

PLANNING

# **Scottish Planning Policy –**

## **Proposed Policy Changes Consultation**

SEPTEMBER 2009



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## Introduction

1. The Scottish Planning Policy (SPP) and National Planning Policy Guideline (NPPG) series is being consolidated into a single, shorter document as part of the commitment to practical and proportionate planning policies outlined in *Delivering Planning Reform*. The consolidation is not a review of national planning policy – existing policy is being presented in a different way and the duplication, advice and background information is being removed. Some adjustments to existing policy were proposed in the draft consolidated SPP, which published on 1 April 2009. The proposed changes were:
  - No separate section on skiing developments have been included, therefore development plans will no longer be required to include specific policies on skiing developments.
  - The requirement to classify the coast into one of three types in the development plan has not been included, although the distinction between the types has been retained to act as a general guide to development on the coast.
  - National maximum parking standards applied to specific types and scales of development have not been included but the overall policy on using maximum parking standards has been retained.
  - The policy on new junctions on trunk roads and motorways has been amended to reflect the current policy position of Transport Scotland.
  - Policy on the protection of prime quality agricultural land has been strengthened to clarify the circumstances in which development may be acceptable.
  - A new section on the Scottish Government's expectations for community engagement in the planning system has been added.
2. A strategic environmental assessment (SEA) of the draft consolidated SPP was undertaken, focusing on the effects of proposed policy changes and omissions. The assessment did not examine the effects of established policies. The Environmental Report was published on 1 April 2009.
3. Since the publication of the draft consolidated SPP two significant pieces of legislation have been passed by the Scottish Parliament which have implications for national planning policy. These are the Flood Risk Management (Scotland) Act 2009 and the Climate Change (Scotland) Act 2009. Changes to national planning policy to reflect new legislation need to be incorporated into the final SPP and an assessment of the effects of the proposed changes is required as part of the SEA.
4. The Planning etc. (Scotland) Act 2006 requires planning authorities to exercise their development planning functions with the objective of contributing to sustainable development. It also allows Scottish Ministers to issue guidance on this responsibility. In March 2007, draft statutory guidance on planning and sustainable development was published for consultation. This statutory guidance was incorporated into the draft consolidated SPP. Taking account of representations made on the draft consolidated SPP, the sustainable development section has been

reworked to provide clearer guidance. The reworked sections are being assessed as part of the SEA.

5. Additional policy changes being proposed relate to:

- The replacement of Circular 12/1986 *Planning Control over Onshore Oil and Gas Operations* with a section in the consolidated SPP - the National Planning Framework identifies coal bed methane as a potential source of energy and requires planning authorities in the Central Belt to consider the potential for onshore gas extraction when preparing development plans. Circular 12/1986 is out of date therefore updated policy is proposed to support implementation of the NPF requirement.
- Alterations to the policy on national high amenity single use business sites - national planning policy previously identified and safeguarded large single user high amenity sites with special qualities in terms of location, quality and marketability. These large sites were targeted at high technology inward investment. This policy was not carried forward into the consolidated SPP. Taking account of representations made on the draft consolidated SPP, a specific policy on the future of these sites and the supply of high amenity business locations is proposed.
- A revised coastal planning policy - coastal planning policy had been partly revised in the draft consolidated SPP however representations received during the consultation identified some inconsistencies with the policy which need to be rectified.

Further adjustments to the coastal planning policy, new policy on high amenity business locations and revised policy on onshore oil and gas operations are therefore being assessed as part of the SEA.

6. This statement outlines the proposed policy changes identified above. An addendum to the Environmental Report accompanies this statement. The description and evaluation of the likely significant environmental effects of the proposed policy changes and alternatives that were considered are set out in the addendum to the Environmental Report.
7. The consultation on the proposed policy changes and addendum to the Environmental Report will run for 6 weeks, from 1 October 2009 until 12 November 2009. Consultees are asked to avoid using this period simply to restate any views they have already expressed on the draft consolidated SPP. Rather, this stage gives consultees the opportunity to contribute to the drafting of the consolidated SPP by expressing any views they have on the proposed policy changes outlined in this statement.

