

Scottish Government Draft Scottish Planning Policy for Consultation

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PRINCIPAL POLICIES

1 Sustainable Economic Growth

Do you think that the measures outlined in paragraphs 15 to 23 are appropriate to ensure that the planning system supports economic recovery and sustainable economic growth?

Response: YES

Are there other measures to support sustainable economic growth that you think should be covered in the SPP?

Response: YES

Comment:

The Policy Principle of “foster a business environment which is supportive to new investment across Scotland while protecting and enhancing the quality of the natural and built environments as assets of national importance;” implies that all natural and built environments are of national importance. One might argue that all such environments should be managed equitably to protect or enhance their quality, but the wording of the Land Use Strategy may help with a phrase “foster a business environment which is supportive to new investment across Scotland while protecting and enhancing the quality of the natural and built environments to deliver more benefits to Scotland’s people”.

2 Location of New Development – Town Centres

Do you think that local authorities should prepare town centre health checks, as set out in paragraph 55?

Response: YES

Are there other health check indicators you think should be included in the SPP?

Response: YES

Comment:

The town centre health check should be designed for use wider than that described. It could provide one means of monitoring as part of the delivery of Community Planning. For this purpose the

indicators would be selected to be of relevance to the local authority's Single Outcome Agreement (as noted in the Audit Scotland report on Community Planning in Aberdeen 'Ensure that reliable performance data is available to match targets'). This would extend the list from that presented in Paragraph 55 and include characteristics such as access (e.g. bicycle lanes), greenspace quality, safety, facilities for older people etc.

3 Location of New Development – Town Centres

Do you think that local authorities should prepare town centre strategies, as set out in paragraph 56?

Response: YES

Comment:

Yes. Lessons can be learnt from debates about competing visions for city and town centres. The process for engagement and preparation of a strategy will be of considerable importance in delivering a town centre strategy.

4 Location of New Development – Town Centres

Do you think the town centre first policy should apply to all significant footfall generating uses and the sequential test be extended to this wider range of uses, as outlined in paragraph 63 to 67?

Response: No comment

An alternative would be to apply the sequential test to retail and 'all' leisure development, no longer limiting leisure to 'commercial' development. Do you think this is the appropriate approach?

Response: No comment

5 Location of New Development – Rural Development

Do you think the approach to spatial strategies for rural areas outlined in paragraphs 68 to 71 is the appropriate approach?

Comment:

We are encouraged to see the commitment to the protection of prime agricultural land, at a time when food security is becoming of increasing concern. We recognise that it is not realistic to completely ring fence prime land from a change of use, for economic and social reasons and trust that the implementation of this protection will be enforced wherever possible. Consideration should also be given to affording some degree of protection to Class 3.2 land, which in essence comprises the backbone of mixed farming in Scotland and can produce exceptionally high yields of specific crops.

We recommend that the Land Capability for Agriculture (LCA) classification of land where all new developments occur, be recorded and stored in a national database so that the extent on specific LCA classes is known and monitored. We understand that this is not done at present.

We are pleased to see direct reference to soils in a number of places in the document because it recognises the importance of this natural capital and how its diverse types and varied properties influence land use.

Note that in the Glossary: Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macauley Land Use Research Institute. This should read: 'Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute)'. It is still often referred to as the 'Macaulay System' and it is appropriate that our former name still appears.

BUILDINGS

6 Housing

Do you think explaining a 'generous' housing land supply as allowing an additional margin of 10 to 20%, as set out in paragraph 85, is the appropriate approach?

Response: No Comment

An alternative would be to state that a generosity factor should be added to the land supply, and that this may be smaller in areas where there can be confidence that the sites identified in the plan will be developed in the plan period, and larger in areas where there is less confidence in the deliverability of the land supply. Do you think this is the appropriate approach?

Response: No Comment

7 Housing

Do you think that authorities should be able to include an allowance for windfall development in their calculations for meeting the housing land requirement, as set out in paragraph 86?

