

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects

Policy Subject/s :

What works?

Sustainable development

The statement on sustainable development (Section 34) is central to responsible change in the Scottish built and natural environment, reflecting the purposes of the Planning etc. (Scotland) Act 2006 and should be retained.

The statement on sustainable economic growth (Section 33) sits oddly with this, both in its placing (ahead of sustainable development although it is subsidiary to this) and in its content. Section 257 gives a better statement on the role of economic growth and how the planning system shapes this, and should be drawn upon in redrafting this section.

Historic environment

Sections 113 and 114 are required to protect our built heritage and guide relevant developments. These should be retained.

Landscape and natural heritage

The Sections 125-133 are generally good and should be retained. The principles set out in these Sections could also be more effectively incorporated into other elements of the SPP.

General contents

The subject policies are useful and relevant and they should all be retained in the subsequent version. In our view, separate documents are at risk of being de-prioritised or overlooked by users. The revised Scottish Planning Policy should be as short and as simple as it needs to be to achieve the public policy objectives, but not so short or simplified that it loses effectiveness.

What doesn't work, areas for development and possible solutions

Role of the Land Use Strategy

The Climate Change (Scotland) Act 2009 introduced the duty for the Scottish Government to produce a Land Use Strategy guiding land use in Scotland, with the first Strategy being produced in 2011. The Strategy is expected to set out:

- (a) the Scottish Ministers' objectives in relation to sustainable land use;
- (b) their proposals and policies for meeting those objectives; and

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(c) the timescales over which those proposals and policies are expected to take effect.

As such, the Land Use Strategy lies at the heart of physical development in Scotland, including those aspects overseen by the Scottish planning system. The revised Scottish Planning Policy should be integrated with the Land Use Strategy and work to deliver the objectives of the Strategy.

Sustainable economic growth

As noted above, Section 33 on sustainable economic growth is both oddly placed and has weak content.

Section A of the *Government Economic Strategy* gives a better description of the role of sustainable economic growth in helping support a flourishing Scotland, rather than being an end in itself. We would recommend that this text is drawn upon in any redrafting.

Clarity on the Scottish planning policy framework

It would be of assistance to have a visual representation of the relevant source documents which help shape the Scottish Planning Policy which differentiates between statutory and non-statutory guidance. Examples might include the Marine Protection Act, the Climate Change Act, the National Planning Framework, the Land Use Strategy, the Forestry Strategy, the Scottish Historic Environment Policy, Planning Advice Notes, Circulars, design advice guidance and so on.

Outcomes

It would be helpful if, in an appendix, the subjects were cross referenced against the national indicators they are working towards.

Are local development plans and any related spatial guidance documents cross-referenced against an SPP checklist when ministers go through the approval process? If so this should be included as an appendix. This would also allow the Government to compile a report of non-compliance and the monitor any consequences for Scotland Performs from the decision of local development plans not to follow the Scottish Planning Policy.

The audience

The revised SPP should be written with the target audience in mind. The current document can be uneven in its drafting and level of detail. One way to address this may be to supplement a basic policy document with an interactive online version. This would allow those wishing more information to immediately access the underlying policies and statements, SPiCE briefings, clear definitions, link to local authority development plans and so on.

It would also be helpful to replace some of the descriptive text with flowcharts which graphically illustrate how decisions should be formed.

Another issue is clarity in what is instructed by statute and what is simply desired by the Scottish Planning Policy.

Key underlying principles

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There is an overuse of words such as 'significant' and 'sustainable' in the current text. This means that the justification for important elements is lost behind the statement that something is important to increasing sustainable economic growth. All subjects held within the Scottish Planning Policy have been shown to justify their inclusion – as such it is not required to reiterate that they contribute to sustainable economic growth or are significant within their section.

The core principles should set out that it is expected that all elements of the SPP look at the significance of that aspect in planning decisions, consider its sustainability and environmental impact, and look at planning considerations such as character, visual impact and setting too. In order to do this, better definitions are required to help local authorities ensure principles such as 'place making', 'setting', 'good quality' or 'sustainable' can be embedded into local development plans and objectively assessed. This will also aid consistent approaches to planning considerations across local authorities.

Visual representation of policy

Items such as the sequential approach to town planning could be better explained via diagram than in text and this should be considered in the revised version. Opportunities to convert text into tables or flowcharts should be considered throughout.

Wherever possible, and relevant, maps should be used to illustrate protected areas and restrictions.

Layout of subjects

Each subject has a different layout and impact on the reader. Some are quite process driven, others prescriptive and several are descriptive without it being obvious what the desired outcome or objective is.

It would be helpful if subjects had a similar or consistent format which clearly stated the desired outcome. Whilst recognising that each local authority will have different local conditions and priorities, there should be a clear and consistent headline objective for the national interest for each element of the policy.

