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## **DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **UPDATE ON SCOTTISH PLANNING POLICY FINALISED AMENDMENTS, PLANNING ADVICE NOTE (PAN) 1/2020, and THE WEST LOTHIAN HOUSING LAND POSITION**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the publication of finalised amendments to Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 1/2020 and to advise on the preparation of a Housing Land Position Statement which sets out the council's effective housing land supply calculation. Once endorsed by Council Executive the Housing Land Supply Position Statement will be a material consideration to be taken into account when determining planning applications and defending decisions at appeal.

#### **B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. notes the terms of the finalised amendments to Scottish Planning Policy and the reasons for the amendments (Appendices 1 and 2);
2. notes the publication of Planning Advice Note 1/2020 (Appendix 3);
3. notes that the West Lothian effective housing land supply is above the 5-year requirement; and
4. endorses the content of the West Lothian Housing Land Position Statement, which will become a material consideration in the assessment of planning applications (Appendix 4).

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Scottish Planning Policy (SPP) was published by Scottish Government in 2014. SPP sets out the Scottish Government's policy on how important land use planning matters should be addressed and was used to inform preparation of the West Lothian development plan. It is also used to inform decisions on planning applications. The content of SPP is thus a material consideration in planning matters.

Amendments to SPP were published on 18 December 2020. Scottish Planning Policy with finalised amendments will be a material consideration until the publication of National Planning Framework 4 in 2022.

Maintenance of a five-year effective housing land supply is a specific requirement of Scottish Planning Policy (SPP), SDP Policy 7 and LDP Policy HOU 2.

There are no equality, health or risk assessment issues, or SEA issues at this stage.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consideration at PDSP</b>	The council's SPP consultation response was considered by the D&T PDSP on 4 September 2020.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Scottish Planning Policy (SPP) is a Scottish Government policy statement on how important land use planning matters should be addressed across the country. Development Plans are required to be consistent with the terms of SPP. Amongst other things, SPP requires Planning authorities to maintain a 5-year effective housing land supply at all times.

### **D2 The Finalised Amendments**

Scottish Ministers consulted on interim changes to SPP July 2020. The consultation was prompted by concern over the impact of the coronavirus pandemic on the ability of planning authorities to maintain the review cycle of local development plans within the timeframes they intended, affecting LDP delivery programmes and the rate of housing completions and a decision by the Court of Session, *Gladman v Scottish Ministers* which raised a number of issues relating to the policy wording used in SPP and which Scottish Government believed to require clarification.

The council's response to the consultation was reported to Council Executive on 6 October 2020XXX with the agreed response subsequently issued to Scottish Government.

Following consideration of the consultation responses Scottish Government published finalised amendments to SPP (Appendix 1) and a further document explaining the Scottish Government's response to the consultation (Appendix 2).

The finalised amendments have made changes to paragraphs 28, 29, 30, 32, 33 and 125 of SPP. Planning Advice Note (PAN) 1/2020: Assessing the Extent of the 5-Year Supply of Effective Housing Land was also published by the Scottish Government at the same time to reflect the amendments to SPP in relation to housing land matters (Appendix 3).

The main changes to SPP can be summarised as follows;

- The presumption in favour of development that contributes to sustainable development has been reworded to simply be a 'presumption in favour of sustainable development'.
- Provisions that previously elevated the presumption to a significant material consideration in circumstances where Development Plans are out of date, or where there is a shortfall in the effective housing land supply have been removed.
- If a shortfall in a 5-year housing land supply is established, the weight afforded to any such shortfall is a matter for the decision maker.
- A method for calculating a 5-year housing land supply has been established in a new Planning Advice Note – PAN 1/2020.
- The primacy of the development plan in the determination of planning applications is affirmed.

The finalised amendments to SPP are a welcome amendment and will provide communities and investors with greater certainty that planning applications will be assessed in accordance with the development plan. Further, the introduction of a definitive methodology for the calculation of a 5-year effective housing has been long-awaited and should hopefully remove the lengthy and time consuming debates over which methodology is the most appropriate. It should be noted however, that the amended interim policy is unfortunately only in force until National Planning Framework 4 is adopted, which is anticipated to be 2022.

Previously there was dubiety over whether the presumption in favour of sustainable development was triggered because a development plan was out of date. The development plan is defined as a 'Local Development Plan supported by Supplementary Guidance and in the four largest city regions, the development plan also includes a Strategic Development Plan (SDP), which may also be supported by Supplementary Guidance'. It was not clear if one or both plans had to be over five years old for the presumption to be triggered. The changes now remove the link between the presumption of sustainable development and out of date plans, therefore removing any dubiety if the presumption is triggered due to the SDP, in this case SDP1 approved in 2013 and the associated Supplementary Guidance on housing land, being more than 5-years old.

### **D3 PLANNING ADVICE NOTE 1/2020. ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

Planning Advice Note (PAN) 1/2020 introduces a methodology for calculating the 5-year effective housing land supply which is welcomed and will provide clarity for all involved in the planning process when determining whether or not a 5-year supply is being maintained. There are two important features with the method set out in PAN 1/2020.

Firstly, it uses the average approach, which ignores shortfalls accumulated over the development plan period. This is the same approach that has been historically adopted by the council, but notably not, in all cases, by Reporters in previous appeal decisions affecting West Lothian. The Scottish Government whilst accepting any methodology has limitations found that the residual approach (i.e. to take account of shortfalls) can lead to unrealistic revised housing targets, particularly at the end of a plan period, whilst the average approach (ignoring shortfalls accumulated) is more straightforward and predictable.

Secondly, the method set out in PAN 1/2020 uses a 'housing land requirement' figure from Local Development Plans. This figure is derived by adding the 'housing land target' to a generosity allowance. The generosity allowance as set out in the adopted West Lothian Local Development Plan (LDP) is 10%. Historically, calculations used by the council and planning applicants have usually used the 'housing land target' figure, however the *Gladman V Scottish Ministers* ruled the appropriate figure to use is the 'housing land requirement' figure and this is now embedded into Scottish Government planning policy.

The annual Housing Land Audit is used as a tool to assess the 5-year effective housing land supply and this is to continue, as does PAN 2/2010 – Affordable Housing and Housing Land Audits. The latest Audit for West Lothian is the 2020 Audit which demonstrates a 5-year effective land supply of 8,363 homes. In preparing the Housing Land Audit consultation is carried out with Homes for Scotland, a national body representing housebuilders. Homes for Scotland disputed 3 sites which leaves an agreed total of 8,157 homes.

### **D4 Housing Land Position Statement**

In light of the amendments to SPP and PAN 1/2020 a housing land supply position paper has been prepared which sets out the council's position on the housing land supply, using the 2020 Housing Land Audit. This demonstrates that a five year effective supply exists therefore satisfying Scottish Government requirements to maintain a 5-year effective housing land supply at all times. The Position Statement is attached as Appendix 4.

While PAN 1/2020 provides decision makers with methodology, there does remain a degree of uncertainty when calculating a 5-year effective housing land supply using Housing Land Audit 2020. This is because the SDP outlines the housing land requirement until 2024 and the current five year supply period extends beyond that.

Nevertheless, the methodology in the PAN is clear that a simple approach should be taken and that is the approach adopted by the council.

It should be noted that Housing Need and Demand Assessment (HNDA2) provides a more up to date assessment of the current need and demand for housing. HNDA2 was certified 'robust and credible' by the Scottish Government in March 2015 and was used to inform SDP2.

