

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT AND
DEVELOPMENT COMMITTEE – 20th May 2009

Agenda Item 9
Report No PED 40/09

Scottish Planning Policy – Consultative Draft 2009
Report by Director of Planning and Development

SUMMARY

This report provides the Council's response to the new *Scottish Planning Policy, Consultative Draft*. National planning policy for Scotland is currently expressed through a series of Scottish Planning Policies (SPPs) and National Planning Policy Guidelines (NPPGs). As part of the commitment to proportionate and practical planning policies the Scottish Government is rationalising the SPP and NPPG series into a single statement of national planning policy which is currently under consultation. Appendix 1 sets out the questions and the Council's response. The Committee are asked to approve the Council's response to the *Scottish Planning Policy, Consultative Draft* set out in Appendix 1.

1. Background

- 1.1 This report provides the Council's response to the new *Scottish Planning Policy, Consultative Draft*. National planning policy for Scotland was first published in the 1970s and is currently expressed through a series of Scottish Planning Policies (SPPs) and National Planning Policy Guidelines (NPPGs). As part of the commitment to proportionate and practical planning policies the Scottish Government is rationalising the SPP and NPPG series into a single statement of national planning policy. The first part of the consolidated Scottish Planning Policy (SPP) was published in October 2008 and covers the core principles, aspirations and expectations for the planning system. This consultation document is on the final part of the SPP, which covers community engagement, sustainable development, the subject policies currently expressed through seventeen separate SPPs and NPPGs and the outcomes of the planning process. A copy of the draft is available in the members library or by accessing the web-link given at the bottom of this report.
- 1.2 The consolidation of the subject policies into the single SPP is not a review of established policy. Existing policy is being rationalised and expressed in more concise terms, providing clarity and greater certainty of intended outcomes. The new style of SPP requires a different approach to expressing and explaining national planning policy, but the changes in wording do not, in most cases, represent a change in policy. A change in policy would mean that the intended outcome of the policy is different.

2 Implications for the Highlands

- 2.1 Pleasingly, most changes of emphasis bring national planning policy more into line with the approach traditionally taken in Highland. The national policy framework principles will need to be reflected in the content of the Council's Highland wide Local Development Plan but the greater consistency between the two approaches should make the Plan easier to progress.
- 2.2 The Highland Council's response is set out in Appendix 1. Members are asked to agree the proposed response for submission to the Scottish Government.

3. Financial Implications

- 3.1 There are no financial implications arising from this report which can not be met through the Service's existing budget.

4. Conclusion

- 4.1 The Highland Council welcomes the publication of the Scottish Planning Policy (Consultative Draft) as part of the Scottish Government's commitment to proportionate and practical planning policies and responds to the consultation questionnaire included in the draft.

5. RECOMMENDATION

- 5.1 The Committee is asked to:
- i. Note this report on the Council's response to the updated Scottish Planning Policy (Consultative Draft); and
 - ii. Agree the content of the Council's response to the Scottish Planning Policy (Consultative Draft) as detailed in appendix 1 of the report.

Signature:

Designation: Director of Planning and Development

Date: 23 April 2009

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Background papers: www.scotland.gov.uk/Publications/2009/04/01132105/0

Appendix 1 of committee report on SPP

Q1. Overall, is national planning policy clearer and easier to understand in the consolidated SPP compared with existing SPPs and NPPGs?

THC welcomes the speedy distillation and streamlining of Government planning policy which should aid a more consistent understanding and application of it by Reporters, planning authorities, developers and others. Simpler language is used through much of the document.

It is worth noting that there do appear to be some inconsistencies throughout the document. Standards are included for some topics but not for others, without justification for the different approaches. For example the 400m reasonable walking distance is specified in para. 125, the carbon reduction target is set in para. 150, disabled parking is specified in para. 129, and a 2km settlement buffer for wind farms is mentioned in para. 144. However, there is to be no buffer for natural heritage designations and mineral operations (para.174). Consideration of cumulative impact of bad neighbour developments includes minerals and waste management sites (para. 167) but doesn't, by implication, include other developments such as electricity grid infrastructure.

Q2. Do you support the proposed structure and format of the consolidated SPP?

The new approach is welcomed, although the linkages to the existing and any future Planning Advice Notes should be more fully drawn out. Footnote definitions are particularly useful.

