regions.

<sup>7</sup> <http://www.scotland.gov.uk/Topics/Government/local-government/delperf/SOA>

<sup>8</sup> <http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/community-planning>

**Table: Outcomes for Planning**

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.			
SG National Outcomes	We live in well-designed, sustainable places where we are able to access the amenities & services we need.	We value and enjoy our built and natural environment & protect it and enhance it for future generations.	We live in a Scotland that is the most attractive place for doing business in Europe.	
	Our public services are high quality, continually improving, efficient & responsive to local people's needs.	We reduce the local and global environmental impact of our consumption and production.	We realise our full economic potential with more & better employment opportunities for our people.	
Planning Outcomes	<b>Planning improves quality of life by helping to create well-designed sustainable places for Scotland's people</b>	<b>Planning protects and enhances Scotland's built and natural environments</b>	<b>Planning supports sustainable economic growth and the transition to a low carbon economy</b>	
SPP policy contributes by:	<ul style="list-style-type: none"> <li>• Promoting sustainable economic growth</li> <li>• Enabling sustainable development</li> <li>• Supporting effective engagement</li> <li>• Tackling climate change</li> <li>• Creating places of quality</li> <li>• Ensuring new development is well located</li> </ul>			
	<p style="text-align: center;">Buildings</p> <ul style="list-style-type: none"> <li>• Enabling delivery of new homes</li> <li>• Supporting business and employment</li> <li>• Valuing the historic environment</li> </ul>	<p style="text-align: center;">Natural resources</p> <ul style="list-style-type: none"> <li>• Valuing the natural environment</li> <li>• Enhancing green infrastructure</li> <li>• Promoting responsible extraction of resources</li> <li>• Supporting aquaculture</li> </ul>	<p style="text-align: center;">Movement</p> <ul style="list-style-type: none"> <li>• Promoting sustainable and active travel</li> </ul>	<p style="text-align: center;">Utilities</p> <ul style="list-style-type: none"> <li>• Delivering heat and electricity</li> <li>• Enabling digital communication</li> <li>• Managing flood risk and drainage</li> <li>• Reducing and managing waste</li> </ul>

# Principal Policies

## Sustainable Economic Growth

**15.** The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

**16.** Planning has a positive and proactive role to play in building a dynamic and growing economy that offers opportunities for all, while making efficient and responsible use of land, environmental and other physical resources and infrastructure. The aim is to achieve the right development in the right place, rather than development at any cost.

## Policy Principles

**17.** The planning system should:

- through the development plan, set out a spatial strategy to deliver sustainable economic growth. This should harness the strengths and qualities of cities, towns and rural areas;
- foster a business environment which is supportive to new investment across Scotland while protecting and enhancing the quality of the natural and built environments as assets of national importance;
- attach significant weight to economic benefit of proposed development as a material consideration, particularly the creation of new jobs, recognising and responding to economic and financial conditions; and
- support infrastructure delivery and innovation in the energy, transport, construction, digital, waste, water and environmental management sectors to support the transition to a low carbon economy.

## Key Documents

- [Government Economic Strategy](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy)<sup>9</sup>
- [Planning Reform: Next Steps](http://www.scotland.gov.uk/Publications/2012/03/3467)<sup>10</sup>

## Delivery

**18.** Development plans should address the spatial implications of economic, social and environmental change. They should focus on land and infrastructure and the delivery of high quality places. They should be up to date and relevant, setting out a long-term spatial strategy and policies and proposals that provide greater certainty for all stakeholders.

**19.** Plans should be informed by sound evidence about the key economic issues, challenges and opportunities within the plan area. This may include information relating to international markets, key sectors and growth companies, any sectors in decline, or restructuring taking place within the local economy. The economic strategy for the plan area will be a key source of information, where this is up to date.

<sup>9</sup> <http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy>

<sup>10</sup> <http://www.scotland.gov.uk/Publications/2012/03/3467>

**20.** Plans should be deliverable, identifying sites that can be developed within the life of the plan. Action programmes should be actively used to deliver planned development.

**21.** Planning authorities and key agencies should provide a supportive business environment, managing efficient and transparent processes to deliver the Scottish Government's purpose. They should aim for high performance and continuous improvement in line with the core values set out in paragraph 3.

**22.** All stakeholders should play their part in increasing certainty and supporting speed in decision making. Growth enhancing proposals should be project managed to facilitate their progress through the planning system to determination and swift conclusion of any planning obligations. Stakeholders should provide good quality, proportionate and timely information, and [processing agreements](#)<sup>11</sup> should be used, where appropriate, to provide clarity about the key steps and timetable for determining economically significant development proposals. Planning authorities, in agreement with stakeholders, should also consider protocols for the handling of economically significant applications.

**23.** Decision makers should give full consideration to the need for planning to support sustainable economic growth. Planning authorities should ensure that any requirements for developer contributions are proportionate and consistent with Scottish Government policy on the use of planning obligations set out in [Circular 3/2012: Planning Obligations and Good Neighbour Agreements](#)<sup>12</sup>, and do not adversely affect the viability of development.

#### Consultation Question 1

Do you think that the measures outlined in paragraphs 15 to 23 are appropriate to ensure that the planning system supports economic recovery and sustainable economic growth?

Are there other measures to support sustainable economic growth that you think should be covered in the SPP?

11 A processing agreement template to help project management of major applications is available at <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/dev-man/Processing-Agreement>

12 <http://www.scotland.gov.uk/Publications/2012/12/1885>

# Sustainable Development

## Policy Principles

**24.** Sustainable development involves the integration of economic, social and environmental objectives. The planning system should promote development that contributes to a more economically, socially and environmentally sustainable society.

## Key Documents

- [The Planning etc. \(Scotland\) Act 2006](#)<sup>13</sup>
- [UK's shared framework for sustainable development](#)<sup>14</sup>

## Delivery

**25.** The Scottish Government supports the five guiding principles of sustainable development set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using established science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits. The Scottish Government's commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth.

**26.** The Planning etc. (Scotland) Act 2006 requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to sustainable development. Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. This SPP is guidance under section 3E of the 2006 Act.

**27.** Planning has an important role in realising sustainable development. It contributes by encouraging and approving development that is of a good quality and:

- helps to reduce greenhouse gas emissions;
- creates environments that help to promote health by offering opportunities for physical activity, passive recreation and social interaction;
- promotes the reuse of existing buildings and the regeneration of previously developed land;
- provides a generous supply of attractive homes in the right places;
- meets the needs of different sectors and sizes of business;
- protects and enhances cultural heritage, including the historic environment;
- protects, enhances and promotes access to natural heritage, including water, air, soil, green infrastructure, landscape and biodiversity;
- reduces the need to travel and encourages active travel and sustainable travel choices;
- is energy efficient and facilitates the generation of electricity and heat from renewable and low carbon sources;
- promotes digital connectivity;
- reduces the risk of flooding; and
- reduces waste and facilitates its management.

<sup>13</sup> <http://www.legislation.gov.uk/asp/2006/17/contents>

<sup>14</sup> <http://collections.europarchive.org/tna/20100104171600/http://defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

# Engagement

## Policy Principles

**28.** Engagement should be meaningful, early and proportionate. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and determining planning applications.

## Key Documents

- [The Town and Country Planning \(Scotland\) Act 1997](#)<sup>15</sup> as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 1/2009: Development Planning](#)<sup>16</sup>
- [Circular 4/2009: Development Management Procedures](#)<sup>17</sup>
- [Planning Advice Note 3/2010: Community Engagement](#)<sup>18</sup>

## Delivery

**29.** The primary responsibility for the operation of the planning system lies with local and national park authorities. However, all those involved with the system have a responsibility to engage constructively and proportionately to achieve the desired outcomes. This includes the Scottish Government and its agencies, public bodies, statutory consultees, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

**30.** Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process. [Communities](#) and other stakeholders must be given the opportunity to get involved in the preparation of development plans. Planning authorities and developers should ensure appropriate and proportionate steps are taken to engage with communities when planning policies and guidance are being developed, when development proposals are being formed and when applications for planning permission are made. Individuals and community groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

<sup>15</sup> <http://www.legislation.gov.uk/ukpga/1997/8/contents>

<sup>16</sup> <http://www.scotland.gov.uk/Publications/2009/02/13153723/0>

<sup>17</sup> <http://www.scotland.gov.uk/Publications/2009/07/03153034/0>

<sup>18</sup> <http://www.scotland.gov.uk/Publications/2010/08/30094454/0>

# Climate Change

## Policy Principles

**31.** The planning system should support the transformational change required to meet our climate change targets.

## Key Documents

- [The Climate Change \(Scotland\) Act 2009](#)<sup>19</sup>
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013-2027](#)<sup>20</sup>

## Delivery

**32.** The Climate Change (Scotland) Act sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation.

**33.** Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of the emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government's climate change adaptation programme; and
- in a way that it considers is most sustainable.

**34.** The planning system should help to address climate change through:

- Mitigation: minimising carbon and other greenhouse gas emissions, for example:
  - promoting a mix of land uses within settlements that will help to facilitate active travel or travel by public transport;
  - encouraging reuse of existing building stock;
  - taking advantage of passive sources of energy through careful attention to the location, siting and orientation of new buildings, for example by maximising solar gain and sheltering buildings from the prevailing wind; and
  - supporting the expansion of renewable energy generating capacity and heat networks.
- Adaptation: strengthening resilience in relation to greater climate variability for example:
  - ensuring new development is adapted to withstand more extreme weather, including prolonged wet or dry periods;
  - working with natural environmental processes, for example through the development of green infrastructure and sustainable urban drainage systems to reduce flood risk; and
  - promoting landscaping and natural shading that cool spaces in built areas during hotter periods.

<sup>19</sup> <http://www.legislation.gov.uk/asp/2009/12/contents>

<sup>20</sup> <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets>

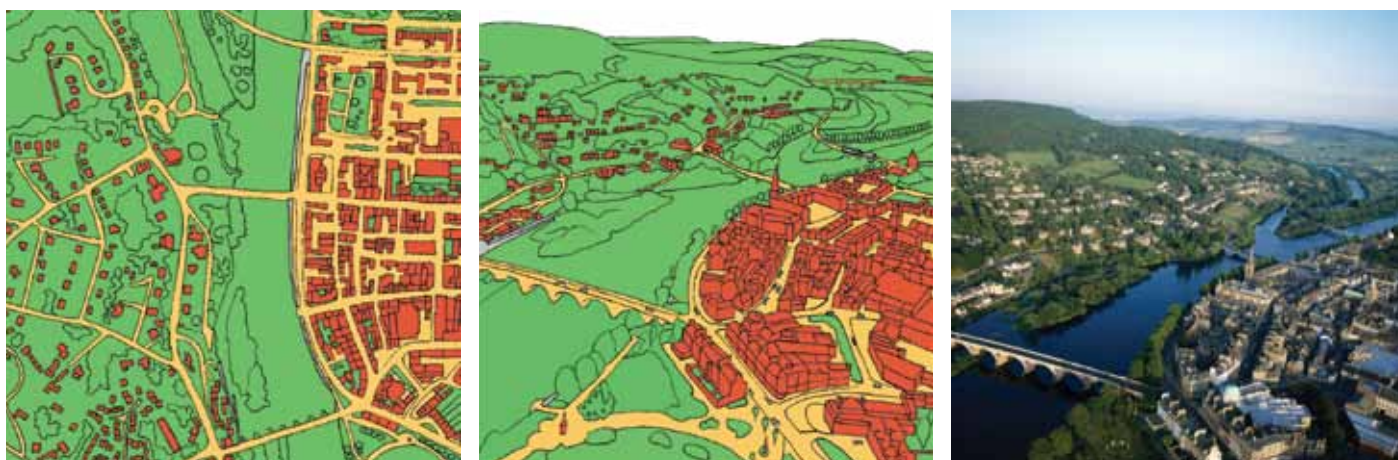
# Placemaking

## Policy Principles

**35.** The planning system should take every opportunity to encourage good quality development by taking a design-led approach to planning. This is a holistic approach that responds to the particular context and balances the range of interests and potential opportunities over the long term. This means considering the relationships between:



**36.** The design-led approach should be applied at all levels – at the national level in the National Planning Framework, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level in master plans. The images below show how the design-led approach is applied to place.



**37.** Planning should focus on positive placemaking. This requires a collaborative process and consideration of the following six qualities:

- **Distinctive:** places that complement local landscapes, topography, ecology and natural features, building and street forms, spaces and scales, skylines and materials;
- **Welcoming:** places that help people to find their way around by providing good signage, providing landmarks that improve views, creating distinctive works of art, marking places that act as gateways, including quality lighting to improve safety and showing off attractive buildings;
- **Adaptable:** places that are diverse and integrate a mix of compatible uses and communities, considering age, gender, degree of personal ability and mobility, with a range of densities and tenures that can accommodate future changes in use;
- **Resource Efficient:** places that reuse existing buildings and previously developed land, maximising energy efficiency through siting and orientation to take advantage of sun and



shelter from natural land forms, using relevant landscaping and building materials and technologies, making use of sustainable water and waste management systems, conserving and enhancing natural features and green spaces, improving and protecting habitats and wildlife and deriving energy from renewable sources;

- **Safe and Pleasant:** places where consideration is given to crime rates, where the windows, doors and active frontages face onto the street creating liveliness, where inhabited rooms overlook streets, paths, open spaces and play spaces enabling natural surveillance and encouraging activity, where there is a clear distinction between private and public space and the environment is attractive to pedestrians, particularly by being well lit; and
- **Easy to Move Around and Beyond:** street design should consider place before movement, connecting the site beyond its boundary, using densities that promote accessibility by walking and cycling, putting the needs of people before the movement of motor vehicles, providing facilities that link different means of travel and direct paths and routes which connect well with the wider environment.

## Key Documents

- [Architecture and Place Policy Statement](#)<sup>21</sup>
- [Designing Streets](#)<sup>22</sup>
- Planning Advice Note 77 – [Designing Safer Places](#)<sup>23</sup>

## Delivery

**38.** Development plan policy should:

- refer to the six qualities of successful places to enable consideration of a particular place as distinctly different from other places. Paragraph 39 and the associated diagram identify the key stages of the design process, indicating when the six qualities should be considered as a proposal is developed; and
- indicate how the planning process should embed a design-led approach, by specifying when the design tools shown at paragraph 40 should be used and what degree of detail is necessary.