The Reporter for the SDP2 used HNDA2 as an evidence base in which the housing supply targets were derived after taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, as required by para. 115 of SPP.

Paragraph 21 of the SDP2 Report of Examination (page 238) notes that HNDA2 clearly points to the demand for market housing in the future being significantly lower than was built during the years before the recession and that no convincing evidence had been provided to undermine the findings of HNDA2. The HNDA2 figures could, therefore, be used to assess demand in the latter year of the five year period. A table showing this assessment is included in the appendix and it will be noted that this approach further increases the surplus over and above the 5 year requirement.

## **E. CONCLUSION**

The finalised amendments to SPP are a welcome amendment and will provide communities and investors with greater certainty that planning applications will be assessed in accordance with the development plan.

Further, the introduction of a definitive methodology for the calculation of a 5-year effective housing as set out in PAN 1/2020 has been long-awaited and should hopefully remove the lengthy and time consuming debates over which methodology is the most appropriate. Using this methodology the council can demonstrate that a 5 year effective housing supply exists.

## **F. BACKGROUND REFERENCES**

Scottish Planning Policy 2014

Appendices/Attachments: four

Appendix 1: The Scottish Government's response to the recent consultation on changes to the Scottish Planning Policy

Appendix 2: Scottish Planning Policy: finalised amendments, December 2020

Appendix 3: Planning Advice Note 1/2020

Appendix 4: West Lothian Council Housing Position Paper January 2021.

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2 February 2021

# **Scottish Planning Policy**

## **Finalised Amendments**

## **Scottish Planning Policy - Finalised Amendments - December 2020**

### **1. BACKGROUND**

On 17 July 2020 the Scottish Government published a consultation paper setting out proposed interim changes to the Scottish Planning Policy (SPP) (2014).<sup>i</sup> The consultation period closed on 9 October 2020.

The Scottish Ministers have since reflected on the responses to the consultation, including evidence highlighted by respondents and gathered during the consultation period. This paper:

- Summarises the key issues arising from responses to the consultation. A fuller analysis is set out in an independent report.<sup>ii</sup>
- Reflects on available evidence.
- Sets out the Scottish Government's response, in light of the comments and evidence received.
- Sets out our finalised interim policy position including revised text of the relevant sections of the Scottish Planning Policy 2014.

Enabling the delivery of good quality development is an important objective for the Scottish Government. The Scottish Ministers wish to see homes and other essential developments delivered in a way that respects and is consistent with development plans that have been drawn up with input from local communities and other interests.

Our final policy position reflects our view that the planning system requires co-operation from all parties to work together effectively to deliver good quality development. It is clear that there are many different views on how that can best be achieved, and that this is a key issue for the wider review of national planning policies to consider further.

The amended interim policy is intended to make the system more transparent, fairer and more consistent with these objectives, ahead of National Planning Framework 4 being adopted in 2022.

## The consultation process

We considered the consultation to be necessary, as a result of recent litigation and complexity arising from certain parts of the Scottish Planning Policy. Some of the proposed changes also aimed to respond to the impact of COVID-19 on the planning system and housing developments. Overall, views on the proposals were divided, with some supporting the changes and others opposing them.

Some responses expressed concern about the consultation process, its timing and the lack of a transition period, forewarning or scope for earlier involvement. Issues included the scale and significance of the changes proposed (with suggestions that the paper's title and assessments underplay its impacts), a perceived lack of supporting evidence and impact assessments, the accessibility / language used in the consultation paper and presentation of the proposals as relating only to housing matters rather than wider development proposals. In response to these views:

- **There was a good level and range of responses to the consultation.** We received 244 responses by the deadline from a wide range of stakeholders including public and private sector organisations, community groups and individuals, as set out in the independent consultation analysis report. This number and range exceeds the response from the consultation undertaken when the presumption was introduced in the 2014 version of the Scottish Planning Policy (160 responses).
- **There is no evidence to suggest there was widespread or universal dissatisfaction with the consultation process.** In response to a specific question on the Citizen Space platform, a minority of respondents (28) who expressed a view felt dissatisfied with the consultation, a majority (83) were satisfied, and the remainder did not express a view or a preference either way.
- **The title of the consultation was not intended to minimise its importance.** This is undoubtedly a complex area of planning, the paper was titled as a 'technical consultation' to accurately describe its content, rather than as an attempt to minimise its significance. We fully appreciate the importance of the issues and this is reflected in our decision to formally consult on the proposals.
- **We provided extra support to a range of stakeholders.** To help stakeholders understand the proposals, we offered support to a range of representative organisations by meeting with them to answer their questions and clarify issues.
- **Sufficient time was allowed for responses.** The consultation period was of sufficient length to allow respondents to submit their views in a timely manner.
- **Overall this has been a meaningful and effective consultation.** Whilst we recognise that this is a difficult topic for some people to engage with, taking into account the number and range of responses we have received, we do not agree with assertions that this consultation has been underplayed or that people have not had an opportunity to express their views as a result.



## 2. THE PRESUMPTION IN FAVOUR OF DEVELOPMENT THAT CONTRIBUTES TO SUSTAINABLE DEVELOPMENT

- Question 1 in the consultation paper focused on the presumption in favour of development that contributes to sustainable development.
- We proposed removing the statement that *“This SPP introduces a presumption in favour of development that contributes to sustainable development.”*
- We also proposed removing paragraphs 32 and 33 of the SPP which explain how the presumption should be applied in development management. Paragraph 32 states that the presumption will be a material consideration for proposals that do not accord with up-to-date development plans. Paragraph 33 states that where relevant policies in a development plan are out-of-date the presumption will be a significant material consideration. Paragraph 33 also gives significant weight to the presumption if there is not enough ‘effective’ land available for housing development. A minor adjustment to the wording of paragraph 30 was also proposed for cross-referencing.
- The consultation paper did not propose changes to paragraph 29 of the SPP which sets out the principles of sustainable development in more detail.

### Views

As set out in our consultation analysis report there was both support for, and opposition to, these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- A large majority of individual respondents supported the proposals as did all members of the community and third sector groups and local authorities who indicated a clear view. In contrast, all energy and housing developers and all but one planning consultancy opposed the proposals. Representative bodies were evenly divided, with their position reflecting the sectors of their members.
- Many respondents supported the proposal to remove the overall wording on the presumption because:
  - the proposed changes were considered consistent with a plan led system;
  - considerable resources are spent on calculating and debating the 5 year effective housing land supply;
  - there is concern about the impact of Court decisions on encouraging speculative / unsustainable development;
  - there is doubt about the benefit of the presumption in addressing a shortfall in housing;

- there is agreement that there is no provision for a ‘tilted balance’ in the SPP; and
- it was recognised that the principles supporting sustainable development would remain in place.
- Many respondents also broadly agreed with changes to address the issue of plans being considered out-of-date (paragraph 33) but felt that clarification would still be required for handling of proposals where there are no relevant policies.
- Many respondents, largely energy and housing developers, opposed the proposal on the basis that:
  - The presumption is important for housing delivery in responding to failures to provide sufficient land for housing development.
  - The presumption is also relevant to non-housing developments.
  - The presumption was considered to be clear and consistent with a plan-led approach.
  - The Court’s views on a number of recent statutory appeals clarifies the application of the SPP.
  - The proposals would be more than a clarification or a technical change and so the matter should be addressed in National Planning Framework 4 rather than an interim policy.
  - There is wide support for sustainable development and the changes would send out mixed messages on this.
  - The presumption does not bring forward ‘bad’ or unsustainable development.
  - The presumption ensures that development can come forward where plans are out of date or not explicit.
  - Paragraphs 32/33 play an essential role in keeping plans up to date.
  - The changes would exacerbate the impacts of the pandemic on the housing supply.