Response: No Comment

8. Housing

As set out in paragraph 87, do you think strategic development plans should set out the housing supply target:

- a. Only for the strategic development area as a whole;**
- b. For the individual local authority areas;**
- c. For the various housing market areas that make up the strategic development plan area;**
or
- d. A combination of the above**

Response: No Comment

9 Housing

Do you think the approach to how national parks address their housing land requirements, as set out in paragraph 90, is the appropriate approach?

An alternative would be for national park authorities to assess and meet housing requirements in full within their areas. Do you think this is the appropriate approach?

Response: No Comment

10 Housing

Do you think the approach to identifying the five year effective land supply, as set out in paragraph 91, is the appropriate approach?

Response: No Comment

An alternative approach would be for the supply in strategic development plan areas to be calculated across local development plan areas. This would require strategic development plans to set out housing supply targets for each local development plan. Do you think this is appropriate approach?

Response: No Comment

11 Housing

Do you think that the level of affordable housing required as part of a housing development should generally be no more than 25%, as set out in paragraph 97?

Response: No Comment

12 Housing

Do you think that the approach to addressing particular housing needs, as outlined in paragraphs 100 to 103, is appropriate?

Response: No Comment

13 Business & Employment

Do you think the regular review of marketable sites for business, as set out in paragraph 110, should take the form of 'business land audits' in order to ensure identified sites are marketable?

Response: No Comment

NATURAL RESOURCES

14 Green Infrastructure

Do you think that the provision of green infrastructure in new development should be design-led and based on the place, as set out in paragraph 163?

Response: YES

An alternative would be to continue with a standards based approach. Do you think this is the appropriate approach?

Response: NO

Comment:

To deliver the characteristics as described in "Green Infrastructure: Design and Placemaking" a design-led approach, based on the place is most appropriate. It should consider the mix of functions that green infrastructure (GI) can offer in the context of place, including the spatial connectivity to which the green infrastructure will contribute. The development plans should also consider the routes for delivering multi-functional uses of the GI and that these are resilient to future change (e.g. contribute to adaptation to climate change rather than susceptible to it). The findings from the Scottish Government GreenHealth project provide some indications of the types of issues which a design-led approach could consider.

Useful additional references include:

Jansson A. (2013) Reaching for a sustainable, resilient urban future using the lens of ecosystem services. *Ecological Economics* 86: 285-291.

Mell I.C. (2011) Green infrastructure planning: a contemporary approach for innovative interventions in urban landscape management. *Journal of Biourbanism*, www.journalofbiourbanism.org/2012/mell/

UTILITIES

15 Heat & Electricity

With reference to paragraphs 214 to 215, do you think heat networks should be developed ahead of the availability of renewable or low carbon sources of heat?

Response: YES

An alternative would be heat networks to only happen where there are existing renewable and waste heat sources or networks. Do you think this is the appropriate approach?

Response: NO

Comments:

The benefits of accelerating the uptake of heat networks would probably be beneficial, but only if there is a high likelihood of conversion to run on renewable or low carbon sources.

16 Heat & Electricity

With reference to paragraph 218 and subsequent groups, do you think that the proposed increased community separation distance of up to 2.5km is appropriate?

Comment:

We welcome the inclusion of reference to the dynamics of wind turbine development with reference to "decommissioning, repowering and/or redesign restores capacity to these areas".

We suggest that the statement “...decisions on individual developments should take into account specific local circumstances and geography” is of greater significance than setting a distance of 2.5 km between a proposed development and a settlement. The diversity of topography, and urban (e.g. residential and commercial) and rural land around Scotland’s towns and cities is likely to make this guide distance subject to numerous exceptions, both in reducing and extending the distance for any given development. It also means that there could be a separation distance from an industrial estate but not from an area designated for its landscape significance.

17 Heat & Electricity

With reference to paragraphs 216 to 219, do you think the proposed approach to spatial frameworks achieves the right balance between supporting onshore wind development whilst protecting the natural environment and managing visual impacts on communities?