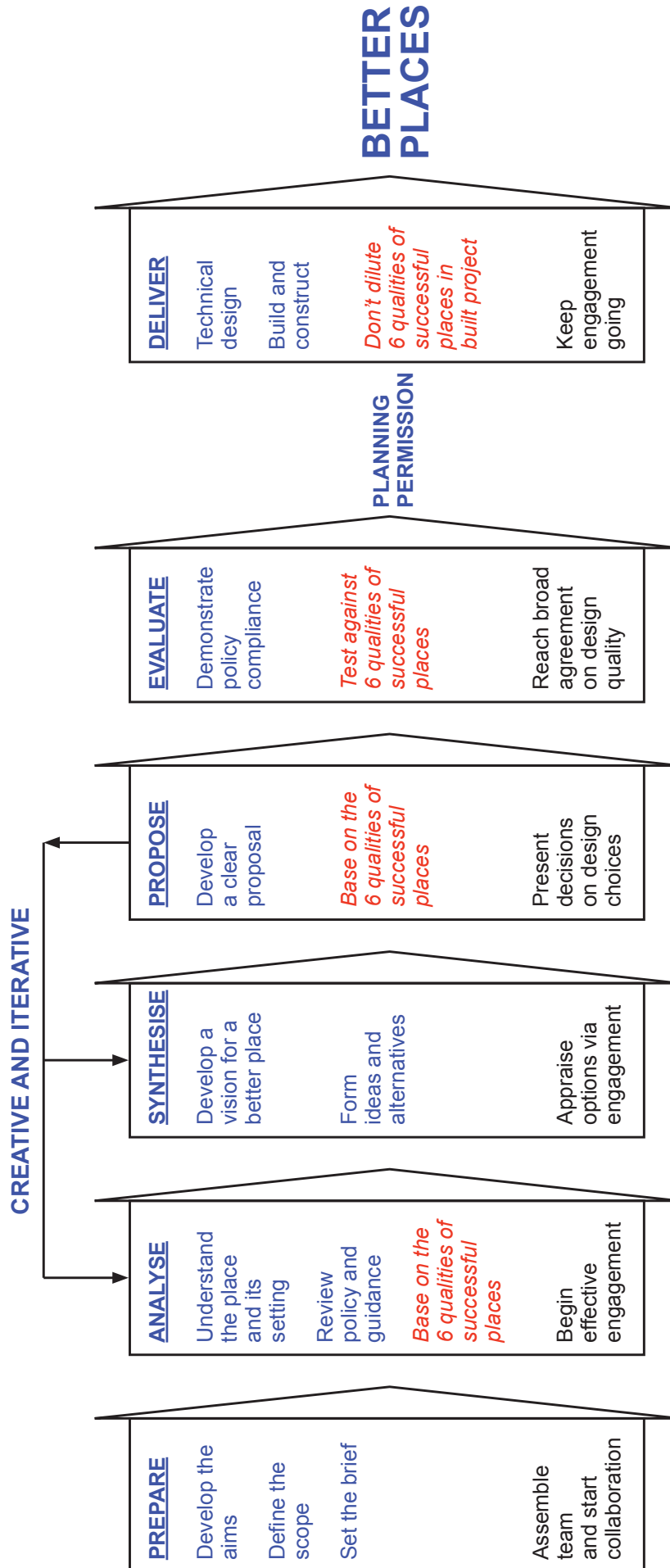
**39.** Design is not merely how a building looks. It is a creative and innovative process that provides value by delivering good buildings and places that enhance the quality of our lives. This can be:

- physical value – enhances a setting;
- functional value – meets and adapts to the long-term needs of all users;
- viability – provides good value for money;
- social value – fosters a positive sense of identity and community; or
- environmental value – facilitates efficient and responsible use of resources.

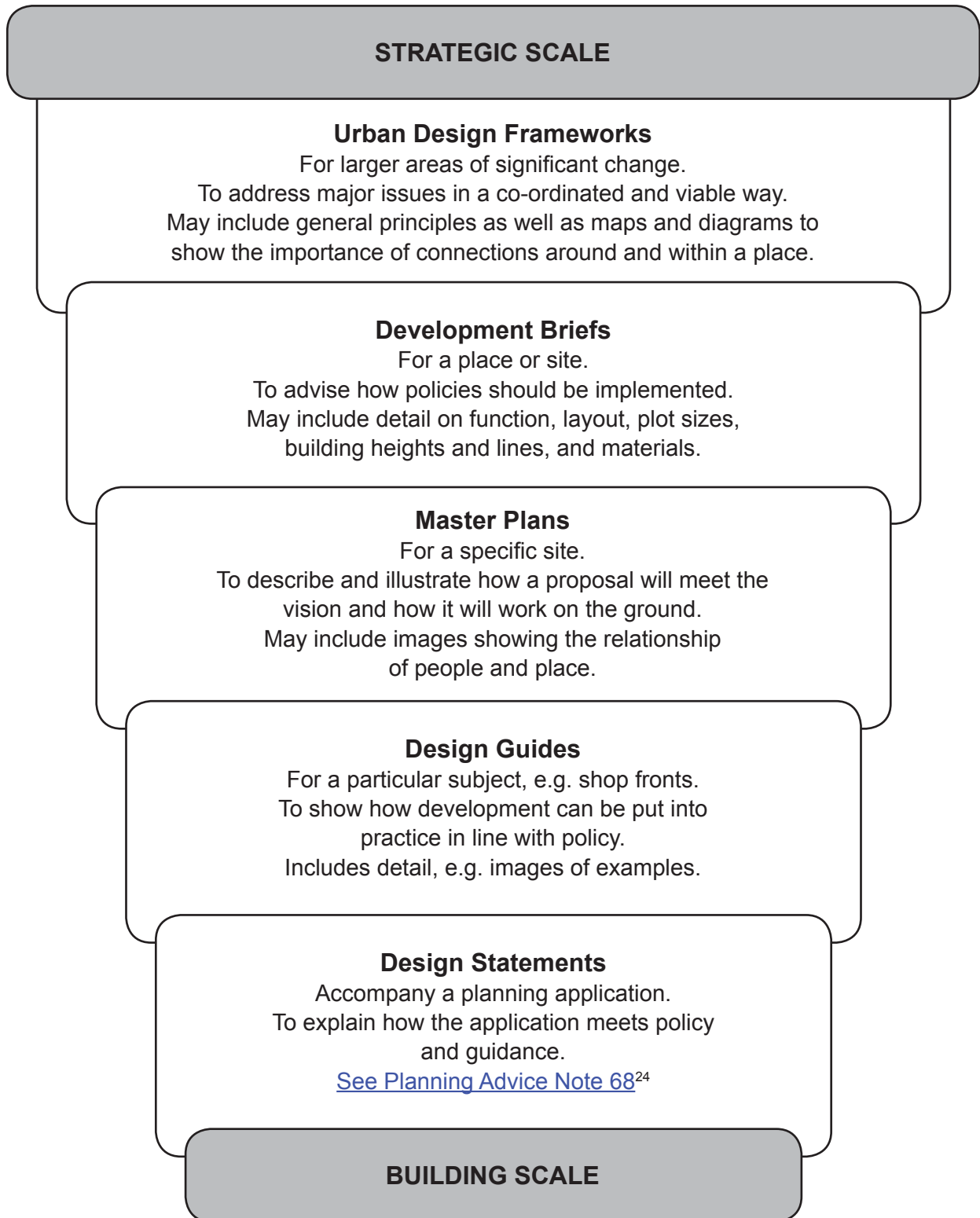
<sup>21</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/AandP>

<sup>22</sup> <http://www.scotland.gov.uk/Publications/2010/03/22120652/0>

<sup>23</sup> <http://www.scotland.gov.uk/Publications/2006/03/08094923/0>



**40.** Design tools guide the quality of development in and across places to promote positive change. Whichever design tools are appropriate to the task, they should reference the six qualities of successful places and could be adopted as Supplementary Planning Guidance.



24 <http://www.scotland.gov.uk/Publications/2003/08/18013/25389>

# Location of New Development

## Spatial strategies

### NPF Context

**41.** Economic development should be supported by high quality living and working environments. Planning can facilitate development which realises the opportunities offered by our cities, towns and rural areas and contributes to local distinctiveness and quality of place.

### Policy Principles

**42.** Development plan spatial strategies should provide a long-term context for development in cities, towns and rural areas, guiding new development to the right places. Spatial strategies and development management decisions should promote a sustainable pattern of growth appropriate to the area, taking account of the scale and type of development pressure and the need for growth and regeneration.

### Key Documents

- [National Planning Framework](#)<sup>25</sup>
- [Getting the best from our land – A land use strategy for Scotland](#)<sup>26</sup>
- [Architecture and Place Policy Statement](#)<sup>27</sup>
- [Designing Streets](#)<sup>28</sup>

### Delivery

**43.** Development plans and new developments should:

- make best use of the capacity of existing infrastructure;
- use land within or adjacent to existing settlements where possible, and town centre locations where this will support their vitality and liveliness;
- promote regeneration and consider the reuse of previously developed land before development on greenfield sites;
- promote rural development;
- promote the development of mixed communities;
- seek to minimise the need to travel and prioritise active travel and sustainable transport options;
- be informed by engagement with stakeholders;
- protect and enhance landscape, natural, built and cultural heritage, biodiversity and the wider environment;
- prevent further development which would be at risk from flooding or coastal erosion;
- avoid over-development and protect the amenity of new and existing development; and
- have regard to the principles of sustainable land use set out in the Land Use Strategy.

<sup>25</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/npf/NPF3>

<sup>26</sup> <http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy>

<sup>27</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/AandP>

<sup>28</sup> <http://www.scotland.gov.uk/Publications/2010/03/22120652/0>

**44.** Development plans and decisions on the layout and design of new development should:

- promote the efficient use of land, buildings and infrastructure, seeking to create compact places with generally higher densities of development at central and accessible locations;
- ensure good integration with existing and proposed built development and green infrastructure;
- ensure good access to active travel networks and public transport;
- encourage energy efficiency through the orientation and design of buildings, choice of materials and the use of low and zero carbon generating technologies;
- encourage the use of sustainable and recycled materials in construction;
- protect and enhance habitat connectivity;
- support sustainable management of water resources and zero waste; and
- consider the lifecycle of the development.

**45.** Other key considerations for the spatial strategy are:

- co-ordinating development with investment in infrastructure, including water, drainage capacity, transport, educational facilities, energy and digital infrastructure. This will include appraisal of the impact of the spatial strategy on the [strategic transport network](#) (see also paragraph 193). It also requires early discussion between local authorities, developers and relevant key agencies to ensure that investment issues are addressed in development plans and not left to be resolved through the development management process; and
- ensuring that the strategy is deliverable.

**46.** The spatial strategy should encourage the redevelopment or reuse of vacant and derelict land, and planning authorities should make use of land assembly and compulsory purchase powers where appropriate. Where a vacant and derelict site does not have potential for redevelopment as part of the spatial strategy, either because the location is unsuitable, or development is unlikely to be viable, the planning authority should consider its potential contribution to green infrastructure.

**47.** In towns and cities, the majority of new development should be located within or adjacent to existing settlements. An urban capacity study which assesses the scope for development within settlement boundaries may usefully inform the spatial strategy and help to achieve more compact settlements.

**48.** Development plans should also set out the circumstances in which new development outwith settlements may be appropriate. Around some cities and towns, green belts have a role as part of the spatial strategy.

## **Green Belts**

**49.** Where necessary, the development plan may designate a green belt to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

**50.** The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should establish the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads<sup>29</sup>. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

**51.** Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;
- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

**52.** For most settlements a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer term development, and, where necessary, review the boundaries of any green belt.

## New Settlements

**53.** The creation of a new settlement may occasionally be appropriate if it is justified by the scale and nature of the housing land requirement and there are major constraints to the further growth of existing settlements; or it is an essential part of a strategy for promoting regeneration or rural development. Where a planning authority considers a new settlement to be a necessary part of its settlement strategy, the development plan should specify its scale and location, taking account of the requirements set out at paragraph 43. Supplementary guidance can address more detailed issues such as design and delivery.

<sup>29</sup> Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria

## Town Centres

### Policy Principles

**54.** The planning system should promote town centres first for a mix of uses including cultural and community facilities, retail, leisure, entertainment, recreation, as well as homes and businesses. Development plans, monitoring and decision making should all support successful town centres.

### Key Documents

- [The Town Centres Review](#)<sup>30</sup> – expected Spring 2013

### Delivery

**55.** Planning authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check to inform development plans and planning applications. The purpose of a health check is to assess the strengths, weaknesses and resilience of a town centre and its vitality and viability. It should be regularly updated, to monitor town centre performance, preferably every 2 years. The health check should cover a range of indicators, including:

- pedestrian footfall;
- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, including opportunities, constraints, and accessibility;
- attitudes and perceptions;
- retailer representation and intentions (multiples and independents);
- commercial yield;
- prime rental values;
- vacancy rates, particularly at street level in prime retail areas;
- employment;
- cultural and social activity;
- community activity;
- leisure facilities;
- resident population; and
- crime levels.

#### Consultation Question 2

Do you think that local authorities should prepare town centre health checks, as set out in paragraph 55?

If so, how often do you think they should be updated?

Are there other health check indicators you think should be included in the SPP?

<sup>30</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/town-centres/review>

**56.** Planning authorities should work with partners to develop town centre strategies that will deliver improvements. Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- establish an agreed long-term vision for the town centre;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- consider constraints to implementation, for fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Business Improvement Districts or the use of [compulsory purchase powers](#)<sup>31</sup>;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built heritage;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through the development or extension of sustainable urban drainage or district heating networks, for example; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

### Consultation Question 3

Do you think that local authorities should prepare town centre strategies, as set out in paragraph 56?

**57.** Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres, including business, civic activity and community uses. Planning authorities should consider opportunities for promoting residential use within town centres where this fits with local need and demand.

## Development Plans

**58.** Plans should assess how centres can accommodate development and identify opportunities.

**59.** Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, commercial centres and other local centres, and may be organised in a hierarchy. In remoter rural areas, it may not be necessary to identify a network. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check.

<sup>31</sup> <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/ComPur>



**60.** Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening;
- integration with residential areas; and
- environmental quality.

**61.** Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres.

**62.** Where necessary to protect the role of town centres, plans should specify the function of other centres, for example where retail activity may be restricted to the sale of bulky goods. Plans should indicate whether this type of retailing may be appropriate outwith existing centres and, if so, identify appropriate locations.

## **Development Management**

**63.** A sequential approach should be used when selecting locations for all uses which generate significant footfall, including retail and leisure uses and public buildings such as offices, libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centre;
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

**64.** Planning authorities, developers, owners and occupiers should be flexible and realistic when applying the sequential approach to ensure that different uses are developed in the most appropriate locations. Development should be at an appropriate scale to fit within existing centres. The aim is to encourage development which supports the viability and vitality of town centres. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

**65.** Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan.

**66.** Where a retail and leisure development with a gross floorspace over 2,500 m<sup>2</sup> is proposed which does not accord with the development plan, a broadly based retail impact analysis should be carried out. This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

**67.** Where development proposals in edge of town centre, commercial centre or out-of-town locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect. Out-of-centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- development of the scale proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; and
- there will be no significant adverse effect on the vitality and viability of existing centres.

#### Consultation Question 4

Do you think the town centre first policy should apply to all significant footfall generating uses and the sequential test be extended to this wider range of uses, as outlined in paragraphs 63 to 67?

An alternative would be to apply the sequential test to retail and all leisure development, no longer limiting leisure to commercial development. Do you think this is the appropriate approach?

## Rural Development

**68.** In all rural areas, planning should encourage development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The character of rural areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to remote and sparsely populated areas.