A list of relevant/related legislation and advice for each subject would also be useful with a note of whether these are statutory or not.

Any explicit targets – for example energy – should be clearly stated along with desired attributes. Any explicit exceptions where planning is very unlikely to be permitted should also be outlined, along with the weight of evidence that would need to be demonstrated to overturn this.

The text could potentially be strengthened by providing model examples for local authorities to draw upon. For example, our own analysis of local authority development plans relating to the handling of landscape designations has found very variable treatment of these.

Landscape conservation

Our own research into public perceptions of landscape pressures has found that currently the greatest perceived pressures on highly-valued landscapes are: industrial development; electricity transmission; dereliction and neglect; unsympathetic housing development; and onshore wind developments. The SPP, and relevant supporting documentation, should address

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these public concerns and give positive direction and appropriate protections to the evolution of Scotland's landscapes as affected by built developments.

Scottish Natural Heritage has produced a useful series of landscape character assessments for local areas and the SPP should encourage local authorities to draw upon these in drawing up development plans.

As noted above, the sense of the sections on landscape (Sections 125-133) could also be usefully incorporated into other relevant areas of the SPP. For example, "Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area" (Section 126) is good, and preferable to text in Section 190 "Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value."

Health and wellbeing benefits from good quality landscapes should also be referenced. There remains too much weight in the override that an internationally designated area can be developed upon if there are 'imperative reasons of overriding public interest, including those of a social or economic nature'. Again it should be noted what has statutory designation and how the process for developing on these differs to those with non-statutory or local designation. Maps of wild land search areas, designations etc. would work well in this section.

Peat

Section 230 text on the value of peat is positive, but the Section should also recognise the potential for currently degraded peatlands to be restored, not simply to protect peatlands that are currently in good condition.

Updating for changes

Coastal planning should be amended in light of updates in marine planning.

The Inventory of Battlefields should be noted in Historic Environment.

Open space and physical activity should cross reference with the development of cycle routes and active travel opportunities. This whole section could be greatly simplified to reflect current advice and good practice.

The transport section should be cross referenced with the national planning framework. The need for transport solutions which are integrated across local authority boundaries is not clear enough, especially with regard to public transport.

The renewable energy section should reference the SNH locational guidelines and cross reference more closely with the priorities for landscape. We would also welcome the opportunity for landscape buffer zones to be included where appropriate, recognising that the visual and amenity impact of very large structures extends over a greater area than small-scale structures, and that different treatments may be required.

Placemaking and architecture

The importance of conserving the historic and cultural character of an area, and of ensuring that

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new development complements this, is increasingly being recognised. Good quality built environments can provide social, economic and environmental benefits. The current SPP makes passing reference to the Scottish Government policy guidance *Designing places* (2001) but not to *Building our Legacy* (2007). There is also no reference to the idea of placemaking, although this can contribute to the National Performance Indicators of: [Improve people's perceptions of their neighbourhood](#); [Improve the state of Scotland's historic sites](#); Improve mental wellbeing; [Increase physical activity](#); and [Increase people's use of Scotland's outdoors](#). The revised SPP should incorporate the aspirations of the Scottish Government's *Architecture and Placemaking* policy which is currently in development. Other contributions to the quality of places should be incorporated, including:

The role of the historic environment (both designated and undesignated)

The qualities of natural and cultural landscapes, and actions that may enhance or detract from these

The contributions made by the natural environment, both cultivated and wild, and the importance of access to this for all citizens

Greenspace, gardens and allotments

The current SPP makes only passing reference to greenspace (in relation to green networks) and to allotments (in relation to local authority duties) and presents no positive vision for ensuring that Scottish citizens have access to good quality green spaces, or the opportunity to garden at home or at other sites. Given the Scottish Government's objectives of a Greener, Healthier society we consider that the revised SPP should provide a more positive direction on these issues.

Hill and forest tracks

The current SPP makes no reference to General Permitted Development Orders, other than a passing reference in the Glossary. We are concerned that the construction of private roads and ways for agriculture and forestry has continued to be a general permitted development, despite the concerns of planning authorities, and community and conservation groups (as reported in the "Consultation on Non-Domestic elements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992; Analysis of Responses", January 2012).

Pending the full integration of these developments into the planning system, the revised SPP should incorporate Scottish Natural Heritage's advice on "Constructed tracks in the Scottish Uplands" (March 2005) as guidance for developers.

Conservation Agreements

Under its founding legislation, the National Trust for Scotland has the power to enter into Conservation Agreements with land owners in order to achieve wider protection of Scotland's heritage. Conservation Agreements are binding in perpetuity not only on the original party entering into each one but on all successive owners. There are currently some 430 Conservation Agreements in place across Scotland. It would be helpful for a reference to be made to the existence of these protections in the SPP at the appropriate place.

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Why?

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?