## Evidence

The following evidence has been taken into account in reaching our final policy position.

### ***The need to clarify the policy***

The extent of recent litigation<sup>iii</sup> demonstrates that there are different interpretations of the existing policy. Legal cases, including *Gladman vs The Scottish Ministers*, have shown that the policy as currently drafted alters or tilts the balance of decision making.

The Scottish Planning Policy aims to achieve the right development in the right place; it is not to allow development at any cost. The presumption as part of this sought to support development which is sustainable. A 'tilted balance', which has the potential to alter the assessment on sustainability of development that would be inconsistent with our broader understanding of sustainable development, was not an intended feature of our policy. The *Gladman* case established that the assessment of whether development is sustainable involves the use of the tilted balance. It also brings out that, where paragraph 33 of the current policy is engaged, it is sufficient that development "contributes" to sustainable development for the tilted balance to apply.

In addition, the information we have gathered on the application of the presumption to date (see below) demonstrates the complexity of the policy as it stands.

### ***The impact of the COVID-19 pandemic on housebuilding and development planning***

It is clear that the restrictions arising from COVID-19 have impacted on the construction sector. Stakeholders reported to us that there were high levels of applications to the job retention scheme and furloughing of employees, at least in the initial period where restrictions applied, and business confidence earlier in 2020 was reported to be low.

In terms of available evidence, data set out by the Construction Leadership Forum<sup>iv</sup> notes that output in the Scottish construction sector contracted by 28.6% in June 2020 compared to June 2019. The Scottish Housing Market Review (July – September 2020)<sup>v</sup> shows a significant fall in residential property sales (down by 63.5%) during the second quarter of 2020 and a subsequent strong recovery during July and August.

Figures relating to the housing supply (i.e. all sector new build completions) in 2020 are not yet available, but the affordable housing supply programme shows a significant fall in completions (by 84%). The extent to which the recent recovery signs arise from a catching up with activity that stalled during lockdown and will be sustained is not known at this point in time. However, Homes for Scotland gave evidence on the impact of COVID-19 to the Scottish Parliament's Economy, Energy and Fair Work Committee in May 2020.<sup>vi</sup> This set out that the prospects for long term recovery of the housing market are very uncertain and that it may be 2 to 3 years before construction rates return to 'anything like' pre-COVID levels. Homes for

Scotland submitted evidence to the Advisory Group on Economic Recovery (AGER) which stated *that “even on best case scenarios...we may expect a reduction in completions for the year of around 30 to 40% from where they would otherwise have been”* and referred to low levels of consumer confidence being expected *‘for a while’*. Homes for Scotland also produced a Recovery Plan<sup>vii</sup> which sets out the continuing impact of restrictions on capacity and the longer timescales required to complete homes.

Earlier this year we published advice on COVID-19 and development planning consultation and engagement.<sup>viii</sup> This aimed to balance the limitations on engagement arising from a ban on public gatherings and the need for physical distancing with the need to keep plans up to date as far as possible. It also took into account concerns expressed by industry representatives about their limited capacity to engage in development planning and housing land audits at that time. The advice acknowledges that some delays to development plan timescales would be unavoidable and this conclusion informed comments on this in the paper.

We have since noted evidence provided by some respondents which suggests that COVID-19 is not the primary reason for several plans becoming out of date. We have also taken into account information we gathered to inform the preparation of transitional arrangements for development planning which have since been published.<sup>ix</sup> Delays are likely to arise in the coming months for a number of reasons, including the revised NPF4 timescales, planning reform and the ongoing work to shape new style development plans, resources, and the ability of planning authorities to engage effectively with stakeholders and the public during the pandemic.

### ***Application of the presumption to date***

It is not possible to identify every case where the presumption has been applied or to ascertain whether or not it has been the determining consideration in granting approval. In responses to the consultation, examples were provided of the presumption having led to developments being approved. Some of these examples aimed to illustrate a point that the presumption is necessary to ensure the need and demand for homes can be met. Other examples were provided of the presumption being used to support homes without sufficient infrastructure or which were counter to community views about the future of their areas.

Since the consultation paper was published, we have considered a sample of appeal cases to assess the current impact of the presumption on delivering homes. This shows that the presumption is generally only referred to in appeal decisions relating to larger developments. In appeal cases, where the presumption has been applied prior to the *Gladman* case, an initial judgement has generally been made by the Reporter as to whether the proposal was sustainable development. Where applicable (i.e. there was a shortfall in housing land available or the development plan policies were out of date), the presumption was then subsequently applied by Reporters. In terms of the scale of the application of the presumption to appeal cases to date:

- 275 decisions were issued for appeals relating to 10 or more homes between April 2015 and August 2020. Of these 101 were allowed.

- 78 appeals related to proposals for development outwith an urban area (exceptional release sites) to address a housing land shortfall and 26 cases were allowed.
- Approximately 5500 houses were granted planning permission in such cases. Whilst it is not possible to say whether these consents were entirely driven by the presumption, we do know that it was a consideration in the decision.

This evidence suggests that the presumption has been of less direct relevance to individual decisions than may be thought to be the case by some stakeholders.

We reviewed the Homes for Scotland evidence on the scale of cases approved as a result of the presumption, drawing conclusions on the number of homes that it has delivered. We consider this to be an over-estimate when compared with our own analysis. Whilst no data can provide a complete picture, our estimate is that since 2015, 5500 units (rather than 8000 suggested by Homes for Scotland) have been approved on the basis of the presumption. The role of the presumption in determining these applications cannot be fully determined. Our research also shows that a smaller proportion of these consents has been built to date (around 1000 homes over 5 years).

### ***Implications of Gladman vs Scottish Ministers on the application of the presumption***

We accept that some of these types of proposals may have different outcomes in light of the Court's decision. This is supported by some responses – for example an example of a recent appeal decision where the Reporter indicated that had the policy changes been made, his decision would have been different.

The Court's decision suggests that rather than the approach generally taken by Reporters to date:

- The decision-maker should first identify whether or not there is a shortfall, based on the housing land requirement and comparing this with the amount of effective land included in the 5 year programme in the latest Housing Land Audit to determine the scale of any shortfall.
- Where a shortfall is identified, this shortage becomes a significant material consideration in favour of granting planning permission. The scale of the shortfall should determine the angle of the 'tilt' in the tilted balance.
- To refuse planning permission, the adverse impacts must significantly and demonstrably outweigh the benefits of reducing the shortfall (i.e. the tilted balance applies).
- Identifying the scale of the shortfall is important because it sets the angle of "tilt". The greater the shortfall the greater the weight should be attached to helping reduce the shortfall and so the harder it should be to refuse planning permission. Helping address a housing shortfall is of itself almost inevitably a contribution to sustainable development.

Applying this approach, in the same sample of cases we reviewed the presumption would become a significant material consideration, before assessing whether or not the proposed development met the principles set out under paragraph 29.