### Development Plans

**69.** Plans should set out a spatial strategy which:

- responds to the specific circumstances of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including development linked to tourism, forestry and farm diversification, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing and other residential accommodation in the countryside, taking account of the development needs of communities and the demand for leisure accommodation, including huts for temporary recreational occupation;
- addresses the resource implications of the proposed pattern of development; and
- considers the services provided by the natural environment and safeguards those functions of land which are highly suitable for particular uses such as food production or flood management. Development on [prime agricultural land](#) should only be permitted in one of the following limited circumstances:
  - where it is an essential component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or

- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is provision for restoration to return the land to its former status.

**70.** In accessible or pressured rural areas, where there is a danger of an unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans should generally:

- guide most new development to locations within or adjacent to settlements;
- set out the circumstances in which new housing outwith settlements may be appropriate; and
- respond to any significant demand for holiday or second homes through the housing land allocation.

**71.** In remote rural areas, where new development can often help to sustain fragile communities, plans should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community owned energy;
- include provision for small-scale housing<sup>32</sup> and other development which supports sustainable economic growth in a range of locations, addressing issues of location, siting, design and environmental impact;
- allow the construction of single houses outwith settlements where they are well sited and designed to fit with local landscape character, or where landscape and carbon impacts are mitigated by significant woodland planting; and
- not impose occupancy restrictions on housing.

### Consultation Question 5

Do you think the approach to spatial strategies for rural areas outlined in paragraphs 68 to 71 is the appropriate approach?

## National Parks

**72.** National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

<sup>32</sup> including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business

**73.** Development plans within park areas must be consistent with the National Park Plan, which sets out the management strategy for the park. Where a conflict arises between two or more of the objectives of National Parks which cannot be resolved, the 2000 Act requires that the first objective, conservation of the natural and cultural heritage, should take precedence. Planning decisions should reflect this weighting.

### **Coastal Areas**

**74.** The planning system should support a holistic approach to coastal planning by working closely with neighbouring authorities and Marine Planning Partnerships to ensure that development plans and marine regional plans are complementary.

### **Development Plans**

**75.** Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will have a significant impact on coastal areas, and that a precautionary approach to flood risk will need to be taken. They should confirm that new development requiring significant new defences against coastal erosion or coastal flooding will not be supported unless such defences are planned as part of a spatial strategy.

**76.** Plans should recognise that the coast is a major focus of economic activity and identify areas likely to be suitable for development, areas subject to significant constraints (including those at risk from coastal erosion and flooding) and areas unsuitable for development.

**77.** Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of users requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

**78.** Plans should protect unspoiled areas of the isolated coast which possess qualities of environmental, cultural and economic value.

# Subject Policies

## Buildings

### Enabling Delivery of New Homes

#### NPF Context

**79.** House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration.

#### Policy Principles

**80.** The planning system should:

- identify a generous supply of land for each housing market within the plan area to support the achievement of [housing supply targets](#) across all tenures, maintaining at least a [5-year supply](#) of [effective housing land](#) at all times; and
- enable provision of a range of attractive well-designed, energy efficient, good quality housing in accessible locations.

#### Key Documents

- [The Housing \(Scotland\) Act 2001](#)<sup>33</sup>: requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)<sup>34</sup>

#### Delivery

**81.** Local authorities should define functional housing market areas, i.e. areas within which demand for housing is relatively self-contained. Planning for housing should be undertaken collaboratively by housing market partnerships, between housing and planning officials within local authorities, and between authorities where housing market areas are shared, including with national park authorities. Registered social landlords, developers and other specialist interests should also be encouraged to engage with housing market partnerships.

#### Development Planning

**82.** Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with [Scottish Government's HNDA Guidance](#)<sup>35</sup>. This assessment provides the evidence base to inform both local housing strategies and development plans. It should be completed in good time to inform the main issues report, along with local authorities' views on housing supply targets. It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures.

33 <http://www.legislation.gov.uk/asp/2001/10/contents>

34 <http://www.scotland.gov.uk/Publications/2010/08/31111624/0>

35 Revised HNDA guidance is due to be published before the finalisation of the revised SPP. <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/guidance>

**83.** The development plan, HNDA, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. In city regions, local authorities may wish to wait until the strategic development plan has been approved before finalising the local housing strategy, to ensure that any modifications to the plan can be reflected in the Local Housing Strategy and local development plans. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

**84.** Plans should address the supply of land for all housing, including self-build housing and the needs of gypsies/travellers. They should set out the agreed housing supply target for the area, setting out the number of houses the authority wants to see built in each functional housing market area over the plan period. The housing supply target should be based on evidence from the HNDA, but should take into account wider economic, social and environmental factors, including issues of capacity, resource and deliverability. It should equate to the housing supply target identified in the local housing strategy.

**85.** Plans should identify a housing land requirement, identifying the number of homes to be provided through new land allocations in the plan period. This should be sufficient to accommodate the housing supply target, plus a margin of 10 to 20%, taking account of the contribution of sites in the established supply that are effective, or capable of becoming effective within the plan period.

#### Consultation Question 6

Do you think explaining a 'generous' housing land supply as allowing an additional margin of 10 to 20%, as set out in paragraph 85, is the appropriate approach?

An alternative would be to state that a generosity factor should be added to the land supply, and that this may be smaller in areas where there can be confidence that the sites identified in the plan will be developed in the plan period, and larger in areas where there is less confidence in the deliverability of the land supply. Do you think this is the appropriate approach?

**86.** Plans should allocate a range of appropriate and effective sites to satisfy the housing land requirement, support the creation of sustainable mixed communities, and help to ensure the continued delivery of new housing. Any assessment of the contribution to the housing supply target which may be expected to be provided by [windfall sites](#) should be informed by an urban capacity study or clear evidence from past completions.

#### Consultation Question 7

Do you think that authorities should be able to include an allowance for windfall development in their calculations for meeting the housing land requirement, as set out in paragraph 86?

**87.** Strategic development plans should set out the housing supply target for each local authority area, making sure that the requirement for each housing market area is met. They should also state the amount (housing land requirement) and broad locations of land which should be allocated in local development plans to meet requirements up to year 12 from the expected year of plan approval. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

### Consultation Question 8

As set out in paragraph 87, do you think strategic development plans should set out the housing supply target:

- a. only for the strategic development plan(SDP) area as a whole;
- b. for the individual local authority areas;
- c. for the various housing market areas that make up the SDP area; or
- d. a combination of the above?

**88.** Local development plans within city regions should allocate a range of sites which are effective or capable of becoming effective in the plan period to meet the requirements of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years' effective land supply at all times.

**89.** Outwith city regions, local development plans should set out the housing supply target and housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or capable of becoming effective in the plan period to meet the housing land requirement. They should provide a minimum of five years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

**90.** In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the relevant housing authorities. Where housing market areas overlap National Park boundaries, National Park authorities are not required to meet housing requirements in full within their area, but should liaise closely with neighbouring authorities to ensure that housing requirements are met, and a 5-year supply of effective land is maintained across the housing market area.

### Consultation Question 9

Do you think the approach to how National Parks address their housing land requirements, as set out in paragraph 90, is the appropriate approach?

An alternative would be for National Park authorities to assess and meet housing requirements in full within their areas. Do you think this is the appropriate approach?

## Maintaining a 5-year Effective Land Supply

**91.** Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least 5 years. A site is only considered effective where it can be demonstrated that within 5 years it will be free of constraints<sup>36</sup> relating to ownership, physical factors, contamination, deficit funding, marketability, infrastructure provision and land use policy, and can be developed for housing. In strategic development plan areas, housing land supply will be calculated across the housing market area and by local development plan area.

<sup>36</sup> Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites-  
<http://www.scotland.gov.uk/Publications/2010/08/31111624/5>

### Consultation Question 10

Do you think the approach to identifying the 5-year effective land supply, as set out in paragraph 91, is the appropriate approach?

An alternative approach would be for the supply in strategic development plan areas to be calculated across local development plan areas. This would require strategic development plans to set out housing supply targets for each local development plan. Do you think this is the appropriate approach?

**92.** The development plan action programme should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. The plan should set out the measures which will be taken where for any reason there is no longer a 5-year supply of effective housing land, for instance the release of additional sites, further action to remove constraints from sites in the established supply, or a policy mechanism to allow for housing consents for other suitable sites.

### Development Management

**93.** Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing. Where a shortfall in the 5-year effective supply emerges, planning authorities should take action to rectify this, for instance by bringing forward future phases of effective sites already identified in development plans or approving appropriate planning applications.

### Affordable Housing

**94.** Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self build), and low cost housing without subsidy.

**95.** Where the HNDA and the local housing strategy, through the housing supply target, identify a requirement for affordable housing, strategic development plans should state how much of the total land requirement this represents.

**96.** Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HDNA and local housing strategy process identify a shortage of affordable housing, the plan should set out how this will be addressed. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

**97.** Plans should identify any expected developer contributions. Where a contribution from developers is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing requirement should generally be no more than 25%. Where permission is sought for specialist housing, as described in paragraph 100, it is not necessary to make a contribution to affordable housing.



### Consultation Question 11

Do you think that the level of affordable housing required as part of a housing development should generally be no more than 25%, as set out in paragraph 97?

**98.** Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work closely together to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. Where significant unmet local need for affordable housing has been shown, it may be appropriate to make provision for consent to be granted for affordable housing on sites which would not normally be considered for housing development. The plan should indicate where any such 'rural exceptions policy' applies.

**99.** Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

### Specialist Housing Requirements

**100.** As part of the HDNA, authorities should consider new build requirements for particular needs including housing for older people, sheltered housing, and other accommodation for residents requiring care. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites. The local development plan should also address any need for houses in multiple occupation (HMO). More information is provided in [Circular 2/2012 Houses in Multiple Occupation](#)<sup>37</sup>.

**101.** Development plans should address the housing needs of sections of the community such as gypsies, travellers and travelling showpeople, taking account of communities already in the area and those which may arrive at a later date. The site needs of all gypsies, travellers and travelling showpeople should be considered through the HDNA and the local housing strategy. Within city regions, the strategic development plan will have a role in addressing cross-boundary considerations.

**102.** Local development plans should identify locations which meet the needs of gypsies and travellers and set out policies for small privately-owned sites. Gypsy and traveller communities should be closely involved in the identification of sites for their use, which will often require to be suitable for caravans and mobile homes. Development plans should consider the need for permanent sites for communities of travelling showpeople and set out policies for handling applications. Sites are likely to be needed for storage and maintenance of equipment as well as accommodation.

**103.** Where planning authorities consider that self-build plots have a role to play in meeting housing requirements, they should identify suitable sites as part of their wider housing land allocations.

<sup>37</sup> <http://www.scotland.gov.uk/Publications/2012/06/4191>

### Consultation Question 12

Do you think that the approach to addressing particular housing needs, as outlined in paragraphs 100 to 103, is appropriate?

## Supporting Business and Employment

### NPF Context

**104.** Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### Policy Principles

**105.** The planning system should:

- take full account of the economic benefits of proposed development;
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets; and
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities.

### Key Documents

- [Government Economic Strategy](#)<sup>38</sup>
- [Tourism Development Plan for Scotland](#)<sup>39</sup>

### Delivery

#### Development Planning

**106.** Plans should take account of relevant strategies which support investment and economic development. They should meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of growth sectors such as:

- research and development and knowledge driven industries which favour high quality environments and proximity to academic and research institutions;
- high quality tourism, which values natural and cultural distinctiveness;
- low impact industrial, business and service uses, including new green and low carbon industries, which can often co-exist with sensitive uses without eroding amenity;
- sustainable resource management (see section on reducing and managing waste); and
- home-working, live-work units, micro-businesses and community hubs.

<sup>38</sup> <http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy>

<sup>39</sup> <http://www.visitscotland.org/what%20we%20do/tourism%20development%20plan.aspx>

**107.** Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)<sup>40</sup>, [Enterprise Areas](#)<sup>41</sup>, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

**108.** Strategic development plans should identify any nationally important clusters of industries handling hazardous substances within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their quality, accessibility, marketability, continued operation or growth potential.

**109.** Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or leisure development within their areas.

**110.** Local development plans should allocate a range of [marketable](#) sites for business, taking account of location, size, quality and infrastructure requirements; the potential for a mix of uses; and access to the transport network. The allocation of marketable sites should be regularly reviewed. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

### Consultation Question 13

Do you think the regular review of marketable sites for business, as set out in paragraph 110, should take the form of 'business land audits' in order to ensure identified sites are marketable?

**111.** Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to the strategic road network or suitable railheads or harbours. Such development should not be located close to congested, inner urban or residential areas.

**112.** Planning authorities should consider the potential to promote opportunities for tourism and leisure facilities in their development plans. This may include new development or the enhancement of existing facilities.

### Development Management

**113.** Proposals for development in the vicinity of major hazard sites should take into account the potential impacts on the proposal and the major hazard site of being located in proximity to one another.

40 <http://www.scottish-enterprise.com/your-sector/energy/energy-how-we-can-help/renewables-support/energy-renewable-energy-reports.aspx>

41 <http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas>

## Valuing the Historic Environment

### NPF Context

**114.** The historic environment is a key cultural and economic asset. Planning has an important role to play in maintaining and enhancing those distinctive and high quality historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

### Policy Principles

**115.** The planning system should:

- promote the care and protection of the designated and non-designated historic environment, including the individual assets, related [settings](#) and the wider cultural landscape.
- enable change to the historic environment which is informed by a clear understanding of the importance of built heritage assets and their viability over the long term. Change should be sensitively managed to avoid or minimise any adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are retained. Enabling development may be acceptable where it can be shown to be the only means of retaining a historic asset and it comprises the minimum necessary to enable its conservation and reuse. Sometimes, the importance of the asset may mean that change may be difficult or not possible. Assets should be protected from demolition or other work that would adversely affect it or its setting.

### Key Documents

- [Scottish Historic Environment Policy](#)<sup>42</sup> – currently under review, remains in force until replaced
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)<sup>43</sup>
- [Planning Advice Note 2/2011, Planning and Archaeology](#)<sup>44</sup>
- [Planning Advice Note 71, Conservation Area Management](#)<sup>45</sup>

### Delivery

#### Development Planning

**116.** Strategic development plans should protect and promote the strategically important elements of the historic environment. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

**117.** Planning authorities should consider any significant implications and opportunities for the historic environment when preparing the spatial strategy. Local development plans should designate and review conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

<sup>42</sup> <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>

<sup>43</sup> <http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>

<sup>44</sup> <http://www.scotland.gov.uk/Publications/2011/08/04132003/0>

<sup>45</sup> <http://www.scotland.gov.uk/Publications/2004/12/20450/49052>

## Development Management

**118.** Where planning permission and listed building consent are sought for development affecting a listed building, special regard must be given to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building.

**119.** Proposals for development within conservation areas should preserve or enhance their character and appearance. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory [Tree Preservation Orders](#)<sup>46</sup> can increase the protection given to such trees.

