

ANGUS COUNCIL

STRATEGIC POLICY COMMITTEE – 11 JUNE 2013

SCOTTISH PLANNING POLICY – CONSULTATION DRAFT

REPORT BY STRATEGIC DIRECTOR – COMMUNITIES

ABSTRACT This report comments on and provides the suggested basis for the Council's response to the Scottish Government's consultation on Scottish Planning Policy Consultation Draft.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) note the publication of the Scottish Planning Policy Consultation Draft;
- (ii) agree this report as the basis of the Council's response to the Scottish Government on the consultation draft of Scottish Planning Policy.

2. BACKGROUND

2.1 The Scottish Government published the draft Scottish Planning Policy for formal consultation on Monday 15 April 2013. The period for comments on the Scottish Planning Policy extends until 4pm on Friday 23 July 2013. The Draft SPP is a non statutory statement on a range of national land use planning policy that will be taken forward through strategic and local development plans. SPP sets out national planning policies which reflect Scottish Ministers priorities for the development and use of land policy documents and relates directly to:

- the preparation of development plans;
- the design of development from initial concept through to delivery; and
- the determination of planning applications and appeals.

2.2 SPP also promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

2.3 National planning policy for Scotland has been around since the 1970's, initially as a suite of individual topic policy documents, but from 2009 onwards following review and update, these were consolidated into a single policy statement of Scottish Planning Policy. The current refresh considers what should change and how planning can enable quality development, making efficient use of land to deliver long term benefits for people while protecting and enhancing natural and cultural resources. There is also recognition of the important contribution that planning can make to the delivery of Single Outcome Agreements, that greater integration between land use planning and community planning is crucial and development plans should reflect close working with Community Planning Partnerships.

2.4 The key challenge for the planning system in Scotland is to create better places for people to live, work, visit and invest. Scotland's aspirations to be a successful sustainable place, a natural place to invest, a low carbon place and well connected place are reflected in the NPF3 main issues report. The Council's response to the Third National Planning Framework is the subject of a separate report to Committee. (Report 374/13 to Strategic Policy Committee, 11 June 2013 refers).

2.5 This report has been prepared following consultation through a Member Officer Group (on Planning Related Matters) meeting held on 27 May 2013. The report highlights the key elements of the draft SPP and considers land use planning policy issues for Angus Council. When finalised, the new SPP will replace the current Scottish Planning Policy document and will be a material consideration in the preparation of development plan policy and for development management purposes. As is now common practice with Scottish Government consultations papers, reaction and comment is sought from a range of users through a series

of 29 questions to the proposed policies. These are set out in [Appendix 1](#) of this report and together with the main body of the report form the suggested response by Angus Council.

- 2.6 A copy of the Draft Scottish Planning Policy document has been made available in the Information Hub, Forfar. Alternatively the consultation draft SPP can be viewed at <http://www.scotland.gov.uk/Publications/2013/04/1027>

3. SUMMARY OF DRAFT SCOTTISH PLANNING POLICY

3.1 As a principle the land use planning system should deliver better places for Scotland. Scottish Planning Policy focuses plan making, planning decisions and development design on the Scottish Governments purpose of creating a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. There are three main ways in which planning policy seeks to positively shape the future of Scotland. For planning to make a difference new development needs to lend its weight towards achieving the following outcomes:

- Outcome 1: Planning improves quality of life by helping to create well designed sustainable places for Scotland's people;
- Outcome 2: Planning protects and enhances Scotland's built and natural environments as valued national assets; and
- Outcome 3: Planning supports sustainable economic growth and the transition to a low carbon economy.

3.2 Table 1 below illustrates the relationship to planning outcomes with Scottish Government national outcomes and the contribution of Draft SPP policy to achieving them. It should be noted that text marked ** is missing from the published Table and is not set out in Outcome 2 above.

Table 1: Table: Outcomes for Planning

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

3.3 The draft SPP is structured around Principal Policies and Subject Policies. For each policy topic SPP sets out the policy principles, key related documents and how the policy should be delivered. It therefore seeks to strengthen the linkages between national strategies, priorities and policies and has moved towards outcomes. SPP also sets out the requirements for development planning and where relevant development management.