Q3. Do you agree with the removal of advice and background information from the consolidated SPP?

Whilst THC supports the removal of advice and background information there is still too much prescriptive policy on development plan content. The phrase "*development plans should ...*" appears for many topics and issues where THC may wish to pursue a more streamlined approach because detailed policy would not be relevant or useful or could better be covered in supplementary guidance. For example, the requirement to identify biomass sites and specific waste management sites may be too onerous or misleading without the resources to justify the choice of site and implement the proposal. More general approaches may well be more pragmatic policy solutions.

Q4. Does this paragraph provide a clear overview of the expectations for community engagement in the modernised planning system?

Yes. This fits well with the expectations set out in Planning Advice Note 81.

Q5. Is the status of this section in relation to the Planning etc. (Scotland) Act 2006 sufficiently clear?

Government provides its first planning definition of "sustainable development", as *"sustainable economic growth ... achieved by delivering fair social outcomes and respecting environmental factors."* The definition is clear and welcomed and sets a strong message for the delivery of proposals which demonstrate these characteristics.

Q6. Is the role of the planning system in assisting climate change mitigation and adaptation clearly highlighted throughout this SPP?

Yes.

Q7. Is the contribution of the planning system to sustainable economic growth, as explained in this section, clear and easy to understand?

Overall the guidance on economic development is clear and easy to understand. THC welcomes the overarching commitment to sustainable economic growth and the more integrated approach to appropriate economic development uses and residential developments. This should assist in the delivery of mixed use, sustainable sites.

The six bullet points in paragraph 40 clearly indicate the factors which should be taken into account in supporting economic development. These are supported by the Council, particularly where they can assist in the delivery of larger sustainable economic growth projects related to inward investment in areas such as Caithness and North Sutherland. There should also however be reference in policy to the requirement for projects of these types to have undergone the major development pre-application process.

The reference to support for high quality tourism related development in appropriate locations is also welcomed.

Q8. Have the main elements of national planning policy relating to town centres and retailing been included and are they clearly explained?

The new SPP effectively summarises the key elements of the existing policy requirements in SPP8, and as such is clearly explained. The reference in the document on the need for new development to integrate successfully and create effective links with the surrounding urban fabric is an important point which has been drawn out.

Q9. Have the main areas of national planning policy relating to housing been included and are they clearly explained?

The Government's political commitment to building more new homes is reflected in an increased emphasis on allocating a generous (up to 20 years) supply of housing land. The emphasis on action to activate these sites reflects what Highland Council is already doing via its housing fora.

The role of the Development Plan action programme is critical to the delivery of housing and the emphasis placed on this is welcomed. This will

demonstrate how the housing land supply will be integrated into wider capital spending by the public sector and ensure that the private sector follow the priorities set out in Council strategies and the Single Outcome Agreement. SPP3 provided a very useful flow chart indicating how the process for identifying housing need fits together and consideration for its inclusion in the consolidated version should be made.

The important role that the preparation of housing land audits play in supporting housing development appears to have been omitted.

The policy position in the new Scottish Planning Policy (consultation draft) for Gypsy/Travellers remains the same as that set out in SPP3 Planning for Homes. However, the consultation draft SPP does not set out a policy framework for assessing and meeting the accommodation needs of Gypsy Travellers.

Q10. Have the main areas of national planning policy relating to rural development been included and are they clearly explained?

There are no significant changes of emphasis on this topic. There is a more positive recognition of the need to allow for the growth of dispersed (largely crofting) communities, the use of the term “generous” for the rural land supply.

The Council supports national policy basis for the delivery of more opportunities for small scale housing developments in all rural areas including clusters and groups of houses in close proximity to settlements, replacement housing, plots to build individual houses, holiday homes and new build or conversion housing linked to rural businesses. This policy is in agreement with THC’s housing in the countryside policy.

The new SPP reflects The Council’s policy in terms of differentiating between pressurised countryside and remote areas where regeneration and support is critical to promote their viability.

The Council welcomes the recognition that planning authorities need to be realistic about where availability or likely availability of alternatives to access by car exist, because not all locations, particularly in remoter areas can be served by public transport.

Q11. Do you support the proposed policy on protection of prime agricultural land?