**120.** Where there is potential for development to affect a scheduled monument, the planning authority should protect the monument in situ and in an appropriate setting, unless there are exceptional circumstances. Planning authorities should protect the integrity of designated wreck sites where planning control extends beyond the shoreline.

**121.** Where a development proposal has the potential to affect a World Heritage Site, the planning authority should protect and preserve its [Outstanding Universal Value](#).

**122.** Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the current Inventory of Gardens and Designed Landscapes.

**123.** Planning authorities should protect, conserve and, where appropriate, seek to enhance the key landscape characteristics and special qualities of sites on the current Inventory of Historic Battlefields.

**124.** Planning authorities should protect archaeological sites and monuments and preserve them in situ wherever possible. Where in-situ preservation is not possible, appropriate excavation, recording, analysis, publication and archiving before and/or during development should be sought. Consideration should be given to the presence and potential presence of archaeological assets. If discoveries are made during any development, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. Non-designated assets should be preserved in situ, in an appropriate setting wherever possible.

---

<sup>46</sup> <http://www.scotland.gov.uk/Publications/2011/01/28152314/0>

# Natural Resources

## Valuing the Natural Environment

### NPF Context

**125.** Our natural environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning has an important role in protecting our key environmental resources, whilst supporting their sustainable use.

### Policy Principles

**126.** The planning system should:

- facilitate positive change while maintaining and enhancing distinctive character;
- conserve and enhance designated or protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient and semi-natural woodland as an important and irreplaceable resource, together with other native or long established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for species and habitat [biodiversity](#) from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about natural heritage.

### Key Documents

- [Getting the best from our land: A land use strategy for Scotland](#)<sup>47</sup>
- [Scottish Biodiversity Strategy](#)<sup>48</sup>
- [European Landscape Convention](#)<sup>49</sup>
- [Nature Conservation \(Scotland\) Act 2004](#)<sup>50</sup>
- [The Conservation \(Natural Habitats etc\) Regulations 1994 \(as amended\)](#)<sup>51</sup>
- [Natural Heritage \(Scotland\) Act 1991](#)<sup>52</sup>
- [The Wildlife and Countryside Act 1981](#)<sup>53</sup>
- [EU Directive 79/409/EEC – The Conservation of Wild Birds](#)<sup>54</sup>

47 <http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy>

48 <http://www.scotland.gov.uk/Publications/2004/05/19366/37239>

49 [http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp)

50 <http://www.legislation.gov.uk/asp/2004/6/contents>

51 <http://www.legislation.gov.uk/uksi/1994/2716/contents/made>

52 <http://www.legislation.gov.uk/ukpga/1991/28/contents>

53 <http://www.legislation.gov.uk/ukpga/1981/69>

54 [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

- [EU Habitats Directive – 92/43/EEC](#)<sup>55</sup>
- [Ramsar Convention on Wetlands of International Importance](#)<sup>56</sup>
- [National Parks \(Scotland\) Act 2000](#)<sup>57</sup>

## Delivery

**127.** Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. This duty must be reflected in development plans and development management decisions. The Scottish Government expects public bodies to apply the principles of sustainable land use when making decisions affecting the use of land.

## Development Plans

**128.** Plans should address the potential effects of development on landscapes and natural heritage, including the cumulative effects of incremental changes. They should consider the natural and cultural components of the landscape together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

**129.** Plans should identify and safeguard areas of wild land character. This should be based on Scottish Natural Heritage mapping of core wild land, published in 2013. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development.

**130.** Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)<sup>58</sup> provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland cover. Scottish Government advice on planning for forestry is set out in [The Right Tree in the Right Place](#)<sup>59</sup>.

## Development Management

**131.** The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and natural heritage, including cumulative effects. Developers should seek to minimise adverse impacts on landscape and natural heritage through careful planning and design, considering the services which the natural environment is providing and maximising the potential for enhancement.

**132.** Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on landscape or natural heritage. Direct or indirect effects on sites protected by statutory natural heritage designations will be an important consideration, but designation does not imply a prohibition on development.

55 [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

56 [http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1\\_4000\\_0](http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0)

57 <http://www.legislation.gov.uk/asp/2000/10/contents>

58 <http://www.forestry.gov.uk/nwss>

59 [http://www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

**133.** Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain. If there is any likelihood that damage could occur, modifications to the proposal which would eliminate the risk should be considered. The precautionary principle should not be used to impede development unnecessarily.

**134.** Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on Carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release.

**135.** Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

## International Designations

### Natura 2000 Sites

**136.** Sites which the European Union has designated as Natura 2000 sites include Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications for its conservation objectives. Such plans or proposals may only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

**137.** In exceptional circumstances, where, for example, there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected, an authority may propose to approve a plan or project which could adversely affect the integrity of a Natura site. Scottish Ministers must first be notified.

**138.** For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

**139.** The Scottish Government accords the same level of protection to proposed Special Areas of Conservation and Special Protection Areas (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as it does to sites which have been designated.

### Ramsar Sites

**140.** All [Ramsar](#) sites are also Natura sites and/or [Sites of Special Scientific Interest](#) and are protected under the relevant statutory regimes.



## National Designations

**141.** Development that affects a National Park, [National Scenic Area](#), Site of Special Scientific Interest or [National Nature Reserve](#) should only be permitted where:

- it will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

## Local Designations

**142.** Local designations should be clearly identified and protected through the development plan. The reasons for designation should be clearly explained and the function and continuing relevance of local designations should be considered when development plans are prepared.

**143.** Planning authorities are encouraged to limit non-statutory local designations to two types – areas designated for their landscape value and nature conservation sites. Both statutory and non-statutory local designations should be identified and protected in the development plan and the factors which will be taken into account in development management decision-making should be set out. The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.

**144.** The purpose of designating a local landscape area in the development plan should be to:

- safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
- promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
- safeguard and promote important local settings for outdoor recreation and tourism.

**145.** When considering whether to designate or review a local nature conservation site, the planning authority should assess it in relation to the following factors:

- species diversity, species or habitat rarity, naturalness and extent of habitat;
- contribution to national and local biodiversity objectives;
- potential contribution to the protection or enhancement of connectivity between habitats or the development of green networks; and
- its potential to facilitate enjoyment and understanding of natural heritage.

**146.** Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and their potential for promoting public awareness and enjoyment.

## Protected Species

**147.** The presence or potential presence of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to the determination of the application.

**148.** Proposals that would be likely to have an adverse effect on a European protected species should not be approved unless the planning authority is satisfied that:

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature, and there are beneficial consequences of primary importance for the environment.

**149.** Development which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status within its natural range must not be approved.

**150.** Planning permission must not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 unless the development is necessary to preserve public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

**151.** Applicants should submit supporting evidence in relation to any development which they consider meets these tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to meet the need identified acceptably.

## Woodland

**152.** Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)<sup>60</sup> can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

**153.** Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

**154.** The Scottish Government's [Control of Woodland Removal Policy](#)<sup>61</sup> includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the woodlands policy, and this should be taken into account when preparing development plans and determining planning applications.

60 <http://www.scotland.gov.uk/Publications/2011/01/28152314/0>

61 [http://www.forestry.gov.uk/pdf/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf)

# Enhancing Green Infrastructure

## NPF Context

**155.** Green infrastructure is important to the health and well-being of our communities and natural processes which provide a wide range of services on which our society and economy depends. Planning has an important role to play in promoting the sustainable use of our natural resources.

## Policy Principles

**156.** The planning system should:

- protect and enhance [green infrastructure](#), including [open space](#) and [green networks](#), to provide multiple benefits;
- promote integrated, long-term management of green infrastructure, assessing current and future needs and opportunities and preventing fragmentation; and
- promote and protect easy and safe access to green infrastructure, including core paths and other important routes, having regard to statutory access rights under the [Land Reform \(Scotland\) Act 2003](#)<sup>62</sup>.

## Key Documents

- [Green Infrastructure: Design and Placemaking](#)<sup>63</sup>
- [Planning Advice Note 65, Planning and Open Space](#)<sup>64</sup>
- [Circular 7/2007: Consultation on and Notification of Planning Applications for Outdoor Sports Facilities and Open Space](#)<sup>65</sup>
- [Getting the best from our land: A land use strategy for Scotland](#)<sup>66</sup>

## Delivery

### Development Planning

**157.** Strategic development plans should identify strategic priorities for green infrastructure addressing key environmental and social needs and opportunities and cross boundary issues.

**158.** Local development plans should be informed by up-to-date open space audits and related strategies. Planning authorities should adopt a holistic, integrated approach that promotes consistency between the development plan and strategies covering aspects of green infrastructure, including the open space strategy, core path plan, local transport strategy, outdoor access strategy, forestry and woodland strategy, river basin management plan and flood management plan.

**159.** Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs. They should include proposals to create new or enhance existing green infrastructure:

- to address deficits or surpluses and issues of quality and accessibility; and
- to improve connectivity between places and with other green infrastructure assets.

62 <http://www.legislation.gov.uk/asp/2003/2/contents>

63 <http://www.scotland.gov.uk/Publications/2011/11/04140525/0>

64 <http://www.scotland.gov.uk/Publications/2008/05/30100623/0>

65 <http://www.scotland.gov.uk/Publications/2007/11/14132659/0>

66 <http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy>

**160.** Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide good quality, accessible playing fields in sufficient quantity to satisfy current and likely future community demand. Playing fields should be safeguarded from development, except where:

- the proposed development is ancillary to the principal use of the site as a playing field;
- the proposed development involves only a minor part of the playing field and would not affect its use and potential for sport and training;
- the playing field which would be lost would be replaced either by a new playing field of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing playing field to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the playing field strategy and consultation with Sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

**161.** Local development plans should safeguard access rights and encourage new and enhanced opportunities for access linked to wider networks. They should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand.

**162.** Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised.

## Development Management

**163.** The design of new green infrastructure should take account of the principles of successful places, be well integrated with existing access and habitat networks, fit-for-purpose and capable of being adapted to accommodate the changing needs of users. Arrangements for the long-term management of new green infrastructure, including common facilities, should be incorporated into development proposals.

### Consultation Question 14

Do you think that the provision of green infrastructure in new development should be designed and based on the place, as set out in paragraph 163?

An alternative would be to continue with a standards based approach. Do you think this is the appropriate approach?

**164.** Proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate, type, quantity and quality. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. It should be based on evidence from the audit of open space that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

**165.** Proposals that affect regional and country parks should take account of their statutory purpose of providing recreational access to the countryside close to centres of population.

## Promoting Responsible Extraction of Resources

### NPF Context

**166.** The extraction of minerals makes an important contribution to the economy, providing materials for construction and other uses, fuels and employment. Planning can safeguard mineral resources and facilitate their responsible use.

### Policy Principles

**167.** The planning system should:

- recognise the continuing role of indigenous coal, oil and gas in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, built and natural heritage, and the water environment; and
- secure the sustainable restoration of mineral sites to a relevant use after working has ceased.

### Key Documents

- [Petroleum Act 1998](#)<sup>67</sup>: The UK Government grants Petroleum Exploration and Development Licences (PEDL) for operators to explore for, appraise and where viable, produce oil and gas onshore
- [Planning Advice Note 64, Reclamation of Surface Mineral Workings](#)<sup>68</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)<sup>69</sup>
- [Circular 34/1996: Environment Act 1995 Section 96](#)<sup>70</sup>

### Delivery

#### Development Planning

**168.** Strategic development plans should make provision to ensure that adequate supplies of construction aggregates can be made available within the local market area to meet the likely development needs of the city region over the plan period.

**169.** Local development plans should seek to ensure that workable mineral resources are not sterilised by other development. They should safeguard mineral resources which are of economic or conservation value. Plans should support the maintenance of a landbank for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search where extraction is most likely to be acceptable. A criteria-based approach may be taken where a sufficient landbank already exists or substantial unconstrained deposits are available.

67 <http://www.legislation.gov.uk/ukpga/1998/17/contents>

68 <http://www.scotland.gov.uk/Publications/2003/01/16122/16256>

69 <http://www.scotland.gov.uk/Publications/2003/01/16204/17030>

70 <http://www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance>

**170.** Local development plans should identify areas of search where the extraction of coal is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts.

**171.** Local development plans should protect areas of peatland and only permit extraction in areas of degraded peatland which have been significantly damaged by human activity and where the conservation value is low and restoration is not possible.

**172.** Local development plans should set out the issues to be addressed when assessing specific proposals, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on, and benefits for, local communities;
- effect on the local and national economy;
- [cumulative impact](#);
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

**173.** For areas covered by PEDL, local development plans should:

- recognise that exploration and appraisal is likely to be the initial focus of development activity, with production probably requiring a separate decision;
- address constraints on production and processing;
- identify factors that will be taken into account when determining planning applications for wellheads and transmission infrastructure; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

## Development Management

**174.** Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. They should also adequately demonstrate that mining waste will be managed in accordance with the [Management of Extractive Waste \(Scotland\) Regulations 2010](#)<sup>71</sup>.

**175.** Proposals for extraction should be permitted if significant impacts on the amenity of local communities, the natural heritage, historic environment and other economic sectors important to the local economy can be adequately controlled or mitigated. Proposals should take account of cumulative impacts in combination with other mineral and landfill sites in the local area. They should also provide an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided. Proposals for borrow pits should provide operational, community or environmental benefits with time-limited consents, and be tied to a particular project.

<sup>71</sup> <http://www.legislation.gov.uk/ssi/2010/60/contents/made>

**176.** Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Surface coal extraction within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, justify a lesser distance.

**177.** Proposals should ensure that restoration and aftercare will be to a high standard and undertaken at the earliest opportunity. Consents should be associated with an independent guarantee through a vehicle such as an escrow account to manage the operator's exposure to costs; recognise landowner liability; ensure obligations transfer to successors in title; and ensure that site restoration and aftercare is fully funded. In some cases an operator may satisfactorily demonstrate their programme of restoration is sufficient, including the necessary refinancing, phasing and aftercare of sites. In the construction aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

**178.** Planning authorities should ensure that procedures are in place to monitor conditions attached to planning permissions. They should ensure that a review of mineral permissions every 15 years is used to apply up-to-date operating and environmental standards. Conditions should not impose undue restrictions on consents for the winning of building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

**179.** In considering proposals for onshore oil and gas developments, account should be taken of the potential effects on neighbouring uses and directional drilling should be used wherever feasible, mindful of the mitigation benefits in terms of minimising impacts. Consideration should also be given to the transport of the end product by pipeline, rail or water rather than road where possible. Where a PEDL licence and Coal Licence (issued by the Coal Authority) are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of hydrocarbon extraction.

## Supporting Aquaculture

### NPF Context

**180.** Aquaculture makes a significant contribution to the Scottish economy. Planning can help to facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends.

### Policy Principles

**181.** The planning system should:

- support sectoral growth targets for an aquaculture industry that is sustainable, diverse, competitive and economically viable;
- enable new and modified aquaculture developments in appropriate locations; and
- maintain a presumption against finfish farming on the north and east coasts to safeguard migratory fish species.

