

**Consultation Title: Scottish Planning Policy Review – Priorities for Change**

**Date:** 11 January 2013

**To:** [sppreview@scotland.gsi.gov.uk](mailto:sppreview@scotland.gsi.gov.uk)

**From:** Scottish Land & Estates  
Stuart House  
Eskmills  
Musselburgh  
EH21 7PB

**Telephone:** 0131 653 5400

**E Mail:** [Ailsa.Anderson@scottishlandandestates.co.uk](mailto:Ailsa.Anderson@scottishlandandestates.co.uk)

## Introduction

Scottish Land & Estates is a membership organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. Scottish Land & Estates has over 2,500 members with interests in a great variety of activities, all of which are intrinsically linked to planning policy. Therefore, this consultation is of significant importance to our membership and we welcome the opportunity to submit our views at this initial stage of the review process.

Scottish Land & Estates would like to make the following observations and general comments on the current Scottish Planning Policy (SPP) before considering specific policies of most relevance to our members.

## General comments

### SPP status

Scottish Land & Estates supports the view that SPP merits equal statutory weighting to that of the National Planning Framework (NPF) and Development Plans (DPs). We feel this to be particularly important considering the increasing volume of Supplementary Guidance accompanying DPs which is not always subject to the same level of consultation and independent scrutiny as the DP. There is also concern that some planning authorities do not instil the policies contained within SPP in their DPs. Therefore we would welcome an amendment to the Planning (Scotland) Act 2006 to allow a genuinely plan-led system which is supported by clear national policy to be achieved.

### National Planning Framework 3 (NPF3)

Scottish Land & Estates welcomes the Scottish Government's coordinated approach to the review of two key documents in the Scottish planning system. We strongly support the need

for there to be a fundamental link between NPF3 and the revised SPP and we believe that the simultaneous review of both documents can only help to achieve this synergy.

## Land Use Strategy (LUS)

We now have a Land Use Strategy<sup>1</sup> for Scotland under the Climate Change (Scotland) Act 2009 which contains a long term vision for land use in Scotland and is supported by objectives relating to economic prosperity, environmental quality and communities. It was expected that the LUS would be used to influence land use decisions and although in March 2011, Chief Planner at the time, Jim Mackinnon, wrote stating that planning authorities should have regard to the LUS in preparing DPs and that the LUS could also be a material consideration in determining planning applications, Scottish Land & Estates would welcome further integration of the LUS in to SPP.

## SPP interpretation

Scottish Land & Estates feels it appropriate to highlight concerns regarding the varying levels of interpretation of SPP across planning authorities. Scottish Land & Estates would like to stress the importance of ensuring that policies are clear to avoid ambiguity as well as the need for better monitoring to make sure that national policies are reflected at local levels and that all authorities are working towards a common goal of achieving sustainable economic growth.

Linked to the comment above, we believe that there is a need for policies contained within the revised SPP to be written in a way that is in favour of enabling development and should not be open to exploitation by those authorities or parties who wish to restrict development potential. We believe that forward thinking policies tied with proactive planning authorities and developers can help achieve Government policy objectives. We strongly agree that the planning system should support development and that planning authorities should take a positive approach to development as stated in paragraph 33. Scottish Land & Estates also supports paragraph 38 in that decisions on the location of new development should promote rural development and regeneration.

It is vitally important that the Scottish Government demonstrates the importance of SPP to other public agencies e.g. SNH, Historic Scotland, FCS and SEPA to ensure that organisations are working together to achieve policy objectives, for example, when dealing with renewable developments.

Scottish Land & Estates agrees that effective community engagement leads to better DPs and subsequently a smoother planning process when applications come forward. Although many authorities have tried to engage with their community we have a concern that there are still significant issues in getting the public to actively engage with the DP process and this is causing problems when developments get to planning.

## SPP structure

As discussed in our response to the draft SPP in 2009, there was a concern that by condensing policy documents into smaller planning statements then there would be a loss of clarity and context which would inevitably lead to conflict. Scottish Land & Estates has many members who feel these concerns have been realised and that by losing the detail SPP is less robust. Therefore as part of the review we would ask the Scottish Government

---

<sup>1</sup> <http://www.scotland.gov.uk/Resource/Doc/345946/0115155.pdf>

to carefully consider those policies of a technical nature or which are subject to controversy and assess the need to ensure these policies are clear, can be fully understood and are achieving policy objectives.

Although many policy documents were revoked as part of the consolidation process, there remains to be some very useful content contained within them, e.g. SPP 15 Rural Development, which we feel could be revisited and incorporated as part of the review.