Following the *Gladman* decision, more applicants may seek to argue the case for more exceptional releases of housing land. However, the influence of the presumption and the outcome of decisions cannot be predicted with any confidence. The Scottish Planning Policy should be read and applied as a whole. The planning judgement, and outcome, would remain variable given the breadth of considerations that would still need to be taken into account.

### Key points

We have therefore concluded that:

- The presumption has some influence on decisions, but this appears to be limited and cannot be fully gauged.
- Appeal decisions show that because the presumption is complex and tends to be contested in large scale housing cases, it does take considerable time and resources to engage with it.
- Litigation, together with the polarised responses to this consultation demonstrate the range of interpretations of its meaning and application.
- The SPP presumption aimed to support sustainable development, not development at any price or in any location. Appeal decisions to date have generally focused first on ensuring proposals are sustainable in line with this intention.
- However the interpretation of the policy as established by the *Gladman* case and so the use of a strongly 'tilted balance', has the potential to mean that developments that may otherwise (i.e. without the use of a tilted balance) be judged to be unsustainable may be granted consent where there is a shortfall in the housing land supply.
- The pandemic is creating uncertainty. The proposal to remove the presumption was not primarily driven by the pandemic – but it did inform our consideration of paragraphs 123 and 125 (see below) as we expect that it will impact on the overall rate of housebuilding this year. Fuller data on the impact of COVID-19 will take some time to emerge but it is clear that this is a challenging period for construction including housebuilding, and that there is uncertainty about the timescale of future recovery. Available evidence shows that there will be an impact on the rate of homes constructed during the time when site restrictions were in place.
- We are aware from general practice that there is confusion / a range of interpretations about when plans (or the relevant policies) are, or are not, considered to be 'up-to-date'. More plans may become older than 5 years in the coming months for a range of reasons, but may well still contain relevant policies. A wide range of factors can influence whether local authorities review

their development plans – including COVID-19, resourcing and the revised NPF4 timescale.

- Sustainable development remains a key objective of the Scottish Planning Policy. The UN Sustainable Development Goals are embedded across our national outcomes<sup>x</sup>. Section 3E of the 1997 Act applies to planning authorities exercising functions under Part 2 of the 1997 Act, and under section 3E(3) the Scottish Ministers may issue guidance for the purposes of section 3E. This is addressed by the Scottish Planning Policy including paragraphs 28, 29 and 30.
- We also accept that plans cannot include policies covering every eventuality and that although the development plan has primacy in all cases, some flexibility is needed.
- In response to these issues, section 7 sets out our final policy amendments.



### 3. DEFINITION OF EFFECTIVE HOUSING LAND

- Question 2 in the consultation paper focused on making the definition of effective housing land as set out in paragraph 123 and associated glossary definitions more flexible.
- Sites currently need to be proven to be 'effective' when assessed against a range of criteria set out in planning advice. This is important because, as explained in Section 2, if there is not enough effective housing land available, then it is more likely that sites that are not in a local development plan could be brought forward for planning permission.
- We were aiming to reduce disagreement about whether sites are, or are not, suitable for housing development and whether these sites are effective. We also wanted to reflect the fact that the programming of sites (i.e. when they are built out) is determined by a range of wider factors and is subject to change.
- We were of the view that the potential impact of COVID-19 could mean that sites which might normally be considered 'effective' are not counted as part of the land supply.
- The changes we proposed in the consultation paper would mean that land that is technically suitable for housing could still form part of the 5 year effective land supply, regardless of changes to programming or subjective views on marketability in a changing context.

#### Views

As set out in our consultation analysis report there was both support, and opposition, to these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- Amongst respondents who supported and opposed changes, there was, to a degree, a shared recognition of and support for agreeing a methodology.
- Those respondents who supported the proposal to revise the definition of effective land, did so on the basis that:
  - There is concern about uncertainty and different interpretations of the existing wording of the SPP - clarity is needed to make the system easier to follow and transparent.
  - There is a need to address disputes about the 5 year effective land supply and in particular programming assumptions.
  - Communities reported damage to their area owing to the presumption.
  - Calculations can conflate the matter of available land and the rate of programming of its build.



- There was support for clarification that ownership should include reference to a 'willing seller' as this is often a source of dispute.
- Alternatives were suggested including differentiating between the land supply and the delivery programme or judgements, a fuller definition and an approved source of evidence on completions. More detailed wording was also suggested for both the policy wording and the glossary. It was suggested that communities should be involved in Housing Land Audits.
- Other respondents opposed the proposal to revise the definition of effective land because:
  - They would not clarify the situation and would have a significant impact.
  - There is a lack of evidence to support the reasons.
  - This should be considered within the context of NPF4 rather than interim policy changes.
  - There is agreement on the importance of Housing Land Audits, although also some views on shortcomings and inaccuracies / as well as views that their figures are 'manipulated'. Nevertheless there was concern that the changes would undermine their role, leading to more confusion.
  - Programming is considered essential including for action programmes and infrastructure providers.
  - A more useful change would be to require sites to be in the hands of a developer to be considered effective.
  - Exclusion of 'marketability' was considered irrational.
- Further alternatives suggested by those opposing the change included retaining the policy and the advice, or issuing informal advice on how planning authorities should adjust their approach to take into account the temporary / short term impacts of the pandemic.
- There was concern about removal of section 2 of PAN 2/2010<sup>xi</sup> given the need for clarity, although reasons for this vary.
- Stakeholders who supported and opposed the changes raised questions about the proposed reference to 'normal market circumstances'. Examples were provided of varying circumstances. Those who opposed the changes highlighted their view that demand in the market is currently strong and that there is therefore an urgent need for delivery to address this and assist with recovery from the pandemic through supply.

## Evidence

The following evidence has been taken into account in reaching our final policy position.

### ***Accuracy of information on site programming***

Housing Land Audits play a key role in monitoring the availability and build-out of sites and so many of the responses focused on their role in the system. The responses included examples of current practice in undertaking Housing Land Audits and it was reported that programming within them is often inaccurate:

- Some examples were given of programming assumptions leading to a requirement to allocate further land, despite the fact that sufficient land was allocated at the point of plan adoption.
- Others reported that the audit process is 'largely harmonious' with limited disputes and Homes for Scotland stated that their members have not withdrawn sites from the effective land supply as a result of COVID-19.

We have previously undertaken research on Housing Land Audits including most recently work to inform our ongoing work on planning reform<sup>xii</sup> as well as work in 2008 which assessed current practice at that time. The later research established that around 60% of audits were disputed, although the number of individual sites which are contested was low. Difficulties were identified in establishing completions and future site programming. Wider research reported by the Scottish Land Commission also highlights the role of the market absorption rate in defining build-out programmes.<sup>xiii</sup>

To further establish an evidence base to inform our consideration of the proposed changes, we built on this work by examining examples of Housing Land Audits. This work shows that:

- There are continuing difficulties in establishing completions and future site programming within Housing Land Audits, as a result of natural uncertainties and changing circumstances.
- Some audits overestimate completions in relation to their programme, whilst others underestimate them.
- Their findings with regard to the availability of housing land at any given point in time should be treated with caution.

## Key points

We have therefore concluded that:

- We recognise that maintaining a land supply is important and should be more than a theoretical exercise.

