

# Settlement Development Areas



Chapter No:

# 10

- 65 - Scottish Natural Heritage [Written Submissions]  
67 - Scottish Environment Protection Agency [Written Submissions]

## BACKGROUND

1. Chapter 5 of this report covered objections to Policy 2: Countryside and recommended alterations to the presentation of the plans policies. This also affected the layout of Policy 1: Settlement Development Areas, which is the subject of this objection, so Chapter 5 is referred to in this regard.

2. Structure plan Policy G2: Design for Sustainability sets out thirteen criteria upon which proposed developments would be assessed:

“Policy G2: Design for Sustainability

Proposed developments will be assessed on the extent to which they:

- ...
- ...

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the structure plan.”

3. The objections relate to local plan Policy 1: Settlement Development Areas, and therefore to Policy 1A as amended (see Appendix 1 or 2 for text of policy).

4. The **first objector** referred to the final sentence of the policy and suggested that the words “shall not be permitted” be substituted for “shall not accord with the local plan”.

5. The **second objector** took exception to the words “in particular the following”, referring to the three bullet-points which they introduced; this reference and the three bullet pointed paragraphs should be removed. As set out, the implication in the policy was that other elements of structure plan Policy G2 need not be complied with, or that compliance with the other elements of the policy was less important. Included in the other elements were issues of importance to the objector (those cited included the impact of pollution on fresh water systems and marine systems, the risk of flooding, etc).

6. In relation to the first objection, the **council** pointed out that the wording as set out in the plan was consistent with section 25 of the Town and Country Planning (Scotland) Act 1997, under the summary heading of ‘Status of Development Plans’, which read,

“Where, in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

The wording was also complementary to that used in Policy G2 of the structure plan.

7. As to the second objection relating to the bullet points, the council confirmed that they were intended to highlight the aspects of structure plan policy which were likely to be of most relevance for most development proposals within settlements, but there had been no intention of reducing the significance and importance of the whole of structure plan Policy G2, which was stressed in a number of places in the local plan (such as paragraphs 2.1, 3.4 and 9.1). It was therefore proposed to modify the plan by deleting the three bullet points, as sought by the objector, and referring to the page in the local plan upon which the structure plan policy was reproduced.

## CONCLUSIONS

8. The final sentence of Policy 1 of the plan, as amended, clearly cannot be faulted for using the same phraseology as the Act itself. In any case, I am mystified as to why the objector considers the suggested replacement wording to be of any advantage. Be that as it may, in the circumstances, I consider that there should not be any, and in my opinion the council is right to oppose any such change.

9. In regard to the second objection, if the structure plan had intended an emphasis on certain criteria set out in its Policy G2 at the expense of others, then it would have done the highlighting. I have already pointed out (in Chapter 2 of this report) that the policy in question is of the nature of a development control policy and more correctly should have been included in the local plan. In fact it does appear in the plan, but under a heading which states,

“Structure Plan Policy G2 (this policy has been approved by Scottish Ministers and is not, therefore, subject to consultation).”

10. It seems to me that if it is not open to objection, as stated, it is similarly not open to the subsequent favouring of any one part over another. I consider that the council is right therefore to propose the deletion of all parts of Policy 1 (as already amended to Policy 1A) which do this.

## RECOMMENDATION

11. Accordingly, I recommend that Policy 1, now Policy 1A, should read as follows (text amended in this chapter shown underlined – the page number will require to be completed as appropriate to the new layout):

### 1A Settlement Development Areas

We will support proposals within Settlement Development Areas (as shown on the proposals map) as long as they meet Structure Plan Policy G2 Design for Sustainability, as shown on page \*\* of this plan.

We will also judge proposals in terms of how compatible they are with the existing pattern of development, how they conform with existing and approved adjacent land uses, and trees.

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the local plan.