



Scottish Council for
Development and Industry

POLICY SUBMISSION

The Scottish Government on Scottish Planning Policy

June 2009

SCDI is an independent and inclusive economic development network which seeks to influence and inspire government and key stakeholders with our ambitious vision to create shared sustainable economic prosperity for Scotland.

For more information on this response please contact the SCDI Policy Team at

Campsie House
17 Park Circus Place
Glasgow
G3 6AH

e policyteam@scdi.org.uk

t 0141 332 9119

Scottish Planning Policy

1. SCDI is an independent membership network that strengthens Scotland's competitiveness by influencing Government policies to encourage sustainable economic prosperity. SCDI's membership includes businesses, trades unions, local authorities, educational institutions, the voluntary sector and faith groups.

Introduction and General Comments

2. SCDI has contributed significantly to the recent debates on planning reform, particularly through our publication 'Change in the System – Beyond the Planning Bill', and through submissions to Scottish Executive/ Government consultations. SCDI has consistently advocated the streamlining and speeding-up of planning.
3. SCDI supports the principle of the consolidation of Scottish Planning Policy, welcomes the introduction of the 'core themes' and recognises that many key points of the subject policies have been clearly and successfully incorporated.
4. However, if following the removal of much of the detail, Scottish Planning Policy is going to serve a truly useful function, it must be prefaced by and thematically follow a clear overarching vision of the sustainable economic development which the planning system should deliver. SCDI believes that it does not at present.
5. The reasons why a fuller review and update of policies has not been undertaken are understood, but, despite the length of time which it would necessitate, this decision represents a missed opportunity. Since the publication of the subject policies, economic recovery and climate change have become the highest priorities for Government, as the UK has experienced a sharp economic contraction and the Climate Change (Scotland) Bill has been published and then passed. So the context and circumstances for planning policies are very different. Private finance will be under prolonged constraints, but with capital spending by the public sector projected to halve as a result of the recession and government debt, promoting private investment in sustainable economic development is vital.
6. The consolidation process has inevitably led to omissions and inadvertent changes in policy in this draft which should be rectified following the consultation. A more substantial concern is that the loss of clarification and explanation risks local reinterpretation of important policies in ways that are not intended. Scottish Planning Policy will be a material consideration in the planning process. Should the wide range of planning authorities, developers and communities interpret policies in a variety of contradictory ways this would create inconsistency, complications and conflict which reduce efficiency and increases delays in decision making, and, ultimately, makes Scotland less attractive for investment.
7. Planning authorities will have greater responsibilities as a result of the consolidation of Scottish Planning Policy. It is essential, therefore, that it is emphasised throughout that they should exercise these responsibilities in consultation and partnership with the development industry, statutory consultees and communities to facilitate and encourage sustainable economic development.

Overall Recommendations

With these points in mind, SCDI would make the following overall recommendations:

- Scottish Planning Policy should set out an over-arching vision for sustainable economic development, supported by clear and co-ordinated subject policy statements and more technical Planning Advice Notes which are understood and used by planning authorities, developers and communities to guide the preparation of development plan policy and appropriate development proposals.

- The over-arching vision for sustainable economic development should make clear linkages to relevant policies, targets and outcomes, especially in the Government Economic Strategy, National Performance Framework, National Planning Framework, Firm Foundations, Scottish Renewable Energy Framework, the National Transport Strategy and Strategic Transport Projects Review.
- Since the publication of the subject policies, economic recovery and climate change have become the highest priorities for Government, and with them in mind the Scottish Government should reconsider whether to update the policies.
- Planning policy should be an enabler not a barrier to sustainable economic development and the critical role of planning authorities, developers and communities in local delivery of national policies should be stressed throughout.
- Scottish Planning Policy would benefit from further explanation of key policies to enhance consistency of interpretation at local level and investor confidence. The content of Planning Advice Notes (PANs) should be reviewed in light of 'Delivering Planning Reform' and the Scottish Planning Policy consolidation.
- Work is ongoing between the Scottish Government, public sector authorities and private sector on development viability and formal government guidance or advice on development viability should be regarded as an important tool for planning authorities and the Scottish Government once it becomes available, such as in determining proportionate and reasonable private sector contributions.