## Key Documents

- [A Fresh Start: The Renewed Framework for Scottish Aquaculture](#)<sup>72</sup>
- [Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters](#)<sup>73</sup>
- [National Marine Plan](#)<sup>74</sup> (pre-consultation draft)
- [Circular 1/2007 Planning Controls for Marine Fish Farming](#)<sup>75</sup>: This is to be updated to reflect changes in the legislation regulating marine fish farming.

## Delivery

### Development Planning

**182.** Local development plans should take account of Marine Scotland's locational policies for marine aquaculture and identify areas which are potentially suitable for new development in line with requirements for sectoral growth. They should identify constraints, such as carrying capacity, landscape, natural heritage, historic environment, cumulative impact (which can be considered on a loch or voe wide basis), conflicts with other users and resources and other areas controlled by regulations, where adverse impacts will need to be adequately addressed.

**183.** Local development plans should set out the matters that will be considered when determining applications, such as the size of the site; the type, number and physical scale of structures; the distribution of the structures across the lease area; onshore facilities; ancillary equipment; lighting and noise impacts; and provision for restoration once operations cease.

**184.** Local development plans should encourage the shared use of onshore facilities including jetties, piers and ancillary facilities; safeguard anchorages and harbours; and protect access to the foreshore for recreational purposes.

### Development Management

**185.** Planning authorities should, where possible, consider any land based facilities required for the proposal at the same time as the application. They should ensure that provision is made to mitigate any direct or cumulative impacts.

**186.** Planning authorities should ensure that equipment adheres to any relevant technical standards. In the absence of such standards, the planning application should be supported by evidence from the manufacturer that the equipment is fit for purpose.

**187.** Where relevant, information on benthic impacts, impacts on wild salmonids and other species, and water column and nutrient enhancement capacity should be included in environmental statements, or in supporting information where formal environmental impact assessment is not required.

72 <http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18364>

73 <http://www.scotland.gov.uk/Topics/marine/science/Publications/publicationslatest/farmedfish/locationalfishfarms>

74 <http://www.scotland.gov.uk/Topics/marine/seamanagement>

75 <http://www.scotland.gov.uk/Publications/2007/03/29102026/0>



# Movement

## Promoting Sustainable and Active Travel

### NPF Context

**188.** The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

### Policy Principles

**189.** The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- facilitate travel by public transport and freight movement by rail or water;
- provide safe and convenient opportunities for walking and cycling; and
- enable the integration of transport modes.

**190.** Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

### Key Documents

- [Climate Change \(Scotland\) Act 2009](#)<sup>76</sup>
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)<sup>77</sup>
- [Infrastructure Investment Plan](#)<sup>78</sup>
- [Strategic Transport Projects Review](#)<sup>79</sup>
- [Designing Streets](#)<sup>80</sup>
- [Roads for All](#)<sup>81</sup>
- [Cycling Action Plan in Scotland](#)<sup>82</sup> (CAPS)
- [National Walking Strategy](#)<sup>83</sup> (to be published)
- [Tourism Development Plan for Scotland](#)<sup>84</sup>
- National Physical Activity implementation plan (to be published).

76 <http://www.legislation.gov.uk/asp/2009/12/contents>

77 <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets>

78 <http://www.scotland.gov.uk/Publications/2011/12/05141922/0>

79 <http://www.transportscotland.gov.uk/strategy/strategic-transport-projects-review>

80 <http://www.scotland.gov.uk/Publications/2010/03/22120652/0>

81 <http://www.transportscotland.gov.uk/files/documents/roads/Roads-for-All-revised.pdf>

82 <http://www.scotland.gov.uk/Resource/Doc/316212/0100657.pdf>

83 <http://www.scotland.gov.uk/News/Releases/2012/05/walkingstrategy17052012>

84 <http://www.visitscotland.org/what%20we%20do/tourism%20development%20plan.aspx>

## Delivery

### Development Planning

**191.** Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

**192.** The spatial strategies set out in plans should support development in locations that are accessible by walking, cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. They should facilitate integration between transport modes.

**193.** In preparing development plans, planning authorities should appraise the impact of the spatial strategy and its reasonable alternatives on the transport network. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. It should be discussed with Transport Scotland at the earliest opportunity where there are potential issues for the strategic transport network.

**194.** Development plans should identify required new transport infrastructure, including cycle and pedestrian routes. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure is to be delivered and phased and how and by whom any developer contributions will be made. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

**195.** New junctions on trunk roads are not normally acceptable, but the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated and there would be no adverse impact on road safety or operational performance.

**196.** Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Where the services or infrastructure required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider and developer at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be promoted.

**197.** [National maximum parking standards](#) for certain types and scales of development have been set to promote consistency (see Annex: Parking Policies and Standards). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and in rural areas where public transport provision is limited, planning authorities may set less restrictive standards.

**198.** Disused railway lines with a reasonable prospect of being reused as rail, tram or active travel routes should be safeguarded in development plans. Making the best use of current rail services should be investigated before new services or stations are considered. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application. The case for a new station should be based on a robust multimodal appraisal and business case and funding partners must be identified. The appraisal should show that the needs of local communities, workers or visitors are sufficient to generate a high level of demand and that a new station would not impact adversely on the operation of the rail service franchise.

**199.** When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities, including rail freight interchanges. Strategic freight sites should be safeguarded in development plans. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail, including facilities allowing the transfer of freight from road to rail or water. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic.

**200.** Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

**201.** Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

### **Development Management**

**202.** Where a change of use or a new development is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential cumulative effects which need to be addressed.

**203.** Planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where:

- direct links to walking and cycling networks are not available or cannot be made available;
- access to public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in '[Transport Assessment and Implementation: A Guide](#)'<sup>85</sup>

85 <http://www.scotland.gov.uk/Publications/2005/08/1792325/23264>

**204.** Buildings and facilities should be accessible by foot and bicycle. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

**205.** Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued operational effectiveness of the network will have to be met by the developer.

**206.** Proposals for new junctions on trunk roads are not normally acceptable, as set out at paragraph 195. Developers and planning authorities should ensure that development does not have adverse impacts on roadside facilities, including lay-bys.

# Utilities

## Delivering Heat and Electricity

### NPF Context

**207.** Scotland's renewable energy resources provide an exceptional opportunity to drive down greenhouse gas emissions and promote sustainable economic growth. Planning can facilitate the development of existing and emerging renewable technologies, and help to link the generation and distribution of energy with investment in supply chain facilities.

### Policy Principles

**208.** The planning system should support the transformational change to a low carbon economy and be consistent with national objectives and targets, including deriving:

- the equivalent of 100% of electricity demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- 30% of overall energy demand from renewable sources by 2020.

**209.** Planning should support a broad mix of energy generation installations and supply infrastructure at appropriate locations, prioritising development in accordance with the following hierarchy:

- i. energy efficiency;
- ii. electricity and heat recovery;
- iii. electricity and heat from renewable and non-renewable fuel sources where greenhouse gas emissions can be significantly reduced.

### Key Documents

- [Electricity Generation Policy Statement](#)<sup>86</sup>
- [2020 Routemap for Renewable Energy in Scotland](#)<sup>87</sup>
- [Heat Vision for Scotland](#)<sup>88</sup>
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)<sup>89</sup>

### Delivery

#### Development Planning

**210.** Development plans should support all scales of development associated with the generation of electricity and heat from renewable sources with a view to realising the renewable energy potential of the areas they cover.

<sup>86</sup> <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPS2012>

<sup>87</sup> <http://www.scotland.gov.uk/Publications/2011/08/04110353/0>

<sup>88</sup> <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/Heat>

<sup>89</sup> <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets>

**211.** Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including power stations and energy transmission and distribution networks. They should address cross-boundary issues, promoting an approach to energy which supports the transition to a low carbon economy.

## Energy

**212.** Local development plans should support new build developments or retrofit projects which promote energy efficiency and encourage the recovery of energy that would otherwise be wasted. They should set out the factors to be taken into account in considering proposals for renewable energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area, but are likely to include:

- greenhouse gas emissions;
- renewable energy targets;
- effects on landscape;
- effects on the historic environment;
- effects on natural heritage;
- effects on the water environment;
- effects on communities and amenity; and
- any cumulative impacts.

**213.** Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime.

## Heat

**214.** Local development plans should use heat mapping to assess the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass and developments producing waste or surplus heat, as well as geothermal systems, heat recoverable from mine waters, aquifers and heat storage systems. Heat demand sites include high density developments, communities off the gas grid, fuel poor areas and anchor developments such as hospitals and schools.

**215.** Local development plans should support the development of heat networks, even where they are reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in future. Where heat networks are not viable, microgeneration and heat recovery technologies in or associated with individual properties should be encouraged.

### Consultation Question 15

With reference to paragraphs 214 to 215, do you think heat networks should be developed ahead of the availability of renewable or low carbon sources of heat?

An alternative would be for heat networks to only happen where there are existing renewable and waste heat sources or networks. Do you think this is the appropriate approach?

Explanation: The former approach would help to drive transformational change, particularly as the wider use of heat mapping begins to highlight new opportunities and a wider range of heat sources become available.

## Onshore Wind

**216.** Development plans should support the development of wind turbines at locations where impacts on the environment and communities can be satisfactorily addressed. Strategic development plan spatial strategies should identify capacity for strategic onshore wind farm developments as well as cumulative impact pressures. Local development plans should clearly set out the potential for wind turbine and wind farm development of all scales as part of the spatial framework.

**217.** The process set out in this policy for preparing a spatial framework should be closely followed in order to deliver a consistent approach nationally and to help monitor progress towards Scotland's renewable energy targets. It involves:

- presenting spatial information in the order outlined to steer development to the most suitable locations;
- ensuring that spatial frameworks are subject to the consultative processes for statutory development plans; and
- incorporating spatial frameworks into statutory development plans at the earliest opportunity.

**218.** Spatial frameworks should set out the scales of onshore wind farm development most suited to the area, based on an assessment of local characteristics. Using the groupings outlined below, spatial frameworks should identify and safeguard areas with strategic capacity and clearly identify locations which are not considered suitable for wind farm development. Spatial frameworks should not impose additional zones of protection around areas designated for their landscape or natural heritage value. Proposed developments must comply with the requirements for national and international designations set out at paragraphs 136 to 141. The framework should be supported by a single map which consolidates information on capacity and the area groupings below. Mapped information on each group can be set out separately in the spatial framework or in appendices.

Group 1: Areas where wind farms will not be acceptable:

- National Parks
- National Scenic Areas.

Group 2: Areas of significant protection:

See policy on 'valuing the natural environment' for the specific requirements in relation to national and international natural heritage designations. Wind farms will only be appropriate in these areas where it can be demonstrated that any significant effects on the qualities for which the area is identified can be substantially overcome by siting, design or mitigation.

- Areas designated for their international or national heritage value, outwith National Parks and National Scenic Areas including:
  - World Heritage Sites;

- Natura 2000 and Ramsar sites, including areas which support the integrity of European sites designated under the Habitats Directive, where development could result in significant adverse effects on the integrity of the European sites;
  - Sites of Special Scientific Interest; and
  - National Nature Reserves.
- Core areas of wild land as shown in the SNH map included in the Strategic Environmental Assessment Environmental Report.
  - Areas where the cumulative impact of existing and consented wind farms limits further development, including areas where landscape capacity or similar studies indicate that carrying capacity for wind farms has been reached and further wind farms would have detrimental impact. Further wind farms are not expected to be appropriate in these areas unless decommissioning, repowering and/or redesign restores capacity to these areas.
  - Community separation: a separation distance of up to 2.5 km is recommended between wind farms and cities, towns and villages identified in the local development plan. This is to reduce visual impact but decisions on individual developments should take into account specific local circumstances and geography. The guidelines should not be used to mitigate against noise and shadow flicker that will normally be subject to separate development management considerations.
  - Areas safeguarded by planning policies, including:
    - scheduled monuments;
    - conservation areas;
    - the curtilages of listed building; and
    - sites in the Inventory of Gardens and Designed Landscapes.
  - aviation and defence: civil aviation and defence consultation zones;
  - land covered by broadcasting installations;
  - flood risk areas: land that has an annual probability of flooding greater than 0.5% (1:200 yrs); and
  - high quality unaltered peat: the carbon benefits of onshore wind in a progressively decarbonised electricity supply system can be significantly reduced when sited on deep peat and must be validated using the Scottish Government approved carbon calculation.

### Consultation Question 16

With reference to paragraph 218 and subsequent groups, do you think that the proposed increased community separation distance of up to 2.5km is appropriate?

Explanation: Advances in wind turbine technology have led to larger tower heights and turbine blade sweeps, increasing the prominence of wind farms in open landscapes. Visual impact is an important consideration in developing spatial frameworks. The consultation seeks to establish the level of separation required to protect communities from unacceptable visual impacts.

Group 3: Areas where planning constraints are less significant, where opportunities for wind farm development can be realised through good design or mitigation:

- regional and local landscape and natural heritage designations;
- scenic routes identified in National Planning Framework 3;
- long distance walking routes; and



- land with local landscape or natural heritage interest which is not designated, including land falling within the high or medium sensitivity categories in landscape capacity studies.

Group 4: Areas where wind farm proposals are likely to be supported subject to detailed consideration against identified policy criteria.

**219.** Development plans should recognise that, except for those in Group 1, the existence of any of the above planning considerations does not impose a blanket restriction on wind farm development. Frameworks should not require applicants proposing development in Groups 2 and 3 areas to show that there is no capacity in Group 4 areas.

### Consultation Question 17

With reference to paragraphs 216 to 219, do you think the proposed approach to spatial frameworks achieves the right balance between supporting onshore wind development and protecting the natural environment and managing visual impacts on communities?

Explanation: The current SPP's approach to spatial frameworks requires planning authorities only to identify designated landscape constraints to wind farm development. This was expected to be a high level spatial planning exercise, followed by more detailed consideration of landscape sensitivities at the development management stage. However, most planning authorities have gone further, preparing landscape character and capacity studies and including undesignated locally valued landscapes as additional constraints within the spatial framework. In many cases, it has been difficult for the development sector to establish the relative weight to be given to the various landscape considerations in identifying the best locations for wind farms and appropriate mitigation.

The approach proposed therefore adjusts the format for preparing spatial frameworks so that landscape designations and other planning considerations which are likely to preclude or restrict wind farm development are identified in Groups 1 and 2 respectively. Undesignated locally valued landscapes are included in a new and separate Group 3 where it is expected that opportunities can be realised through good design or mitigation. Groups 3 and 4 taken together are equivalent to current 'areas of search'.

Other adjustments have been made to the planning considerations in each group. The intention of this more refined approach is to improve the clarity of spatial frameworks, particularly in relation to the relative weight to be given to landscape considerations. In most planning authority areas only modest changes to spatial frameworks will be required.

The proposed removal of the 20 MW threshold is intended to encourage all planning authorities to develop spatial frameworks for the full range of scales of wind farm development appropriate to their areas.

