

LOCAL REVIEW BODY

15th December 2022

Application No: 22/00587/P

Land at the Heugh, North Berwick

Applicant's Supporting Documentation

Part 5

[Includes: TT Document List, docs TT 0.01 – TT 2.01]

The Heugh, North Berwick TT Document Reference List

Reference	Productions on behalf of Appellant
TT 0.01	Local Review Body Statement
Reference	National Planning Policy and Guidance
TT 1.01	Scottish Planning Policy (2014)
TT 1.02	PAN 72 Housing in the Countryside
TT 1.03	Letter from Chief Planner to Heads of Planning (November 2011) *
Reference	Local Planning Policy and Guidance
TT 2.01	Supplementary Planning Guidance <i>Special Landscape Areas</i> Extract
TT 2.02	Extract of Proposed LDP Examination Report *
Reference	Other SESplan Authorities' Policy and Guidance
TT 3.01	City of Edinburgh Council <i>Guidance for Development in the Countryside and Green Belt</i> (2019) *
TT 3.02	Fife Council Fifeplan Extract Policy 8 <i>Houses in the Countryside</i> *
TT 3.03	Midlothian Council LDP Extract Policy RD1 <i>Development in the Countryside</i> *
TT 3.04	Scottish Borders Council LDP Extract Policy HD2 <i>Housing in the Countryside</i> *
TT 3.05	West Lothian Council LDP Extract Policy ENV2 <i>Housing Development in the Countryside</i> *

**New house at the Heugh, North Berwick
Local Review Body Statement**

On behalf of

Tom Tait

October 2022

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Contents

1.0 Introduction	1
Structure of Statement of Appeal	1
Background to Appeal	1
Determination of the Application	5
2.0 Grounds of Appeal	8
3.0 Conclusions	21

1.0 Introduction

Structure of Statement of Appeal

- 1.1 This Statement of Appeal (the Statement) should be read in conjunction with the documents submitted as part of the Application (PA 0.01 to PA 0.14).
- 1.2 This Appeal submission includes copies of consultations and exchanges of correspondence between the Appellant and relevant consultees prior to determination (PA 1.01 to PA 1.09). These highlight the issues being raised by the Council and other consultees and the responses made by the Appellant.
- 1.3 All of these documents are referenced in the Planning Application (PA) Document Reference List submitted with this Appeal.
- 1.4 Section 1 of this Statement sets out the background to the Application and the issues raised by the Case officer's failure to consider all material considerations in the determination to the Application. This includes a summary of the determination of the planning application.
- 1.5 Section 2 sets out the Appellant's Grounds of Appeal and rebuttal of the five reasons for refusal in the Decision Notice.
- 1.6 Section 3 summarises the case for the Appeal and concludes the Appeal should be upheld based on the evidence originally presented to the Council and now presented to the Local Review Body, subject to appropriate conditions.
- 1.7 Fundamental to this Appeal, is the Council's failure to acknowledge that its *Housing in Countryside policy* (Policy DC4) is not in accord with the policy direction in Scottish Planning Policy (SPP) (TT 1.01) and the advice in PAN 72: *Housing in the Countryside* (TT 1.02).
- 1.8 This national policy and associated guidance are matters which the Council's adopted Local Development Plan is required to take into account. Failure to take these matters into account means that significantly less weight should be given to the Council's policy framework in the determination of the application and now this Appeal.
- 1.9 These matters were fully explained in the Supporting Statement but ignored in the Case Officer's consideration of the Application.

Background to Appeal

- 1.10 This Statement is prepared on behalf of Tom Tait (the Appellant) in support of an Appeal to the East Lothian Council Local Review Body (LRB) against the delegated decision taken by the Case Officer to refuse to grant Planning Permission (PP) (Ref: 22/00587/P) for the...*Erection of 1 house and associated works at Land at The Heugh, North Berwick, East Lothian.*
- 1.11 The proposed development is a Local Development under the *Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009*. The Application was submitted on 24th May 2022.
- 1.12 The Appeal site sits on the ridge line of the crag and tail of North Berwick Law. The site extends to approximately 0.25 hectares as shown in Dwg. No 20015-STEX-P001 *Site Location* (PA 0.02). The site is bound to the east by existing residential development, with the Category B listed *North Berwick Drinking Water Tank* (Water Tank) to the west. The Council granted planning permission (ref:

19/00700/P) for this Water Tank to be converted to a house. The Appeal site is therefore an infill site within part of an existing housing group, bounded by housing on its western and eastern boundaries.

1.13 These are relevant factors in the determination of this Appeal as the concept of infill development within a building group in the countryside is supported by the advice in PAN 72.

1.14 PAN 72 is clear that one of the main opportunities for new homes in the countryside is small-scale infill development. PAN 72 (Page 7, TT 1.02) states that:

...Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.

1.15 The guidance set out in PAN 72 should be taken into account by planning authorities *...when preparing development plans and supporting guidance, and determining applications* (page 5, TT 1.02).

1.16 The Council has ignored this advice in formulating its Housing in the Countryside policy (Policy DC4).

1.17 The Appeal site is located within an area designated under Policy DC8: *Countryside Around Towns* within the adopted East Lothian Local Development Plan (2018) (LDP). The site is also located within the *Special Landscape Area 19 North Berwick Law*. The Special Landscape Area (SLA) extends to over 250ha, with the Appeal Site occupying a very small area of only 0.1% of the SLA.

1.18 As part of the Application, the following reports and submissions were lodged with the Council by the Appellants:

- Topographical Survey (PA 0.04);
- Proposed Site Plan (PA 0.05);
- Proposed Floor Plan and Roof Plans (PA 0.06);
- Proposed Elevations (PA 0.07);
- Proposed Sections (PA 0.08);
- Proposed Details (PA 0.09);
- Supporting Statement (PA 0.10);
- Design Statement (PA 0.11);
- Landscape and Visual Impact Assessment (PA 0.12);
- Ecological Assessment (PA 0.13); and
- Setting of Historic Assets Report (PA 0.14).

Brief Description of the Appeal Proposal

1.19 This Appeal proposal is shown on Dwg. No PL02b *Proposed Site Plan* (PA 0.05). The proposal is for a new house within a disused area of an arable field which cannot be farmed by modern machinery due to the shape of the site. The *Land Capability for agriculture (partial cover)* mapping confirms that the site is not prime agricultural land. The loss of this small area (0.25ha) will not have an impact on food production in East Lothian.

1.20 The Appeal proposal is a contemporary design, utilising materials to fit with the context of its surroundings. It sits between existing residential development to the east (the Heugh) and the Category B Listed Water Tank to the west which has planning consent to be converted into a house. It is the classic example of infill development in a rural area. Importantly, the Appeal site is part of an existing residential building group and residential development in this circumstance is supported by PAN 72. The Council has chosen to ignore this national advice in formulating Policy DC4.

- 1.21 The proposal sits on the ridge line of the crag and tail of North Berwick Law. How it is viewed on this ridge line is an important consideration. Given the contemporary design adopted, the position of the building has been chosen to ensure there is a clear visual separation between the existing 'traditional style' of residential buildings to the east (the Heugh) and the 'industrial style' Water Tank to the west. This helps reinforce the change in building character between the three styles of housing within this building group when viewed on the ridge line.
- 1.22 This separation has been achieved by locating the proposed house within the eastern part of the Appeal site as shown on Dwg. No PL02b *Proposed Site Plan* (PA 0.05). The western elevation of the proposed house is 18m from the western boundary of the Site, with the total physical separation between the house and Water Tank around 23m. This is shown in Figure 1.



Figure 1 Extract of *Proposed Site Plan*

- 1.23 By providing this physical separation of 23m between the Water Tank and the proposed house, the Water Tank and the existing houses at the Heugh will continue to be read as distinctive elements on the ridge line at the Heugh.
- 1.24 As shown on Dwg. No PL02b *Proposed Site Plan* (PA 0.05), the proposed house is also set back from the northern boundary of the Appeal site by 8m. This allows the building line of the proposed house to sit behind the projected building line of existing properties at the Heugh. As shown in Figure 2, this set back will ensure that views towards the Water Tank from existing properties at the Heugh will be retained.



Figure 2 Views towards Water Tank from existing homes at the Heugh

- 1.25 The roof height of the Appeal proposal has also been carefully controlled. This will ensure that the Water Tank's conical roof remains the focal point of the building group along the ridgeline. The effect will be that the roof line of the overall building group will be progressively stepped – from the height of the Water Tank, down across the proposed house and then down to the existing homes at the Heugh. This is shown on Dwg. No PL05a *Proposed Sections* (PA 0.08).
- 1.26 The proposed house is a striking contemporary design, two storeys in height with a green 'sedum' roof. The house incorporates the characteristics of its surroundings - a combination of white render and zinc cladding on external walls. This reflects the character of the neighbouring properties which are generally white painted render. The use of zinc cladding reflects the agricultural character and use of metal cladding on agricultural buildings within the local area, including those at Wamphray Farm.
- 1.27 Access into the Appeal site will be taken from the existing track which runs along the northern boundary. A 3.5m wide driveway is proposed along the eastern side of the proposed house.
- 1.28 The full description of the proposal is contained in Section 5 of the *Design Statement* (PA 0.11).

Planning Background

- 1.29 A previous planning application (PP) for the development of the Appeal site was submitted to the Council in June 2021 (ref: 21/00781/P). The submission of this previous application followed formal pre-application discussions between the Appellant and the Council's Development Management Service.
- 1.30 The previous application was withdrawn before it was determined. This withdrawal was instigated when the application was known to be recommended for refused on the Council's delegated list. The reasons for refusal were based on non-compliance with a number of policies within the adopted East Lothian Local Development Plan (2018) (LDP) and Scottish Planning Policy (SPP) 2014.
- 1.31 In the Appellant's opinion, the Case Officer's interpretation of the weight to be given to the relevant LDP policy framework and SPP, has led to a misdirection in how that application should have been determined.

- 1.32 Following the withdrawal of the previous application, the Appellant's personal circumstances changed. The original application was made to provide accommodation for the retiring farmer of Wamphray Farm (the Appellant). However, the Appellant has now purchased another farm which has a farmhouse to meet his future housing needs.
- 1.33 Consequently, the need for the new house to accommodate a retiring farmer was therefore no longer the reason to seek planning permission for this new house.
- 1.34 The Appeal is for a standalone proposal for a new home on an infill site within an existing building group. This application was made in the knowledge that the policy decisions for refusal were either irrelevant to the determination or should be given little or no weight in the determination. It was also noted that the Case Officer ignored other material considerations which should have been afforded weight in the determination.
- 1.35 Further details on the planning background are set out in sections 1 and 2 of the *Supporting Statement* (PA 0.10).

Determination of the Application

- 1.36 The PP application was lodged on 24th May 2022. Formal acknowledgement was received from the Council (dated 27th May 2022), which confirmed the Application had been registered on 25th May 2022.
- 1.37 The Application was determined by Council Officers on 8th July 2022. The Officer Report (PA 2.01) that accompanied the Decision Notice (PA 2.02) sets out the following statutory consultation responses and Council comments that were received.
- 1.38 Scottish Water (PA 1.03) raises no objection to the proposal and has confirmed that there is sufficient capacity to support the development. The consultation response also highlights the presence of an existing Scottish Water asset (pipeline) which runs along the southern boundary of the Appeal site. The proposal has been designed to ensure all required standoffs from this existing asset have been adhered to.
- 1.39 The Council's Waste Service (PA 1.04) and Environmental Health Officer (PA 1.01) raise no objection to the proposal. The Council's Biodiversity Officer (PA 1.07) and Contaminated Land Officer (PA 1.05) also raise no objection to the Appeal proposal.
- 1.40 The Council's Road Service (PA 1.02) also confirms that, subject to a suitably worded conditions (relating to road construction materials and the provision of an electric vehicle charging point), there is no objection to the Appeal proposal.
- 1.41 The Council's Archaeology / Heritage Officer (PA 1.09) also raises no objection to the Appeal proposal. As confirmed within the Officer Report (PA 2.01), the Archaeology / Heritage Officer has assessed the impact of the Appeal proposal on the North Berwick Law Scheduled Monument and adjacent Water Tank to be ...*considered acceptable*.
- 1.42 North Berwick Law Community Council objected to the Application for the following reasons:
- The Appeal proposal will have an unacceptable visual impact; and
 - The Appeal site is home to badgers, which are a protected species.
- 1.43 In response to this objection, the Appellant respectfully refers the Local Review Body to the findings of the *Landscape and Visual Impact Assessment* (LVIA) (PA 0.12). The findings of the LVIA are that the Appeal proposal will not have an adverse impact upon the surrounding *North Berwick Law*

Special Landscape Area. This is explained further in Section 2. The impact on the SLA is therefore not a valid reason for objection and should be ignored by the Local Review Body.

- 1.44 The *Ecological Assessment* (PA 0.13) confirms that the Appeal site has limited biodiversity value. No evidence of badgers (or any other protected species) was found within the site. The Council's Biodiversity Officer also states that the Appeal proposal will not impact on badgers. This is a spurious reason to object and should be ignored by the Local Review Body.
- 1.45 The Council's Landscape Officer raised an objection to the Appeal proposal (PA 1.08). The justification for this objection is that the *...by the nature of its location, scale and design it spreads residential development along the tail of the Law and contrasts with the character of the existing residential development.*
- 1.46 As set out in Section 2 of this Statement, it is submitted that the proposal cannot spread residential development along the tail of the Law. The Appeal site is an infill site within an existing building group.
- 1.47 The test of whether the Appeal proposal accords with the character of the local residential development is whether it has an adverse impact on the *North Berwick Law* Special Landscape Area. The LVIA (PA 0.12) confirms that the Appeal proposal does not have an adverse impact on the character of existing residential development at the Heugh, which includes the adjacent Water Tank.
- 1.48 As set out above, the Application was refused by Council Officers on 8th July 2022. Five reasons for refusal were cited by the Council along with eight policies as follows:
1. *The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and with Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.*
 2. *The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.*
 3. *The erection of a house on the application site would not, by virtue of its architectural form, size, scale, massing and materials, be well integrated into its surroundings and would not be in keeping with the existing group of buildings of the Heugh to the east or to the water tank building known as 'Heugh Reservoir' to the west. In its exposed position where it would sit on the ridge line of the site the proposed house would be readily visible in public views of it. In the views to which it would be seen, and due to its contemporary architectural form and contrasting modern finishes, the proposed house would appear as a harmfully prominent, incongruous and intrusive feature within its exposed landscape setting. It would be markedly at odds with the character and appearance of nearby buildings and would significantly alter the open and natural landscape character of this part of the East Lothian countryside. It would be harmful to the open landscape character of the area, the distinctive landscape setting of the North Berwick Countryside Around Towns area and*

would harmfully affect the special character of the North Berwick Law Special Landscape Area, contrary to Policies DC8, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's approved Special Landscape Areas Supplementary Planning Guidance and with Scottish Planning Policy: June 2014.