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

1. Scottish Planning Policy simplifies and makes accessible national planning policy. However, SCDI members have expressed concerns about the loss of some detail and clear messages to planning authorities, and some inadvertent changes to policy. While not overly extending the length of Scottish Planning Policy, the linkages to the existing and any future PANs should be more fully drawn out within the text, and there should be more emphasis on consistency between it and development plans.
2. Scottish Planning Policy should be a source of up-to-date information and, thus, a live document. But there is a lack of clarity about when and how it will be updated.

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

3. Generally. The 'up-front' statement that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable place" is welcome, although SCDI would point out that the Scottish Government's single purpose is 'higher sustainable economic growth'.
4. SCDI would, however, propose that the paragraphs on Outcomes should be at the start of the document rather than the end. Within paragraph 189, there should be a clearer explanation that the over-arching purpose of the planning system is enabling sustainable economic development and investment in Scotland's communities. Paragraph 190 should refer to the need for standards to be commercially viable.

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

5. SCDI supports the principle. We are concerned that some omissions and inadvertent changes to policy which have taken place in the editing process. This may lead to planning authorities in their development plans and, indeed, developers varying their interpretations of policies, which would create greater inconsistency and uncertainty, and be a barrier to sustainable development. Therefore, where advice is removed, it should be incorporated into PANs to ensure consistency across the system.

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

6. The paragraph provides a clear overview of the expectations for community engagement by developers. However, it does not cover the role and responsibilities of planning authorities, statutory consultees and the communities themselves. Engagement cannot be one-way and all those involved should be prepared to participate in open and reasonable discussion. This has been made clear in PAN 81.
7. There is no mention of the statutory pre-application consultation requirements for all national and major developments, which is a key element of planning reforms.

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

8. Yes, however it does not offer clarity on what planning authorities should regard as the meaning of sustainable development. It should contain more detailed, practical guidance or refer to separate guidance on how to deliver sustainable development.
9. Sustainable (economic) development should underpin Scottish Planning Policy as a whole. SCDI would support placing it in advance of community engagement.

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

10. While paragraph 39 provides an overarching direction on the role of the planning system in assisting climate change mitigation and adaptation, it is often less clearly highlighted throughout Scottish Planning Policy, especially in comparison with National Planning Framework 2. The Scottish Parliament has recently approved the Climate Change (Scotland) Bill which sets a target of reducing emissions by 80 per cent by 2050 and an interim target for a 42 per cent cut in emissions by 2020. The Scottish Government has also published a Delivery Plan and it is clear that the planning system will have a core role to play in reaching such stretching targets.
11. There is concern that the lack of detail, advice and guidance in paragraph 39 may not be helpful to planning authorities or developers, and assists neither with climate change mitigation and adaptation nor in the simplification of the planning process.
12. It is important that the transition to a low carbon economy is viewed as an opportunity as well as a threat for Scotland and Scottish businesses. Scotland has significant comparative advantages in renewable energy, clean coal technology and carbon capture and storage which should be highlighted here. SCDI would recommend that appropriate references to the Scottish Government's targets for higher sustainable economic growth, renewable energy and carbon emission reductions are not just made in this section but throughout Scottish Planning Policy.

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

13. Yes, the "positive role" of planning authorities in bringing forward and making available land for industrial and business use is welcome, as, particularly at this time, is the recognition that they should respond to economic and financial conditions in considering proposals. The most recent Economic Commentary from the Fraser of Allander Institute identified whether Scottish manufacturing has the size, diversity and capability to take advantage of recovery as a key question. It suggested that "the expansion in Scotland's export base necessary to secure the desired increase in growth is unlikely to be achieved without significant successes in attracting inward investment". SCDI would suggest that, with the economic recovery challenge in mind, along with opportunities for small business development, Scottish Planning Policy should therefore specifically refer to promoting inward investment. There should then be a reference in policy to the requirement for large projects of these types to have undergone the major development pre-application process.

14. Paragraph 40 would benefit from some further emphasis and detail on the key role of local authorities and statutory consultees in enabling and removing barriers to appropriate development, especially with the serious pressures on developers.
15. Reallocation of land previously allocated in the development plan is another important consideration as the recession leads to changes in the property market. Paragraph 41 implies that this would take place in the development plan process. However, changes in the market have happened at a much faster rate, and planning authorities may then also be encouraged to react more rapidly and flexibly to make reallocations in the development management process which support development and economic recovery. SCDI would therefore support changing the relevant sentence to: "Where identified sites are no longer considered appropriate or marketable for business use they should be considered for another use."
16. SCDI welcomes the reference to high quality tourism related development. Renewable energy is another growing sector of the Scottish economy and, in a link to the climate change section, it may be appropriate to mention it as well. Consideration could be given to referring to Scotland's seven key industry sectors, but it would have to be clear that this does not affect support for other development.
17. SCDI welcomes the reference to compulsory purchase powers to enable redevelopment opportunities. This is being considered for the Nigg fabrication yard.