Scottish Land & Estates continues to support streamlining of the Scottish planning system however there still appears to be a vast volume of policy at national and local level to consider to determine whether a policy issue is supportive of a development proposal. In some areas there also appears to be a conflict between policies at a national and local level therefore causing uncertainty for many developers.

Scottish Land & Estates believes that the purpose, principles, strategy objectives and outcomes require to be addressed within the introductory pages of the policy. At present we feel these to be extremely disjointed and require tidying up, for example, paragraphs 3-9, 33, 36 and 255-257 should be brought together and prioritised.

## Continuing review

Scottish Land & Estates would like to seek clarity on whether a decisive timescale will be set for further reviews of SPP or if this will be completed on an ad-hoc basis? The disadvantage of having a consolidated SPP is that policies can not be changed or updated easily to reflect changes in wider Scottish Government policy or priorities, for example the policy on renewables. This was seen as an obvious advantage of separate policy documents.

It has become clear that many planning authorities are behind in publishing their DPs which in turn leads to delays in progressing potential developments. We feel that some authorities are struggling to adhere to the statutory requirement to keep DPs up to date. It is important that the various reasons for these delays are addressed to maintain the drive towards achieving sustainable economic growth.

## **Policy Subjects**

### Economic Development

Scottish Land & Estates believes that SPP should continue to support business development which is proportionate to its surroundings, including small scale business developments, in order to ensure sustainable economic growth in all parts of the country. Scottish Land & Estates is supportive of mixed use developments as a means of sustaining rural populations who would otherwise have to relocate in order to seek employment opportunities. In addition mixed use developments provide for self sustaining communities and promote sustainable transport modes as people do not have travel so far to work.

Although not directly a planning issue, there is still a significant issue regarding broadband infrastructure in many rural areas and this is having a major impact on the viability of projects seeking to move forward to planning. This is one example of where a lack in progress in one Government policy is restricting the growth potential of another area where Scottish Government would encourage development.

Scottish Land & Estates believes that tourism should merit its own policy statement, particularly given the fact that it is a significant contributor to employment and the wider economy; providing around 200,000 jobs and contributing close to £11bn from overnight stays and daytrips and with potential and ambitions for further growth<sup>2</sup>. In February 2012, the Scottish Parliament's Economy, Energy and Tourism Committee published a report entitled, '*Issues affecting Scottish Tourism - Initial Report*'<sup>3</sup> which found that problems in planning and building control to be amongst the key issues facing the tourism sector. Tourism is referred to throughout the current SPP as a means of contributing towards sustainable economic growth and we feel that this could be better emphasised within SPP and subsequently in DPs at local levels. Tourism is also an essential part of sustaining vibrant rural economies and the SPP should continue to promote this.

Similarly given the Scottish Government's recent emphasis on addressing vacant properties we feel that the SPP should help facilitate means by which these properties can be developed where there is found to be a sufficient business case for its continued use. Scottish Land & Estates strongly believes that this would be a suitable point to consider the SPP statement on the development of brownfield sites, particularly provisions for rural brownfield sites. We would encourage the Scottish Government to look at the definition of brownfield as part of this review. There is ambiguity with the current reference to brownfield sites 'usually' being in towns and cities as referred to in paragraph 48. We feel the definition requires clarity to reflect the fact that there are brownfield sites located in rural areas and not just in urban settings and that very often these can be very suitable locations for development.

## Housing

Scottish Land & Estates feels that the housing policy to be reasonably comprehensive and seems to have been distilled into the majority of DPs with relative success. There is however a few anomalies we would like to seek clarity on.

Paragraph 79 states that, "*new housing development should be integrated with public transport and active travel networks,*" however paragraph 80 require this only "*where possible*". For these two paragraphs to be consistent paragraph 79 should be amended. An amendment would be supported by the statement in paragraph 84 which states that the majority of housing land will be met within, or adjacent to, existing settlements and goes on to state that housing out with settlements may be appropriate. This is further supported in paragraph 85.

There is apparent inconsistency when dealing with the policy on affordable housing, and we believe that this has become one of the main issues regarding problems in affordable housing supply. When considering the allocation of sites for affordable housing paragraph 86 states that these are most likely to be within, or adjoining, existing settlements however paragraph 87 goes on to say that innovative and flexible approaches will be required in rural areas. We would like explicit mention to be made of the possibility of rural exception sites.