- 4. The erection of a house on the application site would encroach and close the existing gap between the neighbouring house of Lawrigg West Cottage to the east and the water storage tank facility known as Heugh Reservoir to the west which is listed as being of special architectural or historic interest (Category B). By this encroachment, and due to the infilling of this gap, the proposed house would harmfully disrupt, and draw focus away from, the setting of the listed building named 'Heugh Reservoir to the west, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.*
- 5. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity*

1.49 The rebuttal of these five reasons for refusal are set out in Section 2.

2.0 Grounds of Appeal

2.1 The Appellant's Grounds of Appeal are based on the rebuttal of each of the five reasons for refusal set out in the Decision Notice (PA 2.02) for the Application.

Reason for Refusal 1: The proposal is contrary to Policies DC1 and DC4 of the Adopted LDP

2.2 The first reason for refusal is that the proposal is deemed to be contrary to Policies DC1 and DC4 of the adopted LDP. The reason for refusal also states that the proposal is contrary to SPP (2014).

2.3 The Officer Report (PA 2.01) sets out the Case Officer's justification why the proposal is deemed to be contrary to these policies. The Officer Report states that:

...In the absence of any direct operational requirement for the erection of one house on the application site, any justification of enabling development, and as this is not affordable housing, the proposed house is not supported by Policies DC1 or DC4 of the adopted East Lothian Local Development Plan 2018.

2.4 An assessment of the proposal against Policy DC1: *Rural Diversification* and Policy DC4: *New Build Housing in the Countryside* was set out in the *Supporting Statement* (PA 0.10).

Policy DC1: Rural Diversification

2.5 As set out in the *Supporting Statement* (PA 0.10), Policy DC1 supports enabling development in the countryside for specific countryside purposes (agriculture, horticulture, forestry, infrastructure, or countryside recreation) and business with an operational requirement for a countryside location. Enabling development applies when a proposal for housing is used to raise funds to invest in business in the countryside. The supporting text to Policy DC1 makes it clear that the Policy is about helping promote rural economic development.

2.6 This proposal is not enabling development to promote rural economic development. This proposal is for a new house in the designated countryside. Policy DC1 is not a relevant policy to apply in its determination.

2.7 The Council's policy framework on proposals for new housing in the countryside is set out in the section of the LDP which follows Policy DC1. The LDP is therefore clear that Policy DC1 is not applicable to the consideration of proposals for new housing in the countryside.

2.8 Policy DC1 is not relevant and should therefore be afforded no weight in the determination of this Appeal.

Policy DC4: New Build Housing in the Countryside

2.9 Paragraph 5.10 of the adopted LDP states that *...The Plan has a general presumption against new housing in the countryside, but exceptionally a new house may be justified on the basis of an operational requirement of a rural business.*

2.10 The wording in Policy DC 4 does not reflect this policy intention.

2.11 The Council's approach to housing in the countryside is not a presumption against housing in the countryside but to place occupancy restrictions on their use. However, these occupancy restrictions are contrary to both national policy and guidance. Accordingly, planning law requires any policy in this circumstance to be given limited weight in a determination.

- 2.12 Policy DC 4 is predated by paragraph 81 of SPP (2014) (TT 1.01) states that development plans should ...*set out the circumstances in which new housing outwith settlements may be appropriate, **avoiding the use of occupancy restrictions*** [our emphasis].
- 2.13 In addition, the Letter from the Chief Planner to Heads of Planning on 4th November 2011 (TT 1.03) is also clear that ...*development plans should support more opportunities for small scale housing development in all rural areas* (TT 1.03). It states that national policy ... *does not promote the use of occupancy restrictions*.
- 2.14 PAN 72 *Housing in the Countryside* (TT 1.02) outlines opportunities in which new housing in the countryside can be supported. These include small-scale infill development, new groups of houses and single houses.
- 2.15 National planning policy and guidance is therefore clear that new homes in the countryside can be supported in instances where there is no operational requirement. National guidance is also clear that occupancy restrictions on new homes should be avoided.
- 2.16 The Council's approach to new housing development in the countryside (as set out in Policy DC4) is therefore flawed.
- 2.17 Policy DC4 of the adopted LDP states that:
- ...New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality.*
- 2.18 In order to control development under Policy DC4, the Council imposes occupancy restrictions through Section 75 Legal Agreements. This is contrary to both SPP (2014) (TT 1.01), PAN 72: *Housing in the Countryside* (TT 1.02), and the letter from the Chief Planner to the Heads of Planning in November 2011 (TT 1.03) on the use of conditions and planning obligations to restrict the new rural housing.
- 2.19 As the Council's approach to private housing in the countryside requires the use of occupancy restrictions contrary to national policy and advice, it should therefore be given limited weight.
- 2.20 It is general practice in local development plans across Scotland to promote a policy framework which provides support for housing in the countryside. This is in accord with paragraph 81 of SPP which states that development plans should ...*set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy restrictions*.
- 2.21 The advice in PAN 72 should be taken into account by planning authorities ...*when preparing development plans and supporting guidance, and determining applications* (page 5, TT 1.02). The Council's policy framework for housing in the countryside has ignored national policy and advice.
- 2.22 The appropriateness of Policy DC4 of the adopted LDP was considered as part of the Examination of the Proposed LDP (TT 2.02). The focus of the Examination was not based on Policy DC4's compliance with the advice in PAN 72 as highlighted in this Appeal.
- 2.23 This matter was not raised by representations to the Proposed LDP. The Reporter was therefore not required to consider the Policy DC4's compliance with PAN 72 in making recommendations about the adoption of the Proposed Plan.
- 2.24 The Reporter's focus was on whether SPP allowed for additional restrictions, where appropriate, to be applied to new housing development in the countryside.

- 2.25 The Council's justification for placing restrictions on new housing in the countryside is the wording of paragraphs 76 and 78 of SPP. Paragraph 76 of SPP states that:
- ...In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside.*
- 2.26 Paragraph 78 of SPP states that *...In the areas of intermediate accessibility and pressure for development plans should be tailored to local circumstances.*
- 2.27 SPP is clear that in pressurised areas, where additional development could lead to *...unsustainable growth in car-based commuting and the suburbanisation of the countryside...* additional restrictions on development could be appropriate.
- 2.28 The Council is correct in asserting that SPP supports some restrictions on development but only in particular circumstances - in areas which are deemed as remote or pressurised.
- 2.29 The Appeal site is located only 180m from the edge of North Berwick. It is not located in a remote area by any definition. As demonstrated within the *Supporting Statement* (PA 0.10), the proposal is an example of sustainable development in accord with the principles in SPP (paragraph 29). The Appeal site is within walking distance (around 600m) of local amenities including a supermarket and other amenities along Dunbar Road.
- 2.30 This is a single house which is short walking distance from local facilities, it will not lead to an unsustainable growth in car usage.
- 2.31 The proposal will also not extend the development pattern at the Heugh further into the surrounding countryside. The proposal is for a single house within an infill Site. It will therefore not be seen as an example of suburbanisation which the Council's adopted LDP seeks to prevent.
- 2.32 The Appeal proposal is in accord with paragraphs 76 and 78 of SPP.
- 2.33 For information, the Council's particular approach to housing in the countryside is completely different to that adopted by all other planning authorities in the SESplan region. This Council stands alone with this unreasonable policy framework, contrary to national policy and advice.
- 2.34 As a comparison, the following is a summary of the policy framework adopted by each of the neighbouring SESplan authorities to manage housing in the countryside:

Council	Policy Framework	Provisions of Policy Framework
City of Edinburgh Council	<i>Guidance for Development in the Countryside and Green Belt</i> (2019) (TT 3.01)	The Guidance allows for new houses within the countryside where there are exceptional planning reasons for approving them. The Guidance states that this includes <i>...gap sites within existing clusters of dwellings.</i>
Fife Council	<i>Policy 8 Houses in the Countryside</i> (TT3.02)	Policy 8 of the adopted Fife Council LDP allows for the development of houses in the countryside <i>...within an established and clearly defined cluster of five houses or more.</i>
Midlothian Council	<i>Policy RD 1 Development in the Countryside</i> (TT 3.03)	Policy RD 1 of the adopted Midlothian LDP allows for the development of one additional dwelling where there are five or more existing homes on the countryside.
Scottish Borders Council	<i>Policy HD2 Housing in the Countryside</i> (TT 3.04)	Policy HD2 of the adopted Scottish Borders LDP provides support for new housing in existing building groups within the countryside.
West Lothian Council	<i>Policy ENV 2 Housing Development in the Countryside</i> (TT 3.05)	Policy ENV of the adopted West Lothian LDP provides support for new houses within existing groups in the countryside.

- 2.35 The full wording of each of these policies for each Council is presented in Documents TT 3.01 to TT 3.05. In every one of these policies, the key issue is whether the new house forms part of an existing building group. This is the common circumstance which equally applies to the determination of this Appeal.
- 2.36 It should be noted that occupancy restrictions are not used by any neighbouring authorities. This evidence highlights that the Council's policy framework for housing in the countryside is completely out of step with national policy and guidance.
- 2.37 Paragraph 83 of SPP is also clear that development plans and decision making should *...where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.*
- 2.38 PAN 72 is clear that small-scale infill development (such as this proposal) is one of the *...main opportunities...* for new housing in the countryside (page 7, TT 1.02). As the Appeal site is located within an existing building group at the Heugh, the advice promoted in PAN 72 should be followed. PAN 72 states that...
- ...Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.*
- 2.39 The conclusions reached in the Officer Report (PA 2.01) and this reason for refusal are contrary to both SPP and PAN 72. These limitations and occupancy restrictions invoked by Policy DC4 are also contrary to the Chief Planner's advice from 2011 on avoiding the use of conditions and planning obligations to restrict new housing in the countryside.
- 2.40 These concerns only highlight the limited weight to give Policy DC4. These concerns were raised in the Appellant's *Supporting Statement* (PA 0.10) but ignored by the Case Officer. As set out in the *Supporting Statement*, it is *...necessary to consider and determine any new housing in the countryside (under the terms of this restrictive policy) by taking into account material considerations* (paragraph 5.3, PA 0.10). These material considerations include both SPP and PAN 72.
- 2.41 The Officer Report (2.01) failed to acknowledge or respond to these concerns. Ignoring relevant planning considerations does not make Policy DC4 more likely to accord with national planning guidance or address its deficiencies.
- 2.42 This is reinforced by the knowledge that the Council's housing in countryside policy is significantly out of step with all other planning authorities, as highlighted in the comparison with neighbouring authorities within the SESplan region (paragraph 2.34).
- 2.43 Accordingly, for all of these reasons, the Appellant submits that the first reason for refusal should be dismissed.

Reason for Refusal 2: The proposal is contrary to Policy DC5 of the Adopted LDP

- 2.44 The second reason for refusal states that the proposal is contrary to Policy DC5: *Housing as Enabling Development* of the adopted LDP.
- 2.45 Policy DC5 provides support to proposals for new build housing which will act as enabling development required to deliver another form of development. As set out in the adopted LDP, enabling development could involve new housing development being used to cross fund the

restoration of a listed building or another significant feature of the built or natural environment. The wording of Policy DC5 is clear that it is only applicable to proposals for new housing which are being promoted based on the justification of enabling development.

2.46 As explained within the *Supporting Statement* (PA 0.10), this Appeal proposal is not being promoted as enabling development. Policy DC5 is therefore not relevant to the determination of this Appeal. Policy DC5 should be afforded to no weight in the determination of this Appeal.

2.47 Accordingly, the Appellant submits that the second reason for refusal should be dismissed.

Reason for Refusal 3: Impact of proposal on and Countryside Around Towns and Special Landscape Area designations

2.48 The third reason for refusal states that the Appeal proposal ... *would appear as a harmfully prominent, incongruous and intrusive feature within its exposed landscape setting*. The reason for refusal also states that the proposal ... *would be markedly at odds with the character and appearance of nearby buildings and would significantly alter the open and natural landscape character of this part of the East Lothian countryside*.

2.49 The Decision Notice (PA 2.02) states that the proposal is contrary to the following policies of the adopted LDP, Supplementary Planning Guidance and SPP (2014):

- Policy DC8
- Policy DC9
- Policy DP1; and
- Policy DP2.

2.50 The Officer Report (PA 2.01) sets out the justification for this position. It states that the Appeal proposal will have an unacceptable impact on the North Berwick Countryside Around Town designation and the *North Berwick Law* Special Landscape Area.

2.51 The *Supporting Statement* (PA 0.10) sets out the reasons why the Appeal proposal complies with these policies, including Policy DC8: *Countryside Around Towns* and Policy DC9: *Special Landscape Areas* of the adopted LDP.

Policy DC8: Countryside Around Towns

2.52 Policy DC8 states that development proposals that ... *would harm the objectives of the specific Countryside Around Towns area, as defined in supplementary planning guidance, will not be permitted*. Policy DC8 also states that new development within such areas will only be supported where:

- i. *It is required to implement part of the green network strategy as defined by that strategy*
- ii. *It is required for community uses;*
- iii. *It is required for rural business, tourism or leisure related use;*
- iv. *It is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available.*

2.53 The purpose of Policy DC8 is to further restrict the types of development which are permitted within countryside locations. As set out in this Statement, the Council's approach to new housing development in the countryside is contrary to the policy advice in SPP (2014) and PAN 72. It should therefore be given limited weight in its determination.

2.54 For the reasons set out in Section 4 of the *Supporting Statement* (PA 0.10), it is submitted that there are significant material considerations which have not been to be taken into account. The proposal's compliance with the guidance set out in PAN 72 should also be afforded significant weight in the determination of this Appeal.

2.55 PAN 72 provides design guidance with for new housing development in the countryside. PAN 72 is clear that the overall aim of new development ... *should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process*. In determining whether a proposal is in accord with this aim, PAN 72 outlines three factors which should form the basis of this determination:

- 1 *Scale;*
- 2 *Materials;* and
- 3 *Details.*

2.56 An assessment of the proposal's compliance with these three factors is set out within the *Supporting Statement* (paragraph 4.40, PA 0.10). The findings of the assessment are that the proposal is in accord with these three factors for the following reasons:

1. The scale of the proposed house fits into its surroundings. It is similar in height to the existing properties to the east at the Heugh and is subservient to the Water Tank to the west. The proposal is a contemporary architectural interpretation of its surroundings. The proposal incorporates white render, zinc cladding and areas of glazing which is in the character of the surrounding buildings.
2. The proposed palette of materials for the proposal has also been informed by the site's surrounding context. The lower floor of the proposed house is to be white render as a direct architectural response to the existing housing at the Heugh. The upper floor is to be clad in dark grey VM zinc which has a matt surface. The use of zinc echoes architectural references to modern farm buildings.
3. The other main feature of the proposed house is the natural stone wall extending northwards into the landscape. When viewed from either the east or west, this stone wall will be the dominating element of the elevation. This is complimented by the natural stone entrance walls, again helping to bed the proposed house into the landscape. The intention is that the stone will be locally sourced, which will help to set the proposed house within its landscape setting.