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

18. Important elements of policy relating to town centres and retailing have been lost. This includes reference to assessment methodologies and their crucial role.
19. SCDI would welcome the introduction of further text in the opening paragraphs which recognises the economic, employment and social benefits of new developments. In addition, through energy efficient design and appropriate location which reduces travel distances, retail development can reduce carbon emissions.
20. SCDI supports the policy requirement for planning authorities to identify a network of centres. However, policy should be able to adapt to changing circumstances and settlement patterns which may lead to former town centres no longer being assessed as the most appropriate centre within the network for retail development. This flexibility should be reflected in Scottish Planning Policy. SCDI would therefore support: addition of "and assessing applications" to the end of the third sentence in paragraph 45; inclusion of the line: "Planning Authorities and statutory consultees should support suitable new development to address gaps and deficiencies in the provision of shopping, leisure and other services"; and reintroduction from SPP8 of the relevant sentence: "Where a health check shows that a centre has experienced a sustained decline in overall performance it should not automatically receive protection if a more appropriate and sustainable alternative can be identified."
21. The sequential approach to town centres and retailing to the selection of sites is supported, along with the recognition that it requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location. However, the paragraph on the sequential approach no longer contains the definitions of each category, which are often useful in resolving points of dispute.
22. Further important omissions include: the emphasis on place-making and "distinct competitive places"; the reference to the need to reflect "commercial realities" (which should be especially relevant during a prolonged economic downturn); and the aim of actually "enhancing" accessibility for people and goods to a town centre.
23. Paragraph 50 suggests that planning authorities should consider whether a proposal which is contrary to the development plan will help to meet qualitative and quantitative deficiencies identified

in “the development plan”. In SPP8, developers are allowed to identify qualitative and quantitative deficiencies and, indeed, generally it is developers who identify deficiencies through the development management process. “In the development plan” should, therefore, be deleted. The floorspace threshold for the impact assessment should also be reassessed and, potentially, increased to take into account the expanding range of retail formats.

24. The need for accessibility for the delivery of goods is emphasised at Paragraph 49. This can be done most efficiently and with least impact on road congestion outside the peak hours for traffic during the day. However, the movement and delivery of good in town centres has been restrained by planning authorities because of concerns over noise pollution. Technical improvements on vehicles and equipment are reducing their sound and SCDI would support a requirement for all such planning restrictions being subject to regular review which takes this into account.

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

25. Scottish Planning Policy does not include a number of important areas and the explanations are not always clear. In particular, the clear message that housing supply is critical in delivering sustainable economic development is missing. There should be more references to the ‘Firm Foundations: The Future of Housing in Scotland’ which recognises this link and which aims to increase the rate of new housing supply in Scotland to at least 35,000 by the middle of the next decade. This underlines the need for a “generous” supply of land and a range and choice of sites. Scottish Planning Policy should expand on why these are important.
26. This section has lost the clear messages to planning authorities that development plans should be about outcomes, delivery of housing and faster processes, and that the private sector is a key partner in all aspects of the plan-making process. The role and involvement of the development industry has, generally, been omitted. For example, the obligation on local authorities to prepare housing need and demand assessments with regular input from the developers and other parties.
27. The development plan process will enable planning authorities to demonstrate how the housing land supply will be integrated into wider capital spending by the public sector and reflect the priorities set out in Single Outcome Agreements. However, as drafted, Scottish Planning Policy does not give sufficient weight to the national policies which planning authorities should apply nor the partnership approach with the development industry which is vital if National Outcomes are to be achieved.
28. Clarification is needed in the section on affordable housing, including contributions. Greater flexibility is also needed from planning authorities on demands for and the definition of affordable housing, and for planning agreement contributions, at a time when the house-building and wider property sector is struggling with development viability. If projects do not proceed for affordability reasons, this will negatively impact on Scottish Government housing and sustainable economic growth targets.
29. Scottish Planning Policy should promote low and zero carbon developments. The Scottish Sustainable Communities Initiative encourages inspirational developments which serve as exemplars of the highest quality. The inclusion of the Tornagrain proposal has shown that, where properly planning and co-ordinated, in addition to the reasons set out at paragraph 64, new settlements can also promote and serve as an exemplar for sustainable economic development within a city-region.