- However, there is variation and uncertainty within Housing Land Audits and limitations on the extent to which the programming assumptions provide a reliable source of evidence.
- It is reasonable to expect that numbers of homes delivered during 2020 will be impacted by the closure of construction sites earlier this year and ongoing requirements for operational adjustments.
- We were also concerned about the exclusion of sites on the basis of marketability, and its impact on the ability of authorities to maintain a supply of effective housing land. To some extent industry reports and evidence of a more buoyant housing market emerging following the initial lockdown period allay these concerns.
- We also recognise views that our proposals could generate further confusion and are therefore not minded to remove PAN 2/210 at this time.
- Section 7 sets out our final policy amendments, taking into account these issues.

#### **4. CALCULATING THE EXTENT OF THE 5 YEAR EFFECTIVE HOUSING LAND SUPPLY**

- Question 3 in the consultation paper focused on changes to paragraph 125 of the Scottish Planning Policy.
- Different views on the best calculation to use have caused considerable debate. We wanted the approach to this calculation to be clearer and more consistent.
- We proposed that the 'housing supply target' is averaged out over the life of the plan to provide a broad guide on how many homes should be expected over 5 years. The extent of land available for housing at any given time would then be compared with that number.
- Our view was that this would be more appropriate, as well as easier to understand and apply consistently, than more complex and detailed calculations that take into account any shortfall in the number of homes built.

##### Views

As set out in our consultation analysis report there was both support, and opposition to, these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- There was wide, but not unanimous, agreement that a clearer approach to calculating the extent of the 5 year land supply would be beneficial for all.
- Many respondents supported the proposal because:
  - An agreed approach would help to reduce disputes and debates, if robust and straightforward.
  - It would be helpful to planning authorities in defending their local development plan and making balanced planning judgements.
  - It was viewed as consistent with the approach taken to Housing Land Audits and the planning performance frameworks.
  - It would be helpful if decisions were based on the most recently adopted Housing Land Audits, rather than ad-hoc assessments on a case by case basis.
  - The proposed approach is flexible where a shortfall arises as it allows for programming and delivery to vary over the life of the plan.
  - The residual approach was not supported given its reliance on inaccurate figures on completions.

- They support an approach for proposals where a shortfall in the supply emerges, but different views on the steps that should be taken to address this including that it should not be 'determinative'.
- There were broader concerns about the role of this calculation.
- Detailed further amendments were suggested by those who supported the proposed changes to the policy including: clarification of the roles of the housing land requirement and housing supply target; a clearer definition of the effective housing land supply; clarification of the role of the programme as opposed to land supply; the timescale for the land supply (whether it should be for 5 years or the plan period); clarification of the base date for the calculation; a tenure-based approach; sub-market area calculations; and prioritisation of brownfield development over greenfield.
- Those who supported the approach also raised concerns that where build out rates are achieved early in a plan's lifetime there may still be a need to identify further land.
- Many respondents opposed the proposal because:
  - The proposed methodology allows authorities to 'write-off' shortfalls in housing delivery. This is critical and should be a material consideration.
  - The proposals do not reflect the approach taken by Reporters and the Court.
  - Plans should over-provide for housing in the first place, and it is important that there is flexibility to respond to emerging shortfalls.
  - The pandemic is not a reasonable basis for using the average methodology, given that shortfalls were arising before this.
  - The problem is of supply rather than demand and there is a significant backlog in affordable housing.
  - The residual approach is needed to establish whether the land requirement will be met.
  - The average approach will lead to thousands of new homes not being delivered.
  - The proposals remove accountability from the system and does not encourage local authorities to work with others to deliver homes.
  - The changes would cause difficulties in infrastructure provision.
  - The proposed approach to addressing the shortfall would in fact be a type of tilted balance.

- Alternatives were suggested including; a universal, plain-English methodology for planning authorities (prepared and proposed by Homes for Scotland); limiting changes to clarify that the housing supply target forms the basis of calculations; requiring a shortfall to be recovered by the end of the plan period, rather than within 5 years.

### Evidence

The following evidence has been taken into account in reaching our final policy position.

#### ***Current approaches to calculating the 5 year effective housing land supply***

Some respondents suggested that decision-makers, including Reporters, routinely apply the residual approach, and that there is no need for the proposed clarification. However, our analysis of a sample of appeal cases shows that whilst the residual approach has been recognised in many cases, other methods have also been taken into account. Whilst a reliable conclusion can generally be made that a shortfall exists, Reporters have often come to a view that it is not possible to quantify its scale whilst there is no single methodology to refer to.

Examples referred to in responses showed that where the pace of delivery is being factored into housing land calculations, in some areas it would be extremely difficult for a planning authority to sustain a 5 year effective land supply, particularly in the latter years of a plan period where delivery has been lower than originally programmed. This may be the case despite the fact that there is arguably sufficient land and consents available which are not being built out quickly enough for a range of reasons.

Heads of Planning Scotland has produced evidence on the availability of housing land across all local authorities in Scotland, from planning performance reporting.<sup>xiv</sup> Whilst the data may be approximate and is not complete, this shows that:

- There was an established housing land supply in 2018-19 for more than 390,000 homes to be built across Scotland.
- The approximate / estimated **requirement** for the same period is for 110,000 homes – 22,000 homes per year over 5 years.
- **Planning permission** was granted for around 36,000 homes in 2018-19.
- In 2018-19 around 160,000 homes were **programmed** to be built over the next 5 years – around 32,000 per year.
- **Previous completions** (based on analysis of historic information) have been around 86,000 over the last five years or 17,200 per year.
- The **highest annual completions** in recent years for Scotland was approximately 26,000 in 2007-8.

### ***Reasons for a shortfall in homes delivered emerging***

Whilst we acknowledge that the figures provided by planning authorities are likely to be approximate, we suggest that it shows that lower levels of completions than programmed (i.e. an emerging shortfall) are unlikely to have arisen as a result of the availability of land or in securing planning permission for proposals.

This is supported by evidence we received outlining the reasons for a shortfall arising including:

- the capacity of the industry;
- the market absorption rate;
- access to finance by purchasers;
- delays in the planning system / protracted consenting processes;
- refusal of applications contrary to officer recommendations;
- land controlled by non-developers;
- plans not including sufficient or effective housing land for housing.

It is clear that there are multiple reasons perhaps including, but not limited to, the availability of land for a shortfall in the number of homes being built. Housing delivery is a complex issue that we are seeking to address in the fuller review of policy in NPF4. In the meantime, the evidence suggests the need for a cautious approach when considering whether or not releasing additional land or development is justified in specific cases. A shortfall in homes delivered is unlikely to be substantially resolved by exceptional releases of housing land, potentially on sites that are not sustainable and with no guarantee that they will progress to construction as programmed.

### ***Strengths and weaknesses of the average and residual methodologies***

We have undertaken analysis of land supply assessments applying the residual and average approaches, focusing on the local authorities which experience the greatest number of planning appeals for the exceptional release of housing land. This shows that:

- During times in which completions are low (for a range of reasons, as set out above) the residual method often leads to a substantial uplift in the number of homes to be achieved in meeting the land supply – for example, in one area (West Lothian) the annual requirement would be more than three times average completion rates since 2011.
- This issue can become very acute towards the end of a plan period when more homes have to be delivered in fewer years.

- This methodology can lead to an adjusted 5 year effective housing supply target which appears to be unrealistic when taking into account data on completions to date.
- A shortfall demonstrated by the residual approach does not necessarily arise as a result of a lack of available land but can be due to the programming assumptions of developers which are subject to change.
- Therefore, this approach may not lead to an accurate conclusion about the sufficiency of the land supply.