2.57 As set out in the *Design Statement* (PA 0.11), the proposal is a contemporary architectural interpretation of its surroundings. In this regard, it is simple design avoiding excessive detailing and ornamentation. The proposal incorporates white render, zinc cladding, and areas of glazing, rather than any decorative elements or unnecessary detailing.

2.58 The Appeal proposal is therefore in accord with Policy DC8.

2.59 In addition, the *Supporting Statement* demonstrates the Appeal proposal's compliance with the 13 principles of sustainable development set out in SPP (paragraph 4.9, PA 0.10).

Policy DC9: Special Landscape Areas

2.60 As confirmed in paragraph 1.17 of this Statement, the Appeal site is located within the *North Berwick Law* Special Landscape Area (SLA). Policy DC9 of the adopted LDP does not prohibit new development within special landscape areas. The Policy is clear that development will be permitted where:

- 1 it accords with the SLA's ... *Statement of Importance*... and will not harm the special character of the SLA; and
- 2 the public benefits of a development will outweigh any adverse impacts and the development has been designed, sited and landscaped to minimise any such adverse impacts.

2.61 An assessment of the Appeal proposal's compliance with Policy DC9 is set out in the *Supporting Statement* (paragraphs 3.45 – 3.57, PA 0.10). This assessment is based on the findings of the LVIA (PA 0.12). The Appellant maintains the position set out in these reports that the proposal is compliant with Policy DC9 of the adopted LDP.

2.62 The conclusions of the LVIA are that the siting, scale and design of the proposed home ... *results in very limited effects on the types of views that are experienced within this area* (page 36, PA 0.12). The LVIA also states that other recent developments within the SLA ... *have had a far greater impact on views to and from the Law than the proposal, however these impacts have not damaged views to or from the Law* (page 36, PA 0.12).

2.63 The Officer Report (PA 2.01) provides a summary of the concerns raised by the Council's Landscape Officer (PA 1.08) in terms of the Appeal proposal's compliance with Policy DC9. These include the position that:

1. the Appeal proposal will extend residential development to the west of existing residential development at the Heugh along the tail feature of North Berwick Law;
2. The Appeal proposal would appear as a ... *harmfully prominent, incongruous and intrusive feature within its exposed landscape setting*; and
3. The proposed house by virtue of its architectural form, size, scale and materials will not be in keeping with the existing residential buildings at the Heugh or the Water Tank to the west.

2.64 The Landscape Officer's concerns do not take cognisance of the design guidance set out in PAN 72 (page 7, TT 1.02). PAN 72 is clear that the aim of housing proposals in the countryside ... *should be to develop high quality modern designs which maintain a sense of place and support local identity*.

2.65 PAN 72 is also clear that small-scale infill development (such as this proposal) is one of the ... *main opportunities*... for new housing in the countryside. The Officer Report (PA 2.01) ignores this advice in PAN 72 which should be given weight in the determination. The proposal is in accord with national advice.

2.66 The following rebuts the conclusions reached for each of the three matters raised by the Landscape Officer.

1. *the Appeal proposal will extend residential development to the west of existing residential development at the Heugh along the tail feature of North Berwick Law*

The Officer's Report does not specify why this example of infill development within the tail feature of North Berwick Law would not be acceptable. It also fails to take into account the existing adverse impact of the mobile phones masts which are located to the west of the Water Tank along the ridge line and punctuate the skyline (refer to Figure 2). These mobile phone masts and associated infrastructure as well as the existing housing form the extent of the built environment along the tail feature of North Berwick Law.

As set out within the LVIA, the proposal will introduce an additional house within the existing and much more significant extent of built form along the ridge that runs from the edge of North Berwick Law to the Heugh to the east. When viewed from the south, the proposed

house will appear as similar scale to existing properties to the east and the Water Tank to the west.

The proposal will maintain a clear visual separation to the Water Tank in accord with the pre-application response from the Council.

This visual separation has been achieved by siting the proposed house within the eastern part of the Application site. This siting has enabled a separation of 18m to be formed from the edge of the proposed house and the western boundary of the site. As shown on Figure 2 -Viewpoint 1 Core Path 79 at Heugh Brae (Annex 1, PA 0.12), the proposal will retain a clear visual separation between the existing built form of the Heugh and the Water Tank along the existing ridge.



Figure 2: Viewpoint 1, LVIA Annex 1

2. *The Appeal proposal would appear as a ...harmfully prominent, incongruous and intrusive feature within its exposed landscape setting;*

As set out within the Council's Supplementary Planning Guidance: *Special Landscape Areas* (TT 2.01), the *North Berwick Law* SLA is designated because it is an important feature which contributes to the North Berwick's sense of place. It is also designated for its recreational, wildlife, cultural and archaeological values. It is a large area extending to 250 ha.

As demonstrated within the *Supporting Statement* (PA 0.10), the *Setting of Historic Assets* Report (PA 0.14) and the *Ecological Assessment* (PA 0.13), the Appeal proposal will have no adverse impacts on North Berwick Law's values.

The material issue to be considered is whether the Appeal proposal will have a significantly adverse impact on views to and from the SLA and its landscape setting.

The *Supporting Statement* confirms that 17.8 ha of the SLA is located within the settlement boundary of North Berwick. Around 2.84 ha of the SLA is also located within an allocated site within the adopted LDP. Site allocation ref: PROP NK4 *Land at Tantallon Road, North Berwick* is currently under construction with around 0.61 ha of built development within the SLA. This scale of urban development within the SLA has been considered acceptable by the Council and provides guidance on the impact of development which does not have a significant adverse impact on the SLA.

The allocation and subsequent development at *Land at Tantallon Road* is an important consideration when assessing the impact of this Appeal proposal. It demonstrates that the Council agrees that urban development can be satisfactorily accommodated within the SLA. Given the size of the development at *Land at Tantallon Road* (around 125 homes), the impact

of that development is also significantly greater in terms of its impact on views to and from North Berwick Law than this proposal.

The LVIA demonstrates that the proposal will not harm the existing views towards North Berwick Law. The Appeal proposal is located within existing residential homes to the east and the consented conversion of the Water Tank to the west. When built, the Appeal proposal will be viewed in the context of a larger group of buildings. The Appeal proposal is not a single dwelling within an isolated site.

The LVIA concludes that ... *The diminutive effect of the proposal in views toward or from North Berwick Law does not materially affect the Special Qualities and Features of the SLA (PA 0.12, Section 8).* To suggest otherwise, is unfounded.

3. *The proposed house by virtue of its architectural form, size, scale and materials will not be in keeping with the existing residential buildings at the Heugh or the Water Tank to the west.*

The existing residential buildings at the Heugh are a mix of mid to late twentieth century houses and converted farm buildings. The general form of these buildings are of a long band of white houses with orange pantiled roofs. These existing houses are the lead architectural form along the ridgeline at the Heugh and set the context for the proposed house. These houses contrast with the conical roof of the Water Tank, which is of a shape and form completely at odds with the horizontal band of houses.

The development on the ridge is finally punctuated by the intrusion of the telecommunication masts which are an incongruous intrusion onto the ridge line.

The architectural form of the proposed house has been designed to draw these two opposing architectural forms together. The proposed house is horizontal to the existing ridge with a continuous roof. This will match the general form of the existing houses at the Heugh.

The proposal also includes for the introduction of a landscaped earth bund to the southern side of the proposed house. This earth bund will help to maintain the existing horizon formed by the crag and tail of North Berwick Law.

The roof of the proposed house has been carefully designed to follow the slope of the foreground to the north of the Appeal site.

By following the existing topography of the site, the proposal will not appear incongruous with the existing built form at the Heugh.

The proposed palette of materials for the proposal has also been informed by the site's surrounding context. The lower floor of the proposed house is to be white render as a direct architectural response to the existing housing at the Heugh. The upper floor is to be clad in dark grey VM zinc which has a matt surface. The use of zinc echoes architectural references to modern farm buildings.

The other main feature of the proposed house is the natural stone wall extending northwards into the landscape. When viewed from either the east or west, this stone wall will be the dominating element of the elevation. This is complimented by the natural stone entrance walls, again helping to bed the proposed house into the landscape. The intention is that the stone will be locally sourced, which will help to set the proposed house within its landscape setting.

- 2.67 This evidence confirms that that the Appeal proposal is in accord with Policy DC9: *Special Landscape Areas* as there is no adverse impact as claimed.

Reason for Refusal 4: The proposal is contrary to Policy CH1 of the Adopted LDP and with SPP 2014

- 2.68 The fourth reason for refusal states that the Appeal proposal ... *would harmfully disrupt, and draw focus away from, the setting of the listed building named 'Heugh Reservoir'*. The Decision Notice (PA 2.02) therefore states that the Appeal proposal is contrary to Policy CH1 of the adopted LDP.
- 2.69 Policy CH1: *Listed Buildings* states that ... *new development that harms the setting of a listed building will not be permitted.*
- 2.70 As set out in the *Supporting Statement* (PA 0.10), the *North Berwick Drinking Water Tank* (the Water Tank) is a Category B Listed Building. The listing description for the Water Tank is as follows:
- 1905, octagonal water tank sited on hill above burgh, roofed circa 1911. Brick base course bearing octagonal slate roof wept close to ground with apex ventilator. Gabled porches with slated roofs rising well above low eaves in opposite roof pitches.*
- INTERIOR: Brick tank with steel trussed framework supporting roof.*
- 2.71 The accompanying *Statement of Special Interest* for this listing is as follows:
- ...Tank was originally open before contamination problem was appreciated. It provides cold water storage of treated water brought from Whiteadder Reservoir to the Lammermuirs. The roofing form, placed so low on a tank, is most unusual. Banked up earth surrounds brickwork. Heugh Farm formerly known as Bass Rock Farm.*
- 2.72 The listing description for the Water Tank makes no reference to the importance of maintaining its setting. The listing is clear that its importance relates to the unusual shape of the roof. The impact of the Appeal proposal on views of the roof of the Water Tank is, therefore, the determining factor in assessing its impact on this listed building. The statements made in the Officer Report (PA 2.01) place too much weight on a matter which is not relevant to the facts of the case – impact on the setting of this listed building is not a determining matter.
- 2.73 An application to convert the Water Tank into a residential dwelling was granted in April 2020 (Ref: 19/00700/P). The proposed works include the excavation of part of the bund that surrounds the building (to the south), and the introduction of window openings.
- 2.74 The consented proposals for the Water Tank will increase its visibility in views from the south and alters the industrial character of this building to being more residential in nature.
- 2.75 As set out within the *Supporting Statement* (PA 0.10), the Appeal proposal ensures that a visual separation between the existing built form to the east (the Heugh) and the Water Tank is retained. The proposal will retain a separation of 23m from the proposed house and the Water Tank. This will ensure the Water Tank continues to be read as a distinctive element on the horizon.
- 2.76 The proposed house has also been set back from the northern boundary of the Appeal site by 8m. This is behind the building line of the existing properties to the east at the Heugh. This set back will allow views towards the Water Tank from these existing properties to be retained as shown in Figure 2.
- 2.77 Viewpoint 2 of the *Setting of Historic Assets Report* (PA 0.14) (Figure 3) demonstrates that the proposed house will only introduce ... *a minor extrusion above the horizon between the Water Tank and the existing properties at Heugh*. As the vertical scale of the proposed house is less than the properties to the east at the Heugh and the Water Tank to the west, the Report concludes that the

unique vertical shape of the Water Tank roof will remain prominent when viewed from key viewpoints to the south.



Figure 3: Viewpoint 2, Setting of Historic Assets Report

2.78 The assessments submitted in support of this Appeal proposal demonstrate that the setting of the Water Tank will not be adversely impacted.

2.79 The proposal is, therefore, in accord with Policy CH1 of the adopted LDP.

Reason for Refusal 5: The proposal would set an undesirable precedent for new houses in the Countryside

2.80 The Council's fifth reason for refusal states that the proposed development *...would set an undesirable precedent for the development of new houses in the countryside in East Lothian*. The reason for refusal also states that the proposal would lead to *...the suburbanisation of the countryside to the detriment of its character and amenity*.

2.81 The Officer Report (PA 2.01) and Decision Notice (2.02) do not provide any justification for the proposal setting an *...undesirable precedent...* for the development of houses in the countryside.

2.82 Circular 3/2013 *Development Management Procedures* states that *...planning applications will be considered on their merits and against the terms of the development plan and other material considerations*. Circular 3/2012 is clear that precedent is not a consideration in the determination of an application.

2.83 As set out in this Statement and within the *Supporting Statement* (PA 0.10), there are significant material considerations which should be applied to the determination of this Appeal. The Appeal proposal is a rare example of proposed infill development within an existing building group in the countryside. Such proposals are supported by PAN 72. These are specific locational factors will apply to the determination of this appeal.

2.84 The granting of planning permission for this Appeal proposal follows the advice as promoted by PAN 72 and cannot set an undesirable precedent for new houses in the countryside.

2.85 The Appellant considers this reason for refusal to be unjustified and not in accord with the provisions of Circular 3/2013. Precedent is always an unjustifiable reason to use to refuse a proposal.