Response: YES

Comment:

We are in agreement with the overall approach set out in Paragraphs 216 to 219. This provides a good basis for transparent and consistent approaches to guidance on the development of wind turbines, with nationally available data, and taking account of local considerations.

Some comments follow on specific details:

Paragraph 216.

The contents of Paragraph 216 notes the requirement for local development plans to consider wind farm developments of all scales. Paragraph 218 states that wind farms will not be acceptable in areas defined as Group 1 (National Parks and National Scenic Areas). This precludes smallscale (e.g. single wind turbine) developments in the National Parks. Is this intended?

Paragraph 218.

In the following bullet point: “... high quality unaltered peat: the carbon benefits of onshore wind in a progressively decarbonised electricity supply system can be significantly reduced when sited on deep peat and must be validated using the Scottish Government approved carbon calculation.”

We suggest removing the word ‘unaltered’ because almost no area of peatland is ‘unaltered’ either because of drainage schemes, animal grazing, muirburn or atmospheric pollution.

We also suggest removing the word ‘deep’, certainly without definition of what is meant. The depth of peat, and thus volume, is only one variable in the approved carbon payback calculator. Other variables can have more impact on the loss of carbon and thus increase the payback time of the wind turbines located on the peatland. Therefore the use of the word, without an accompanying definition, could be interpreted as implying that the only significant variable relating to development on peatland is that of peat depth.

A relevant reference is:

Nayak, D.R., Miller, D., Nolan, A., Smith, P. and Smith, J.U. (2010) Calculating carbon budgets of wind farms on Scottish peatlands, *Mires and Peat*, Volume 4 (2008–2010), 1 – 23.

The highlighted statement that there should be no additional zones of protections around areas designated for their landscape or natural heritage value leaves scope for inconsistencies in the potential impacts on such areas based upon their geographic context. For example the basis of the delimitation of the designations of National Scenic Areas may not reflect the context of the landscape within which they are set, and the boundary of each of the National Parks is not determined solely on the ground of landscape or natural heritage considerations. Therefore, one might anticipate the inclusion of a spatial representation of factors associated with, for example, landscape around the boundary with the use of landscape visibility analysis of which several analysis are available (e.g. from the James Hutton Institute for Scottish Natural Heritage; and Carver and Markieta, 2012, No High Ground: visualising Scotland's renewable energy landscapes using rapid viewshed assessment tools, Proceedings of GIS Research UK, Univ. Lancaster, April 2012). Presumably such analysis would be included in Group 2 with reference to the bullet point discussing cumulative impacts and landscape capacity or similar studies.

It may be appropriate to include World Heritage Sites within the type of features listed in Group 1.

18 Heat & Electricity

Do you think the SPP could do even more than is drafted in paragraphs 222 to 224 to secure community benefits from renewable energy developments while respecting the principles of impartiality and transparency within the planning system?

Response: YES

Comment:

The uptake of the Register of Community Benefit should be further promoted to provide more comprehensive content, and its existence increasingly publicised to improve information to all communities.

Further discussion about community benefit and related options for governance can be provided by the James Hutton Institute if sought.

19 Digital

Do you think the planning system should promote provision for broadband infrastructure (such as ducting and fibre) in new developments so it is designed and installed as an integral part of development, as set out in paragraph 230?

Response: YES

Comment:

Yes. At a number of public events with representations from business the clear message is for improved access and quality of access to the internet, both in fixed and mobile forms. It appears that increasingly digital connectivity is considered a basic utility. This equally applies to the uptake of online information and facilities provided by central and local government, its agencies, research organisations, and the private and third sectors. Therefore, opportunities to promote the provision of broadband infrastructure should be taken, with support from the planning system where appropriate.

20 Flooding & Drainage

Do you think that Strategic Flood Risk Assessment should inform the location of development, as set out in paragraph 239?

Response: YES

Comment:

Yes, the Strategic Flood Risk Assessment should be part of the information used to inform the location of development.

21 Flooding & Drainage

With reference to paragraphs 245 to 247, do you think that where the Scottish Environmental Protection Agency (SEPA) has already granted a Controlled Activities Regulations (CAR) license then there should be no need for consideration of water and drainage issues by the planning system?

