

## APPENDIX 1

### Scottish Planning Policy (SPP) 2014

#### Summary of the most significant changes introduced by SPP 2014

*Commentary is provided where these were also addressed by the Council's consultation submission on draft SPP.*

Subject	Commentary
<p>❑ SPP introduces a presumption in favour of development that contributes to sustainable development, the aim being to achieve the right development in the right place; but it also states that this does <u>not</u> mean development at any cost.</p>	<p><i>This latter qualification is welcome, as is confirmation that the primacy of the development plan remains unchanged. The presumption is further noted as being one of only a series of material considerations and helps address the Council's concern in its consultation response that a blanket presumption in favour of development is open to misinterpretation if not carefully caveated.</i></p>
<p>❑ In terms of general policies, SPP states that any proposed developments should make best use of the capacity of existing infrastructure, and should promote regeneration by considering the re-use of previously developed land before developing on Greenfield sites.</p>	
<p>❑ 'Placemaking' is given particular prominence and it is indicated that every opportunity should be taken to create high quality places by taking a design-led approach. Design is also cited as a material consideration in determining planning applications and there is now an explicit statement that permission may be refused solely on design grounds.</p>	
Subject	Commentary
<p>❑ SPP identifies a preference for the use of town centre locations for "uses which generate significant footfall" and this would by definition embrace libraries, education and health facilities.</p>	<p><i>The Council previously made representations that this had the potential to compromise its ability to plan sustainably and take account of local circumstances. It did not believe that such facilities need always be town centre based. However, SPP now recognises the importance of community / education / healthcare facilities being located where they are most accessible to their communities and concerns are satisfactorily addressed.</i></p>

❑ SPP introduces a regime of town centre 'health checks' to be undertaken by planning authorities, the purpose of which is to assess a town centre's strengths, vitality and viability, weaknesses and resilience.

*While the Council previously intimated its support in principle for such an initiative, it did express reservations about the resource implication in the current financial climate and the suggested two year frequency. It is therefore disappointing that Scottish Government has not seen fit to revise this.*

❑ SPP also encourages the preparation of strategies to deliver improvements to the town centre and detailed guidance is set out in a separate Appendix.

*The Council has previously said that it could see value in this exercise but that it had concerns about resourcing it and did not favour overly prescriptive arrangements.*

❑ In relation to rural development, the Draft SPP had suggested a dilution of the protection afforded to prime agricultural land, prompting the Council to raise concern. In the event, SPP is now unequivocal that development on prime agricultural land should not be permitted except where it is essential and under defined circumstances.

❑ The draft SPP had also suggested that it might not support occupancy restrictions on new houses in the countryside. The Council argued that the ability to impose such restrictions helped it to distinguish opportunistic proposals from those addressing genuine local need and there is satisfaction that the finalised SPP only refers to occupancy conditions being discouraged in remote rural areas.

#### Subject

❑ Under the heading 'Enabling Delivery of New Homes', itself a more positive and promotional banner, SPP reinforces the requirement expressed in other policy documents that the planning system identifies a *generous* supply of land to support the achievement of the housing land requirement and helpfully defines *generous*, suggesting it should be between 10% and 20% above the overall housing land supply target. It also underlines the importance of sites being effective and deliverable.

#### Commentary

*When previously consulted, the Council welcomed clarification of what the term generous meant but also suggested that there needed to be democratic accountability in agreeing land supply figures. This has been partially addressed by recognition in the text that the exact extent of the margin will depend on local circumstances.*

❑ SPP now permits an allowance for windfall development to be made in the calculations for meeting the housing land requirement, subject to expected contributions being realistic and based on clear evidence of past completions and reliable future trends.

*While the Council had been sceptical about including windfall contributions (as it was notoriously difficult to predict) it conceded that an allowance would be acceptable if subject to the provisos of the nature now adopted.*

❑ SPP unambiguously states that it is the role of Strategic development plans to set out the housing supply target and housing land requirement for the plan area, each local authority area, and each functional housing market area.