The wording of the SPP must give developers absolute certainty that applications based on an innovative and flexible approach will be approved. Such an approach is strongly advocated by Scottish Government, housing providers and indeed housing staff within local authorities but has not been embraced universally by planning officers. It is imperative that there is not over reliance on the provision of affordable housing through developer

---

<sup>2</sup> [www.scottishtourismalliance.co.uk/wp-content/uploads/2012/06/National-Strategy.pdf](http://www.scottishtourismalliance.co.uk/wp-content/uploads/2012/06/National-Strategy.pdf)

<sup>3</sup> [http://www.scottish.parliament.uk/S4\\_EconomyEnergyandTourismCommittee/Reports/Final\\_report\\_tourism\\_\(2\).pdf](http://www.scottish.parliament.uk/S4_EconomyEnergyandTourismCommittee/Reports/Final_report_tourism_(2).pdf)

contributions. Policies must be capable of delivering affordable housing regardless of the economic climate.

## Rural Development

Scottish Land & Estates feels that condensing the whole rural development policy in to four paragraphs is inadequate considering the sizable contribution made by the rural sector towards achieving sustainable economic growth as well as its key role in delivering other Government objectives and targets.

Scottish Land & Estates believes that the revised SPP must demonstrate a vision for rural Scotland. We would refer the Scottish Government to ‘*Our Rural Future*,<sup>4</sup> a document which sets out the Scottish Government’s vision for rural Scotland. Realising this vision depends significantly on a robust planning system and this is demonstrated by the many references to the role of planning in the document. We would also direct the Government to our response<sup>5</sup> to the consultation entitled, ‘*Speak Up for Rural Scotland*’<sup>6</sup> which sets out the Rural Development Council’s views on what matters to the rural economy.

Scottish Land & Estates is supportive of the following statement made in paragraph 93,

*“Development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification.”*

Diversification has become an essential part of farming enterprises and plays a central role in sustaining rural communities, therefore, we feel that it is vital that diversification is supported at every level of the planning system.

Scottish Land & Estates would like to seek greater clarity within paragraph 94 as we feel that this might help DPs in the future to demonstrate greater support for rural diversification which in turn can only contribute to the Government’s overarching aim of achieving sustainable economic growth.

We are supportive of the continued need to protect prime agricultural land, particularly given the increasing demand for fresh local produce and the need to address food security.

## Fish Farming

Scottish Land & Estates believes that the following statement made in paragraph 104 of the current SPP should remain and continue to be emphasised in the revised SPP,

*“there is a presumption against development of marine finfish farm developments on the north and east coasts to safeguard migratory fish species.”*

We would recommend that some reference is made to Scotland’s National Marine Plan<sup>7</sup> upon its completion.

Paragraph 109 highlights the potential for conflict between fish farming and local fishing interests. We are aware that the Rivers and Fisheries Trusts of Scotland are currently

---

<sup>4</sup> <http://www.scotland.gov.uk/Resource/Doc/344246/0114504.pdf>

<sup>5</sup> <http://www.scotland.gov.uk/Resource/Doc/332976/0108509.pdf>

<sup>6</sup> <http://www.scotland.gov.uk/Topics/farmingrural/Rural/speak/background>

<sup>7</sup> <http://www.scotland.gov.uk/Topics/marine/seamanagement>

developing a locational guidance tool and there may be scope for reference to be made in the revised SPP.

## Historic Environment

Paragraph 110 requires updating with regards to the reference to relevant legislation to reflect the changes made by the Historic Environment (Scotland) Act 2011.

Scottish Land & Estates would support a general policy on the historic environment to aid the progress of DPs however we advocate that the primary policy focus should be on the Scottish Historic Environment Policy (SHEP) and the Historic Scotland guidance notes referred to in the current SPP. Both the SHEP and HS guidance notes are updated on a regular basis and therefore can adapt to changes in legislation and regulation without the need to open the whole SPP to change a single policy statement.

## Landscape and Natural Heritage

Although Scottish Land & Estates is supportive of the need to protect sensitive areas in Scotland, we do not believe that this is best served through formal wild land designations, and therefore we see no need to change the reference to wild land character in paragraph 128.

There is no reference in the current SPP to the biodiversity duty which all public bodies are bound by. The biodiversity duty should be clearly stated in the introductory pages alongside other Scottish Government objectives. Scottish Land & Estates believes that there is an important role within the planning system to help deliver the Scottish Biodiversity Strategy which has recently been updated to reflect new International and European agreements. Following consultation in 2012, a new strategy is expected to be published in early 2013 which may be well timed considering the timetable for the review of SPP.