In comparison the average method:

- Tends to require a lower number of units to be met to achieve the 5 year effective land supply.<sup>1</sup> This is considered to be realistic for the period between now and NPF4 being adopted, given that it is broadly similar to past levels of completions.
- Is not re-adjusted to account for actual delivery rates and is therefore less responsive and flexible.
- If applied, is likely to require planning authorities to maintain a supply of land which is similar to a rolling average of completions.
- For the plan areas where the presumption is triggered most often, would still require previous completion rates to be exceeded and therefore remains ambitious.

We accept that neither approach is perfect, but our view is that the arguments against the average method, and for the residual method, may be overstated. This, together with the inaccuracy of data involved in audits, the subjectivity associated with the effectiveness of housing land, and the externalities affecting programming suggests that calculations on the land supply should not be the determining factor in planning decisions to the extent that it outweighs other factors required to make a development sustainable.

### Key points

We have therefore concluded that:

- There is a wide range of views on the approach to calculating the 5 year effective land supply. In our view, there is no perfect methodology and data on land and programming should be interpreted with caution.
- Planning authority statistics suggest that there is, overall, more than enough land allocated than is required.
- The benefits of the residual method are, in our view, overstated. It conflates land availability with the rate at which homes are being built-out. The latter is

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<sup>1</sup> It should be noted that if plans are being delivered as intended or progress exceeds expectations, a higher figure would be required by this method.



influenced by many different factors including, but not only, the availability of effective land. Sites may be suitable for development, and land may be available, but a technical 'shortfall' could still arise based on the residual calculation. This can lead to undeliverable requirements that cannot be recovered by planning authorities when the delivery rate is shaped by many other factors.

- It is not in the public interest to recommend a methodology which leads to conclusions that there is insufficient land available when completions are influenced by a variety of different factors.
- We recognise that the average method also has weaknesses and may be viewed as less precise and inflexible as it does not factor in emerging shortfalls in the number of homes being delivered. However, we are reassured that it is reasonable and realistic as an interim approach, as it is broadly similar to levels of completion that have been achieved in recent years. As a result, we believe that it has a valid role as a consistent benchmark to inform decision making.
- The housing land requirement is applicable when the development plan is being prepared to ensure that it includes a generous supply of land. We initially proposed that the housing supply target, which does not include an allowance for generosity, should form the basis of this calculation. However, we also recognise the importance of a positive approach to planning which aspires to deliver a generous supply of land for homes to meet our future needs. We have therefore decided that the housing land requirement, which includes an additional percentage for generosity (generally between 10 and 20 per cent), should form the basis of this calculation.
- The disputed nature of the evidence and unreliability of data in housing land audits suggests that the calculated 5 year land supply should only ever be used as an indicative number. Whether or not further land should be released for development should be a matter for planning judgement taking into account the facts and circumstances of each case.
- There should still be scope to support applications where it is clear that there is unmet demand for housing and this could be achieved by retaining a simpler and clearer version of the presumption. A clearer policy on this has been set out in the final policy amendments in Section 7.

## 5. IMPACTS ON DEVELOPMENT OTHER THAN HOUSING

- Question 4 in the consultation paper focused on this.
- The consultation paper aimed to address issues arising from planning for housing. However we invited views and evidence to establish whether it would affect other types of development.

### Views

Some agreed that the proposals would impact on housing, rather than other types of development, recognising that the key changes focused on procedures relating to the housing land supply and associated development management decisions.

Others considered it would have wider impacts:

- It was noted that many housing developments may be part of a mixed-use proposal or include infrastructure improvements.
- Responses pointed out that development plans cannot include policies to cover every potential type of development.
- Several respondents felt the presumption has an important role to play in supporting proposals for renewable energy development as well as grid infrastructure. The renewable energy sector called for the presumption to be retained, or if removed to be replaced by an alternative that carries the same level of weight supporting sustainable development. It was also noted that electricity consents have a different relationship with the development plan and so changes that aim to rebalance this have no relevance to the sector.
- Other types of development raised in responses included mixed use sites, essential infrastructure, waste infrastructure, tourism development, business expansion or restructuring.

### Evidence

The following evidence has been taken into account in reaching our final policy position.

#### ***Application of the presumption to non-housing applications***

Examples were given of wind farm cases where the presumption has been viewed as a relevant consideration.

To inform our consideration of this matter, we have reviewed a sample of renewable energy appeal cases, including those considered under planning as well as projects considered under section 36 of the Electricity Act 1989. Nearly all of the cases we reviewed referred to the presumption, but it was only a significant material consideration in 3 of 15 cases on the basis of the plan being viewed as 'out-of-date'. However, in all cases, a balanced judgement was made taking into account the principles set out under paragraph 29.

The wider policies (e.g. paragraph 33) that we proposed changing, would not change that assessment.

Taking into account these cases, we recognise that the balance in decision-making for other types of development could be altered, and that there is potential for changes to the policy to affect the outcomes of decisions. As with housing, however, given the role of planning judgement in each case and taking into account the application of wider policies within the SPP, it is not possible to determine with any degree of confidence the extent of impacts from either the initial proposals or our final policy position.

#### Key points

- The presumption is not usually a determining factor in non-housing applications. However, we accept there is potential for the *Gladman* decision to change the outcome in some instances for non-housing developments.
- We recognise that there could be benefit in retaining an overarching presumption and that decisions can continue to be made in a way that supports sustainable development where there are no relevant plan policies in place.
- The effect of our revised amendments on non-housing types of development is expected to be limited.
- In response to these issues, section 7 sets out our final policy amendments.

## 6. IMPACT ASSESSMENTS

- Question 5 in the consultation paper focused on this.
- We did not consider that the changes would have significant impacts on the environment, business, equalities and children's rights and wellbeing, and therefore our view when preparing the consultation paper was that fuller impact assessments were not required.
- However, we invited views and evidence on this.

### Views

A majority of respondents (61% of all responses) agreed with our conclusion that full impact assessments are not required, given the procedural and technical changes, their lack of significance, their role in clarifying processes and their temporary lifespan ahead of NPF4 being published.

Others (39% of all responses) disagreed with our conclusion because:

- They considered the proposals to have significant effects, potentially impacting on national outcomes.
- The intent is to change the way that planning decisions are taken.
- They considered that further assessment is needed to ensure the consultation is valid.

In terms of the specific assessments, some respondents suggested that a strategic environmental assessment (SEA) was required to assess the impacts on net zero emissions, and to take into account the impact on providing renewable energy schemes, energy efficient homes, green infrastructure, and the reuse of vacant and derelict land.

Some responses suggested that equalities and human rights could be affected by the impact on affordability for those on low incomes, and that health could also be affected. Similarly, some respondents considered there may be wellbeing or health impacts arising from the economic impact on the housebuilding industry, construction sector and supply chain.

A BRIA was considered necessary by some, given their views on the potential impacts on businesses and the economy. Evidence was presented which has been considered in more detail in the following section.

### Detailed comments received

#### *Strategic Environmental Assessment*

Housing developers and their representatives considered that the changes would result in lost opportunities for sustainable development, with effects on the housing supply, green networks, open space, vacant and derelict land and unproductive

sites. Renewable energy providers also wanted to see an assessment of the impact on meeting net zero targets.

### *Equality Impact Assessment and Child Rights and Wellbeing Assessment*

It was suggested that fuller assessments were necessary, given the potential impact of the changes on housing affordability. It was suggested that health could be affected, and that unemployment and hardship in the housebuilding sector would also lead to impacts.