3.4 Principal policies include:

- **Sustainable economic growth** – creating a more successful country with opportunities for all of Scotland to flourish. Planning has a positive and proactive role to play in building a dynamic and growing economy. The aim is to achieve the right development in the right place, rather than development at any cost.
- **Sustainable development** – involves the integration of economic, social and environmental objectives. The planning system should promote development that contributes to a more economically, socially and environmental sustainable society.
- **Engagement** – should be meaningful, early and proportionate.
- **Climate change** – planning should support the transformational change required to meet Scottish Governments climate change targets. This should reflect requirements for both mitigation (minimising carbon and other greenhouse gas emissions) and adaptation (strengthening resilience in relation to greater climate variability).
- **Place making** – planning should take every opportunity to encourage good quality development by taking a design led approach. The needs to consider the relationship between buildings, movement, natural resources and utilities. It requires to consider the six design qualities – distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.
- **Location of new development**
 - Spatial strategies – development plan spatial strategies should provide a long term context for development in towns and villages guiding new development to the right places. Emphasises the importance of making best use of existing infrastructure and consider regeneration of previously developed land (brownfield sites) before greenfield development. Guidance is also given on the use of green belts and establishment of new settlements.
 - Town centres – promotion of town centres first for a mix of uses including cultural and community facilities, retail, leisure, entertainment, recreation as well as homes and businesses. Suggestion that planning authorities working with community planning partners, businesses and community groups (as appropriate) should prepare town centre health checks to inform development plans and planning applications. Requirement to identify a network of centres and how they complement each other.
 - Rural development – In all rural areas planning should encourage development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
 - National Parks – designated under the National parks (Scotland) Act 2000 - relates to Loch Lomond and the Trossachs and Cairngorms National Parks.
 - Coastal areas – should support a holistic approach to coastal planning by working closely with neighbouring authorities and Marine Planning Partnerships to ensure that development plans and marine regional plans are complementary. The developed coast should be the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of coastal communities whose livelihood is dependent on marine or coastal activities. Unspoiled areas of isolated coast should be protected.

3.5 Subject specific policies include

- **Buildings:**
 - Enabling new development - house building makes an important contribution to the economy. Planning can help address the challenges facing the housing sector by providing a positive and flexible approach to development. Planning requires to identify a generous supply of land for each housing market within the plan area to support the achievement of housing supply targets across all tenures, maintaining at least a five year supply of effective housing land at all times. Planning should also enable provision of a range of attractive well designed energy efficient good quality housing in accessible locations. In relation to affordable housing the level of contribution should be no more than 25%.
 - Supporting business and employment – planning should promote business and industrial development that increases economic activity while safeguarding and

enhancing the natural and built environments as national assets. Development plans should allocated sites to meet the diverse needs of different sectors and sizes of business.