Development proposals affecting local designations can often be contentious and cause conflict. There is often an excessive level of protection associated with local designations, particularly as the current SPP clearly states that protection for local sites should not be as high as that of national or international sites. We feel that often too much consideration is given to protection of locally protected sites due to local political pressures and this is often disproportionate to the contribution a proposal makes to achieving wider national aims and adhering to national policy.

Paragraph 146 to 148 require updating and as part of a wider review of the trees and woodland policy, Scottish Land & Estates would ask the Scottish Government to consider the recommendations made by the Woodland Expansion Advisory Group<sup>8</sup> as a means of integrating the Government's desire for 100,000 hectares of new woodland over the period 2012-22 and beyond. We feel that it is important that this ambitious target is considered in the planning system and especially in DPs. *'The Right Tree in the Right Place – Planning for Forestry and Woodlands'* provides guidance to planning authorities on preparing Forestry and Woodland Strategies to guide woodland creation. Recommendation 3 of the WEAG report states that woodland expansion could occur on most types of land but to help reduce conflicts with other land uses, wherever possible woodland creation should complement and integrate with other land-use objectives. Scottish Land & Estates believes this should be reflected within wider planning policy.

---

<sup>8</sup> [http://www.forestry.gov.uk/pdf/WEAGFinalReport.pdf/\\$FILE/WEAGFinalReport.pdf](http://www.forestry.gov.uk/pdf/WEAGFinalReport.pdf/$FILE/WEAGFinalReport.pdf)

## Greenbelt

The way in which the current greenbelt policy has been interpreted by some planning authorities has led to many areas having a disproportionate greenbelt being promoted by DPs. Scottish Land & Estates believes that the policy should be updated to take into account the current economic climate and allow for appropriate development within the greenbelt which promote economic and tourism opportunities.

Scottish Land & Estates believes that paragraph 163 requires to be better emphasised in the revised SPP.

## Renewable Energy

Scottish Land & Estates believes this section requires updating and a significant review should take place to ensure the policy is fit for purpose. SPP needs to make it clear that renewable energy generation is critical to the Scottish Government's sustainability objective and the benefits of renewables needs to be clearly stated.

Scottish Land & Estates would welcome fairer representation of other forms of renewable energy. The current SPP gives the impression that wind is the most important source of energy when in fact if there is to be a consistency in supply, there needs to be a variety of power sources promoted including, hydro, solar and biomass, etc.

With regards to paragraph 188 it is felt that there is ambiguity amongst planning authorities about what other schemes should be included in cumulative impact assessments. Scottish Land & Estates would welcome clarification on this in the revised SPP. We believe that those developments that are in scoping or yet to be determined by the planning authority should be disregarded from the assessment. This would also help to address the issue of quite often significant delays in decision making which incidentally the current SPP does not support but unfortunately there are examples of this occurring in practice.

Access to the grid has a significant impact on the viability of renewable developments. It is essential that the SPP is supportive of upgrades and expansion to the grid to ensure that national priorities can be met.

We feel that it is very important that the revised SPP maintains the final sentence of paragraph 191 which states that,

*“grid constraints should not be used as a development constraint where renewable energy potential exists.”*

Off-shore renewables are becoming more important as suitable onshore locations diminish. Even though off-shore installations are out with planning legislation there is a vast amount of onshore support technology which is subject to planning permission. We believe that the Scottish Government needs to be clear on its increased promotion of off-shore renewables to guide DPs.

Biomass and energy from waste schemes are also becoming more heavily promoted but like other forms of renewables they too can cause controversy at local levels. The revised SPP needs to emphasise that such schemes are acceptable unless there are very good environmental reasons why not.

# Consultation Response

Linked to the climate change agenda, we feel that there is value in exploring the need to address the increasing interest in energy efficiency within the revised SPP and we feel that there is scope to extend paragraph 44 of the current policy.

## Communications Infrastructure

Scottish Land & Estates believes that development of high quality communications infrastructure such as mobile phone connection and access to broadband are extremely important contributors towards achieving sustainable economic growth. This is of particular significance in the rural sector and we believe that inclusion of the policy in the revised SPP is vital.

## Conclusion

In summary, Scottish Land & Estates is supportive of the SPP review and believes the timing to be correct given the current economic climate and recent changes in wider Government policy.

We would encourage further promotion of examples of good practice and the use of case studies, many of which are already available on the planning pages of the Scottish Government website. Training should be provided all stakeholders, including planning authorities, Councillors, developers and planning professionals, to ensure the key themes and priorities within the revised SPP are understood and promoted through DPs. It is important that consistency is reached.

Scottish Land & Estates looks forward to participating in the next stage of the review process.