Material Considerations

2.86 Material considerations need to be taken into account in the determination of any application or at appeal.

- 2.87 The Decision Notice (PA 2.02) makes no reference to the Council having taken account of material considerations in the determination of the Application. The Officer Report states that both SPP and PAN 72 are *...material to the determination of the application...* However, in the case of PAN 72, the Officer Report simply dismisses its relevance and states that *...PAN 72 does not give support for the principle of the development of the proposed new house in its countryside location (PA 2.01).*
- 2.88 This is an incorrect interpretation of PAN 72. PAN 72 is clear that one of the main opportunities for new homes in the countryside is small-scale infill development. PAN 72 states that:
- ...Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.*
- 2.89 PAN 72 also states that *...the aim should be to develop high quality modern designs which maintain a sense of place and support local identity (TA 1.02).* Therefore, provided a proposal is for small-scale infill development and is an example of a high quality modern design, the principle of the development is supported by PAN 72. The Officer Report is therefore incorrect in stating that PAN 72 does not give support for the principle of the proposed new house.
- 2.90 Section 4 of the *Supporting Statement* (PA 0.10) provides an assessment of the Appeal proposal against PAN 72. As set out in the *Supporting Statement*, the Appeal proposal finds support in PAN 72. PAN 72 sets out opportunities for new homes in the countryside which includes new houses within existing building groups.
- 2.91 The Appeal site is bounded by existing residential development to the east at the Heugh. To the west of the site is the Category B Listed Water Tank which has planning consent to be converted into a residential home. When viewed in this context, the Application site is located within an existing grouping of houses.
- 2.92 As the proposal will be located within part of the existing building group at the Heugh and be located on a disused site, it is an excellent example of infill development in planning terms which is supported by PAN 72.
- 2.93 PAN 72 also provides support for single houses in the countryside provided they are in accord with the following three factors:
- *Scale;*
 - *Materials;* and
 - *Details.*
- 2.94 As assessment of the Appeal proposal against these three factors is set out in Section 4 of the *Supporting Statement* (PA 0.10). The findings of this assessment are that the proposal is in accord with the advice and guidance of PAN 72.
- 2.95 The Officer Report (PA 2.01) has not sought to counter the position presented in the *Supporting Statement* (PA 0.10). As set out above and in the *Supporting Statement*, the Appeal proposal is clearly in accord with PAN 72.
- 2.96 The Decision Notice and Officer Report also state that the Appeal proposal is contrary to SPP. The justification for the position adopted by the Officer is that *...the proposed house is not a form of development supported by paragraph 76 and 77 of Scottish Planning Policy (PA 2.01).*

- 2.97 Paragraph 76 of SPP states that *...it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside*. The proposal is for a single house and will therefore not lead to an unsustainable growth in car based commuting. The proposal is also an infill site between existing and consented residential development. It will therefore not lead to the suburbanisation of the countryside.
- 2.98 Paragraph 77 of SPP states that:
- ...in remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place (TT 1.01).*
- 2.99 Paragraph 77 of SPP is applicable to proposals within remote and island locations. The Appeal site is not remote. The Appeal site is located only 180m from the edge of the settlement boundary of North Berwick.
- 2.100 The Officer Report is therefore incorrect in stating that the proposal is not compliant with paragraphs 76 and 77 of SPP (TT 1.01).
- 2.101 The Officer Report has also failed to fully consider the content of SPP or respond to the position set out in the *Supporting Statement* (PA 0.10). As set out in Section 4 of the *Supporting Statement*, the Appeal proposal finds support in SPP.
- 2.102 SPP is clear that proposals which do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. It states that:
- ... Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29 (paragraph 33).*
- 2.103 The presumption in favour of sustainable development, as set out in SPP, is a material consideration in the determination of all planning applications. An assessment of the Appeal proposal against the 13 guiding principles of sustainable development is set out in the *Supporting Statement* (PA 0.10, paragraphs 4.8 – 4.10).
- 2.104 This assessment confirms that the Appeal proposal supports the 13 guiding principles of sustainable development as set out in SPP by Scottish Ministers. Accordingly, the proposal is sustainable development. In accord with SPP (paragraph 29), this is a material consideration which should be given weight in the determination of this Appeal.
- 2.105 The Officer Report (PA 2.01) has failed to properly consider the weight that should be applied to all these material considerations in the determination of this Appeal proposal. The Officer Report simply states the Officer's view that *...there are no material considerations which outweigh the fact that the proposals do not accord with the Development Plan*.

3.0 Conclusions

- 3.1 This Appeal Statement has been prepared to respond to the five reasons for refusal in the Decision Notice (PA 2.02). It also responds to matters raised within the Officer Report (PA 2.01) and matters which the Case Officer chose to ignore which gave support for the approval of this proposal.
- 3.2 This Appeal proposal is for a single house on an infill site within the existing building group at the Heugh, North Berwick. As the Council is aware, proposals for small-scale, infill development are supported by the advice in PAN 72.
- 3.3 By applying a blanket restriction on any development within the designated countryside, the Council is placing undue and unnecessary restrictions on housing proposals in the countryside. The advice in PAN 72 should be taken into account by planning authorities ... *when preparing development plans and supporting guidance, and determining applications* (page 5, TT 1.02). Therefore, the Council's adopted LDP is not in keeping with national guidance.
- 3.4 As the Council is aware, the use of occupancy restrictions in controlling house building in the countryside is not national policy. The Letter from the Chief Planner to Heads of Planning on 4th November 2011 (TT 1.03) is clear that ... *development plans should support more opportunities for small scale housing development in all rural areas* (TT 1.03). It also states that national policy ... *does not promote the use of occupancy restrictions*.
- 3.5 Despite this clear advice, paragraph 5.10 of the adopted LDP states that ... *The Plan has a general presumption against new housing in the countryside, but exceptionally a new house may be justified on the basis of an operational requirement of a rural business*.
- 3.6 The Council's approach to housing in the countryside is to place unnecessary restrictions which are contrary to both national policy and guidance.
- 3.7 The Appellant has explained that this Council is the only planning authority in the SESplan region which does not adopt a housing in the countryside policy which follows the advice in PAN 72. The Council's approach is contrary to SPP, Scottish Ministers' advice in PAN 72 and the letter from the Chief Planner to the Heads of Planning in November 2011.
- 3.8 The Officer Report (PA 2.01) simply ignores the importance of this policy position in the determination of the Application.
- 3.9 Because of the Council's failure to take these national policies into account, limited weight must be given to Policy DC4 in this determination.
- 3.10 It is the Appellant's position that the Planning Officer's interpretation of the policies which should be applied in the determination of the Application have led to a misdirection.
- 3.11 Two of the five reasons for refusal set out within the Decision Notice (PA 2.02) are not relevant. These reasons for refusal are based on the content of Policy DC1 and Policy DC5 which are not relevant to the determination of the Application or this Appeal.
- 3.12 As demonstrated within the *Supporting Statement* (PA 0.10), the *Setting of Historic Assets Report* (PA 0.14) and the *Ecological Assessment* (PA 0.13), the Appeal proposal will have no adverse impacts on North Berwick Law's SLA values.

- 3.13 The Appeal proposal will also have no adverse impact on the Category B listed Water Tank to the west of the site. This is confirmed by the Council's Archaeology / Heritage Officer (PA 1.09) who raises no objection to the Appeal proposal.
- 3.14 As set out within this Statement and the *Supporting Statement* (PA 0.10), the Decision Notice and Officer Report (PA 2.01) have failed to properly consider the significant material considerations which should be taken into account in the determination of this Appeal proposal. These material considerations are considered to outweigh any perceived non-compliance with the adopted development plan.
- 3.15 As demonstrated within the *Supporting Statement* (PA 0.10), the Appeal proposal is an example of sustainable development. It accords with the 13 principles of sustainable development set out in SPP. The presumption in favour of sustainable development is a material consideration in the determination of this Appeal.
- 3.16 Taking all of the circumstances into account, it is the Appellant's submission that the Appeal should be upheld and Planning Permission granted.



Scottish Planning Policy

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Scottish Planning Policy

Contents

Planning Series	1
Scottish Planning Policy	2
Purpose	2
Status	2
Introduction	4
The Planning System	4
Core Values of the Planning Service	4
People Make the System Work	4
Outcomes: How Planning Makes a Difference	5
Principal Policies	9
Sustainability	9
Placemaking	12
Subject Policies	18
A Successful, Sustainable Place	18
– Promoting Town Centres	18
– Promoting Rural Development	21
– Supporting Business and Employment	24
– Enabling Delivery of New Homes	27
– Valuing the Historic Environment	33
A Low Carbon Place	36
– Delivering Heat and Electricity	36
– Planning for Zero Waste	41
A Natural, Resilient Place	45
– Valuing the Natural Environment	45
– Maximising the Benefits of Green Infrastructure	50
– Promoting Responsible Extraction of Resources	52
– Supporting Aquaculture	56
– Managing Flood Risk and Drainage	57
A Connected Place	61
– Promoting Sustainable Transport and Active Travel	61
– Supporting Digital Connectivity	65
Annexes	68
A – Town Centre Health Checks and Strategies	68
B – Parking Policies and Standards	70
Glossary	71

Planning Series

The Scottish Government 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

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development¹ and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. 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.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act 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. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP 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.

¹ The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)², 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 sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)³, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)⁴, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)⁵, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

2 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

3 www.scotland.gov.uk/Publications/2013/06/9811/0

4 www.scotland.gov.uk/Publications/2010/03/22120652/0

5 www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars

Introduction

The Planning System

1. The planning system has a vital role to play in delivering high-quality 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 high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at www.scotland.gov.uk/planning⁶. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)⁷.

Core Values of the Planning Service

4. 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 sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
 - 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 conditions and obligations where necessary; and
 - uphold the law and enforce the terms of decisions made.

People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

⁶ www.scotland.gov.uk/Topics/built-environment/planning

⁷ www.scotland.gov.uk/Publications/2009/08/11133705/0

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, 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.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)⁸ as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)⁹
- [Circular 3/2013: Development Management Procedures](#)¹⁰
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)¹¹
- [Planning Advice Note 3/2010: Community Engagement](#)¹²
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)¹³

Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)¹⁴ articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

8 www.legislation.gov.uk/ukpga/1997/8/contents

9 www.scotland.gov.uk/Publications/2013/12/9924/0

10 www.scotland.gov.uk/Publications/2013/12/9882/0

11 www.standardscommissionscotland.org.uk/webfm_send/279

12 www.scotland.gov.uk/Publications/2010/08/30094454/0

13 www.scotland.gov.uk/Publications/2009/03/10154116/0

14 www.scotland.gov.uk/About/Performance/scotPerforms/outcome

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)¹⁵, through their shared focus on ‘place’. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)¹⁶.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.

¹⁵ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012

¹⁶ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP

17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate **adaptation** to climate change.

18. The Climate Change (Scotland) Act 2009 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. 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 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.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people’s choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland’s existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

Outcome 4: A more connected place – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.										
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes										
SG National Plans, Policies & Strategies	Government Economic Strategy										
	Infrastructure Investment Plan										
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.										
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.	
National Planning	Scottish Planning Policy (SPP)										
	Principal Policies										
	Sustainability										
	Placemaking										
	Subject Policies										
	Town Centres	Heat and Electricity	Natural Environment Green Infrastructure	Travel	Zero Waste	Aquacultural Minerals Flooding & Drainage	Digital Connectivity	Cities and Towns Rural Areas Coast and Islands National Developments	National Planning Framework (NPF)		
	Rural Development										
	Homes										
	Business & Employment	Zero Waste		Digital Connectivity		National Developments					
	Historic Environment										
	COMMUNITY PLANNING										
Strategic	Strategic Development Plans										
Local	Local Development Plans										
Site	Master Plans										

Principal Policies

Sustainability

NPF and wider policy context

24. 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**.

25. The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Key Documents

- [National Planning Framework](#)¹⁷
- [Government Economic Strategy](#)¹⁸
- [Planning Reform: Next Steps](#)¹⁹
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁰
- [UK’s Shared Framework for Sustainable Development](#)²¹

Delivery

Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

¹⁷ www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

¹⁸ www.scotland.gov.uk/Publications/2011/09/13091128/0

¹⁹ www.scotland.gov.uk/Publications/2012/03/3467

²⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

²¹ <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

²² Development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of this SPP. However, the policies in the SPP will be a material consideration which should be taken into account when determining applications.

Placemaking

NPF and wider policy context

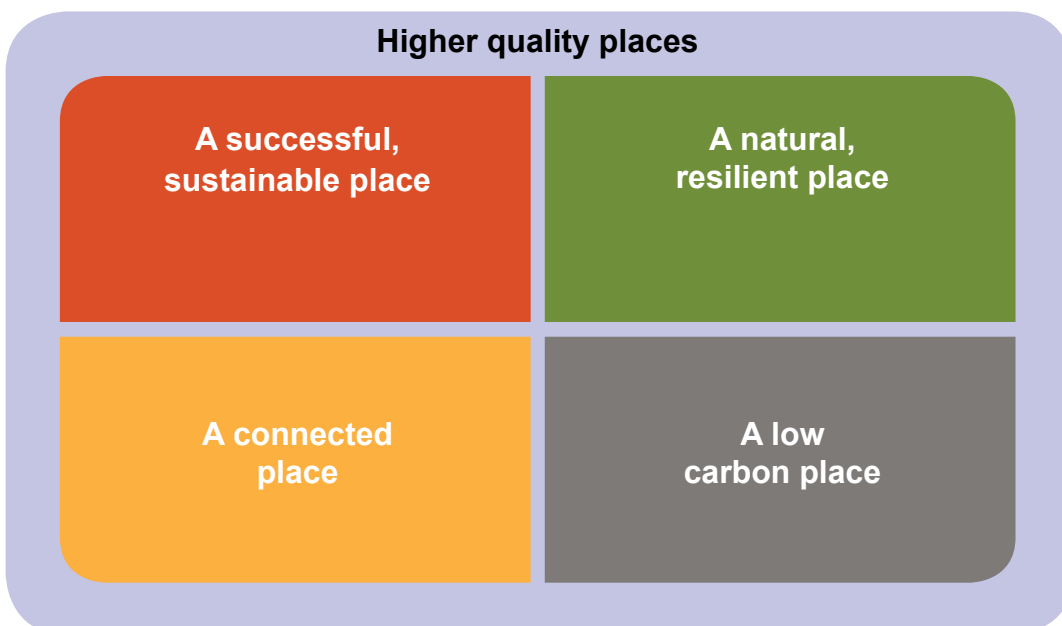
36. Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government’s policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland’s communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland’s distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Key Documents

- [National Planning Framework](#)²³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁴
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)²⁵
- [Designing Streets](#)²⁶
- [Planning Advice Note 77: Designing Safer Places](#)²⁷
- [Green Infrastructure: Design and Placemaking](#)²⁸

23 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

24 www.scotland.gov.uk/Publications/2011/03/17091927/0

25 www.scotland.gov.uk/Publications/2013/06/9811/0

26 www.scotland.gov.uk/Publications/2010/03/22120652/0

27 www.scotland.gov.uk/Publications/2006/03/08094923/0

28 www.scotland.gov.uk/Publications/2011/11/04140525/0

Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)²⁹ where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town 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. 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.

51. 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 show 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 roads³⁰. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. 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;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

²⁹ www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

³⁰ Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.

- 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.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:

- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

Development Management

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

Tools for Making Better Places

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.

Subject Policies

A Successful, Sustainable Place

Promoting Town Centres

NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy³³ when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)³⁴
- [Town Centre Action Plan – the Scottish Government response](#)³⁵
- [Planning Advice Note 59: Improving Town Centres](#)³⁶
- [Planning Advice Note 52: Planning and Small Towns](#)³⁷

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 www.scotland.gov.uk/Resource/0042/00426972.pdf

35 www.scotland.gov.uk/Publications/2013/11/6415

36 www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59

37 www.scotland.gov.uk/Publications/1997/04/pan52

- [Town Centres Masterplanning Toolkit](#)³⁸

Development Plans

61. 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, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. 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; and
- integration with residential areas.

63. 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. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. 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. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

³⁸ <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

68. Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- 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.

69. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

Development Management

70. Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

71. Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m² is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. 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.