- Valuing the historic environment – planning should promote the care and protection of the designated and non designated historic environment including the individual assets, related settings and the wider cultural landscape. It should enable change to the historic environment which is informed by a clear understanding of the importance of built heritage assets and their viability over the long term. Change should be sensitively managed to avoid or minimise adverse impacts.
- **Natural resources**
 - Valuing the natural environment – planning should conserve and enhance designated sites or protected species; protect soils from damage; protect and enhance ancient and semi natural woodland; seek benefits for species and habitat biodiversity from new development; and support opportunities for enjoying and learning about natural heritage. Guidance is given on international, national and local designations; protected species and for woodland.
 - Enhancing green infrastructure – planning should protect and enhance green infrastructure, including open space and green networks. It should also promote integrated, long term management of green infrastructure assessing current and future needs and opportunities and preventing fragmentation. Easy and safe access to green infrastructure including core paths and other important routes should be promoted and protected.
 - Promoting responsible extraction of resources – planning should recognise the continuing role of indigenous coal, oil and gas in maintaining a diverse energy mix and improving energy security; safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors; minimise the impacts of extraction on local communities, built and natural heritage, and the water environment; and secure sustainable restoration of mineral sites to a relevant use after working has ceased.
 - Supporting aquaculture – planning should support sectoral growth targets for an aquaculture industry that is sustainable, diverse, competitive and economically viable; enable new and modified aquaculture developments in appropriate locations; and maintain a presumption against finfish farming on the north and east coasts to safeguard migratory fish species.
- **Movement**
 - Promoting sustainable and active travel – planning should support patterns of development which reduce the need to travel, facilitate travel by public transport and freight movement by rail or water; provide safe and convenient opportunities for walking and cycling; and enable the integration of transport modes
- **Utilities**
 - Delivering heat and electricity – planning should support the transformational change to allow carbon economy and be consistent with national objectives and target setting, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020; 11% of heat from renewable sources by 2020; and 30% of overall energy demand from renewable sources by 2020. Guidance is given in relation to the role of development plans with regard to energy, heat; onshore wind; and community benefit. The SPP reinforces the need for spatial frameworks setting out information under four groupings: Group 1 - areas where wind farms will not be acceptable (National parks and national scenic areas); Group 2 - Areas of significant protection (other international and national designated sites); Group 3 - areas where planning constraints are less significant, where opportunities for wind farm development can be realised through good design or mitigation; and Group 4 - areas where wind farm proposals are likely to be supported subject to detailed consideration against identified policy criteria. SPP increases the separation distance between wind farms and cities, towns and villages identified in the current guidance from 2km to 2.5 km. SPP also proposes the removal of the 20MW threshold to encourage all planning authorities to develop spatial frameworks from the full range of scales of wind farm developments appropriate to their areas.
 - Enabling digital communication – planning should support development which helps the Scottish Government's commitment to world class digital connectivity; and the provision of digital communications infrastructure which is sited and designed to keep environmental impacts to a minimum.

- Managing flood risk and drainage – planning should promote the protection and improvement the water environment including rivers, lochs, estuaries, wetlands, coastal waters and groundwater in a sustainable and coordinated way. It should also promote a precautionary approach to flood risk from all sources including coastal, water course (fluvial), surface water (pluvial), rising ground water, reservoirs and drainage systems (sewers and culverts through flood avoidance and flood reduction and use of Sustainable Urban Drainage Systems (SUDS). Development plans should sue strategic flood risk assessment (SFRA) to inform choices about the location of development and also have regard to the flood risk maps prepared by SEPA. They should also take account of Flood Risk management Strategies and Plans and River Basin Management Plans.
- Reducing and managing waste – planning should support the delivery of new waste management infrastructure needed to increase the capacity to manage all waste sustainably; contribute to the achievement of Scotland’s zero waste targets; and for all new development, not just waste facilities, support resource efficiency and waste prevention, reduction, reuse, recycling and energy recovery over waste disposal in accordance with the waste hierarchy.
- **Annex parking policies and standards** – sets out parking restraint policy and national maximum parking standards for new development; and parking for disabled people - minimum provision standards for new development.