The new SPP states that development should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need for example major infrastructure development where there is no other suitable site is available. This reflects the Council’s current Structure Plan policy in terms of farm land.

No reference is made however to croft land, which is an omission given the significant outcomes from the Committee of Inquiry. Further clarification is

required as to the national planning policy approach to croft land. It was understood that a Planning Advice Note was to be prepared on Planning and Crofting, and it would be useful if feedback could be provided on the status of that project.

Q12. Do you support the removal of the specific requirement for development plans to classify coastal areas as developed, undeveloped or isolated?

The dilution of the coastal planning requirement is broadly supported, whilst it is recognised that the Council will still have the ability to prepare a coastal development strategy as part of the Local Development Plan process.

Q13. Have the main elements of national planning policy relating to fish farming been included and are they clearly explained?

The Council broadly supports the content of the SPP in relation to fish farming. The preparation of Framework Plans for particular locations will continue to be an important area of work for the Council.

Q14. Have the main elements of national planning policy relating to the historic environment been included and are they clearly explained?

Yes.

Q15. Do you agree with the principle of limiting local non-statutory designations to two types?

The limitation on the type of local heritage designations (The Council already limits these types of local designations) is one of the changes of the new SPP and is supported.

Q16. Have the main elements of national planning policy relating to landscape and natural heritage been included and are they clearly explained?

There is a new approach of facilitating positive change in the landscape rather than simply safeguarding it. This is welcomed and in particular its link to the evolving issue of safeguarding and creating green corridors with their benefits for access, recreation, amenity and natural heritage is supported.

The new SPP promotes a single policy statement and approach on all national and international natural heritage resources (albeit the legal protection wording for each resource follows in the document). The principle of doing this accords with the Council's recent good practice in attempting to streamline policy on this topic and is welcomed.

The principles of no net loss of woodland and the presumption against any loss unless there is a significant and clearly defined public benefit represent a tougher approach than currently practiced in Highland. This may however be

balanced by the recognition in the SPP that Council's can consider the preparation of woodland strategies as part of the Local Development Planning process.

The first part of para. 110 - should read *Ancient and long established semi-natural origin woodlands*

Q17. Have the main elements of national planning policy relating to open space been included and are they clearly explained?

The no net loss principle is applied in the new SPP which is beyond current practice in Highland. The definition of open space without a link to Planning Advice Note 65 is meaningless.

There is a very concise approach to access rights whilst the Land Reform (Scotland) Act 2003 or its key outcomes are not mentioned.

It is unclear whether replacement open space provision for deficits created or exacerbated by new development will need to meet the in scale and kind test.

The new SPP is unclear on the input of audits and how they should be used, on the implementation of the strategies and on development management guidance. The sequential approach to open space delivery is also not mentioned.

Q18. Have the main elements of national planning policy relating to green belts been included and are they clearly explained?

Yes.

Q19. Do you support the retention of the policy on the use of maximum parking standards and the relocation of national maximum parking standards into advice?

The relocation of national maximum parking standards into advice is welcomed. The Council is currently reviewing parking standards as part of a new roads guideline and as such the parking standards will be more locally focussed and relevant, particularly in more rural areas.

Q20. Have the main elements of national planning policy relating to transport been included and are they clearly explained?

The policy position in the new Scottish Planning Policy (consultation draft) for Transport remains the same as that set out in SPP17 Planning for Transport. The presumption against new accesses on the rural network is maintained. More positively, new accesses may be permissible where they open up *“significant economic growth.”*

The SPP does however need to provide a much stronger link to the preparation of Local Transport Strategies – these have to be a fundamental part of planning policy to avoid repetition and possible inconsistency.

National policy should also emphasise the need for planning strategies to closely link in with national transport outcomes – a case in point being the Strategic Transport Projects Review. Land use strategies must support the delivery of these projects.

Q21. Do you agree with the integration of policy on spatial frameworks for wind farms over 20 megawatts generating capacity with general planning policy on wind farm development?

Yes. The slight change which provides for the spatial framework being set out in supplementary guidance as an alternative to the development plan is welcomed, enabling appropriate and effective use of each type of document for elements of the Council's policy and guidance.

Q22. Have the main elements of national planning policy relating to renewable energy been included and are they clearly explained?