72. 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. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

73. Out-of-centre locations should only be considered for uses which generate significant footfall³⁹ where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

³⁹ As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development 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;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁴⁰
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

⁴⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

79. Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, 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 in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

80. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a 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 secure provision for restoration to return the land to its former status.

81. In accessible or pressured rural areas, where there is a danger of 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 and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

82. In some most pressured areas, the designation of green belts may be appropriate.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making 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 housing⁴¹ and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

National Parks

84. 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.

85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

86. Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

Coastal Planning

87. The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

Development Plans

88. Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

⁴¹ 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.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. 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 uses 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.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

Supporting Business and Employment

NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. 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

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- 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; and
- give due weight to net economic benefit of proposed development.

Key Documents

- [Government Economic Strategy](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

- [Tourism Development Framework for Scotland](#)⁴³
- [A Guide to Development Viability](#)⁴⁴

Delivery

Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. 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](#)⁴⁵, [Enterprise Areas](#)⁴⁶, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas 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 continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009⁴⁷ to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

43 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

44 www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf

45 www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

46 www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas

47 These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

101. Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

102. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

104. Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

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

Development Management

106. Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

107. Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

108. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

Enabling Delivery of New Homes

NPF Context

109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. 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 or to support population retention in rural and island areas.

Policy Principles

110. The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Key Documents

- [The Housing \(Scotland\) Act 2001](#)⁴⁸ 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](#)⁴⁹

Delivery

111. Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

112. Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

48 www.legislation.gov.uk/asp/2001/10/contents

49 www.scotland.gov.uk/Publications/2010/08/31111624/0

Development Planning

113. Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government’s HNDA Guidance⁵⁰. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. 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.

114. The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

115. Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority’s housing supply target should also be reflected in the local housing strategy.

116. Within the overall housing supply target⁵¹, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

117. The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

118. Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. 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.

⁵⁰ www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda

⁵¹ Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

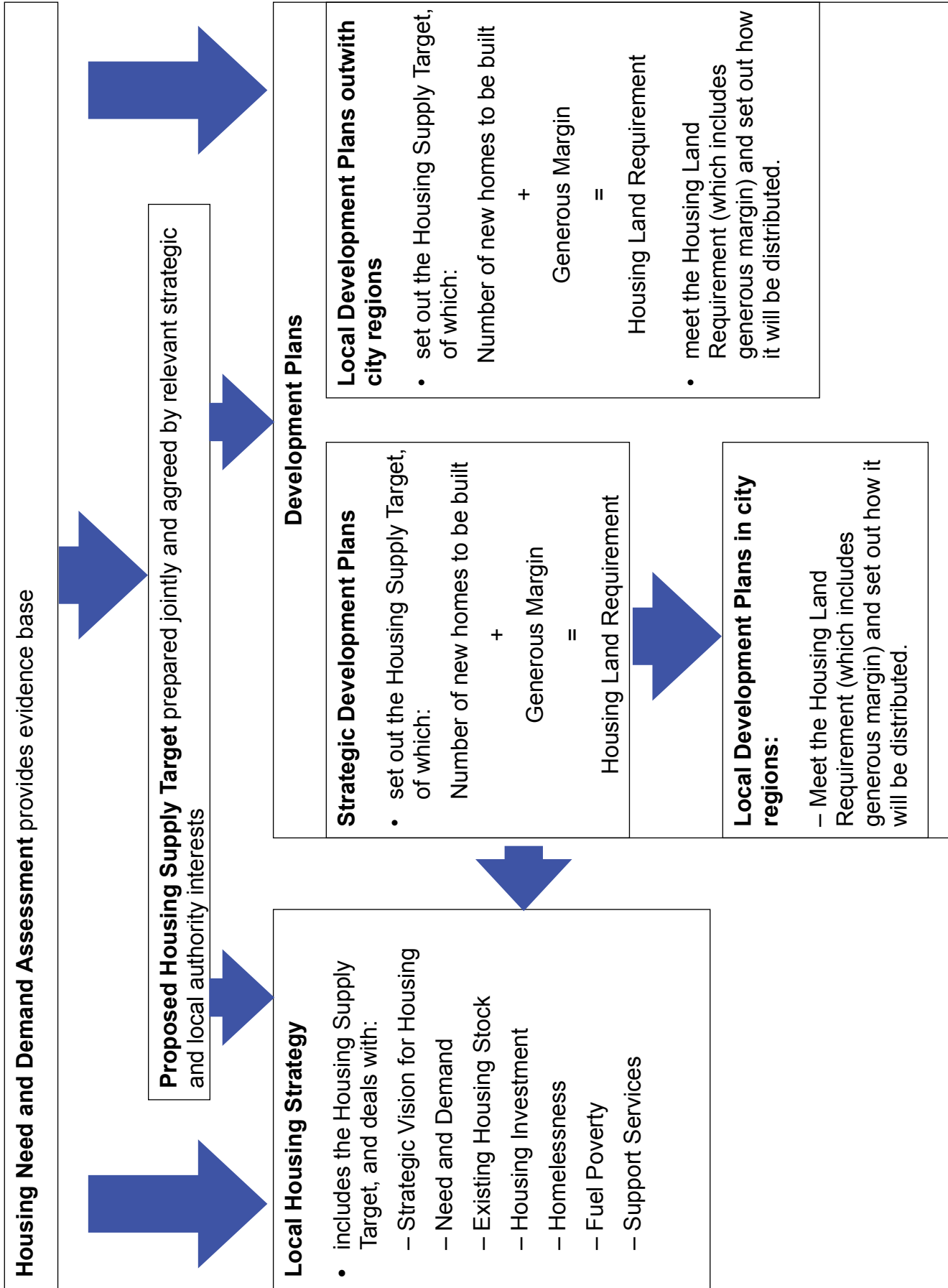
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

120. Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the 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 expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 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.

121. In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

122. Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

Diagram 1: Housing Land, Development Planning and the Local Housing Strategy



Maintaining a 5-year Effective Land Supply

123. 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 critically review and 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 five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints⁵² and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

124. The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

125. 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, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Affordable Housing

126. 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.

127. Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

128. Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. 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.

129. Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution 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 required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

⁵² Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites www.scotland.gov.uk/Publications/2010/08/31111624/5

130. Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

131. 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 Provision and Other Specific Needs

132. As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

133. HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

134. Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation⁵³. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

⁵³ www.scotland.gov.uk/Publications/2012/06/4191

Valuing the Historic Environment

NPF and wider policy context

135. NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

136. The [historic environment](#) is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

Policy Principles

137. The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Key Documents

- [Scottish Historic Environment Policy](#)⁵⁴
- [Historic Environment Strategy for Scotland](#)⁵⁵
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)⁵⁶
- [Planning Advice Note 2/2011: Planning and Archaeology](#)⁵⁷
- [Planning Advice Note 71: Conservation Area Management](#)⁵⁸
- [Scottish Historic Environment Databases](#)⁵⁹

⁵⁴ www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

⁵⁵ www.scotland.gov.uk/Publications/2014/03/8522

⁵⁶ www.historic-scotland.gov.uk/managingchange

⁵⁷ www.scotland.gov.uk/Publications/2011/08/04132003/0

⁵⁸ www.scotland.gov.uk/Publications/2004/12/20450/49052

⁵⁹ <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>

Delivery

Development Planning

138. Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

139. Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

Development Management

140. The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

Listed Buildings

141. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

142. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Conservation Areas

143. Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. 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 through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

144. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders⁶⁰ can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

⁶⁰ www.scotland.gov.uk/Publications/2011/01/28152314/0

Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

Battlefields

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

Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

A Low Carbon Place

Delivering Heat and Electricity

NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)⁶¹. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)⁶². Communities can also gain new opportunities from increased local ownership and associated benefits.

Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets⁶³, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - 11% of heat demand from renewable sources by 2020; and
 - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
 - Energy efficiency;
 - Heat recovery;
 - Efficient energy supply and storage;

61 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

62 www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

63 Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Key Documents

- [Electricity Generation Policy Statement](#)⁶⁴
- [2020 Routemap for Renewable Energy in Scotland](#)⁶⁵
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)⁶⁶
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)⁶⁷

Delivery

Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

Heat

158. Local development plans should use heat mapping to identify 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, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain

65 www.scotland.gov.uk/Publications/2011/08/04110353/0

66 www.scotland.gov.uk/Publications/2014/03/2778

67 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale⁶⁸ of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

⁶⁸ For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. 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 and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

Community Benefit

173. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)⁶⁹.

Existing Wind Farm Sites

174. 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 to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

Planning for Zero Waste

NPF and Wider Context

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

Policy Principles

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 www.scotland.gov.uk/Publications/2013/11/8279

Key Documents

- [EU revised Waste Framework Directive](#)⁷⁰ (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)⁷¹: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)⁷² and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)⁷³;
- SEPA waste data sources: including [Waste Data Digests](#)⁷⁴ and [Waste Infrastructure Maps](#)⁷⁵;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)⁷⁶;
- [Waste capacity tables](#)⁷⁷ (formerly Zero Waste Plan Annex B capacity tables)

Delivery

177. 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 due course.

Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, 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.

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

71 www.legislation.gov.uk/sdsi/2012/9780111016657/contents

72 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy

73 www.scotland.gov.uk/Publications/2013/12/9924/0

74 www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx

75 www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

76 www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx

77 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb

182. 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. The achievement of a sustainable strategy may involve waste crossing planning boundaries. 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 waste facilities.

183. 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 158 to 160 set out policy on heat networks and mapping.

184. 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.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, 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.

187. 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

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **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.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- 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.

A Natural, Resilient Place

Valuing the Natural Environment

NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance 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;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient 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 **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 the natural environment.

Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁷⁸
- [The 2020 Challenge for Scotland’s Biodiversity](#)⁷⁹
- [European Landscape Convention](#)⁸⁰
- [Nature Conservation \(Scotland\) Act 2004](#)⁸¹
- [The Conservation \(Natural Habitats etc\) Regulations](#)⁸²
- [The Wildlife and Countryside Act 1981](#)⁸³

78 www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy

79 www.scotland.gov.uk/Publications/2013/06/5538

80 www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

81 www.legislation.gov.uk/asp/2004/6/contents

82 www.legislation.gov.uk/uksi/1994/2716/contents/made

83 www.legislation.gov.uk/ukpga/1981/69

- [EU Birds Directive – 2009/147/EC](#)⁸⁴
- [EU Habitats Directive – 92/43/EEC](#)⁸⁵
- [Ramsar Convention on Wetlands of International Importance](#)⁸⁶
- [National Parks \(Scotland\) Act 2000](#)⁸⁷
- [River Basin Management Plans](#)⁸⁸

Delivery

195. 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. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value 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.
- local nature conservation sites should seek to accommodate 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
 - potential to facilitate enjoyment and understanding of natural heritage.

84 ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

85 ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

86 www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

87 www.legislation.gov.uk/asp/2000/10/contents

88 www.sepa.org.uk/water/river_basin_planning.aspx

198. 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 for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components 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.

200. 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. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. 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](#)⁸⁹ 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 of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)⁹⁰.

Development Management

202. 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 the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. 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 but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

89 www.forestry.gov.uk/nwss

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

206. 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

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. 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 the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For 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.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

National Designations

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

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

Protected Species

214. 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 their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Woodland

216. 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](#)⁹¹ can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. 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).

218. The Scottish Government's [Control of Woodland Removal Policy](#)⁹² 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 Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 www.scotland.gov.uk/Publications/2011/01/28152314/0

92 www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf

Maximising the Benefits of Green Infrastructure

NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

Key Documents

- [Green Infrastructure: Design and Placemaking](#)⁹³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁹⁴
- [Planning Advice Note 65: Planning and Open Space](#)⁹⁵
- [Reaching Higher – Scotland’s National Strategy for Sport](#)⁹⁶
- [The Play Strategy for Scotland and Action Plan](#)⁹⁷
- [Let’s Get Scotland Walking: The National Walking Strategy](#)⁹⁸

Delivery

Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 www.scotland.gov.uk/Publications/2011/11/04140525/0

94 www.scotland.gov.uk/Publications/2011/03/17091927/0

95 www.scotland.gov.uk/Publications/2008/05/30100623/0

96 www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21

97 www.scotland.gov.uk/Publications/2013/10/9424

98 www.scotland.gov.uk/Publications/2014/06/5743

Plans should promote consistency with these and reflect their priorities and spatial implications.

223. Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

224. 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.

225. Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

226. 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 for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. [Outdoor sports facilities](#) should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility 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 relevant strategy (see paragraph 224) 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.

227. Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

228. Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

229. 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. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies 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.

231. Development 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.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

Promoting Responsible Extraction of Resources

NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production 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, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

Key Documents

- [Electricity Generation Policy Statement](#)⁹⁹
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)¹⁰⁰
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)¹⁰¹
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)¹⁰²
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)¹⁰³
- [Circular 34/1996: Environment Act 1995 Section 96](#)¹⁰⁴

Delivery

Development Planning

236. Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

237. Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

238. Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

99 www.scotland.gov.uk/Publications/2013/06/5757

100 www.legislation.gov.uk/ssi/2010/60/contents/made

101 www.scotland.gov.uk/Publications/1996/10/17729/23424

102 www.scotland.gov.uk/Publications/2003/01/16122/16256

103 www.scotland.gov.uk/Publications/2003/01/16204/17030

104 www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance

239. Local development plans should identify areas of search where surface coal extraction 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. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Development Management

242. 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. This should include the provision of 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.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. 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. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

Supporting Aquaculture

NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

Key Documents

- National Marine Plan

Delivery

Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

Managing Flood Risk and Drainage

NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. 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

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. 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.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that 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](#)¹⁰⁵
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)¹⁰⁶ (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)¹⁰⁷ (Scottish Government, 2013).

Delivery

258. 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. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

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

Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local 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.

262. 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](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach 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 coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
 - No constraints due to coastal or watercourse flooding.

¹⁰⁵ www.legislation.gov.uk/asp/2009/6/contents

¹⁰⁶ www.scotland.gov.uk/Publications/2011/06/15150211/0

¹⁰⁷ <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
 - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
 - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 - 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;
 - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
 - 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 infrastructure and the most vulnerable uses;
 - 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 any 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.

Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

Development Management

264. 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, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- 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.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

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

A Connected Place

Promoting Sustainable Transport and Active Travel

NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. 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

270. The planning system should support patterns of development which:

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

271. 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

- [National Transport Strategy](#)¹⁰⁸
- [Climate Change \(Scotland\) Act 2009](#)¹⁰⁹
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)¹¹⁰
- [Infrastructure Investment Plan](#)¹¹¹
- [Strategic Transport Projects Review](#)¹¹²
- [Transport Assessment Guidance](#)¹¹³
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)¹¹⁴
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)¹¹⁵

108 www.scotland.gov.uk/Publications/2006/12/04104414/0

109 www.legislation.gov.uk/asp/2009/12/contents

110 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

111 www.scotland.gov.uk/Publications/2011/12/05141922/0

112 www.transportscotland.gov.uk/strategic-transport-projects-review

113 www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf

114 www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag

115 www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf

- [Design Manual for Roads and Bridges](#)¹¹⁶
- [Designing Streets](#)¹¹⁷
- [Roads for All](#)¹¹⁸
- [Cycling Action Plan in Scotland](#)¹¹⁹ (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)¹²⁰
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)¹²¹
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)¹²²
- [Tourism Development Framework for Scotland](#)¹²³

Delivery

Development Planning

272. 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.