4. DISCUSSION

- 4.1 The draft SPP is intended to provide an updated and more concise statement of national planning policy, in terms that are clearer and easier to understand for the purposes of development planning and development management. It is evident from the range of policy subject matter that there is a key role and responsibility placed on the Scottish planning system to assists in the delivery of the Scottish Government’s vision and objectives for sustainable economic development in Scotland. It is also evident that there will be an expectation that development plans (SDP’s and LDP’s) will contribute to the delivery of the various expected outcomes.
- 4.2 A criticism of the current Scottish Planning Policy document was that there was considerable duplication and often uncertainty over what was policy and what was guidance. There was also a need for clearer Scottish Planning Policy which reinforced the linkage between the National Planning Framework, other national strategies and the move towards outcomes and how this linked with the Community Planning process and Single Outcome Agreements.
- 4.3 The new SPP is structured to reflect the inter relationship with NPF3, policy principles, key documents, and how outcomes are expected to be delivered. Guidance is also given on what is expected from development planning and development management processes. In this respect it is clearer than the previous SPP but at this stage it still contains options on some matters. While policy principles (effectively objectives) are clearly stated it is not so easy to establish from the SPP document what is policy and what is guidance. Once the consultation stage is completed it should allow the Scottish Government to firm up on those subject matters where there are options and to sharpen up on planning policy.
- 4.4 The draft SPP provides the broad policy context however this must be tempered with the local and regional position which will vary across Scotland. The draft SPP recognises the need to provide sufficient flexibility for planning authorities, to provide a local or regional response to achieving national objectives while seeking greater consistency in the broad approach. The more general statements of the draft SPP may therefore be taken to outline planning issues which must be considered in the local context. When read in this manner, the document presents a clearer account of national guidance. By limiting national policy in this way, the requirements arguably become easier to understand, for there are fewer of them.
- 4.5 There remain issues over interpretation of some words and phrases the most contentious of which is the phrase ‘generous supply’ as it relates to housing. The current SPP contained no clarification of ‘generous’ and left it to planning authorities to determine their approach. In Angus the requirement for housing land and housing numbers are established by TAYplan (the strategic development plan for the area) which in turn is influenced by the Housing Needs and Demand Assessment (HNDA); Local Housing Strategy and the Housing Supply Target setting processes all of which aim to establish the housing supply target for the area. SPP suggests that generous should be taken to mean sufficient to accommodate the housing supply target plus a margin of 10 to 20% taking account of the contribution of sites in the

established supply that are effective or capable of becoming effective within the plan period. In Angus the Main Issues Report (MIR) preferred option was to meet Housing Supply targets in full from allocated sites and effective supply with additional flexibility in providing a generous supply provided by windfall/opportunity and small sites which came forward. The suggested approach now set out in draft SPP has the potential for confusion and difficulty of interpretation. It would be more use to remove the word 'generous' as it is far more difficult to achieve an agreed definition particularly in the current economic climate. It is a quantitative word which is proving very difficult to define; and yet in dealing with developers it is very important. It would be much simpler to delete this word and reword the policy principle accordingly.

4.6 In relation to affordable housing the draft SPP is indicating that the level of affordable housing should be generally no more than 25%. Angus currently operates a differential policy ranging from 15% to 40%. However the recently published Angus Main Issues Report has already indicated that our preferred policy option should be based on a maximum contribution of 25%, a move which is in line with the draft SPP.

4.7 In summary, the draft SPP presents Scottish planning policy in a manner that is less daunting for the reader. There is still a requirement for clarification of some aspects of what is policy and what is guidance and to sharpen up the overall presentation. In practice while there is some updating and change many of the principles underpinning the policy base remain broadly consistent with previous SPP. There is for example no radical change. Overall, the changes in presentation and content are a step in the right direction.

4.8 The suggested response to the SPP formal questions is set out in Appendix 1.

5. PROPERTY IMPLICATIONS

There are no property implications arising from this report.

6. RISKS

There are no significant risks to the Council arising from this report.

7. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

8. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising from this report.

9. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required. It should be noted that The Scottish Government have published an Equalities Impact Assessment as part of the document package.

10. ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2011-2014. It will however influence future land use planning in Angus and therefore contribute subsequently to both Angus Community Plan and Single Outcome Agreement.

11. STRATEGIC ENVIRONMENTAL ASSESSMENT

There are no SEA implications for Angus Council. It should be noted that The Scottish Government have undertaken SEA of their Draft SPP and published an Environmental Report.

12. CONSULTATION

- 12.1 The Chief Executive, Strategic Director – Resources, Strategic Director – Communities, Head of Finance and Head of Law and Administration have been consulted in the preparation of this report.

13. CONCLUSION

The consultation draft of the SPP represents an update and review of national planning policy and guidance. When finalised it will be a material consideration for future development planning and determination of planning applications in Angus.

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NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Scottish Planning Policy Consultation Draft, published by The Scottish Government, April 2013.
- Scottish Planning Policy, published by The Scottish Government, 2010.

**P&T/GWC/GDP/IAL
29 May 2013**

APPENDIX 1: DRAFT STATEMENT OF RESPONSE – SEE SEPARATE PAPER