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Scottish Planning Policy Review
Scottish Government
Planning & Architecture Division
Area 2-J South
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Dear Sirs

SCOTTISH PLANNING POLICY REVIEW - PRIORITIES TO CHANGE 2013 REPRESENTATIONS ON BEHALF OF TURLEY ASSOCIATES

Turley Associates is a leading independent planning and urban design consultancy and we welcome the opportunity to comment upon this review of SPP (February 2010).

We welcome this wide review of SPP to up-date policy, focus the policy on sustainable economic growth and emphasise place making. A further streamlining of national planning policy is supported provided it does not result in an over-simplification of policy. It is also fundamentally important that a revised SPP firmly establishes a strong pro-growth agenda within the overarching requirement of sustainable economic development.

This letter seeks to summarise the areas of SPP (February 2010) that work or not, why and what changes or solutions we consider are worth exploring in a draft SPP. It makes cross-reference to relevant paragraphs of the current SPP.

Sustainable Economic Growth

SPP (Feb 2010) states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, and that planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth (paragraph 33).

This should be reinforced and strengthened in a revised SPP. It should underpin the whole document which should also clearly explain how a 'positive approach' should manifest itself in development plan preparation and decisions on planning applications. For example, the planning system should look favourably on those developments. In other words it establishes a 'presumption in favour of sustainable economic development'.

Sustainable Development

SPP helpfully sets out policy on sustainable development. This is important to retain in a revised SPP as it provides an indication of how the Government expects a planning application to demonstrate that the proposed development represents sustainable development (eg. location of development, layout and design) (paragraphs 37 - 39).

Economic Development

A revised SPP should continue to express strong support from the planning system for economic development (eg. paragraph 45). In particular, it should continue to take account of the economic benefits of development and support development which will provide new employment opportunities and 'enhance local competitiveness'.

We support SPP where it accepts that new sites can be brought forward where existing allocations do not meet current and anticipated market expectations (paragraph 46). It should go further though. Historic and obsolete allocations (eg. for business and industrial development) are a potential barrier to investment. The 'ring fencing' of allocated land as a basis for resisting alternative forms of development on that site should be firmly discouraged in a revised SPP. It should also not be left solely to the development plan process to consider alternative land-uses as suggested in the SPP (paragraph 46). This is also applicable to development management decisions.

Town Centres and Retailing

Network of Centres

Role and function of centres (paragraph 53)

SPP states that development plans should identify a network of centres and explain their role and function. This is supported. However, networks change over time. While changes to the role and function of centres should be addressed in the development plan but a revised SPP must recognise that such changes should be taken into account in the determination of individual planning applications.

Network of Centres (paragraph 54)

The definition of 'network of centres' is a fundamental matter to town centre and retail policy. It has implications for the sequential approach and to the assessment of the impact of proposed development. However, SPP fails to give clarity over this issue.

SPP indicates that an example of a 'commercial centre' includes 'out-of-centre shopping centres'. It would be less ambiguous if the example is given as simply, 'shopping centres'. Otherwise it could have significant implications to the application of the sequential approach and in assessing retail impact. It also runs counter to the town centre first approach.

Need (paragraph 55)

SPP states that where proposals support a centre's role and function, as identified in the development plan, there is no requirement to provide a detailed assessment of need. Any requirement to assess 'need' is new and is not explained or mentioned in SPP; only deficiencies. The introduction of a 'needs test' would act to limit competition and would not be in the public interest. Any reference should be deleted from a revised SPP, or alternatively reworded such that it is made much clear that planning applications for development that support a centre's role and function, as identified in the development plan, are not required to meet qualitative or quantitative deficiencies.

Deficiencies (paragraph 56)

SPP states that the development plan should enable gaps and deficiencies in shopping provision to be remedied through the identification of appropriate locations for new development and regeneration. This is supported but the opportunity to remedy deficiencies should not solely be the preserve of development plans. It should also be considered via development management decisions.

Improving Town Centres (paragraph 57-61)

SPP emphasises ways in which planning authorities by their actions and how proposed development can support successful town centres. Reference is made to the role of town centre health checks and town centre strategies. This should be maintained in a revised SPP alongside a list of health check (vitality and viability) indicators. The use of town centre health checks and bi-annual health checks of centres identified in the development plan should be encouraged to inform development plan preparation and determination of planning applications.

Sequential approach (paragraph 62 and 63)

The sequential approach in terms of site selection is an important policy to help guide retail and other development to the most appropriate location. This should be retained. A revised SPP should make it clear that in the sequential approach the question is whether an alternative site is suitable or available for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site.