Yes, the main elements have been included and are substantially unchanged. However, references in paragraph 138 to cumulative considerations in respect of small scale community developments should apply equally to small scale commercial developments. Further, the references to cumulative consideration in respect of wind farms at paragraph 142 could also apply in respect of other technologies, as could certain of the criteria listed in paragraph 141 (particularly contribution to targets and effect on the economy and tourism and recreation interests) and the issue of soil disturbance mentioned in paragraph 146.

The first bullet point in paragraph 143 includes reference that the spatial framework should identify "areas requiring significant protection because they are areas..... where the cumulative impact of existing wind farms limits further development", whereas SPP6 provides that the areas to be afforded such protection are those where cumulative limits have been reached. The wording of the SPP Part 3 should be clarified and tightened to reflect SPP6 in this regard.

Paragraph 147 as currently worded goes beyond SPP6 in stating that development plans should identify sites with the potential to accommodate biomass plants which can be supplied from locally available resources, whereas SPP6 refers to considering the extent of the opportunity to do so. SPP Part 3 should be reworded to require planning authorities to consider this matter and, where practicable, to identify sites.

It is noted that SPP Part 3 does not cross-refer to the relevant Planning Advice Notes (PANs) and whilst excessive cross-referencing should be avoided, Scottish Government should confirm in respect of each PAN or Circular whether it will remain in force as advice.

Q23. Have the main elements of national planning policy relating to flooding and drainage been included and are they clearly explained?

Yes.

Q24. Have the main elements of national planning policy relating to waste management been included and are they clearly explained?

Yes, the main elements have been included and are substantially unchanged. However, it may be noted that whilst SPP Part 3 retains reference to the potential for many waste management facilities to be accommodated within industrial sites, the 'model policy' which was set out in SPP10 has been excluded. SPP Part 3 indicates that other locations should also be considered when allocating sites in the development plan. It would be helpful if it was clarified to provide that in identifying sites for waste management facilities in the development plan, it may be that all the required large-scale facilities could be accommodated on industrial sites and dedicated site allocations may not be required. In respect of 'bring' facilities, SPP Part 3 indicates that appropriate sites must be identified in development plans. However, this should be amended to provide for sites to alternatively be identified in supplementary guidance where the broader locational requirement has been identified in the development plan.

SPP Part 3 could be further amended to refer to the possibility of development plan policy establishing separation distances between waste management facilities and sensitive receptors where clearly justified, albeit that such reference may be less detailed than that in SPP10 paragraph 20.

It is noted that the reference in SPP10 to Site Waste Management Plans has been dropped; SPP Part 3 should be amended to reinstate such reference, to lend weight to any development plan policies that require these to be submitted.

SPP10 refers to the possibility that developers may offer community benefits. SPP Part 3 makes reference to community benefit (and the distinction between planning gain and other payments) in respect of renewable energy, and could make similar reference in respect of waste management.

It is further noted that SPP Part 3 does not cross-refer to the relevant Planning Advice Notes (PANs) and whilst excessive cross-referencing should be avoided, Scottish Government should confirm in respect of each PAN or Circular whether it will remain in force as advice.

Q25. Have the main elements of national planning policy relating to mineral extraction been included and are they clearly explained?

The policy of the new SPP on minerals is mainly the same with SPP4. However, mitigation is left on planning authorities that are required to follow a case by case approach to the imposition of buffer zones. In addition there is no mention on recycling of materials, Planning Advice Notes 50 and 64 and

the requirement for an EIA (although mitigation of environmental impacts is among the considerations proposed). The lack of this detail might be detrimental for authorities without the appropriate expertise to determine or negotiate planning applications.

Q26. Have the main elements of national planning policy relating to opencast coal extraction been included and are they clearly explained?

Yes.

Q27. Have the main elements of national planning policy relating to telecommunications been included and are they clearly explained?

The core position of the policy set out in Scottish Planning Policy (Consultation Draft) regarding telecommunications follow those set out in NPPG19. There are reductions in the discussions of emissions and health but core policy position is retained.

Clarification is offered that health risks are not a material planning consideration in assessing telecommunications infrastructure albeit developers will have to provide evidence of conformity with national guidelines on the issue.

Q28. How might the consolidated SPP impact positively or negatively on equalities groups?

No comment.

Q29. Will any groups not identified already in the partial EqlA be affected by the consolidated SPP?

No comment.