## Proposed Policy Changes

### Climate Change

8. The Climate Change (Scotland) Act 2009 establishes a new context for planning policy. The Act requires all public bodies to act at all times in a way best calculated to contribute to the delivery of the emissions targets in the Act. The emissions targets are an 80% reduction in emissions by 2050, with an interim target of a 42% reduction by 2020. Achieving these targets will require coordinated action and a significant commitment to adapting the built environment to reduce resource and energy requirements, reduce the need to travel and encourage active travel and travel by public transport. The following additions to the SPP are proposed:
- The need to help mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system.
  - Development plans should promote a pattern of development which reduces the need to travel and encourages active travel and travel by public transport. Development plans should also require the siting, design and layout of all new development to contribute to limiting greenhouse gas emissions, particularly by limiting resource and energy requirements.
  - All development plan policies should take the need for climate change mitigation and adaptation into account.
  - Development should be avoided in areas with likely increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion.
  - All new development should be designed to mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions and include features that provide effective adaptation to the predicted effects of climate change.
  - When designating land for new residential, commercial and industrial development, planning authorities should consider the energy and heat requirements of these new developments. New development should be planned to make best use of opportunities for decentralised and renewable or low carbon heat and power wherever possible.
9. Under section 72 of the Climate Change (Scotland) Act 2009 development plans must require all new buildings to be designed to avoid a specified and rising proportion of greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies. Development plans should specify the target for the proportion of emissions to be avoided, and this target should increase over time. The use of energy efficient, microgenerating and decentralised renewable energy systems are an important component of low and zero carbon development, and energy efficiency of buildings is a significant contributor to reduced emissions. Location, siting, orientation, design, materials and insulation are important factors in energy efficiency of buildings. Development plan policies on reducing greenhouse gas emissions from new buildings should aim to work alongside and complement building standards. Development plans should also

set out the proposed approach to existing buildings which are being altered or extended, how policies will be applied to historic buildings and the proposed approach to applications where developers are able to demonstrate that significant technical constraints exist in terms of on-site low and zero carbon technologies.

### Sustainable Development

10. The section on sustainable development in the draft consolidated SPP focused Government's expectations in terms of sustainable development and the relationship with sustainable economic growth. A significant proportion of the responses to the consultation on the draft consolidated SPP requested a more detailed explanation of the Government's policy relating to the statutory requirement for development plans to contribute to sustainable development. The reworked section will cover the following:

- The Scottish Government's commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through sustainable economic growth. This is set out in the Government Economic Strategy<sup>1</sup>, supported by the fifteen National Outcomes<sup>2</sup>.
- Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too. This accords with the principles of sustainable development as sustainable economic growth is achieved by delivering fair social outcomes and respecting environmental limits.
- The Scottish Government supports the five guiding principles of sustainable development set out in the UK shared framework for sustainable development<sup>3</sup> – living within environmental limits, ensuring a strong, healthy and just society, achieving a sustainable economy, promoting good governance, and using established science responsibly.
- The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. Development plans should address sustainable development at the local level through focusing on the National Outcomes, whilst reflecting national and international goals. Planning decisions must favour the most sustainable option, promoting development that supports the move towards a more economically, socially and environmentally sustainable society.
- The planning system has an essential role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development. It is also essential that decision making within the planning system:
  - supports reduced greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050, reduced energy

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2007/11/12115041/0>

<sup>2</sup> <http://www.scotland.gov.uk/About/scotPerforms/outcomes>

<sup>3</sup> <http://www.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

- consumption and the development of renewable energy generation opportunities,
- supports the achievement of Zero Waste objectives including the provision of required waste management installations,
  - protects and enhances the cultural heritage,
  - protects and enhances the natural environment, including biodiversity and the landscape,
  - maintains, enhances and promotes access to open space and recreation opportunities,
  - takes into account the implications of development for water, air and soil quality, and
  - supports healthier living by improving the quality of the built environment, increasing access to amenities, services and active travel opportunities, and by addressing concentrations of environmental problems affecting communities.
- Decisions on the location of new development should:
    - promote regeneration and the re-use of previously developed land,
    - reduce the need to travel and prioritise sustainable transport opportunities over access by car,
    - promote the development of mixed communities,
    - take account of the capacity of existing infrastructure,
    - promote rural development and regeneration, and
    - avoids further development which would be at risk from flooding, landslip or coastal erosion.
  - Decisions on the layout and design of new development should:
    - encourage use of and enable access to active travel and public transport networks,
    - promote the efficient use of land, buildings and infrastructure,
    - encourage energy efficiency through orientation of buildings, the design of individual buildings and the use of low and zero carbon technologies,
    - support sustainable water resource management,
    - support sustainable waste management,
    - consider the lifecycle of development,
    - encourage use of sustainable and recycled materials in construction, and
    - support habitat connectivity.
  - The settlement strategy set out in the development plan must be based on the most sustainable pattern of growth for an area, taking account of the scale and type of development pressure and the need for growth and regeneration. The most effective way to plan for change will depend on differences in geography, environmental sensitivities, landscape character and infrastructure capacity.