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

30. There are several important omissions brought about by the reduction of SPP15 into four paragraphs and missed opportunities to update and improve policy.
31. SCDI welcomes confirmation that the requirement for development to plans to allocate a “generous” supply of land to meet housing needs applies equally to urban and rural areas. SCDI also supports

the differentiation between pressurised countryside and remote areas where regeneration and support is critical to promote their viability; the delivery of more opportunities for small scale housing developments in rural areas; and the recognition that planning authorities need to be realistic about the availability or likely availability of alternatives to access by car.

32. However, SCDI is concerned that the removal of certain directions to planning authorities could possibly lead to reduced support for rural housing in some areas. In particular, Scottish Planning Policy does not contain requirements for local plans to provide supportive policies; references to the role of rural housing policies in providing sufficient housing to keep prices at affordable levels; policy on the replacement of rundown housing or conversion of traditional building; and the role of new, originally designed housing in attracting entrepreneurs to rural Scotland.
33. SCDI is surprised that renewable energy is not highlighted in this section. The expansion of renewable energy projects would not only contribute to national generation and climate change targets, but, on a smaller-scale, could offset the carbon emissions from agriculture and rural businesses, and provide cheap, clean heat and power as well as a potential source of revenue for rural communities through supply of electricity to the grid. Scottish Planning Policy should also refer to the associated infrastructure required in rural areas - such as grid connections, sub-stations and roads - to achieve these national priorities and local outcomes.

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

34. SCDI supports the proposed policy. Food security is likely to become a more important national priority as a result of the impact of climate change. There will also be opportunities for Scotland to increase its exports of agricultural produce.
35. SCDI welcomes the reference to renewable energy generation development being acceptable where restoration proposals will return the land to its former status. This opportunity should be reflected in the wider section on rural development policy. Reference is also made to the acceptability of 'mineral extraction' in similar circumstances and this should be extended to include 'surface coal mining' because Scottish Planning Policy addresses them in separate subject sections.
36. No reference is made within this section to crofting. SCDI would ask whether a separate Planning Advice Note is to be prepared on Planning and Crofting?
37. Clarification is required for what constitutes a 'major' infrastructure development in this context. Are the criteria the same as established in the new planning hierarchy?

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

38. Yes, the proposed removal of the specific classification requirements is supported, but it should be ensured that there are no implications for offshore development.
39. SCDI understands that the draft Scottish Planning Policy does not reflect the Marine (Scotland) Bill because it has not yet been passed by the Scottish Parliament. But it does not seem right to discuss coastal planning without reference to the assumption of roles and responsibilities by Marine Scotland and the Scottish Marine Regions, and to the National Marine Plan and Regional Marine Plans.
40. This is particularly true because of the critical interface between marine planning and land use coastal planning for the development of Scotland's offshore energy. Terrestrial planning policy extends to the mean low water mark, while the Marine (Scotland) Bill would create a marine planning regime which would extend to the mean high water mark. A key purpose for the Bill is the creation of an integrated, streamlined approach to sustainable economic development, but there are risks that the system will become more complex and this planning overlap is one area. For example, it is unclear from Scottish Planning Policy whether offshore development of wind, wave and tidal energy would have an impact on whether the onshore coast is considered to be developed. It is also

the case that the best natural resources are often located around the most isolated coasts. While SCDI would generally accept the presumption against development in these areas, it may be that essential onshore infrastructure is required for such offshore developments. Where no practical alternatives exist and after weighing up the wider environmental benefits, there may be circumstances in which some development is needed if Scotland is to achieve its statutory renewable energy and climate change targets.

41. The word “spiritual” is not measurable and should be replaced by an alternative.

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

42. Yes. However, SCDI would suggest that, with the establishment of Marine Scotland and the Scottish Marine Regions/ Regional Marine Planning Partnerships (RMPPs) this may be the right time to consider transferring aquaculture from the planning system to the new purpose designed marine licensing system. If Marine Scotland were to lead these groups, this would ensure the proper linkage between the national and regional marine planning and reduce complexity by bringing aquaculture into the same overarching licensing system as all other marine activities and removing the prospect of the industry dealing simultaneously with two different legislative frameworks and planning authorities for land use and marine.