## Development Management

**220.** Proposals for energy infrastructure developments should take account of spatial frameworks for wind farms and heat maps where these are relevant. Consideration of proposals for wind turbine developments should take account of:

- benefits which are material considerations as described in paragraph 224;
- landscape and visual impacts, including effects on wild land character;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- effects on the historic environment;
- impacts on tourism and recreation;
- impacts on communities, including residential amenity;
- noise and shadow flicker;
- impacts on aviation and defence interests, particularly airport and aerodrome operations, flight activity, tactical training areas, aviation and defence radar and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic including trunk roads;
- the contribution of the development to renewable energy generation targets;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- the need for a planning obligation to ensure that operators meet their restoration obligations; and
- cumulative impact which:
  - includes consideration of existing wind turbines and wind farms, both those which have planning permission and those which have not been determined. The weight attached to undetermined applications should reflect the stage they have reached in the application process. Decisions should not be unreasonably delayed because other schemes in the area are at a less advanced stage in the application process; and
  - relates primarily to considerations of scale and proximity. The factors to be taken into account when considering cumulative impact should be set out in the development plan or in supplementary planning guidance.

**221.** Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being updated. Moratoria on onshore wind development are not appropriate. Proposals to repower existing wind farms, which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation, can help meet our renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

## Community Benefit

**222.** The Scottish Government is committed to ensuring that communities benefit from renewable energy development. It has set a target of 500 MW of renewable energy generating capacity being community or locally-owned by 2020. Benefits may be offered voluntarily by developers to communities likely to be affected by a development. The Scottish Government supports this and encourages all commercial wind farm developers to voluntarily offer community benefits and record these on the Scottish Government’s [Register of Community Benefit](#)<sup>90</sup> from Renewables. The rate of community benefit offered will be open to negotiation, but the current benchmark for community benefits in Scotland is £5,000 per MW of installed capacity per year, and opportunities for community investment in schemes, including joint ventures, are also encouraged.

**223.** Some benefits can be material considerations in decision making. These may include local employment and training, improved public access and elements of regeneration. A variety of mechanisms can be used to deliver community benefits, including planning obligations, agreements under Section 69 of the Local Government Act, and other legal agreements.

**224.** To safeguard the impartiality and transparency of the planning system, benefits may only be material considerations where they meet the two tests outlined in [Circular 4/2009: Development Management Procedures](#)<sup>91</sup>, Annex A: Defining a Material Consideration. These are that they:

- serve or relate to a planning purpose (they should therefore relate to the development or use of land), and
- should fairly and reasonably relate to the particular application.

### Consultation Question 18

Do you think the SPP could do even more than is drafted in paragraphs 222 to 224 to secure community benefits from renewable energy developments while respecting the principles of impartiality and transparency within the planning system?

## Enabling Digital Communication

### NPF Context

**225.** Our economy and social networks depend heavily on high quality digital infrastructure. To facilitate investment across Scotland, planning can play an important role in strengthening digital communications capacity and coverage across Scotland.

### Policy Principles

**226.** The planning system should support:

- development which helps to deliver the Scottish Government’s commitment to world class digital connectivity; and
- the provision of digital communications infrastructure which is sited and designed to keep environmental impacts to a minimum.

<sup>90</sup> <http://www.communityenergyscotland.org.uk/register>

<sup>91</sup> <http://www.scotland.gov.uk/Publications/2009/07/03153034/0>

## Key Documents

- [Scotland's Digital Future](#)<sup>92</sup> and associated [Infrastructure Action Plan](#)<sup>93</sup>
- [Scotland's Cities: Delivering for Scotland](#)<sup>94</sup>
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)<sup>95</sup>
- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)<sup>96</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)<sup>97</sup>

## Delivery

### Development Planning

**227.** Local development plans should reflect the implementation plans of digital communications operators, community groups and other relevant parties – including those of the Scottish Government, the UK Government and local authorities.

**228.** Local development plans should provide a consistent basis for decision making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- installing the smallest suitable equipment;
- concealing or disguising masts, antennae, equipment housing and cable runs using design and camouflage techniques;
- mast or site sharing;
- installation on buildings or other existing structures; and
- installation of ground-based masts.

**229.** Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP<sup>98</sup> guidelines for public exposure to radiofrequency radiation; and
- an assessment of visual impact, if relevant.

92 <http://www.scotland.gov.uk/Resource/Doc/981/0114237.pdf>

93 <http://www.scotland.gov.uk/Publications/2012/01/1487>

94 <http://www.scotland.gov.uk/Publications/2012/01/05104741/0>

95 <http://www.scotland.gov.uk/Resource/0041/00411586.pdf>

96 <http://www.scotland.gov.uk/Publications/2001/09/pan62/pan62->

97 <http://www.scotland.gov.uk/Publications/2003/01/16204/17030>

98 The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields

## Development Management

**230.** Consideration should be given to how the proposed development will contribute to fulfilling the objectives for digital connectivity set out in the [Scottish Government’s World Class 2020 narrative](#)<sup>99</sup>, published on 26 February 2013. For developments that will deliver entirely new connectivity (e.g. mobile connectivity in a “not spot”), consideration should be given to the benefits of this connectivity for communities and the local economy.

### Consultation Question 19

Do you think the planning system should promote provision for broadband infrastructure (such as ducting and fibre) in new developments so it is designed and installed as an integral part of development, as set out in paragraph 230?

Explanation: The purpose of this would be to strengthen the role of the planning system in supporting progress towards Scottish Government’s targets.

This should also help to cut the costs of broadband rollout in line with proposals published by the European Commission on 27 March 2013<sup>100</sup>. Research published by the European Commission<sup>101</sup> estimates that the cost savings of pre-wiring a building during construction compared with fitting wiring retrospectively are thought to be significant – up to 60%.

Also likely to be significant benefits in providing convenience to occupiers whilst avoiding future disturbance/construction damage.

**231.** All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

**232.** Planning authorities should neither be concerned with whether the service to be provided by means of the development is needed nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation, including legislation to protect public health.

## Managing Flood Risk and Drainage

### NPF Context

**233.** Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

### Policy Principles

**234.** The planning system should promote:

- the protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- a precautionary approach to [flood risk](#) from all sources, including coastal, water course (fluvial), surface water (pluvial), rising ground water, reservoirs and drainage systems (sewers and [culverts](#)) through:

<sup>99</sup> <http://www.scotland.gov.uk/Topics/Economy/digital/Digital-Dialogue/ExploringDigitalDialogue>

<sup>100</sup> [http://europa.eu/rapid/press-release\\_IP-13-281\\_en.htm](http://europa.eu/rapid/press-release_IP-13-281_en.htm)

<sup>101</sup> <http://ec.europa.eu/digital-agenda/en/news/support-preparation-impact-assessment-accompany-eu-initiative-reducing-costs-high%E2%80%90speed>

- [flood](#) avoidance: by safeguarding flood storage capacity and locating development away from functional flood plains and medium to high risk areas;
- flood reduction: assessing flood risk and undertaking natural and structural flood management measures, including flood protection, minimising the area of impermeable surface, restoration of natural features and characteristics, and avoiding the construction of new or opening up existing culverts; and
- requirements for Sustainable Urban Drainage Systems (SuDS).

**235.** To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

**236.** Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

## Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)<sup>102</sup>
- Updated Planning Advice Note on Flooding (to be published).

## Delivery

**237.** Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. They should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

**238.** Developers should take flood risk and the ability to insure new development into account before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property and avoiding or managing flood risk.

## Development Planning

**239.** Plans should use strategic flood risk assessment (SFRA) to inform choices about the location of development. They should have regard to the flood risk maps prepared by Scottish Environmental Protection Agency (SEPA), including the Indicative River and Coastal Flood Map (Scotland) and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

### Consultation Question 20

Do you think that Strategic Flood Risk Assessment should inform the location of development, as set out in paragraph 239?

**240.** Strategic development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the flood plain and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

<sup>102</sup> <http://www.scotland.gov.uk/Topics/Environment/Water/Flooding/FRMAct>

**241.** Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, washland creation or as part of a scheme to manage flood risk. The Scottish Government is considering designating local development plan preparation as a flood risk function under the Flood Risk Management (Scotland) Act 2009 to ensure that plans take full account of flood risk.

**242.** Local development plans should use the flood risk framework to guide development. This sets out 3 categories and the appropriate planning response for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of [watercourse](#), surface water, tidal or coastal flooding is less than 0.1% (1:1000 yrs)
  - No constraints.
- **Low to Medium Risk** – annual probability of watercourse, surface water, tidal or coastal flooding is between 0.1% and 0.5% (1:1000 to 1:200 yrs)
  - Suitable for most development except [civil](#) and [essential](#) infrastructure, subject to operational requirements including response times. Where civil and essential infrastructure must be located in these areas or is being substantially extended, it should be capable of remaining operational and accessible during extreme flood events;
  - Water resistant materials and construction may be required.
- **Medium to High Risk** – annual probability of watercourse, surface water, tidal or coastal flooding is greater than 0.5% (1:200 yrs)
  - May be suitable for:
    - residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction or are a planned measure in a current flood risk management plan;
    - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
    - job-related accommodation, e.g. for caretakers or operational staff.
  - Generally not suitable for:
    - civil and essential infrastructure, unless subject to a long-term flood risk management strategy. Flood protection measures and land raising may be acceptable;
    - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
    - new caravan and camping sites.
  - Where built development is permitted, measures to protect against or manage flood risk will be required and the loss of flood storage capacity mitigated to achieve a neutral or better outcome.
  - Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

**243.** It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, rate of rise and duration;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- cumulative effects, especially the loss of storage capacity;
- cross boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

**244.** Land raising should only be considered in exceptional circumstances.

### Development Management

**245.** Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk. FRA may be required in the low to medium category of flood risk, where the risk is at the upper end of the probability range or where the nature of the development or local circumstances indicate heightened risk. FRA will generally be required for applications within areas identified as at risk in SEPA's Indicative River and Coastal Flood Map (Scotland).

**246.** Drainage Assessments, covering both surface and foul water, will be required in support of applications for large developments in areas where drainage is reaching capacity and in areas where flood risk, including surface water flooding, is identified as an issue.

**247.** Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

#### Consultation Question 21

With reference to paragraphs 245 to 247, do you think that where the Scottish Environmental Protection Agency (SEPA) has already granted a Controlled Activities Regulations (CAR) licence then there should be no need for consideration of water and drainage issues by the planning system?



## Reducing and Managing Waste

### NPF Context

**248.** Waste management is a growing part of our economy, and secondary materials formerly regarded as waste should be recognised as a resource to be used productively. Planning can support the provision of facilities and infrastructure for future business development, investment and employment.

### Policy Principles

**249.** The planning system should:

- support the delivery of new waste management infrastructure needed to increase capacity to manage all waste sustainably;
- contribute to the achievement of Scotland's zero waste targets; and
- for all new developments, not just waste facilities, support resource efficiency and waste prevention, reduction, reuse, recycling and energy recovery over waste disposal in accordance with the waste hierarchy.

### Key Documents

- [EU revised Waste Framework Directive](#) (2008/98/EC)<sup>103</sup>
- [Waste \(Scotland\) Regulations 2012](#)<sup>104</sup>: introduces progressive changes to manage waste in line with a hierarchy that favours prevention, reuse, recycling, value recovery and lastly disposal.
- [Zero Waste Plan](#)<sup>105</sup> and accompanying regulations and supporting documents.

### Delivery

**250.** Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in 2013.

### Development Planning

**251.** Plans should take account of Zero Waste Plan goals, the waste hierarchy and reduced reliance on landfill. A significant increase in the number, range and type of waste management installations is needed to manage all waste. Development plans should make provision to meet Scotland's waste management capacity requirements in line with the Zero Waste Plan, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants.

**252.** Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste set out in the Zero Waste Plan, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management. In line with the waste hierarchy, particular attention should also be given to encouraging opportunities for reprocessing of high value materials.

<sup>103</sup> <http://ec.europa.eu/environment/waste/framework/revision.htm>

<sup>104</sup> <http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents>

<sup>105</sup> <http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy>

**253.** The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new facilities.

**254.** Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 214 to 215 set out policy on heat networks and mapping.

**255.** Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

**256.** Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for waste management infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses (see section on business and employment).

**257.** Local development plans should identify appropriate locations for required waste management installations, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

**258.** Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

### **Development Management**

**259.** In determining applications for new installations, authorities should take full account of the policy set out at paragraphs 251 to 253. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

**260.** SEPA's Thermal Waste Treatment Guidelines 2009 and addendum [currently being updated] sets out policy on thermal treatment plants.

**261.** New residential, commercial and industrial properties should include provision for waste separation and collection.

**262.** Planning authorities should consider the need for buffer zones between sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

**263.** Planning authorities should consider requiring the preparation of site waste management plans for construction sites. They should secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission.

**264.** Planning authorities should ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

**Consultation Question 22**

With reference to paragraphs 248 to 262, do you think that planning policy for waste management should be consolidated into the SPP to be clear on the messages and to remove the need for further narrative in Annex B of the Zero Waste Plan?

**Consultation Question 23**

Do you think the proposed new structure and tone of the draft SPP is appropriate?

**Consultation Question 24**

Do you think the SPP should and can be monitored? If so, how?

**Consultation Question 25**

Do you think the SPP could be more focused? If so, how?

**Consultation Question 26**

In relation to the Equalities Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on any particular groups of people.

**Consultation Question 27**

In relation to the Equalities Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

**Consultation Question 28**

In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on business.

**Consultation Question 29**

Do you have any other comments? If so, please specify the relevant section and/or paragraph.

# Annex – Parking Policies and Standards

## Parking Restraint Policy – [National Maximum Parking Standards](#) for New Development

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national limits have been set:

- retail (food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 14m<sup>2</sup>;
- retail (non-food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 20m<sup>2</sup>;
- business (Use Class 4) 2500m<sup>2</sup> and above – up to 1 space per 30m<sup>2</sup>;
- cinemas (Use Class 11a) 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- conference facilities 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m<sup>2</sup> and above – up to 1 space per 22m<sup>2</sup>; and
- higher and further education (non-residential elements) 2500m<sup>2</sup> and above – up to 1 space per 2 staff plus 1 space per 15 students.

Where an area is well served by sustainable modes of transport, lower levels of provision may be appropriate. In rural areas where public transport is scarce, less restrictive standards may be appropriate. Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

## Parking for Disabled People – Minimum Provision Standards for New Development

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

# Glossary

Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Affordable Housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Civil Infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Community	A body of people. A community can be based on location (for example people who live, work or use an area) or common interest (for example the business community, sports or heritage groups).
Culvert	A structure with integral sides, soffit and invert, including a pipe that contains a watercourse as it passes through or beneath a road, railway, building, embankment, etc or below ground.
Cumulative Impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative Impact (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.
Effective Housing Land Supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Essential Infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as 'essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines'.
Five year effective land supply	This should be a pro-rata proportion of the housing supply target.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.