Arguably, a sequential analysis of the suitability of a site includes consideration of viability - whether an alternative site can deliver retail development or not. Consideration of the viability of development is therefore an important factor in this analysis. It would be helpful if this was clarified in a revised SPP.

Assessing proposed developments (paragraph 63 - 64)

The policy considerations for assessing proposed development would benefit from clarification in a revised SPP. It would benefit from a clear statement of criteria applicable for development in different locations with respect to the network of centres – where development is within a town centre, an edge

of town centre location, within a commercial centre or elsewhere. It is not helpful for criteria to apply only where a development is contrary to, or not consistent with the development plan.

- There should be a consistent use of terminology. For example, SPP refers to 'no significant adverse impact' (paragraph 63) and to 'no unacceptable impact' (paragraph 64). The later wording is preferred.
- SPP refers to protecting 'existing centres' (paragraph 63) and to 'the identified network of centres' (paragraph 64). The later wording is preferred.
- In specific circumstances SPP requires a proposal to help meet qualitative and quantitative deficiencies identified in the development plan. It should not be necessary to remedy both qualitative and quantitative deficiencies and nor should it be necessary for it to have been identified in the development plan. The current wording makes it more difficult to bring forward proposed development to help remedy deficiencies which have arisen since a development plan was approved or adopted. Retail provision in an area can evolve in a short space of time. For example, a retail store in an area may have closed, there may be new entrants to the local retail market or customer or retailer requirements might have changed. The wording also limits the role of supplementary guidance (e.g. town centre strategy) to update the development plan on retail provision.

Paragraph 65: Retail Impact Analysis

Further clarity is required on when a retail impact analysis (RIA) should be undertaken. The phrase in SPP that requires a RIA to be undertaken where the proposal is "not in accordance with the development plan" is not helpful. This may be clear where, for example, a planning application relates to an allocated industrial site. However in many other cases it will not be known at the outset. One purpose of a RIA is to establish whether a proposed development is, or is not, in accordance with a criteria based policy of the development plan.

A revised SPP should encourage planning authorities and developers to agree data and present information on areas of dispute in a succinct and comparable form. At the moment this is not happening as much as it should.

Retail Methodologies

The process of planning for retail development is complex. Areas where further Government guidance is required include the method for identifying deficiencies in retail provision in an area, town centre health checks, applying the sequential approach and assessing the impact of proposed retail development on centres. Without further guidance there is a real risk that different approaches will be taken across Scotland by developers and planning authorities. This may hamper peoples understanding of the development as well as the role of the planning system. It is accepted that a revised SPP may not be the place for this detailed work but further advice, such as a Retail Planning

Advice Note should be brought forward as soon as possible. The research paper, 'Town Centre and Retailing Methodologies' (2007) went some way to address this.

Housing

The current SPP highlights that development plans should allocate a 'generous' supply of land for housing to meet current and anticipated needs (paragraph 71). This approach should be reiterated in a revised SPP and adhered to in the preparation of development plans.

Historic environment

SPP states that planning decisions should be based on a clear understanding of the importance or significance of the heritage assets. Any evidence base is considered fundamentally important which should be reiterated in a revised SPP.

SPP refers to a presumption against demolition or other works that will adversely affect a listed building or its setting. This needs to be amended in a revised SPP to allow for other factors to be considered – not just the physical effects of a proposal on the listed building for example. It should be more consistent with the Scottish Historic Environment Policy (SHEP) which allows for a greater range of issues to be considered in determining whether there is a presumption against demolition or other works. The SHEP is more helpfully cross referred at paragraph 116 of SPP.

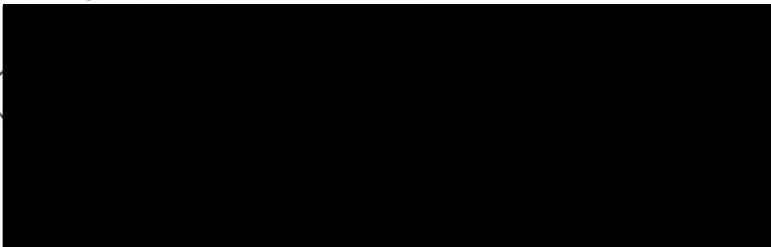
The ability of enabling development to be promoted is supported and should be reinforced in a revised SPP (paragraph 114).

Transport

Car parking

SPP determines that planning authorities should apply maximum parking standards to on-site parking within proposed developments to encourage modal shift. This 'maximum' approach is not adopted across all planning authorities. Some authorities are applying minimum standards. This should be clarified in a revised SPP. Further policy should be provided in a revised SPP on circumstances where flexibility in parking standards or more restrictive standards should be provided.

We hope that you find these comments helpful to the review of SPP and we would be pleased to meet you to discuss these further.


Richard Phipps
Director