273. The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by 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. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

274. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. 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. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

116 www.dft.gov.uk/ha/standards/dmr/index.htm

117 www.scotland.gov.uk/Publications/2010/03/22120652/0

118 <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

116 www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013

120 www.scotland.gov.uk/Publications/2014/06/5743

121 www.scotland.gov.uk/Publications/2014/02/8239/0

122 www.transportscotland.gov.uk/report/j272736-00.htm

123 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

275. Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

276. Where public transport services 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, developer, Transport Scotland where appropriate, and relevant regional transport partnerships 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 considered.

277. Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

278. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

279. 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. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

280. Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

281. National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

282. When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. 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. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

283. 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.

284. 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.

285. Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

Development Management

286. Where a new development or a change of use 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.

287. 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 local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via 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](#)¹²⁴

¹²⁴ www.scotland.gov.uk/Publications/2005/08/1792325/23264

288. Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

289. Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

290. 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 unacceptable impacts on 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 safe and effective operation of the network will have to be met by the developer.

291. Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

Supporting Digital Connectivity

NPF Context

292. NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

Policy Principles

293. The planning system should support:

- development which helps deliver the Scottish Government’s commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Key Documents

- [Scotland’s Digital Future](#)¹²⁵ and associated [Infrastructure Action Plan](#)¹²⁶
- [Scotland’s Cities: Delivering for Scotland](#)¹²⁷
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)¹²⁸

¹²⁵ www.scotland.gov.uk/Resource/Doc/981/0114237.pdf

¹²⁶ www.scotland.gov.uk/Publications/2012/01/1487

¹²⁷ www.scotland.gov.uk/Publications/2012/01/05104741/0

¹²⁸ www.scotland.gov.uk/Resource/0041/00411586.pdf

- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)¹²⁹
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)¹³⁰

Delivery

Development Planning

294. Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

295. 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:

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

296. 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 options (primarily for new sites) 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, where appropriate;
- 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 guidelines for public exposure to radiofrequency radiation¹³¹; and
- an assessment of visual impact, if relevant.

297. Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

¹²⁹ www.scotland.gov.uk/Publications/2001/09/pan62/pan62-

¹³⁰ www.scotland.gov.uk/Publications/2003/01/16204/17030

¹³¹ The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. 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, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided 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. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

Annex A – Town Centre Health Checks and Strategies

Town centre health checks should cover a range of indicators, such as:

Activities

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

Physical environment

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

Property

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

Accessibility

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

Community

- attitudes, perceptions and aspirations.

Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as 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, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)¹³²; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

132 www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

Annex B – 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 standards have been set:

- retail (food) (Use Class 1) 1000m² and above – up to 1 space per 14m²;
- retail (non-food) (Use Class 1) 1000m² and above – up to 1 space per 20m²;
- business (Use Class 4) 2500m² and above – up to 1 space per 30m²;
- cinemas (Use Class 11a) 1000m² and above – up to 1 space per 5 seats;
- conference facilities 1000m² 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) 1000m² and above – up to 1 space per 22m²; and
- higher and further education (non-residential elements) 2500m² and above – up to 1 space per 2 staff plus 1 space per 15 students.

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

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
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.
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).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
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 effects (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.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
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.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
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'.
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 plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also 'Functional flood plain'.
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.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also 'Washland'.
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, outdoor sports facilities, churchyards and cemeteries, 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.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m ² ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
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 within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.

<p>Outdoor sports facilities</p>	<p>Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes ‘outdoor sports facilities’ as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
<p>Outstanding Universal Value (OUV)</p>	<p>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.</p>
<p>PADHI</p>	<p>Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.</p>
<p>Prime agricultural land</p>	<p>Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).</p>
<p>Place</p>	<p>The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.</p>
<p>Pluvial flooding</p>	<p>Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).</p>
<p>Ramsar sites</p>	<p>Wetlands designated under the Ramsar Convention on Wetlands of International Importance.</p>
<p>Scheduled monument</p>	<p>Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.</p>
<p>Sensitive receptor</p>	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

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 Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
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.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.



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rural

location

design

sustainability

Planning Advice Note

housing

in the countryside



housing in the countryside the intention is to create more widespread good quality rural housing which respects the Scottish landscape



rural solutions are required for rural locations

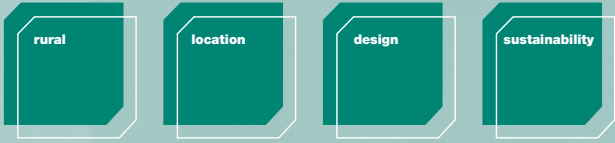
Planning series:

- › **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- › **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- › **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.



Planning Advice Note

housing

in the countryside



Contents

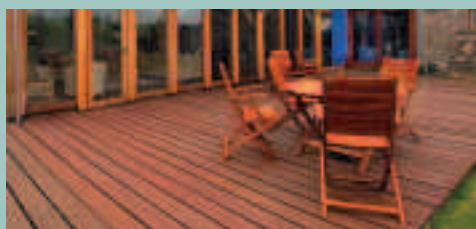
Aim
5



Rural development
6



Policy framework
8



Location
10



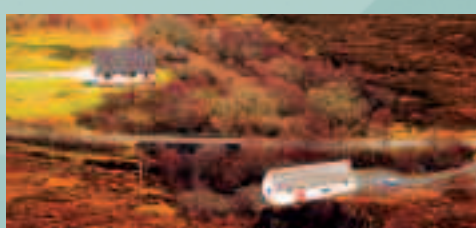
Design
15



The way forward
19



Concluding remarks
22





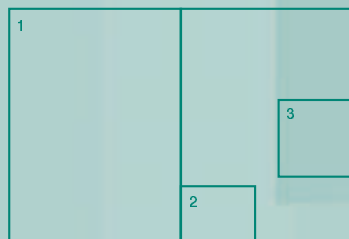
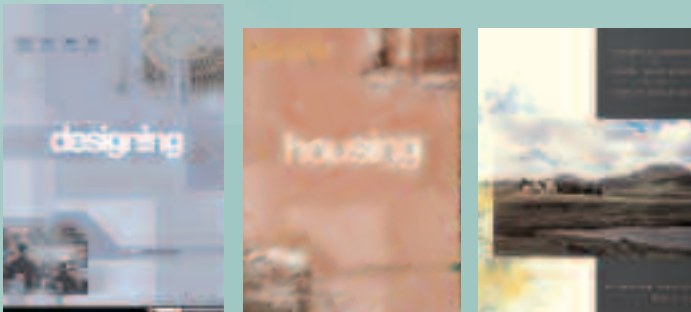
Aim

***Designing Places*, published in November 2001, sets out the Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development.**

This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality.

The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications.

The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.



- 1: Skirling, Scottish Borders
- 2: Housing sitting down low in the landscape
- 3: Gable end of the Wooden House, Skye, Highlands



Rural development

Problems to solve

For over 10 years, PAN 36 has had some positive impact on new housing development but, nethertheless, concerns remain:

- ▶ an inability to understand designs particular to local areas;
- ▶ development plans and supporting guidance not always sufficiently clear about the standards required;
- ▶ a lack of confidence in articulating and holding out for quality design, and following through to appeal, if necessary;
- ▶ an over reliance on houses not designed specifically for the site; and
- ▶ roads and drainage engineers using urban solutions rather than having greater flexibility to reflect local circumstances.

6

It is therefore appropriate to restate the importance of quality development in the countryside by expanding on the messages in PAN 36.

Changing circumstances

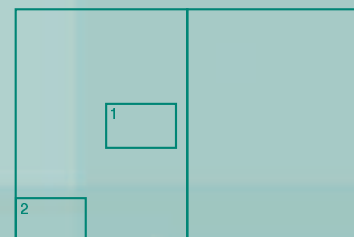
One of the most significant changes in rural areas has been a rise in the number of people wishing to live in the accessible parts of the countryside while continuing to work in towns and cities within commuting distance. Others wish to live and work in the countryside. These trends derive from lifestyle choices and technological changes which allow working from home. More people are now also buying second or holiday homes. In addition, leisure and tourism businesses have been increasingly active, for example through timeshare and chalet developments. It is for planning authorities to assess these demands and decide how, and where, to accommodate them.



a rise in the number of people wishing to

live

in the countryside



1: Self catering units, near Auchterarder, Perth & Kinross
2: Contemporary artist's studio and home, Perth & Kinross

Opportunities

Some landscapes will probably have to accommodate considerable change in the coming years. This change needs to be planned and managed so that the effects are positive. Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.

Examples of the main opportunities include:

conversion or rehabilitation

The revival of rural buildings to provide comfortable modern homes has become increasingly popular. It not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.



7

small-scale infill

Small-scale infill in existing small communities can bring economic and social benefits by supporting existing services such as schools and shops. Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.



new groups of houses

Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.



single houses

There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.



Policy framework

Guidance and advice

Scottish Planning Policy (SPP) 3 *Planning for Housing* and SPP 15 (revised) *Planning for Rural Development* recognise that changes in the rural economy require new development. Diversification of the rural economy is also of importance and PAN 73 on Rural Diversification concentrates on this issue.

Policy in SPP 3 *Planning for Housing* anticipates that most new housing will be located in towns and villages, but given the major changes in farming and the rural economy, it is expected that new housing out with existing settlements may have a greater part to play in economic regeneration in rural areas.

SPP 15 *Planning for Rural Development* advances policy in respect of small-scale rural housing developments, including clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed homes and holiday homes.

The requirement for additional housing in an area should reflect not only local needs including affordable housing, but also provide for second and holiday homes where there is demonstrable demand.

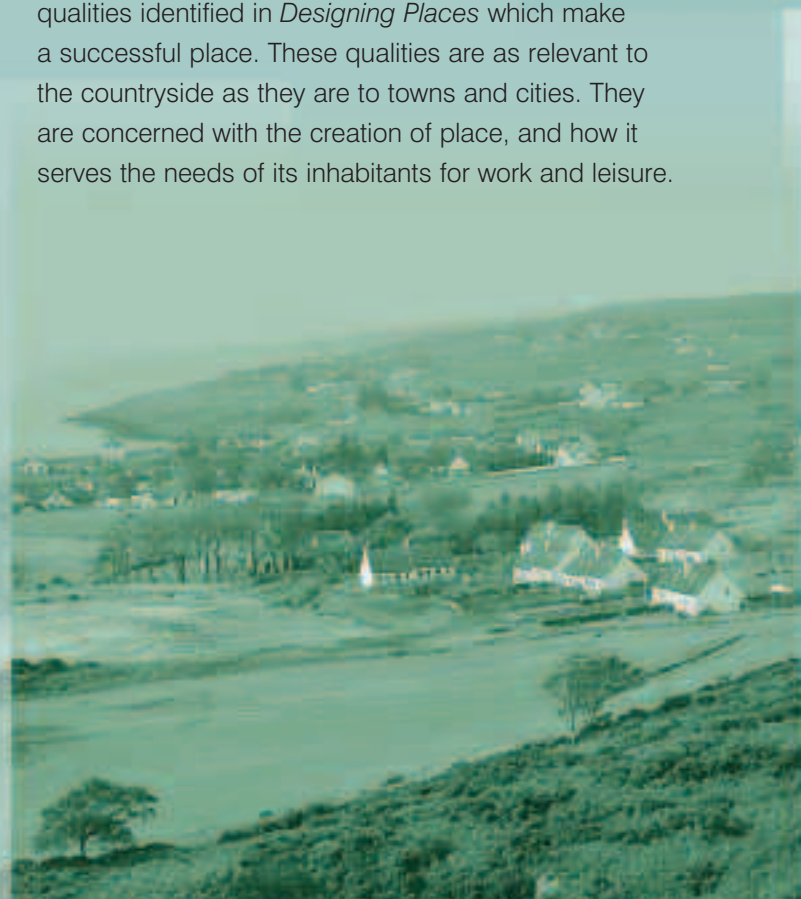
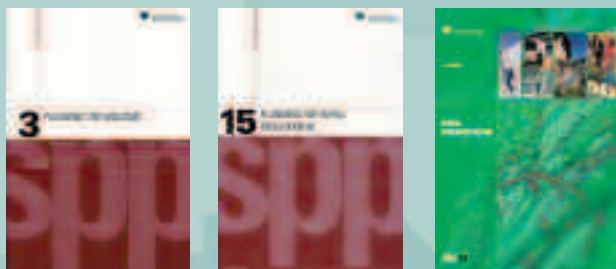
Together, the guidance and advice indicates that the amount and location of housing that can be developed in rural areas is determined by a number of factors. These include:

- › **Context** – Fit in the landscape.
- › **Identity** – Design details which reflect the local character, as well as an increased awareness of energy efficiency linked to design standards.
- › **Connection** – Proximity to services, e.g. schools, shops (ideally within walking or cycling distance), ease of access (from an existing road and foot path and to a rail station or bus route); drainage and sewerage capacity (from combined septic tanks or links to public systems).

Overall, new developments in the countryside, if properly planned, sited and designed, contribute to the quality of a landscape.

Designing Places

Designing Places (2001) sets out clear national planning policy support for higher design standards, and it is important that these are carried forward throughout Scotland. The aim is to improve the quality of the environment for everyone. There are six key qualities identified in *Designing Places* which make a successful place. These qualities are as relevant to the countryside as they are to towns and cities. They are concerned with the creation of place, and how it serves the needs of its inhabitants for work and leisure.



Distinctive

Vaila Shore Base, Shetland

The success of a place often depends on maintaining its distinctiveness. Development which does not undermine the identity of rural areas should be supported.



Safe & pleasant

Barn O'Braco, Aberdeenshire

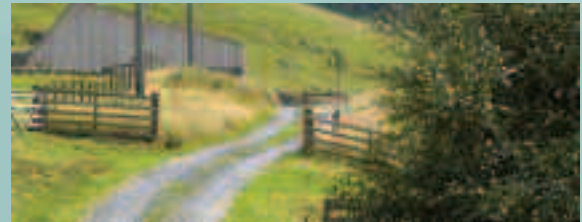
These qualities are seen by many as essential to countryside living. People often move to the countryside for a healthier and less frenetic lifestyle.



Easy to get around

Manor Valley, Scottish Borders

Countryside dwellers rely on good accessibility to conduct their day-to-day lives. The reality of life in many rural areas requires the use of a private car.