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

43. Scottish Planning Policy cross-references SPP23 and the related Scottish Historic Environment Policy (SHEP), but misses out some key provisions and outcomes. In particular, SPP23 and SHEP explained that planning policy in relation to the historic environment should have regard to sustainable economic growth. The guidance outline for developers regarding impacts has also been omitted which, it is feared, may lead to inconsistencies and unreasonable demands by planning authorities.

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

44. Yes, though there is a need for guidance on how these are designated and take into account local circumstances, and for each designation to follow consultation.

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

45. Yes, although there appears to be a new approach to facilitating positive change in the landscape rather than attempting simply to safeguard it. The creation of green corridors, especially around settlements, could enhance the quality of life.

46. In order to avoid delays and extra costs for developers and planning authorities, clarity is needed early on as to whether these factors will impact on applications.

47. The statement in Paragraph 94 that “where possible, planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitats” needs explanation on when this may be expected. A definition of the precautionary principle which planning authorities are expected to apply regarding the impacts of a proposed development when the evidence is uncertain and clarification on how they might apply it would also be helpful.

48. As drafted, Paragraph 110 reflects the principles of the Forestry Commission Scotland Policy on the Control of Woodland Removal regarding compensatory planting. The principles it espouses of no net loss of woodland and the presumption against any loss unless there is a significant and clearly defined public benefit are tougher than is contained in the current policy of a number of planning authorities. Moreover, SCDI understands that Scottish Renewables is still in discussion with the Forestry Commission Scotland on the means of implementing such a policy. The inclusion within

Scottish Planning Policy is, in consequence, premature. It is important that consideration is given to negative and positive impact of the removal of woodland and of the new land use. For example, wind turbines are temporary structures which will be critical in achieving the Scotland's climate change targets.

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

49. There are several important omissions. The link to the development plan process has been lost for Paragraph 113 which explains the approach which planning authorities should take. In paragraph 116, it should be stated that a key reason for allowing development on an open space is that it may be replaced with something at least as good or better. Clarity is also needed about whether deficits created or exacerbated by new development will need to meet the in scale and kind test.
50. Paragraph 115 suggests that even where the open space strategy indicates that there is a surplus of open space in the local area, a financial contribution towards improvement or management of existing open spaces may still be sought. This conflicts with Circular 12/1996 and is unreasonable, especially in a downturn.

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

51. Scottish Planning Policy differs from SPP21 in a number of important respects. SCDI would highlight the removal of the definition of the purpose of green belts and the timescale for green belts. This timescale provided a much a clearer link between the green belt and long-term settlement strategies, especially for housing. SCDI believes that a reference to supporting regeneration should also be retained.
52. Scottish Planning Policy clearly states that there are circumstances where coalescence of settlements would allow for a more sustainable settlement pattern and that the objective of green belt designation is not to prevent development for happening. If the Scottish Government is to achieve its targets for sustainable economic growth, it will be important that the use of green belts does not restrict housing and commercial property supply, which would overheat the market again.
53. Scottish Planning Policy should make it explicit that where land adjacent to existing wind farms is designated as green belt, this will not restrict its or its grid extensions.

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?

54. Maximum parking standards are a useful element of demand management. However, it is important that these are flexible enough to reflect the differing demands in urban and rural areas. The latter do not and are unlikely to have the level of public transport provision that would make them a realistic alternative to the private car for traveling to work and public services. The same restrictions on private car parking in rural and urban developments may not be appropriate or fair.
55. SCDI is concerned that the relocation of national maximum parking standards to advice may potentially lead to more local haggling over local parking standards which may make it less likely that a proposed development goes ahead at this time.

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

56. Scottish Planning Policy should clearly emphasise the link between planning policy and the National Transport Strategy and delivering the Strategic Transport Projects Review, and between planning policy and Regional Transport Strategies and Local Transport Strategies. At present, no mention is made of this essential co-ordination.

57. Scotland's National Transport Strategy introduces three strategic outcomes:

- Improve journey times and connections between our cities and towns and our global markets to tackle congestion and provide access to key markets
- Reduce emissions to tackle climate change
- Improve quality, accessibility and affordability of transport, to give people the choice of public transport and real alternatives to the car

58. SCDI strongly supports the reduction of emissions from transport sources, but it is concerned that, as currently phrased, paragraph 123 would appear to prioritise this outcome above the other two outcomes within the planning system. It considers that Scottish Planning Policy should give equal weight to all three outcomes. SCDI is also concerned that paragraph 123 seems to imply that the priority for the movement of goods is a shift from road to rail and water based transport. SCDI supports initiatives to do so, but this modal shift is often neither practical, affordable nor especially environmentally beneficial. The Scottish Government's Freight Action Plan recognises that "the trunk road network will remain the predominant mode for carrying freight into the foreseeable future". While innovative solutions will continue to be promoted, a large modal shift to rail and water based freight is not anticipated.