### Flooding

11. The Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a sustainable and risk-based approach to managing flooding. This includes the preparation of assessments of the likelihood and impact of flooding, and catchment focused plans to address these impacts. By 2015 flood risk management plans will be in place across Scotland which should then be taken into account when

development plans are prepared. The Flood Risk Management (Scotland) Act 2009 places a duty on Scottish Ministers, SEPA, local authorities and other responsible authorities to act so as to reduce overall flood risk and to do so through the adoption of cooperative or integrated approaches. Section 42 of the Act requires applications for planning permission to be accompanied by an assessment of flood risk for the proposed development where the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding.

12. No significant changes in national planning policy on flooding are required as a result of the Flood Risk Management (Scotland) Act 2009. Some policy adjustments are proposed, including:
- The sources and pathways of flood waters and the impacts of flooding should be targeted by flood risk management measures.
  - Where possible, natural features and characteristics of catchments should be restored so as to slow, reduce or otherwise manage flood waters.
  - The area of impermeable surface should be kept to a minimum in all new developments.
  - Where possible the likely impacts of climate change on the probability of flood risk over the lifetime of a development must be considered.

#### Coastal Planning

13. Current national planning policy on coastal planning, set out in NPPG 13, requires planning authorities to classify the coast into one of three types – developed, undeveloped and isolated. Different policy responses are outlined for the three coastal types, along with specific policies on various types of development. The requirement to classify the coast was not included in the draft SPP but the levels of protection for the different types of coastal area were retained. This included a preference for development requiring a coastal location to be focused on the developed coast, with development on the undeveloped coast only being appropriate where it is socially or economically justified, and a presumption against development on the isolated coast.
14. Responses to the consultation on the draft SPP indicate a general consensus that the use of the classification of developed, undeveloped and isolated coast as the basis for national policy without requiring development plans to use these classifications is not workable. The inter-relationship of the land-use planning system and the proposed marine planning system, particularly in the inter-tidal area, could also be covered in the SPP.
15. Taking into account the relevant provisions of the Marine (Scotland) Bill, responses to the consultation on the draft SPP and the likely effects of climate change, Scottish Ministers are proposing the following policy on coastal planning:
- New land based development in coastal areas should not normally be permitted where it will require significant new defences against coastal erosion or coastal flooding.

- Planning authorities should work with Marine Planning Partnerships and neighbouring authorities to ensure that development plans and regional marine plans are complementary, particularly with regard to the inter-tidal area but also for the wider coastal zone.
- Development plans should identify coastal areas likely to be suitable for development requiring a coastal location, areas subject to significant constraints and areas which are considered unsuitable for development such as the isolated coast.
- The identification of coastal locations which are suitable for development should be based on a clear understanding of the physical, environmental, economic and social characteristics of the coastal areas and the likely effects of climate change.
- The special characteristics of the isolated coast should be protected and there should be a presumption against development in these areas.
- When identifying areas which are appropriate for development, planning authorities should take into account the locational requirements of different types of development, for example ports, marine fish farms and other marine industries, land-based development associated with off-shore renewable energy generation and tourism and recreation related development.
- Development plans should include policies on the protection of the coastal environment, indicating priority locations for enhancement and regeneration, identifying areas at risk from coastal erosion and flooding, and promoting public access to and along the coast wherever possible.
- Where relevant, development plans should also identify areas where managed realignment of the coast may be appropriate, setting out the potential benefits such as habitat creation and new recreation opportunities.
- Planning authorities should take the likely effect of proposed development in the marine environment into account when preparing development plans and making decisions on planning applications.