Welcoming

Kincardine O'Neil, Aberdeenshire

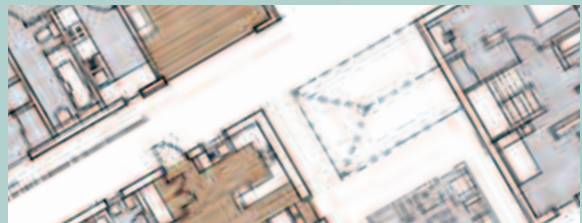
Making development welcoming is important, especially in the layout of new houses on the edge of settlements and at the gateways or entrances to villages.



Adaptable

Layout plans for adaptable space

This is about recognising changing patterns of use where appropriate, as well as allowing people to easily adapt their homes as their needs change with time.



Resource efficient

North Uist, Western Isles

Careful siting will not only enhance the landscape but can also bring benefits by utilising current infrastructure and services, maximising passive solar gain and reducing energy consumption through avoiding extremes of weather. Also, using locally sourced materials may be more sustainable and better suited to the local natural and built environments.



Location

The provision of new development should be sustainable. One way of achieving this is whether it helps to maintain the population in an area – making services viable, retaining people in affordable homes and creating new businesses in rural areas. It is also helpful if development makes use of spare capacity in existing infrastructure and services. But it is important to ensure that any new development does not overload the capacity of current services and infrastructure.

3 factors which influence location

- 1. Landscape**
- 2. Layout**
- 3. Access**

10

location

sustainability

1. Landscape

Scotland's geological and climatic conditions have influenced vegetation, land use, settlement patterns, building methods and styles. This has led to a rich diversity of landscapes. These landscapes have different capacities to accommodate development. It is therefore crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings. If a proper fit in the landscape is not achieved, then even a well designed building can fail. Overall, a well designed house must reflect the landscape in which it is set. It must be informed by and respond to it, rather than being a house which is designed without regard to the context and placed within a site.

Scotland's most valued landscapes are recognised by a range of national and local designations. These include National Parks, National Scenic Areas, local landscape designations (such as Areas of Great Landscape Value), Gardens and Designed Landscapes, Conservation Areas and the setting of listed buildings and Ancient Monuments. These identify areas that are mainly important for their scenic or cultural heritage but which may also be important for nature and recreation. In such places, planning authorities should take steps to encourage developments that respect the special combination of features for which an area has been designated.

Scottish Natural Heritage (SNH), in partnership with local authorities across Scotland, has completed a suite of Landscape Character Assessments. These provide a more objective description of landscape, enabling a better assessment of how change will affect it. Related techniques, such as landscape capacity studies, can also help in exploring the ability or limits of different landscapes to successfully accommodate development in keeping with local landscape character.



Some landscape considerations

Location within the landscape – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.



Woodlands – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.



New planting – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.



Boundary treatments – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.



2. Layout

The importance of layout within a site cannot be over stated. A good layout can enhance an individual house design; conversely, a bad layout can detract from a good design. When determining a site's layout, consideration must be given to a range of natural and technical factors.

Layout considerations

Topography – Sloping sites need careful consideration to allow a practical house design which does not look out of place. They can, however, give an opportunity to use the difference in levels to create an interesting and fitting building. This approach is much more appropriate than the use of platforms. In low-lying areas, flood risk needs to be addressed.



Orientation – Attention should be paid to established building lines and orientation of any buildings in the area. Overlooking should be avoided. The location and proximity to natural and built features, such as landmarks, can also influence layout.



Shelter – Layouts should try to avoid any unnecessary exposure to the elements, i.e. houses should shelter one another and generally be positioned to take account of the prevailing wind direction and to create a good microclimate.



Solar gain – Energy efficient layouts can help to maximise natural light and solar gain.



Views – Views to and from the site should be maximised, but not at the expense of good design.



Movement – Easily accessible links should be made for pedestrian and vehicular movement.



3. Access

Rural areas need design solutions and road standards which are appropriate to their character and setting. The application of urban standards and materials, such as tar macadam and concrete kerbs have resulted in development in the countryside looking too formal and over engineered. In addition, the adoption of suburban street lighting standards is not only inappropriate and increases light pollution, but often the lamp design can look out of place in the rural context. Every effort must be made to adopt an approach which complies with safety standards and yet responds sensitively to the rural scene and local circumstances.

There is scope for innovative road design solutions, particularly in designated areas, which achieve safety without compromising a sense of place. For example, where possible, access should be from existing entrance points on existing roads, modified as appropriate to improve sightlines. It may be appropriate to develop small groups of roadside buildings, particularly where this follows a historical precedent. Provision should also be made for safe parking.

Careful consideration needs to be given to proposals for new housing where access from the trunk road is required. The Executive is committed to improving safety on trunk roads.

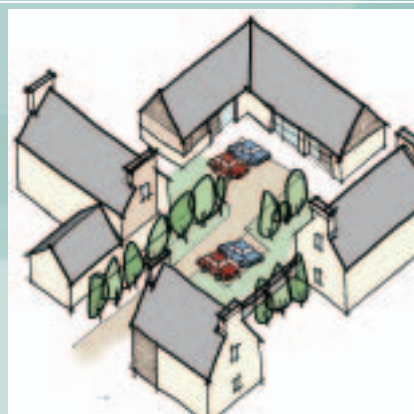


scope for rural road design solutions

Cluster



Courtyard



Linear





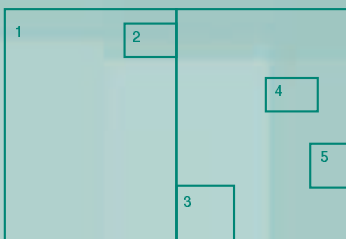
Design

High quality design must be integral to new development and local area differences must be respected.

Traditionally, local climate and available materials have had a profound influence on the design of houses and have helped to create local area characteristics. Likewise, features and finishes can help connect, or disconnect, a house to its surroundings. Increasingly, however, design has been standardised across the countryside. The challenge therefore lies in encouraging designs which are distinctive and responsive to their setting.

In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area.

The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.



- 1 & 2:** Manor Valley, Scottish Borders
- 3:** The Wooden House with four interior levels and design flexibility so that the walls can be added or taken out, Skye, Highlands
- 4:** Elgol, Skye, Highlands
- 5:** Sustainable steading conversion, Barehilllock, Aberdeenshire

3	factors which influence design	1. Scale
		2. Materials
		3. Details



1. Scale

There is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture. This is derived largely from the simplicity of the form and proportion, and in the arrangement of doors and windows. Traditional Scottish style has sometimes been diluted by modern designs which do not always reflect the historic scale and proportions. There is a need for sensitive designers to tackle this, especially when buildings are sited next to traditional buildings.

The main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building's proportions.



16

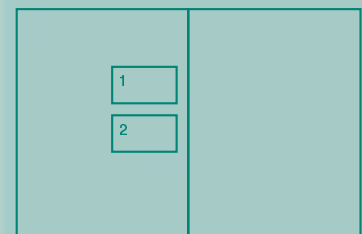
simplicity

of form and proportion

Traditional rural buildings look "right". They have a wide frontage and narrow plan which controls their scale and proportions.



Even if the roof pitch remains the same, if the proportions alter, the building starts to look less appropriate!



- 1: Easter Davoch steading conversion, Aberdeenshire
- 2: New extension, Skye, Highlands

2. Materials

The use of inappropriate or too many materials can have a negative impact. The greater the use of local materials, the more the house may reflect aspects of the local character. This will also help to contribute to sustainability.

In some parts of Scotland, stone is the traditional building material, with the diversity in colour and texture adding to local identity. It is expensive, however, and may only be required in some circumstances. One suitable alternative is a tinted harl which reflects local colour, such as red brown in East Lothian.

Slate or pantiles are often the most common traditional roofing materials. Slate is a versatile and highly effective roofing material but, like stone, it is becoming increasingly expensive. In some circumstances, manufactured alternatives may be suitable.

The economic and practical advantages of timber frame construction and timber cladding means that this is likely to remain the prevalent form of construction and design in rural areas. Forestry Commission Scotland and the Wood for Good Campaign has been promoting the idea of living and building with wood. Also innovative house designs have been produced looking at the use of timber in construction.

More use of timber cladding needs to be encouraged. Ways in which it can be made more visually appropriate is through opaque painting, which is also highly desirable in terms of durability. The use of limey white colours can help to assuage concerns about timber not fitting with the tradition of lime-washed harl masonry. Other colours may sometimes be acceptable including ochre, duck egg blue and dark green.

Kit houses in the countryside need to be well designed to reflect local circumstances.



3. Details

The detailed aspects of rural house design show some general characteristics, although local guidance should stress any variations. Many of the typical attributes of the Scottish rural house, such as window size and setbacks, eaves and verges, dormer design, chimney stacks and porches are shaped by an often wet and windy climate. Overall, design details often need to be assessed on individual merits but excessive detailing and ornamentation should generally be avoided.

Some design detail considerations

Windows and doors – Windows and doors are often historically small and set back from the face of the wall for added protection from driving rain. Their emphasis is almost always vertical, with windows consisting of small panes. More recently, some new modern housing has favoured large windows with a horizontal orientation. This has advantages of light, solar gain and outward views from the house. Whatever the size, the use of traditional wooden frame designs, as opposed to plastic, should be encouraged.



Eaves and verges – Overhanging eaves and verges are very much part of the Scottish tradition, but their use does vary from place to place, as they are often a direct response to the micro climate. For example, they have particular benefits in areas of high rainfall.



Gables and chimneys – Chimneys are an important characteristic of traditional Scottish rural housing, normally located on gable ends and breaching the ridgeline of the roof to avoid long slender stacks exposed to the weather. However, in the context of energy efficiency, it is good practice to locate a chimney centrally, rather than on a gable.



Dormers – Dormer windows, used where the roof space is required for accommodation, should normally take the form of traditional dormers or roof lights with vertical proportions.



Porches – Porches are a common feature on most houses and a variety of styles has evolved, performing a number of useful functions such as reducing draughts. Where they are part of the overall design of a house they can make a contribution to the quality of the internal and external environment. Whether traditional or modern, they have to be in proportion to the elevation.



Energy – Considerations should be given to energy efficiency including heating systems, insulation and type of glazing.



Conservatories – These should be sensitive in design and often benefit from more heat and light if placed on a south facing elevation.

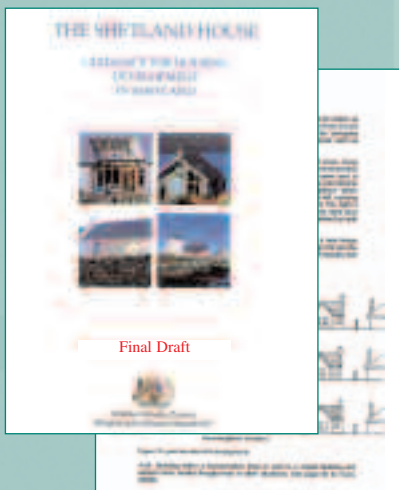


The way forward

Role of applicants

Applicants must play their role in delivering good quality designs. They should seek the assistance of skilled architects and designers. Applicants, and their agents, should familiarise themselves with the relevant policies before preparing a proposal, and likewise planning authorities have a duty to communicate to applicants, and explain to them what is required. Pre-application meetings with the planning authority should be encouraged.

PAN 68 on Design Statements provides advice on how to write design statements. They should often be prepared for developments in sensitive locations. Their purpose is to allow applicants an opportunity to demonstrate their analysis and understanding of the settlement character, their thought process behind their development and the quality to which is being aspired.



Ways for local authorities to help communicate effectively with applicants

- ▶ Hold lists of good local architects and designers with examples to illustrate their work.
- ▶ Publish design guides and advertise them to landowners, developers, local architects, planning consultants and builders in the area.
- ▶ Provide detailed design guidance at the pre-application stage to ensure potential applicants are aware of the policies and less likely to submit proposals likely to be refused.
- ▶ Mount a public display in the planning department to illustrate local examples of successful siting and design. This could be rotated around relevant venues such as libraries, shopping centres and community groups for maximum benefit.
- ▶ Organise seminars to publicise the planning authority's policies on the location, siting and design of new housing in the countryside. Illustrate poor examples, and explain why they are unacceptable.
- ▶ Hold local awards (such as Aberdeenshire Council) and advise applicants to submit to other award schemes.
- ▶ Set up websites which provide easy access to examples of good design in the area.



Role of planning authorities

Local authority planning services should be committed to securing high quality design in new homes and must equip their teams with the necessary design skills. They must also engage effectively with applicants.



Development planning

Development policies must provide a clear vision for high quality developments. They provide an opportunity to set out the type of high standards expected from development proposals. They should be up to date, clear and forward-looking.

It is proposed that rural Scotland will be covered by single-tier plans, and also more concise plans in the future. This will mean that there will be a greater role for supplementary planning guidance.

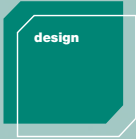
Supplementary planning guidance

Development plan policies should be complemented by more detailed design policy in supplementary planning guidance (SPG). This is an effective way of handling detailed information. When drawing up the guidance, public consultation is essential followed by formal adoption. This strengthens its status as a material consideration in the planning process.

Some examples of SPG include:

- ▶ **Design guides** – Guides or handbooks can help to illustrate the relationships of new houses to the landscape and the range of local traditions, with some principles of character and vernacular. Examples of good and bad practice from the area enable people to form a clearer picture of appropriate development. Illustrations with explanations of what would and would not be likely to be given planning permission can also be helpful. Overall, they appeal to a wide audience and bring to life many of the issues.
- ▶ **Design codes** – Design codes may be appropriate in very special circumstances where a very high degree of prescription is required, for example, in a Conservation Area.
- ▶ **Leaflets** – Simple information leaflets summarising local policy and guidance should describe the key policy elements, refer to additional sources and emphasise the benefits of submitting a well considered and presented application.





Development control

Authorities must ensure that applicants are clear about the expected quality and design requirements. The principles which will be taken into account when determining applications should be expressed clearly and concisely. It is also essential that authorities apply their policies consistently. Where policies are not clear and open to interpretation, this hinders the development control process, through an increased risk of inconsistent decisions. Design is a material consideration in determining planning applications.

Role of councillors

Development in the countryside can be sensitive politically. It is very important that there is a solid core of planning policy and guidance which is accepted, understood and applied consistently. If there is to be more development in the countryside it has to be well planned and then implemented properly. The process has to be seen to be fair and impartial and councillors must demonstrate a commitment to policy. Seminars, study tours and attendance at local awards schemes can be useful.

consistency

of decision making



Concluding remarks

There will continue to be a need for new houses in the countryside and this demand will have to be accommodated. Although we are sensitive about our landscapes, they are evolutionary, not static. Most are able to accommodate some degree of change.

This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short-term thinking can have a long-term impact on the landscape.

Every settlement should have its own distinctive identity. This is determined in part by the local characteristics of the area's architectural style of individual buildings and the relationship of these buildings to each other.