Flood Risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Green Infrastructure	Includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected. Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, playing fields, swales, hedges, verges and gardens. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.
Green Networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Housing Supply Target	The total amount and type of housing necessary to accommodate households at appropriate minimum standard. This includes both housing need and demand and is sometimes also referred to as the 'housing requirement'.
Marketable Sites (business)	Sites that meet business requirements, are serviced or serviceable within 5 years, are accessible by walking, cycling and public transport, and have a secure planning status.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open Space	Space consisting of any vegetated land or structure, water, path or geological feature within and on the edge of settlements, and civic space consisting of squares, market places and other paved or hard landscaped areas with a civic function. Some spaces may combine green and civic elements.
Outstanding Universal Value (OUV)	The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/ or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.
Prime Agricultural Land	Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macauley Land Use Research Institute.
Ramsar Sites	Wetlands designated under the Ramsar Convention on Wetlands of International Importance.

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which arise unexpectedly during the life of the development plan and so are not identified individually in the plan.



© Crown copyright 2013

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

ISBN: 978-1-78256-540-6 (web only)

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Government by APS Group Scotland  
DPPAS14204 (04/13)

Published by the Scottish Government, April 2013

w w w . s c o t l a n d . g o v . u k



# Draft Scottish Planning Policy:

## Comments of East Lothian Council planning service

---

East Lothian Council welcomes the opportunity to comment on the consultation draft SPP. Comments follow the structure of the document, responding to specific consultation questions where appropriate.

### Core values

The term 'sustainable economic growth' must be defined in order that it can be properly interpreted, and its relationship to 'sustainable development' made explicit.

### Consultation question 1

We are concerned that giving significant weight to economic considerations above all should not result in compromising long term planning principles and the plan-led system. In practice the role of the planning system must continue to be one of balancing such economic considerations against environmental and other factors, rather than allowing any form of development that promises economic benefits. We therefore recommend that SPP should take a more balanced approach so that the full implications of development are given proper consideration.

Moreover, to give weight to economic factors it will be necessary to have a reasonable degree of certainty about economic benefits of proposals; this will require applicants to submit appropriate evidence in support of applications and for this to be assessed by planning authorities.

It should be borne in mind that certain types of development (e.g. retail) can provide jobs but may often displace jobs from elsewhere, so measuring net new jobs rather than simply new jobs may be necessary.

It is reasonable to ensure that developer contributions do not adversely affect the viability of development but it is unclear how this should be achieved; should the District Valuer be involved to ensure fairness and impartiality?

### Sustainable development

While the support given at paragraph 27 to the re-use of existing buildings is generally welcomed, there are circumstances where this is not appropriate. For example, the reuse of modern utilitarian agricultural buildings in the countryside for other uses, where the standard of design is not appropriate to uses other than agriculture.

### Climate change

We would suggest adding 'in the right places' after 'supporting the expansion of renewable energy generating capacity' (paragraph 34).

### Placemaking

We support the emphasis on placemaking but note that the reference contained in the original SPP at paragraph 256 to the importance of design and the potential for planning permission to be refused on design grounds alone appears to have been lost.

At paragraph 37 we note that materials are listed as contributing to distinctiveness. In many parts of Scotland that would mean the use of natural stone, which is generally regarded by the development industry as expensive and unrealistic to use in all but the most exemplary developments, usually in a historic environment setting. However, distinctive materials such as stone should be encouraged in more commonplace development and by so doing should encourage the rebirth of an indigenous Scottish industry.

Also at paragraph 37 under 'adaptable' we note that a range of densities is encouraged; we would suggest that a range of building typologies might be more appropriate.

At paragraph 39, while we would accept that viability is a key consideration, we are not convinced that 'value for money' is an aspect of placemaking.

### **Location of new development**

At paragraph 43 we would suggest adding 'where appropriate' after 'promote rural development'; otherwise it is too simple a statement that does not necessarily apply everywhere. With reference to landscape and cultural heritage, we would recommend adding reference to settings.

At paragraph 44 encouragement is to be given to 'sustainable' materials; if this means an assessment of the sourcing of materials and the impact of transporting some long distances this would seem to be beyond the scope of the planning system. Similarly, the comment about considering the lifecycle of the development; perhaps clarification could be given of the ways in which planning can address this issue.

We note that the landscape setting of settlements is mentioned with reference to green belts (paragraph 49) but does not seem to be picked up elsewhere. We would suggest that green belts might also be designated to protect key views and the landscape setting of key landmark buildings and structures.

Paragraph 51 implies that the reuse of historic agricultural buildings would only be appropriate for another agricultural use rather than rather than being converted to residential, business or tourism uses.

At paragraph 53 we would suggest replacing the word 'major' to describe constraints to the further growth of settlements that would justify a new settlement. 'Significant' might be a more appropriate term; why should a planning authority not consider a new settlement on a previously developed site, for example, as a distinct alternative to extending existing settlements?

### **Consultation question 2**

We support the use of town centre health checks, though one size does not necessarily fit all town centres and matters such as yield and zone A rentals are not of much relevance to small town centres; different sets of indicators should therefore be used for large and small town centres. Indicators should include an assessment of visual appearance – the aesthetic look and feel of a town centre, which in itself can include its buildings, commercial, directional and information signage, cleanliness and maintenance. It should include a survey of the standard of external fabric of buildings on a simple standard basis with definitions of say good, reasonable and poor. The general ambience of a town should be assessed at different times of the year e.g. including seasonal lighting.

This type of assessment is particularly useful for small towns and can be a catalyst for promoting remedial action with building owners or identification of environmental improvement to the public realm and providing strategy and evidence for applications for grant funding. Vacancy rate indicators should also include above-shop vacancy.

Health checks should be kept simple so that regular expense of using consultants to update data can be avoided. It would be helpful if the Scottish Government could identify a standard set of indicators to be used for larger and smaller town centres to enable meaningful benchmarking. Standard perception surveys could also be produced to aid efficient production of health checks. Health checks are most effective when undertaken regularly but that can be an onerous and expensive task unless the check indicators are kept relatively simple.

### **Consultation question 3**

We agree that town centre strategies should be prepared. The list of bullet points at paragraph 60 would suggest that town centres be identified in smaller communities as well as larger market towns.

### **Consultation question 4**

We support the town centre first policy applying to a wider range of uses, although would recommend that greater clarity is provided on exactly what these uses would be and at what scale, including options for locating in local centres. Care also needs to be taken to ensure that this policy does not conflict with other policies promoting rural tourism and countryside recreation; certain 'leisure' uses would not be best suited to a town centre location by their nature. Some community uses (e.g. schools) might also benefit from a more peripheral location if that allowed space for recreation or future expansion.

Paragraph 64 should be stronger in its requirement for developers to be flexible, for example on the shape of proposed buildings (standard store formats rarely fit in to a town centre therefore under the present sequential test migrate by default to the edge of the centre, where store developers usually want them anyway). We agree with the word 'supports', which is much stronger than 'does not harm'.

We would suggest that paragraph 67 should make reference to minimising the need to travel.

### **Consultation question 5**

We broadly support the recognition that different policy approaches are necessary for remote and fragile areas compared to more accessible rural areas with significantly different pressures. This distinction should be set out at the beginning of the section so it is not overlooked. We are particularly concerned that, in the absence of any alternative definition, 'remote rural' areas could be argued to be as mapped in the Scottish Government's Urban/Rural classification. This shows a significant part of eastern East Lothian as 'remote rural' (in the Dunbar and North Berwick areas) despite such areas being within easy commuting distance of Edinburgh. It would be entirely inappropriate to characterise these areas as remote and fragile areas where a relaxed approach to new rural housing outwith settlements would be appropriate. It should be for LDPs to set out and justify appropriate approaches to rural development that reflect local circumstances.

Greater clarity is required about what is meant by ‘huts for temporary recreational occupation’ (paragraph 69) and where the Scottish Government thinks it appropriate to provide such accommodation. The implications of this are unclear but could be significant. We are not convinced that the reference to holiday homes and second homes is appropriate given the wider housing shortfall.

Paragraph 69 appears to seek to limit development on prime quality agricultural land but still allows for potentially significant cumulative losses depending on the interpretation of ‘essential component of the settlement strategy’. This would appear to be at odds with the national Land Use Strategy and the fact that this is a finite national resource. There remains an opportunity to use this issue as a basis for a stronger statement on making efficient use of greenfield land and increasing housing densities, which would have other benefits such as promoting public transport accessibility.

Paragraphs 76-8 refer to the ‘developed coast’ and ‘isolated coast’ without any attempt to define these terms. Greater certainty is required.

### **Enabling delivery of new homes**

SPP continues to promote that planning for housing is to be led by development plans and that LHS work is to be seen as a complementary work stream and this is welcomed. However, a review is anticipated of the HoNDA guidance (2008) to accompany the emerging Scottish Government HoNDA toolkit. As such, it is not yet clear what the outcome of this review will be on the approach to:

- 1) defining Housing Market Areas (HMAs) and how they will be used to inform the HoNDA;
- 2) undertaking HoNDA analysis – e.g.
  - the timescales for completion of this assessment relative to the development plan process
  - the application of study findings,
  - the implications of departing from such findings following consultation on the Main Issues Report (draft SPP paragraph 84);
- 3) the definition of terms to be used to ensure consistency between LHS and DPs. This is currently confused with different terminologies and interpretations being used in the Draft SPP and by planning and housing disciplines in the public and private sectors.

The revised HoNDA guidance must reflect the final SPP or vice versa, since the approach to planning for housing through development plans and LHSs is to be complementary. It is unfortunate that both documents are not being consulted on at once. Notwithstanding this, the comments below take each of the overarching issues raised above in turn, and are followed by further comments on a number of points of detail.

### *Defining Housing Market Areas & how they are to be used in HoNDA analysis*

Paragraph 81 refers to the need to define ‘functional housing market areas’, yet no reference is made to a methodology for doing this – e.g. ‘Local Housing Systems Analysis Guide’. The draft SPP does not make clear if there is a difference between a ‘functional housing market area’ and any ‘sub-market areas’ that may exist within and underneath it. HMAs provide the input and output geographies for HoNDA analysis and so the intention must be clarified in view of the statement made at paragraph 84: “the authority [singular] should set housing requirements [plural] for each

functional HMA [plural] in each plan period". This statement may be taken to mean there is likely to be more than 1 functional housing market area in every plan area, and this is not likely to be so in city regions.

A functional housing market area may be taken to be similar in extent to a travel-to-work area / the extent of a settlement's labour market area / an SDP area. However, numerous sub-market areas may also exist within a functional housing market area because local market dynamics also exist within city regions separate from a city's influence. While it is accepted that some local authorities have very large administrative areas that may contain a number of separate 'functional housing market areas', in city regions there is likely to be only one 'functional housing market area' that encompasses a number of separate local authorities and submarket areas around the city.

The different types of HMAs is lost in the draft SPP, with different terminology used. This needs to be clarified, possibly described relative to what might be expected in city regions in comparison to areas outwith them. This is because the SPP makes direct reference to using need and demand figures from the HoNDA for the identified functional HMAs / HMAs in order to set housing requirements / housing supply targets. This can present some real challenges in distributing housing requirements during plan-making.

For example, when defining HMAs in a city region, once the impacts of house sales and purchases from the city are separated from those generated by smaller settlements, relationships between the small settlements around the city do exist and self contained sub-market areas are revealed. However, these sub-market areas are often too small a geography upon which to base the trend based HoNDA analysis and to provide statistically reliable results at later stages of the assessment – i.e. need and demand estimates at this spatial scale are not statistically reliable enough to translate directly into requirements.

The main problem is therefore the relevance of HMA geographies to setting housing requirements / housing supply targets. Current Scottish Government guidance on these matters acknowledges that the 'functional housing market area' tends to be the geography at which it is most appropriate to project housing need and demand. At spatial scales below this (e.g. sub-market area level) findings in respect of need, demand and migration etc tend to reflect the availability of housing, not the need and demand that may actually exist in any area. The availability of housing is directly influenced by strategic planning decisions that influence the scale and direction of growth through time.

However, the draft SPP implies that HMAs provide the input geographies for HoNDA analysis and therefore also the output geographies for levels of need and demand. For the reasons described above and below, using HoNDA outputs to set housing requirements at sub-market area level is an unreasonable and unreliable approach.

This is compounded because the trend-based HoNDA methodology distributes overall projected need and demand at the wider functional housing market area level by pro-rating it among sub-market areas. This is done based on the population of the sub-market area relative to the population of the functional housing market area. This means that 1) projections at this small scale are statistically unreliable and 2) the findings do not actually provide a true representation of need

and demand that may be generated locally in any sub-market area – it is only an extrapolation of past trends for a wider geography repeated proportionately across the smaller areas.

There seems to be no direct correlation between the functioning of the housing market and the scale of need and demand from HoNDA analysis at sub-market area level, yet SPP encourages HoNDA findings at these geographies to be taken as a robust and credible assessment of need and demand originating within such small geographies, and therefore the basis for setting housing requirements for them. While it seems reasonable to use HoNDA outputs on need and demand as a basis to inform the approach at ‘functional housing market area level’, within SDP areas this is less so at the level of each local authority area and is certainly not the case at spatial scales below local authority level. This should be clarified in the final SPP.

The current approach does not provide robust and credible information in respect of need and demand that originates within sub-market areas, and therefore this information should not be used to plan for a particular volume of new housing in those areas. Such assumptions should only provide a starting point for consideration of distributing housing requirements as part of any spatial strategy.

Matters such as the scale of the overall housing requirement and the distribution of it to each local authority are decisions best taken as part of an integrated forward planning spatial strategy for the future development of an area; the automatic starting point for strategic planning decisions must not be to plan for a continuation of past trends, particularly where the geographic and statistical basis for the distribution of this is unreasonable and unreliable.

### *Consultation question 8*

SDPs should set a housing supply target (housing requirement) for the SDP area as a whole which should be based on HoNDA findings in respect of the functional housing market area. To meet the housing requirement for the functional housing market area, SDPs should also set housing supply targets (housing requirements) for each local authority area in the SDP area. The distribution of those requirements among the local authorities and within them should be based on the SDP’s vision, aims and long term sustainable spatial strategy for the city region as a whole. The SDP’s vision, aims and strategy should:

- seek to balance wider economic, social and environmental factors, including the resources likely to be available to implement the plan in the relevant timeframe, the functioning and capacity of the housing market, any regeneration objectives and the cultural and natural heritage assets to be protected, conserved and enhanced including landscape character, settlement pattern and community identity;
- be based on an analysis of infrastructure and environmental opportunities and constraints across the entire plan area, selecting appropriate development locations and a phasing of development for them that aligns with where infrastructure capacity is available and / or where investment is / will be committed to increase capacity further and when that increased will be in place;
- seek to reduce the need to travel and distance travelled by integrating land use and transport, particularly public transport and opportunities for active travel. It should do

this by identifying strategic opportunities for employment, housing and other community services and uses close to one another and the strategic transport network, and by seeking to regenerate, extend and / or create new mixed communities.

### *Timescales for completion of HoNDA, DPs and LHSs and departure from HoNDA findings*

Paragraph 82 suggests that the HoNDA analysis should be completed in good time for the Main Issues Report. The first point is that the Scottish Governments HoNDA Toolkit is not in a position to ensure that HoNDAs will be in a state of readiness for MIRs associated with the next round of SDPs. In view of the review timescales for SDPs the delay in the production of the HoNDA Toolkit will not likely allow HoNDAs to be prepared for SDP2 MIRs.