59. The UK Renewable Energy Strategy and the Scottish Renewable Energy Framework recognise that the decarbonisation of the transport system will be more challenging and take longer than either the electricity or heat networks. The reduction in emissions from transport sources is discussed in Scottish Planning Policy in terms of modal shift and demand. These are important and it could contain further guidance on the role of travel plans and park and ride. However, the planning system also has a role in enabling the infrastructure which will power the low carbon vehicle of the future through more flexible planning rules for the installation of charging points for domestic vehicles, the granting of public land for the development of charging stations and the requirement for charging stations on new roads, retail or leisure developments. Electric and low carbon vehicles could also be entitled to preferential use of road space, for instance being allowed to drive in bus lanes, given free parking in city and town centres where parking is traditionally metered or ticketed, and offered free parking for in residential areas. The Scottish Government has announced a consultation on low carbon vehicles with the twin targets of 100 per cent use of low carbon vehicles by public sector vehicles by 2020 and 95 per cent of all new vehicles to be low carbon in 2020.

60. Scottish Planning Policy should recognise the particular cost pressures on the housing building and development sector as a result of the present economic recession. These are likely to continue for many years, with negative implications for the Scottish Government's priorities and targets for economic recovery, house-building and higher sustainable economic growth. While these pressures would suggest a wider and more fundamental review of Scottish Planning Policy with the clear objective of facilitating recovery in the property sector, at the very least the current consolidation process should be very careful about adding to them.

61. There is a risk, especially as it is unclear if all four bullet points must be fulfilled to meet the criteria, that the prescriptions on the transport assessments which should be carried out where a change of use or new development is likely to result in a significant change in trips will slow down planning proposals and increase costs.

62. Circular 12/1996 states that developer contributions for the enhancement of public transport services or infrastructure may be sought when these are "justifiable". Scottish Planning Policy seeks to change the criteria to "desirable". In a period when finance is likely to remain seriously constrained, excessive claims for contributions from developers would not support investment in the economy and communities. SCDI believes that "reasonably required" would be more appropriate.

63. Scottish Planning Policy reiterates the established strong presumption against new junctions onto the motorway and trunk road network. However, SCDI would question whether this position is economically sustainable in the current climate. It would suggest that the presumption should be that

each case is appraised and considered on its merits, and where significant economic growth or regeneration benefits are demonstrated, new junctions on strategic roads should be acceptable. This may be especially true for rural areas where the need for economic development is greater, alternatives are fewer and congestion is less of a problem.

64. SCDI strongly supports the outcomes of improving journey times and connections between Scotland's cities and towns, and improving accessibility and giving more people the choice of public transport and real alternatives to the car. It is concerned that, as presently expressed, Scottish Planning Policy overwhelmingly favours the first outcome, is overly presumptive against new stations and may be used to block proposals which would bring strong economic and environmental benefits. The reality outside Central Scotland is that feeder and inter-urban services are the same and an appropriate balance between the outcomes needs to be found. For example, SCDI believes that new stations on the Aberdeen-Inverness line at Dalcross and Kintore are important for regional development. Infrastructure improvements which offset any increases in journey times should be supported.
65. The draft Scottish Planning Policy is generally weak on rural accessibility. It should encourage innovative ways to provide public transport in rural communities.
66. There is a contradiction between the reference in paragraph 134 to keeping developments that significant movements of road freight away from congested inner urban and residential areas, and Scottish Planning Policy on town centres. Development is important for the vitality of town centres and these developments must be accessible for the good vehicles which are needed to service them.
67. Paragraph 136 refers to roadside facilities. These are increasingly viewed as unacceptable by freight operators. The EU SETPOS project is looking at the provision of secure parking for goods vehicles and there is interest in using suitably sited, new Park and Ride facilities for overnight parking of goods vehicles. Scottish Planning Policy should refer to the possible use of these facilities for this purpose.

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?