22

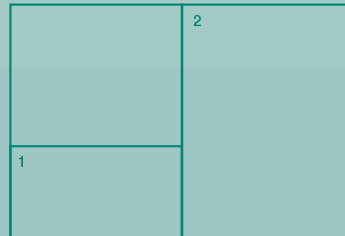
analysis

concept

The key messages are to:

- ▶ set the scale of change that is acceptable;
- ▶ establish a clear policy framework which promotes opportunities to create sustainable and affordable new homes, and apply it consistently;
- ▶ ensure that developments enhance local character; and make a positive contribution.

Creating new homes represents an important challenge for all concerned. Together, we must ensure that today's new developments have the quality and integrity to form the Conservation Areas and listed buildings of the future.



1: New housing, Duisdale, Skye, Highlands

2: Steel and timber conservatory, Perth & Kinross

change can be

positive



Acknowledgements

Images

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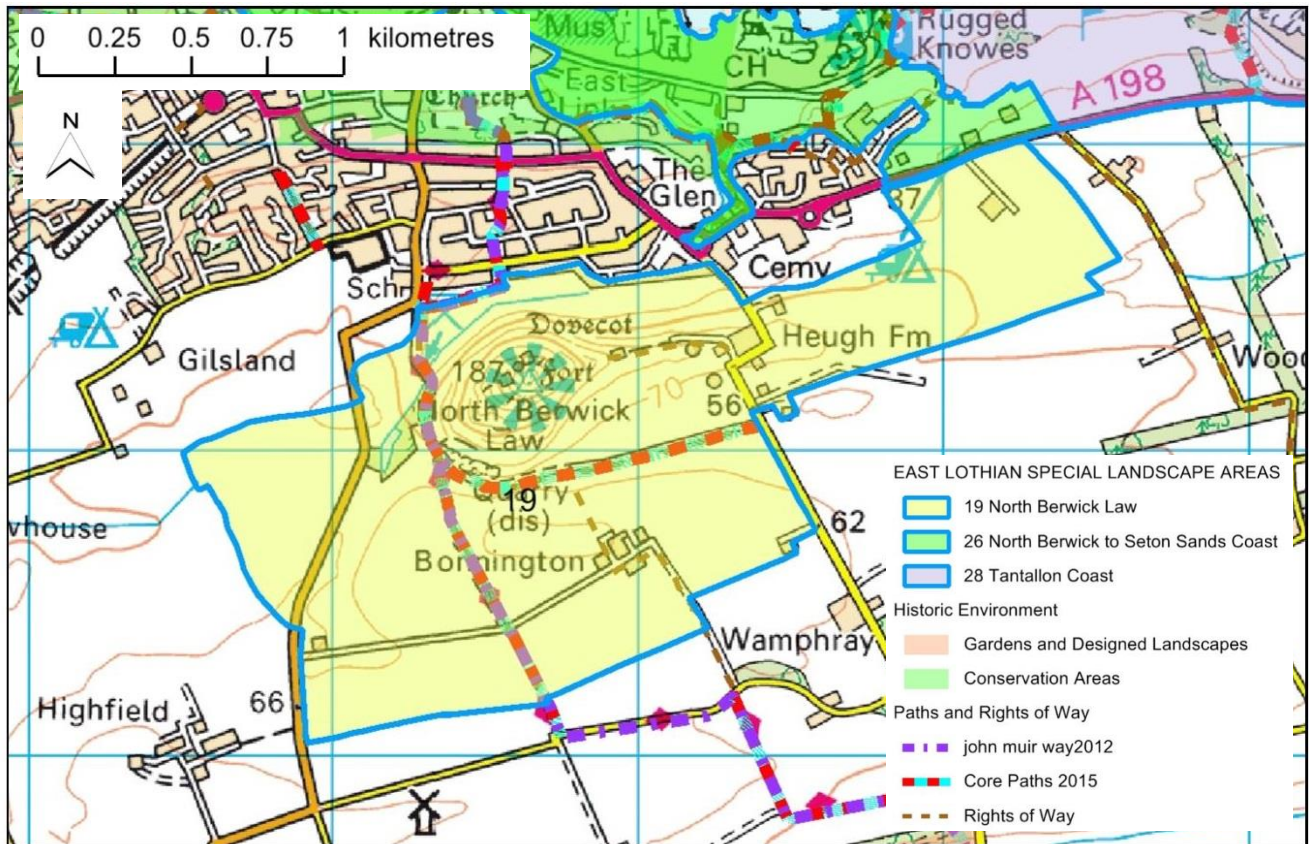
Enquiries

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Further copies of this PAN and a list of SPPs, NPPGs and PANs can be obtained by telephoning 0131 244 7543. A copy of this PAN is also available on the Scottish Executive website: www.scotland.gov.uk/planning

Adopted by East Lothian Council on
30th October 2018

North Berwick Law: Special Landscape Area 19 Statement of Importance



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Character: This area is focussed on the dramatic conical hill of the volcanic plug feature of North Berwick Law with its crag and tail feature. Its wide visibility sitting above the coastal plain makes it important for scenic value and sense of place of North Berwick, as well as for recreation, wildlife, cultural association and archaeology.



Aerial view of North Berwick Law

Area: 257 ha

Overview:

North Berwick Law lies immediately to the south of North Berwick. The area consists of the conical volcanic plug and crag and tail feature of the Law and some of the immediately surrounding farmland and boggy ground in which it is set. The visual influence of the Law stretches far beyond its physical boundary. Volcanic intrusions into fertile arable land are common throughout East Lothian, however, North Berwick Law is one of the largest and most prominent in the area, its distinctive conical form rising around 120m from the surrounding gently rolling farmland and nearly 187m in total. This recognisable peak is visible from Edinburgh, Fife, the Forth Bridges, and widely across East Lothian acting as a focal point and way marker.



The area has high scenic value with the height and ruggedness of the Law contrasting with the flatness of the rolling farmland and marshy ground in which it sits. The exposure and ruggedness of the Law, along with its natural land cover (much of the area is designated as SSSI for its lowland calcareous grassland) gives it some sense of wildness. The Whisky Bottle reservoir, to the west of the Law, around which there is an informal path, is small in scale but attractive. The whale bones at the top of the Law are a notable feature of the Law.

From the top of the Law, which is a draw for locals and visitors alike, there are superb panoramic views, with notable features in the surrounding landscape shown on a viewpoint indicator at the top. There are open views northwards across the Firth of Forth to Fife; generally north-eastwards to the Bass Rock and Tantallon Castle across farmland; south-eastwards down the East Lothian and Berwickshire coast, south towards the Garleton Hills with the Lammermuir Hills beyond, then westwards up the Forth Estuary to Edinburgh and the Pentlands. The remains of historic use of the

Law as a viewpoint are still evident. Due to its wide visibility, the Law is important in views from many places as well as forming a distinctive backdrop to the town of North Berwick.

North Berwick Law was used as a Hillfort and settlement in the Bronze Age and Iron Age, and the ramparts and hut circles can still be seen. There is a historic relationship between North Berwick Town and the Law

which has affected the development of North Berwick since at least medieval times. The Law was (and to a certain extent still is) a prominent marker that has been used as a navigational aid both from the sea and the land. Indeed North Berwick to Fife by ferry



is a well-known pilgrimage route. There are five beech trees on the eastern flank of the Law the remains of a larger group planted by Hew Dalrymple to commemorate the Treaty of Union between Scotland and England in 1707.

The John Muir Way runs to the west of the Law, with fine views of the Law approaching from either direction, but particularly the south. This route passes a car park off the B1347, from which there are paths both to the top of the Law and around its base. The cliffs on the north are very steep and a former quarry (winning the brownish stone used in buildings in North Berwick) is located to the south. There also is an informal path around the Whisky Bottle reservoir. North Berwick Law is a Marilyn, one of the Relative Hills of Britain¹.

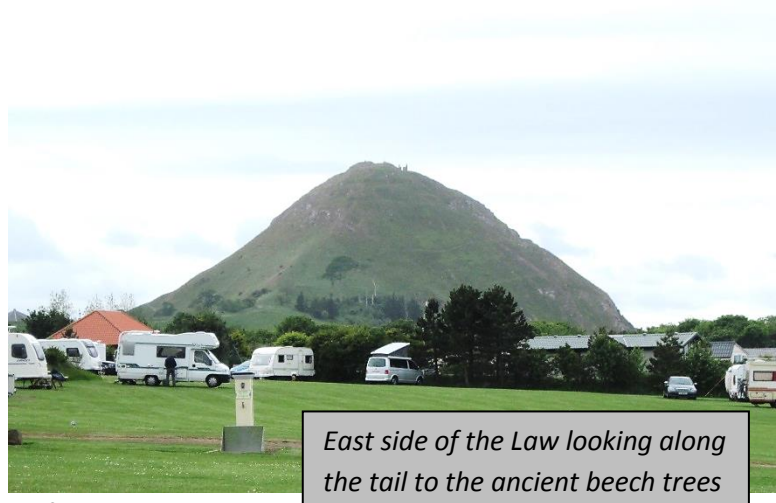


¹ "The Relative Hills of Britain" By Alan Dawson: see <http://www.rhb.org.uk/>

Special Qualities and Features:

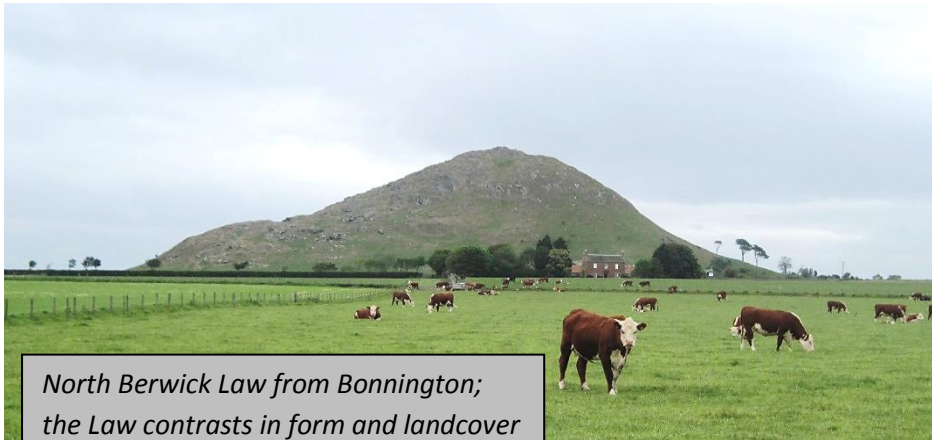


1. North Berwick Law is a distinctive landmark feature over much of the coastal plain as well being visible across the Firth of Forth in Fife and the Lammermuir Hills to the south. The Law with its easily identifiable conical form and crag and tail feature to the east contributes greatly to North Berwick's sense of place.
2. The area is a valuable recreational resource both to local people and visitors from further afield. The Law itself is well used (and baggable in certain circles) and the John Muir Way which passes to the west is part of a nationally promoted long distance route.
3. The open plain farmland and marsh setting of the Law allows appreciation of the feature, rising suddenly and steeply from the surrounding land, its ruggedness contrasting with the cultivated farmland below. The golden yellow of the gorse and grey exposed stone of the Law and the woodland foliage around the Whisky Bottle reservoir contrasting with the crops of wheat or barley waving in the wind.



Bright blue skies or the top of the Law sitting in cloud adds an additional scenic dimension to the area.

4. There is little built development, other than historic, on the steep slopes of the Law. There is



North Berwick Law from Bonnington; the Law contrasts in form and landcover with surrounding agricultural land

an attractive row of traditional cottages at Thorntree though and further cottages associated with the sturdy farmhouse at Bonnington (which also has an amusing

farm sign, one of several similar in East Lothian) which may have been built from the brown stone of the Law, providing a link between the built and natural environment. These clusters have small groups of trees sheltering them, reflecting the exposed location and creating a focal point in the farmland. Housing at The Heugh is of a somewhat different appearance; although generally built from the stone of the Law their pantiled roofs contrast with surrounding fields when viewed from the Law. The scale and agricultural appearance of the housing relates to the agricultural use of the area. The Heugh doocot gives a focal point in the open field to the south.



5. Field boundaries generally consist of hedges with hedgerow trees, patchy in places with a limited number of stone walls.
6. The scenic waterbody of the Whisky Bottle reservoir, hidden in trees at the foot of the Law is a surprising find in an area generally lacking in water features, the Law being stony so shedding rainfall quickly to the base. There is a walkway around the reservoir allowing for views in.
7. There is a relationship between the Law and the volcanic islands of Craigeith and the Bass Rock in the Forth, with views of all three allowing the viewer to imagine a previous volcanic landscape.
8. Views out in all directions are excellent, especially along the coast. To the north the hills of Fife and beyond as far as the Cairngorms are visible over the Forth and Forth islands, westwards lies the Forth Bridges World Heritage Site beyond farmland and



The heavily wooded reservoir at the west side of the Law with the Law rising beyond the trees

coast, to the south the Garleton Hills and Lammermuirs, rise beyond the coastal plain. South-eastwards are views to Tantallon, Dunbar and cliffs at Thorntonloch and St Abbs. This is a great place for watching cloud shadows chase across farmland, and the ever changing coastal skies and light of the Forth, which can add drama and dynamism to the view

Historic Landscape – North Berwick Law

9. The setting for North Berwick Law Hillfort (large amount of prehistoric remains both upstanding and cropmarks)
10. Historic relationship between North Berwick Town and the Law. North Berwick Law has affected the development of North Berwick since at least medieval times. The Law was (and to a certain extent still is) a prominent marker that has been used as a navigational aid both from the sea and the land.
North Berwick to Fife by ferry is well known pilgrimage route
11. 360 degree viewpoint from the Law – remains of historic use of this viewpoint still evident including a Napoleonic watch house and World War 2 lookout.



Guidelines for Development

- A. Any proposed development must not harm the open views from the Law
- B. Any proposed development must not harm the Law as a landmark crag and tail feature, both in close and distant views or compete with it as a focal point within the landscape and development that would visually diminish its apparent size avoided
- C. Any proposed development must not harm the setting of the Law rising steeply from the surrounding land, including the ice-sculpted indent to the north, west and south
- D. Any proposed development must not harm the recreational value of the Law
- E. Any proposed development must not harm the sense of naturalness and wildness qualities of the area
- F. Any proposed development must not harm views of the Law in particular from the John Muir Way, A198 and B1347
- G. Any proposed development must not harm the integrity and coherence of the historic landscape

Potential for Landscape Enhancement:

- i. Avoid tree planting on the rugged slopes
- ii. Take any opportunities that arise to rationalise the system of overhead power lines to the south of the Law; often these follow field boundaries or roads, which is generally preferable.
- iii. Take opportunities to reduce the impact of telecom masts on the Law
- iv. Infill gaps in hedging and replace post and wire fencing with hedging