*The Council had previously supported clarity on such matters, prompted by the protracted nature of housing land supply issues allied to SESplan, and particularly where they relate to the SDP and LDP areas.*

❑ The level of affordable housing required as part of a housing development has been generally capped at no more than 25% of the total number of houses.

*The Council's consultation response indicated that this was a reasonable and achievable figure, but suggested that there should perhaps be provisions to exceed this figure in exceptional circumstances. The SPP does not appear to have allowed for this, save for the inclusion of the word 'generally'.*

❑ SPP advises that 'business land audits' should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. The content would be similar to the established housing land audits.

*The Council previously said it saw merit in such an audit but had concerns about resourcing and the frequency. While resourcing remains an issues, the suggested frequency would be less burdensome than initially proposed.*

#### Subject

#### Commentary

❑ For the first time SPP includes a detailed map of Scotland's 'wild land areas' and identifies "sensitive areas" which will benefit from stronger protection against inappropriate development. In total, approximately 30 per cent of Scotland's landscape will benefit.

❑ SPP expects LDPs to use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply and to support the development of heat networks, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat

*When previously consulted, the Council indicated support in principle to the use of heat mapping and the creation of heat networks but felt that there was currently insufficient data and expertise to achieve this in the short term. This remains the case and it would be LDP 2 at the earliest before these issues could be addressed.*

in the future.

❑ SPP establishes new limits on where on-shore wind turbines can be located, and effectively bans them from Scotland's national parks and National Scenic Areas (NSAs) which cover 19% of Scotland's landmass.

❑ SPP expects development plans to produce a spatial framework that identifies those areas that are likely to be most appropriate for onshore wind farms. At the same time, it identifies three types of site where development will be (a) not acceptable; (b) may be appropriate and (c) likely to be acceptable. The first group of sites has already been described, i.e., national parks and National Scenic Areas. The second group includes Sites of Special Scientific Interest, Natura 2000 and Ramsar sites, National nature reserves, Designed Landscapes and Historic Battlefield sites, Areas of Wild Land and areas with special soil types.

#### Subject

❑ SPP expects LDP's to enhance existing and promote the creation of new green infrastructure. This is to be done through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context.

❑ SPP explicitly suggests that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with Scottish Government guidance.

*The Draft SPP had also suggested that it might increase the distance between wind farms and nearby settlements from 2km to 2.5km. It has not done this, nor does SPP give planning authorities discretion to vary the distance to take account of specific local circumstances and geography, as had been suggested.*

*The Council previously acknowledged that the LDP spatial framework was an appropriate vehicle for identifying the suitability of land for wind energy developments. However it expressed concern that the draft SPP was conceding too much at the expense of the natural environment. Specifically, it was felt that it did not afford regional and local landscape and local natural heritage designations and long distance walking routes the degree of protection that was warranted and that many of the 'likely to be acceptable' group fell within this description. Despite petitioning for these areas be given an enhanced level of protection when finalising SPP, this has not been done, save for mention of landscape and visual impact being general considerations.*

#### Commentary

*The Council had previously indicated that was supportive of local communities being the beneficiaries of legitimate planning gain but was nevertheless concerned that communities could feel pressured to embrace development proposals for the sake of securing financial 'inducements'. Notwithstanding this, Scottish Governments 'Good Practice Principles for Community Benefits from Onshore Renewable Energy*

❑ SPP incorporates and consolidates planning policy for waste management within the body of the document, dispensing with further narrative previously contained in an Annex.

❑ Tighter controls are introduced on onshore oil and gas development. Specifically, measures in relation to hydraulic fracturing, known as fracking, including a requirement that proposals comply with the appropriate regulatory regimes and for “buffer zones” to be agreed on a site by site basis. New risk assessments are introduced and operators will have to consult with communities on proposals to ensure development only proceeds if communities and the environment can be protected.

❑ SPP identifies a requirement that agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or a planning application.

*Developments’ is a welcome new resource.*

*This is consistent with the recommendation made by the Council when commenting on the Draft SPP.*

*It was suggested in the Council’s consultation response that clarity was required as to what level of agreement was envisaged but this has not been addressed by SPP.*