A further point is that if the HoNDA is signed off as robust and credible for the MIR, but the authority or Scottish Ministers choose to depart from its findings (scope for which is provided for by paragraph 84 of the draft SPP) SPP needs to recognise that doing so may require the findings of the HoNDA, particularly on matters of affordability and tenure mix, to be revisited post MIR, potentially even post SDP approval / LDP adoption outwith SDP areas.

This is also relevant to the statements at paragraphs 95-6, which require SDPs and LDPs to specify what proportion of the 'total land requirement' affordable housing would represent. Further work post-MIR on the HoNDA may be required to ensure that a sound evidence base is available which aligns the housing requirement with matters of housing land supply and affordability and tenure mix for the preparation of LHSs and affordable housing policies in development plans.

Paragraphs 83-4 are also unclear on how development plan and LHS work should relate to one another in city regions in terms of process and timescales, and therefore what strategy sets the context for the other. What seems sensible is that:

1. SDPs come first, supported by iterations of HoNDA work, to set housing requirements including for LHS areas;
2. HoNDA and LHS work is done in parallel with stage 1, but can only be concluded once the SDP / LDP (out with city regions) is approved; and
3. based on the housing requirements set by the SDP, LDPs and LHSs set housing requirements / housing supply targets for all tenures.

Implicit in this is that the HoNDA is an iterative not linear process, and that robust and credible sign-off may be required later than MIR stage for SDPs or LDPs outwith city regions.

Paragraph 83 suggests that authorities may wish to wait until approval of the SDP before finalising an LHS, but paragraph 95 suggests that SDPs should specify how much of the housing land requirement will be needed for affordable housing. It is assumed that 1) an understanding through the HoNDA and LHS process is needed before how much land is needed for affordable housing can be confirmed, and 2) distribution of AH across the SDP area should feature too? Does this not imply the need for a Regional Housing Strategy in city regions? Might such a Regional Housing Strategy

replace LHSs in SDP areas, or give rise to a two-tier housing strategy, with the preparation of a RHS with the SDP and more slim-line LHSs related to LDPs?

### *Definition of terms*

The terminology of the draft SPP needs to be simplified so that there is clarity and consistency on:

- The types of housing market areas that may exist, and the different types that may be apparent in SDP areas and LDP areas, and how different scales of HMA should be considered in terms of setting a statistically reliable housing requirement.

In this regard please note the inconsistencies between paragraph 82 (*'produce results at the functional housing market **area** level'*), paragraph 84 (*'the **authority** should set out the number of houses its wants to see built in **each** functional housing market **area**'*) and paragraph 87 (*'SDPs should set out the housing supply target for **each** local authority area, making sure that the requirement for **each** housing market **area** is met'*);

- If the housing supply target is the same as a housing requirement, why in an LHS the 'requirement' is called a 'target', but in a development plan the 'target' is called a 'requirement' – if they are the same thing should they not be referred to as the same thing – i.e. a target?;
- Importantly, the draft SPP makes a generic reference to 'plans' and this is not be helpful, as in city regions the role of the SDP and LDP are different. This must be clarified, with the role of each fully explained.

For example, paragraphs 84-5 describe a situation where 'plans' set out the housing supply target (housing requirement) for the functional housing market area (only) and then, taking into account the contribution that can be expected from sites in the established supply, the 'housing **land** requirement' – i.e. the shortfall of housing land that need be met by **new** land allocations.

However, current understanding is that the role of an SDP is to set 'housing requirements' while it is the role of the LDP to ensure sufficient effective land is available to meet that requirement taking into account the contribution which can be expected from the established supply – i.e. the SDP does not calculate a housing land shortfall or specify the amount of **new** land that need be allocated by LDPs to address it, because this is the role of LDPs within and outwith city regions as only those plans are site-specific.

This underscores the need for SPP to clearly describe the role of an SDP and an LDP in city regions and the composite role of an LDP outwith city regions;

- The new SPP must clearly set out the role of SDPs and LDPs within and outwith city regions in setting housing requirements and in calculating how much **new** land should be brought forward. This include an explanation of the stages of the calculation relative to the different plan hierarchies, and what sources of information should be used as a basis to inform the calculation at each tier.



### *Generosity (consultation question 6)*

We consider that if there is at least an effective 5 year land supply available at all times then this should be taken a sufficient measure of generosity. It is noted that the draft SPP suggests that development plans also include mechanisms that would allow the release of additional land if a five year supply is not being maintained. Again this seems to be a suitable approach. Beyond this it should be for local authorities to take a view on what scale of additional land allocation, if any, might be prudent in order to avoid any potential need to approve applications that may be contrary to their own development plans.

An issue that should be addressed is the trigger point that would identify sufficiently far in advance that a 5 year supply will not be maintained. This is so that action can be taken in time to ensure that it will be maintained. For example, Housing Land Audits now provide a snapshot of the 5 year effective supply, but also signpost the supply into years 6 and 7 – i.e. indicate the 7 year effective supply. It may be therefore that in order to ensure that a 5 year supply of effective housing land will be maintained at all times the programming of the 6 year supply should be sufficient too – essentially ensure that 5 year supply plus an additional 20% is maintained at all times.

In short, even if the five year supply is being maintained, but where the 6 year supply is not, this might provide a sufficient early indication that action needs to be taken as well as a trigger for this in order to ensure that an effective 5 year supply of housing land is maintained at all times. The Action Plan may also provide a basis to justify additional land take.

The alternative of a 10-20% over allocation is also an attractive proposition, as it places less emphasis and dependence on the ability of those other players' outwith the control of the planning authority to deliver on their obligations, which is so essential to ensure that the effective supply of land is maintained under the current approach.

### *Calculation of the five year housing land supply*

The final SPP should include the method for calculating the 5 year housing land supply. Please note this is different from the methodology for deciding if a site is effective or capable of becoming effective to contribute to the effective supply of housing land, as set out in PAN 2/2010. An alternative may be to review that PAN and to include the steps of the calculation there.

Annual average completion rates are to be recalculated through time to account for completions achieved during the plan period, and that it is on this basis that the availability of a 5 year effective housing land supply through time should be measured and monitored on an annual basis. The annual recalculation of the short term effective 5 year housing land supply takes in to account two factors that exist at the time the recalculation is made. These are levels of completions achieved during the plan period, and the programming of completions anticipated in the next five years. Low levels of either or both can result in the inability to present an effective five year land supply.

However, if at the point of recalculation the forward programme of dwelling completions anticipated for the next five years is equal to or greater than the recalculated 5 year housing land

supply requirement, a five year supply of effective housing land should be taken to be maintained. This is the case even if lower than the annual average level of completions is achieved during the early years of the plan (resulting in a higher recalculated 5 year supply figure in later years). The annual average rate of completions calculated at the beginning of the plan period need not be achieved every year.

### *Removal of the requirement to identify what is capable of development up to year 7*

It is also noted that the draft SPP removes the need for SDPs and LDPs to identify how much of the housing requirement should be capable of development by the end of year 7 – i.e. during the first plan period. That approach essentially set the five year housing land supply requirement for the first plan period. This meant that no annual recalculation could take place to take account of the plan making process and timescales and thus the ability to bring forward and develop new land through that process. The shift back to maintaining a five year effective supply based on the full 10 year plan period is therefore welcomed and supported.

### **Consultation question 13**

We support the encouragement given to ‘business land audits’ and would welcome Government guidance on the best methodology for this to ensure consistency of approach. In particular, guidance would be welcomed on how to overcome constraints of ownership, where land is in the control of parties unwilling to release it for employment or seeking alternative (higher-value) uses such as housing. Mixed use developments should be supported as one possible solution in appropriate circumstances.

### **Historic environment**

It may also be useful to include reference to a definition of the ‘historic environment’ such as found in the ‘Historic Environment Strategy for Scotland’.

Although it is noted that the SHEP is under review SPP should still make reference to the contribution the historic environment makes to sustainable development through the energy and material invested in buildings.

We are also concerned at the omission of a statement relating to access to a HER/SMR. While this is explicitly stated in PAN 2/2011 (paragraphs 10-2) we feel that this would be strengthened by being referenced in the new SPP as it is in the current SPP at paragraph 124.

At paragraph 118 we recommend that the last sentence reflects the more detailed statement on enabling development contained in paragraph 115.

Paragraph 119 does not reflect the fact that development proposals such as wind turbines outwith conservation areas may affect their landscape setting; these require careful consideration. Key views out from a conservation area and also towards it can be very important.

In paragraph 122 SPP should also reflect the requirement of the SHEP to protect gardens and designed landscapes that are locally important and not included on the national Inventory of Gardens and Designed Landscapes. The development management section should also refer to the

following sections in the old SPP otherwise an important part of the protection of the historic environment will be lost:

- Reference to listed building consent being required for works that will alter or extend a listed building in a way that would affect its character or its setting and demolition works (existing SPP paragraph 113)
- “When preparing development plans or considering development proposals with a potentially significant impact on historic character, planning authorities should consider the capacity of settlements and the surrounding areas to accommodate development without damage to their historic value” (existing SPP paragraph 112). There would seem no justification to omit this useful policy statement.

We consider that more guidance would also be helpful on the implications of battlefield designation in urban contexts and areas of significant committed and planned growth.

### **Natural heritage**

Paragraph 133 appears to make contradictory statements about the precautionary principle and greater clarity would be helpful.

Paragraph 134 refers to ‘carbon rich soils’ but this is difficult to apply in practice without a definition of what is considered to be ‘rich’ in carbon. It is not clear whether developments could, in certain circumstances, be refused due to release of CO<sub>2</sub>, for example wind farm developments on peatland.

### **Consultation question 14**

While aspirational elements of SPP in respect of green infrastructure enhancements are welcome, there remains a lack of clarity on how new and enhanced green infrastructure would actually be delivered, except where it is required as a direct consequence of new development (and could be funded by a developer). It is a long established principle of the planning system that development cannot be required to address existing deficiencies.

We agree that a design-led approach is appropriate for green infrastructure provision but suggest that clear guidance on the implementation of this would be helpful.

### **Movement**

We are doubtful that any refusal on the basis of unsustainable travel would be sustained at appeal and that this may prove to be an aspirational and unworkable policy.

In common with other parts of the document, greater clarity on definitions would be helpful, such as ‘significant travel generating uses’ (paragraph 196).

### **Consultation question 15**

While it may be desirable in principle for heat networks to be developed ahead of the availability of renewable or low carbon source of heat, in practice how would this be funded and delivered? In any case, it is unclear how heat networks would ‘happen’.

### **Consultation question 16**

We support the increased community separation distance of 2.5km though given the scale of modern turbines even this may be insufficient.

### **Consultation question 17**

In terms of the explanation within question 17 that planning authorities have gone further than expected in preparing landscape character and capacity studies and including undesignated locally valued landscapes as constraints, we note that SNH's guidance 'Assessing the Cumulative Impact of Onshore Wind Energy Developments' advises that strategic cumulative impact assessment should be undertaken when preparing SPG and that this would often be underpinned by a landscape capacity study (page 6). It is therefore hardly surprising that planning authorities have adopted this approach.

We are concerned at the lack of weight given to regional and local landscape designations and in particular we consider that the approach to designating wild land on a national level does not give sufficient recognition to locally-valued areas of relative wildness that are in reasonable proximity to centres of population and accessible to people of limited means. The likely result of this approach will be to concentrate development in such areas and thereby reduce their relative wildness further.

We would recommend that planning authorities may wish to map their own wildness based on the relative wildness maps and that such areas might be given greater protection than proposed.

We also consider that the coast is not sufficiently recognised as a contributor to wildness despite the fact that views out to the open sea have generally remained unchanged over centuries.

We are content with the removal of the 20MW threshold as we did not consider this was an appropriate threshold for East Lothian.

### **Consultation question 18**

We are concerned about this section and consider that it must be made clearer that financial benefits should not be a material consideration, which otherwise implies that a permission can effectively be bought.

### **Consultation question 19**

The promotion of broadband infrastructure is welcomed but we would suggest that provision in new developments of ducting and fibre would be best addressed through building regulations as this would appear to be extremely difficult to enforce through planning control.

We are somewhat concerned that the emphasis in this section appears to suggest that digital infrastructure must be allowed regardless of its impacts on the environment; planning's role is surely to manage the development of digital communications infrastructure to ensure its environmental impacts are acceptable.

### **Consultation question 20**

We support the use of SFRA but would welcome a definition of what this actually entails in practice. Definitions of 'civil and essential infrastructure' would be helpful (paragraph 242).

### **Consultation question 21**

Without detailed knowledge of the CAR licensing process and what it includes it is difficult to offer meaningful comment on this question.

## Consultation question 22

We welcome the commitment to zero waste targets and recognise the important role of the planning system in facilitating the required waste management installations, however we would suggest that delivery will be largely market-driven and it will be difficult to identify specific sites through an LDP. Given the rapidly changing nature of this market and technological advances, LDP review timescales are also unlikely to be sufficiently responsive. A criteria-based approach may be most appropriate.

At paragraph 161 it would be helpful to clarify if this requirement is to apply to all scales of development, and in paragraph 262 a definition of 'sensitive receptors' would be helpful. At paragraph 263 it should be clarified what types of development this requirement is intended to refer to as it does not seem relevant to new built development.

We support the consolidation of planning policy for waste management into SPP.

## Consultation question 25

We consider that SPP could be shorter and considerably more focused. A lot of the document seems aspirational rather than dealing with hard policy issues. It tends to set ideals rather than be strongly related to real-world situations such as developers making detailed applications on allocated sites.

It would be helpful it were structured to clearly differentiate core development management policies from issues requiring a development plan response and from more general supplementary advice, with numbering of core DM policies such that they can be easily referenced.

In this respect, there are a number of areas where SPP expects LDPs to set out factors that will be taken into account in considering proposals for particular types of development but then goes on to list these factors, for example for minerals (paragraph 172), energy (paragraph 212) and digital communications (paragraphs 228-9). It is unclear whether LDPs could add much meaningful to the criteria set out in SPP; instead they may be able to do little more than restate the same criteria. Such policies within SPP could be considered as 'national DM policies', which would enable LDPs to be more focused on matters that are genuinely spatial or that require a particular local response. This is the approach adopted in Planning Policy Wales, which clearly distinguishes national DM policies and policies requiring a spatial response in LDPs from other general advice or suggestions. Such an approach would create more certainty for developers, communities, and planning authorities, and allow for simplified and locally-specific development plans.

Overall SPP would benefit from being more sharply focused, perhaps by removing more general advice to appendices or separate Planning Advice Notes so that the key policies are more clearly discernible.

## Consultation question 26

As noted above in relation to question 17, we are concerned that the approach to wildness that does not sufficiently recognise areas of relative wildness close to centres of population is likely to direct development to such areas and result in the reduction of their relative wildness. This will make it more difficult for people of limited means to access relatively wild areas.