Response: No Comment

22 Reducing & Managing Waste

With reference to paragraphs 248 to 262, do you think that planning policy for waste management should be consolidated into the SPP to be clear on the messages and to remove the need for further narrative in Annex B of the Zero Waste Plan?

Response: YES

23 Overall

Do you think the proposed new structure and tone of the draft SPP is appropriate?

Response: YES

Comment:

Yes. The tone and level of details of the SPP is appropriate for its purpose. It sets out the topics very effectively, generally with support detail where required. The inclusion of explanations to accompany specific questions is helpful in expanding the basis for the question.

24 Overall

Do you think the SPP should and can be monitored? If so, how?

Response: YES

Comment:

The reason for monitoring would need to be clearly identified. Would a component of the SPP be modified if the monitoring showed that a component of the SPP was flawed in relation to achieving its set objectives? How would such monitoring distinguish between the role and effectiveness of the SPP in relation to delivering on its Purpose, as set out in Paragraphs 4 and 5, as opposed to that of a related policy or guidance or its implementation?

A dedicated feedback facility could be provided for gathering information from all types of stakeholders in relation to the SPP, with a forum for discussing the nature of the issues arising. Such a forum could meet after 1 year to reflect on the issues reported and consider any requirement to address an issue identified. Its structure beyond that could then be considered.

25 Overall

Do you think the SPP could be more focused? If so, how?

Response: No Comment

26 Overall

In relation to the Equalities Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on any particular groups of people.

Response: No Comment

27 Overall

In relation to the Equalities Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

Response: No Comment

28 Overall

In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on business.

Response: No Comment

29 Overall

Do you have any other comments? If so, please specify the relevant section and/or paragraph.

Comment:

Paragraph 126.

Protection of soil from damage such as erosion or compaction is a sensible and required but we suggest clarification is required of the context. Erosion and compaction are often the result of the mismanagement of agricultural soils (although erosion is also a natural process), and it may be difficult to determine the role that planning might play. Is it to guide developments away from soils that are particularly vulnerable to these threats or to encourage best practice on development sites?

Paragraphs 134 and 220 refer to carbon-rich soils and it is very encouraging that soils are referred to in National Planning and beyond the role of food production, the most obvious function of soil to society.

Besides the food production and carbon storage functions of soil, it also provides a number of valuable other functions such as water storage and purification, support for a number of protected habitats, home to a, as yet unknown, biodiversity and provides the green lungs of our cities. In many instances, these functions are valued differently by different interests, and whilst the Land Use Strategy strives for multiple benefits from our land, its achievement is not always straightforward.

Soil itself is a somewhat new and necessary issue to feature in planning, and likely to grow in importance. In that context, we suggest consideration be given to the following topics:

- An existing national body should be given the remit to champion and provide a focus for the cross-cutting soil functionality issues in development planning and land management.
- A specific Scottish Planning Policy (SPP) to provide policy on integrated soil functionality protection. Policy on protection of soil functionality is fragmented and lost between a number of SPPs which do not individually or collectively provide protection of soil functionality.
- A Planning Advice Note (PAN) to give best practice guidance and advice on the implementation of Regulations following a Soils Directive. This document would also provide a more consistent approach across Scotland.
- Mapped information and guidance on soil functional capacity for planners and other stakeholders including the building industry. The current Scottish Government Environmental Change Strategic Research Programme will provide valuable information in the more general context of Ecosystem Services. The James Hutton Institute provides soil information online, increasingly as various SMART phone apps, and via the Scottish Government funded "Scottish Soils Database and Website" project where ultimately, SG wish all data on Scottish soils can be accessed.

<http://www.environment.scotland.gov.uk/>

<http://sifss.hutton.ac.uk/>

- Training and awareness raising. Planning authorities require guidance and training on how to interpret information on soils when making decisions, as planning authorities and other decision-makers, with some exceptions such as mineral planning officers, have limited training, training opportunities and easy to use technical (and policy) information on soils