68. Yes. However, SCDI would support the recommendation for Scottish Renewables and the British Wind Energy Association that paragraph 143 be revised to: "Planning authorities should make positive provision for wind energy developments, and set out in the development plan and any supplementary guidance a spatial framework for onshore wind farms of over 20 megawatts generating capacity." There is a need for more consistency from planning authorities on their criteria for windfarm developments, for planning authorities to update regularly further potential locations and for developer input into this identification of viable sites.
69. SCDI notes that there is a grey area over extensions to existing windfarms.

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

70. Not entirely, furthermore, SCDI would suggest that there is a good case for this section of planning policy to be reviewed now as part of the Scottish Planning Policy. The most significant omissions include expectations for all planning authorities to support and encourage the continued growth of all renewable technologies to facilitate the achievement of the 2020 target and beyond. SCDI would strongly urge the retention of the phrase that "the scope for developments to contribute to national or local economic development priorities should be a material consideration when considering policies and decisions". It is important that it is clear throughout the section that the overarching 2020 target is for renewable energy as a whole (electricity, heat and transport), and not simply for electricity.
71. In respect of the technologies, there may also be scope for larger scale geothermal.

72. Renewables policy should remain incorporated within development plans. The requirement within SPP 6 for planning authorities to prepare strategies and policies “as part of a comprehensive and inclusive process” should be reincorporated. There is no mention of the role which pre-application discussions should play. The statement that planning authorities should continue to determine applications for wind farms while local policies are being updated is welcome. Flexibility for developers to bring forward sites outwith the development plan should be retained. One possible approach would be for planning authorities to identify sites and also to provide criteria for developments which are not proposed on designated sites.
73. Within paragraph 138 on small and community developments, it should be clear that community projects may also be developed or involve local rural businesses. SCDI supports the policy that community projects may, together, offer cumulative benefits towards the Scottish Government’s renewable electricity target for 2020.
74. SCDI would support the retention of the wording from SPP 6 and PAN 45 in paragraph 144 in relation to the recommended separation distance “between turbines and the edge of cities, towns and villages” (rather than “settlement”) and the retention of “so long as policies recognise that this approach is being adopted solely as a mechanism for steering proposals to broad areas of search and, within this distance, proposals will continue to be judged on a case by case basis”.
75. There is a lack of guidance for planning authorities on Section 75 Agreements in Scottish Planning Policy which could lead to inconsistency and excessive demands.
76. There is a lack of detail in paragraph 147 about how large scale biomass plants should be assessed on amenity, air quality and transport issues and how development plans should address them. Scottish Planning Policy should offer an equivalent degree of support as it does for wind farms where appropriately located.
77. Paragraph 149 should send a stronger signal to planning authorities and businesses on the economic and environmental benefits of energy from waste.
78. The Sullivan report raised questions about the appropriateness of the low and zero carbon development targets in SPP6 and paragraph 150 should be cross-referenced with its conclusions and with the proposals in the Climate Change (Scotland) Bill for mandatory assessments and requirements of property owners. The 15% figure should be retained, but it should continue to be made clear that there is flexibility where developers can demonstrate technical constraints and that it applies to new standalone structures rather than extensions to existing buildings. The Sullivan concluded that building standards offer a more effective regulatory route to achieve energy efficiency and carbon reduction than planning, and there must be an appropriate balance in planning advice between design and construction methods, and micro-generation. The generally greater effectiveness of buildings standards targets is reflected in the fact that this policy will be superseded by higher building standards for new homes and non-domestic buildings which will be introduced in October 2010 and require 30% additional reduction in carbon emissions. Guidance on the transition between the targets would be helpful.

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

79. Generally. However, SCDI would have expected there to have been stronger references in Scottish Planning Policy to the new Flooding Risk Management (Scotland) Bill, including SEPA’s new responsibilities as the single competent authority with a national remit for implementing the Floods Directive and to co-ordination with area and local flood risk management and urban drainage plans.
80. Development on functional flood plains will need to continue if the Scottish Government is to achieve its ambitious housing and economic growth targets. With climate change likely to increase the frequency and severity of flooding, planning authorities should be encouraged to identify solutions to

flooding and drainage issues in low to medium risk areas which would permit economic development. As drafted, paragraph 154 is too restrictive as it does not incorporate the circumstances where development does not affect the ability of a functional floodplain to store and convey water and may, in consequence, be approved.

81. Landraising, underbuilding or the raising of buildings on stilts should be identified in Paragraph 159 as potential ways to reduce flood risk if it can be shown to planning authorities, and SEPA, that the floodplain will continue to function effectively.