#### Onshore Oil and Gas Operations

16. Current policy on planning control over onshore oil and gas operations is set out in Circular 12/1986. The Circular indicates the national policy considerations which need to be taken into account, the importance of including appropriate policies in development plans and some of the factors to be considered when determining individual planning applications. The Circular supports the maximum economic exploitation of oil and gas reserves over time, consistent with good oilfield practice and protection of the environment. The National Planning Framework highlights the potential for coal bed methane to contribute to national gas supplies and requires planning authorities in the Central Belt to consider the potential for onshore gas extraction when preparing their development plan.
17. Scottish Ministers are proposing to update policy relating to onshore oil and gas operations, replacing Circular 12/1986 with a new section in the consolidated SPP. The proposed policy is:

- Planning authorities and licensed operators should work together to ensure that operational requirements and likely environmental impacts of development associated with extraction are understood.
- Development plans in areas covered by Petroleum Exploration and Development Licences should identify the areas within which extraction may be acceptable and the factors that should be taken into account when deciding planning applications for initial exploration and for production phases.
- Relevant factors may include disturbance and disruption from noise, potential pollution of land, air and water, impact on communities and the economy, cumulative impact, impact on the natural heritage and historic environment, landscape and visual impact, and transport impacts.
- Where PEDL licences extend across local authority boundaries, planning authorities should work together to ensure a consistent approach to on-shore oil and gas extraction, including the consideration of cumulative effects.
- Where possible, transport of the end product from the extraction point should be via pipeline, rail or water transport rather than by road.
- Planning authorities should ensure that conditions requiring the removal of equipment and full restoration of sites following completion of extraction are attached to any planning consents.
- When identifying drilling locations, operators should take into account the potential effects on neighbouring uses and use directional drilling wherever feasible. Drilling operations should not be permitted close to houses and other noise-sensitive properties unless noise levels from drilling and associated operations can be reduced to acceptable levels.

#### High Amenity Business Locations

18. National planning policy previously identified and safeguarded nine large single user high amenity sites (Langlands West, East Kilbride; Eliburn, Livingston; Linhouse, Livingston; Calais Muir, Dunfermline; Robroyston South, Glasgow; Woodhall/Faskine, North Lanarkshire; Raith Interchange, South Lanarkshire; Mosside, Kilmarnock; Pollok Ryatt, East Renfrewshire). These sites were identified for their special qualities in terms of location, quality and marketability and were targeted at high technology inward investment. The Scottish Government no longer considers it necessary to identify and safeguard large single user high amenity sites for inward investment through national planning policy. Strategic sites for business use which are of high amenity and accessible by all forms of transport should be identified in strategic development plans, or local development plans outwith the city regions, and should be protected from inappropriate uses and development which would compromise their quality, accessibility or marketability as a business location. Given their special characteristics in terms of location, quality and marketability, the previously identified national sites should be considered by planning authorities when identifying and safeguarding strategic high amenity sites. The development plan should identify the type and scale of development which may be appropriate for strategic high amenity sites and should specify the quality of development which is required.

## Conclusion

19. This statement sets out the proposed alterations to existing national planning policy resulting from recent legislation. It also sets out changes to the sustainable development and coastal planning sections in response to consultation responses received, and it sets out proposals for updating planning policy on onshore oil and gas operations and high amenity business locations. These proposed policy changes have been subject to an environmental assessment and an addendum to the environmental report is published alongside this statement. The purpose of this further consultation linked to the consolidated SPP is to gather stakeholder views on the proposed policy changes outlined in this statement. Consultees are asked to avoid simply restating views they have already expressed on the draft consolidated SPP.
20. Consultation responses should be sent to [sppconsultation@scotland.gsi.gov.uk](mailto:sppconsultation@scotland.gsi.gov.uk) or to Emma Richardson at the Directorate for the Built Environment, 2-H, Victoria Quay, Edinburgh, EH6 6QQ by 5pm on Thursday 12 November. For further information about this consultation, or about the consolidated SPP, please contact Emma Richardson on 0131 244 7059 or at [emma.richardson@scotland.gsi.gov.uk](mailto:emma.richardson@scotland.gsi.gov.uk)



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