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

82. Waste management has been a significant concern for SCDI. The steep decline in operational landfills in Scotland and increasing transportation and treatment costs are predicted to increase waste costs for businesses by 400 per cent to 800 per cent in the medium term and generate more congestion and carbon emissions. SCDI welcomes the creation of the National Waste Management Plan, but it was surprised that there was not greater attention paid in the Infrastructure Investment Plan to commercial waste treatment, recycling and disposal infrastructure.
83. SCDI would support references in this section to: further moves towards prevention, recycling, composting and the use of other technologies to treat commercial waste; provision of more accessible and affordable alternatives to commercial waste disposal in the form of recycling and waste treatment centres; promotion of markets for materials recycling as opportunities exist for greater co-ordination between local authorities and private companies on more integrated approaches to sustainable waste management; and more energy from waste compatible with sustainable development, the waste is pre-treated and the emissions are tightly controlled.
84. Concern has been expressed that the phrase “severity of landscape impact” in relation to the likely cumulative impacts of additional landfill, mineral extraction or surface coal mining goes beyond the related policy on surface coal mining in SPP16 (paragraph 14) which refers to “the period that the landscape is likely to be disturbed”. This existing phrase should be included in Scottish Planning Policy.

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

85. The opening phrase that “an adequate and steady supply of minerals is essential to support sustainable economic growth” is welcome. This being the case, SCDI believes that the sentence later in the paragraph that development plans should “consider the need for safeguarding” should be strengthened to “development plans should avoid the sterilisation of minerals where possible and appropriate”.
86. SCDI is concerned that Scottish Planning Policy states that search areas should be modified or deleted where there is no developer interest. As the recent boom and bust has demonstrated, the demand and price for many minerals can vary significantly in a comparatively short space of time, along with developer interest. Once search areas are established, they should not unnecessarily be reviewed, modified or deleted, and in all cases, there should be consultation with the industry.

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

87. SCDI would support the re-titling of this section as ‘Surface Coal Mining’ and the replacement of references to opencast coal with the same phrase throughout the document. It understands that this more accurately represents current practices.
88. The Scottish Government’s and the UK Government’s energy policies both make it clear that indigenous coal will continue to perform an important role in security of energy supply, particularly if

Carbon Capture and Storage is successfully demonstrated. The national and local benefits of extraction should be considered. As drafted, paragraph 179 lists many of the negative aspects of surface coal mining from SPP16, without balancing them with the benefits, such as employment.

89. Concern has been expressed to SCDI that important elements of national planning policy have been changed in paragraph 180 which will impede development. At present, a proposed development has to meet either of the tests reiterated in this section. This does not relate to a site's status in the development plan. In making a new link with this status, Scottish Planning Policy introduces an additional test. There is a current general presumption against surface coal mining outwith search areas, but this is made on the basis that planning authorities must include broad areas of search in their development plans. In practice, a number do not. Given that these development plans may contain no areas of search, areas of search which have been proven to be non-productive and/ or a lack of flexibility about other sites, the inclusion of a new test based on the development plan would be unreasonable.
90. Paragraph 181 excludes a number of important qualifications and does not fully reflect existing policy. The word 'settlement' should be replaced with 'communities'.

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

91. Yes. SCDI welcomes the clear statement that "planning authorities should support the expansion of the telecommunications network, including broadband infrastructure, through the development plan and development management decisions." The recently-published 'Digital Britain' report found that the "first strains are beginning to show" in the UK's overall electronic communications infrastructure. It highlighted that other countries are investing heavily in upgrading their networks to take advantage of technology change and "small variations in performance can have major ripple effects and major costs to the wider economy." The report therefore proposes making available next generation broadband, whether fixed or mobile, to the large majority of the UK population in the next decade with the roll-out of next generation mobile networks towards universality. This commitment will be delivered by a mix of technologies. The planning system needs to recognise the importance of enabling the expansion of this mix of technologies, as stated, "taking into account the economic and social implications of not having full coverage in an area", especially in rural parts of Scotland, such as the Highlands and Islands.
92. The clarification is welcome that radiofrequency radiation is not a material consideration for planning authorities because emissions are controlled and regulated under other legislation requiring applicants to declare their compliance.

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 EqIA be affected by the consolidated SPP?

No comment.

Gareth Williams
Policy Manager - North
Scottish Council for Development and Industry