### *Business and Regulatory Impact assessment*

It was contended that, based on a series of assumptions about the income generated from each house, the removal of the presumption would mean that more than 10,000 jobs, £13.3 million of 'local spend' and £40 million to the local economy would be lost.

### Key points

- Our initial assessments assumed the changes will not affect decisions directly – our view was that the proposed changes would maintain the original policy intention.
- We recognise that the Court's decision could change how the policy is applied, and that amendments may therefore lead to different decisions being made.
- However, the evidence shows that the role of the presumption is neither clear cut nor determinative. The impact, in terms of numbers of homes built or other developments affected cannot be accurately predicted. However the impact on number of homes delivered could reasonably be expected to be neutral given the continuing role of planning judgement in decision-making and taking into account the revised amendments we are now proposing. The effect of changes on other sectors is also expected to be limited.
- We do not accept the evidence submitted by Homes for Scotland as referred to above, because this assumes that without the presumption, all exceptions sites would be refused planning permission, with 2,667 homes not being built as they would depend on the presumption in favour of development that contributes to sustainable development. Our review of the evidence suggests that this is an over-estimate. It is not reliable to conclude that all proposals that may have been approved would be refused permission. This is particularly the case when the amended policy changes set out in Section 7, and the application of planning judgement in each case, are taken into account.
- Nevertheless, we have given further consideration to the likely impacts of the changes, taking into account all of the views and evidence received and in light of the revised proposals. We have published new screening reports which conclude that fuller assessments are not required.

## 7. CONCLUSION – POLICY CHANGES

Taking into account the views and evidence received and summarised above, we have decided to:

- 1. Retain, but reword the presumption in favour of development that contributes to sustainable development so that it can be applied in a more straightforward way.**

We acknowledge that, overall, the planning system has a vital role in helping to deliver the homes that we need. However, the challenges around delivering housing are complex and not wholly attributable to the extent of effective housing land available. This requires further consideration to inform our fuller review of national planning policies in National Planning Framework 4.

In the meantime, we want to ensure that the existing system is flexible and able to operate effectively within the context of COVID-19 and economic uncertainties in the coming months.

In our view, taking into account views and available evidence, the role of the presumption in decision-making to date may be overstated. However, we recognise the concerns raised by respondents about the broad and positive role of ‘the presumption’ in the SPP as a confirmation of our commitment to supporting sustainable development. We are concerned that, if the current policy remains un-amended, its application may now lead to approval of some development proposals which are not sustainable. The presumption was never intended to be used to support development which is not sustainable development and the changes we make will make it clear that the policy is to support development that is sustainable development rather than development that contributes to sustainable development.

We are therefore amending the policy so that it more clearly supports sustainable development. It will now provide that there is ‘a presumption in favour of sustainable development.’

- 2. Remove references to plans being ‘out of date’ and the direct link with calculating the land supply to the presumption and replace them with a more straightforward policy.**

Ideally housing should be built on sites allocated in the plan, and the plan and its policies should be kept up-to-date. However, we accept that plans cannot foresee every eventuality. In addition, whilst planning authorities should strive to keep their plans up-to-date, in the months ahead this may not be feasible in some cases, as a result of the constraints arising from the pandemic, the limitations on people who may wish to be involved, as well as the significant changes to the system and NPF4 that will be coming forward in 2021-22.

A shortfall in the land supply should not be the sole or overriding factor in determining whether or not a planning consent should be granted. In the first instance wider policies within development plans can still apply to assess whether developments are sustainable.

In the absence of such policies, reworded paragraphs 32 and 33 would provide decision-makers with more clarity on how the amended presumption should be taken into account.

**3. Undertake further work to inform an updated approach to housing land audits within the new system.**

We recognise that the proposed amended paragraph 123 and definitions may not provide sufficient clarity and that removal of PAN 2/2010 may generate further confusion. It is clear that there is scope for improvement, but also that there are different views on the best way forward.

We are not proposing to take forward changes to paragraph 123 of the SPP.

We consider that a more fundamental review of this aspect of the system is needed, as part of the development of a new policy approach for National Planning Framework 4, and will take this forward in the months ahead. In the meantime PAN 2/2010 was prepared prior to SPP (2014) and this should be taken into account when applying it.

**4. Support the use of the average method to determine whether or not there is a 5 year land supply as a reasonable benchmark to be taken into account in assessing applications.**

A single methodology for calculating the 5 year land supply is needed to make the system clearer and more consistent. However, as this is a methodological and operational matter, we have decided to set this out in associated advice rather than in the policy itself.

We accept that any methodology has limitations. Whilst the residual approach takes into account any emerging shortfall in the number of homes being built out, it can lead to unrealistic revised targets. The average approach is more straightforward and predictable, but it is not responsive to variations in the number of homes that are delivered. We recognise that there is an important question about how planning policies can better support delivery, and this will be addressed in National Planning Framework 4.

In the meantime, in our view the average method provides the most appropriate methodology at a time when external factors, including COVID-19 restrictions, market uncertainty, and economic challenges are more likely to influence housing delivery than the availability of land in the planning system. We consider this to be reasonable, taking into account evidence on the land supply across Scotland as a whole. We have also decided to base the calculation on the housing land requirement set out in the development plan, so that the calculation is based on an assumption that we should be planning for a generous supply of land.

The approach will apply between now and a new policy in National Planning Framework 4 being adopted in summer 2022.

**5. Monitor decisions to establish how the revised policy is being applied, and consider calling in applications where Ministers consider it would be necessary.**

We will commit to monitoring the impact of the revised policy to establish its application in practice and would be willing to intervene by considering the need to call in decisions, should any unintended consequences of this policy arise.

The amended text and new advice is set out below.



## Scottish Planning Policy – 2014 – Amendments<sup>2</sup>

### Policy Principles

This SPP introduces a presumption in favour of sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

### Delivery

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<sup>2</sup> new / replacement text is shown as underlined

## Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP including the presumption in favour of sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

## Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising.

33. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

## Maintaining an effective housing land supply

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

## **Planning Advice Note 1/2020**

### **ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

To calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.

This annual figure should then be multiplied by 5.

**5 year supply of effective land requirement =**

**(development plan housing land requirement / plan period) x 5**

This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus.

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- <sup>xiv</sup> Heads of Planning Scotland, Planning Performance Framework, <https://hopscotland.org.uk/publications/planning-performance-framework-reports/>



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## APPENDIX 2

# Scottish Planning Policy

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# Scottish Planning Policy



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# Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

## Planning and Architecture Policy

### Circulars

SG policy on implementing legislation

### Scottish Planning Policy

SG policy on nationally important land use planning matters

### National Planning Framework

SG strategy for Scotland's long-term spatial development

### Creating Places

SG policy statement on architecture and place

### Designing Streets

SG policy and technical guidance on street design

## Planning and Design Advice and Guidance

### Planning Advice

Technical planning matters

### Design Advice

Design matters including practical projects and roles

### Web Advice

Best practice and technical planning matters

Further information is available at: [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory

# Scottish Planning Policy (SPP)

## Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development<sup>1</sup> and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

## Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

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<sup>1</sup> The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)<sup>2</sup>, which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)<sup>3</sup>, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)<sup>4</sup>, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)<sup>5</sup>, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

---

2 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

3 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

4 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

5 [www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars](http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars)

# Introduction

## The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)<sup>6</sup>. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)<sup>7</sup>.

## Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
  - focus on outcomes, maximising benefits and balancing competing interests;
  - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
  - be plan-led, with plans being up-to-date and relevant;
  - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
  - be inclusive, engaging all interests as early and effectively as possible;
  - be proportionate, only imposing conditions and obligations where necessary; and
  - uphold the law and enforce the terms of decisions made.

## People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

<sup>6</sup> [www.scotland.gov.uk/Topics/built-environment/planning](http://www.scotland.gov.uk/Topics/built-environment/planning)

<sup>7</sup> [www.scotland.gov.uk/Publications/2009/08/11133705/0](http://www.scotland.gov.uk/Publications/2009/08/11133705/0)

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)<sup>8</sup> as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)<sup>9</sup>
- [Circular 3/2013: Development Management Procedures](#)<sup>10</sup>
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)<sup>11</sup>
- [Planning Advice Note 3/2010: Community Engagement](#)<sup>12</sup>
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)<sup>13</sup>

## Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)<sup>14</sup> articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

8 [www.legislation.gov.uk/ukpga/1997/8/contents](http://www.legislation.gov.uk/ukpga/1997/8/contents)

9 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

10 [www.scotland.gov.uk/Publications/2013/12/9882/0](http://www.scotland.gov.uk/Publications/2013/12/9882/0)

11 [www.standardscommissionscotland.org.uk/webfm\\_send/279](http://www.standardscommissionscotland.org.uk/webfm_send/279)

12 [www.scotland.gov.uk/Publications/2010/08/30094454/0](http://www.scotland.gov.uk/Publications/2010/08/30094454/0)

13 [www.scotland.gov.uk/Publications/2009/03/10154116/0](http://www.scotland.gov.uk/Publications/2009/03/10154116/0)

14 [www.scotland.gov.uk/About/Performance/scotPerforms/outcome](http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome)

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)<sup>15</sup>, through their shared focus on 'place'. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)<sup>16</sup>.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

**Outcome 1: A successful, sustainable place** – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

**Outcome 2: A low carbon place** – reducing our carbon emissions and adapting to climate change.

15 [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012)

16 [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP)



17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate [adaptation](#) to climate change.

18. The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government's climate change adaptation programme; and
- in a way that it considers is most sustainable.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people's choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

**Outcome 3: A natural, resilient place** – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland's existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

**Outcome 4: A more connected place** – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.



SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.										
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes										
SG National Plans, Policies & Strategies	Government Economic Strategy										
	Infrastructure Investment Plan										
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.										
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.	
National Planning	National Planning Framework (NPF)										
	Principal Policies										
	Sustainability		Placemaking								
	Subject Policies										
	Town Centres	Heat and Electricity		Natural Environment	Travel		Cities and Towns Rural Areas Coast and Islands National Developments				
	Rural Development			Green Infrastructure	Digital Connectivity						
	Homes										
	Business & Employment	Zero Waste		Aquacultural	Minerals Flooding & Drainage						
	Historic Environment										
	COMMUNITY PLANNING										
Strategic	Strategic Development Plans										
Local	Local Development Plans										
Site	Master Plans										

# Principal Policies

## Sustainability

### NPF and wider policy context

24. The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

25. The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

### Policy Principles

**This SPP introduces a presumption in favour of sustainable development.**

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## Key Documents

- [National Planning Framework](#)<sup>17</sup>
- [Government Economic Strategy](#)<sup>18</sup>
- [Planning Reform: Next Steps](#)<sup>19</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>20</sup>
- [UK's Shared Framework for Sustainable Development](#)<sup>21</sup>

## Delivery

### Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

<sup>17</sup> [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

<sup>18</sup> [www.scotland.gov.uk/Publications/2011/09/13091128/0](http://www.scotland.gov.uk/Publications/2011/09/13091128/0)

<sup>19</sup> [www.scotland.gov.uk/Publications/2012/03/3467](http://www.scotland.gov.uk/Publications/2012/03/3467)

<sup>20</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

<sup>21</sup> <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

## **Development Management**

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.

33. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

# Placemaking

## NPF and wider policy context

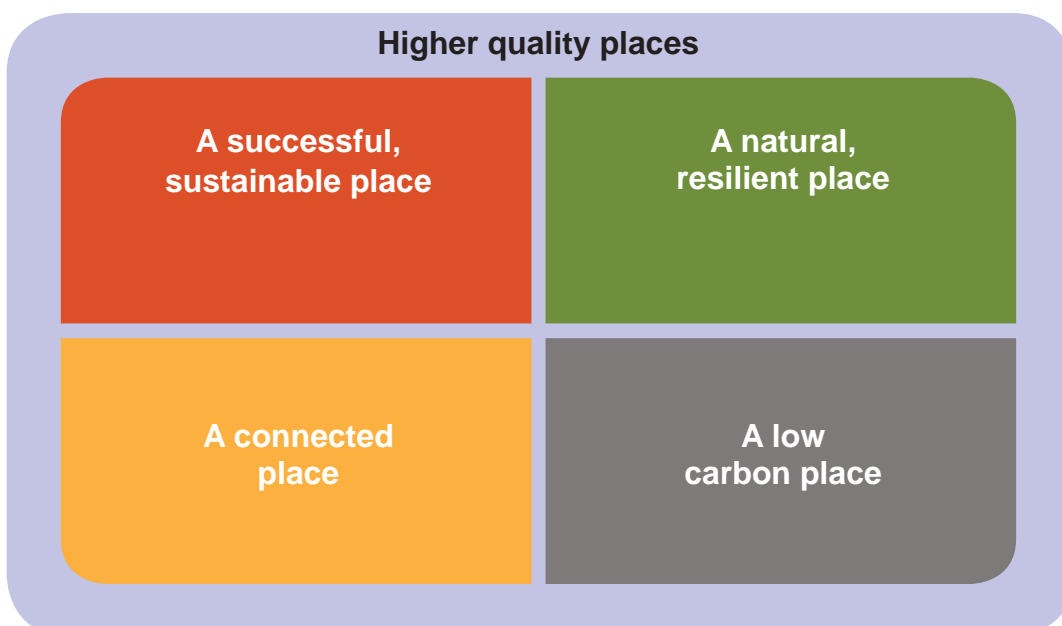
36. Planning's purpose is to create better [places](#). Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government's policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland's distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

## Policy Principles

**Planning should take every opportunity to create high quality places by taking a design-led approach.**

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

**Planning should direct the right development to the right place.**

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

**Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.**

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.



- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

## Key Documents

- [National Planning Framework](#)<sup>23</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>24</sup>
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)<sup>25</sup>
- [Designing Streets](#)<sup>26</sup>
- [Planning Advice Note 77: Designing Safer Places](#)<sup>27</sup>
- [Green Infrastructure: Design and Placemaking](#)<sup>28</sup>

23 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

24 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

25 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

26 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

27 [www.scotland.gov.uk/Publications/2006/03/08094923/0](http://www.scotland.gov.uk/Publications/2006/03/08094923/0)

28 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

## Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

## Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)<sup>29</sup> where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads<sup>30</sup>. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

29 [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

30 Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.



- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:


- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

## **Development Management**

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

## **Tools for Making Better Places**

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.



32 [www.scotland.gov.uk/Publications/2003/08/18013/25389](http://www.scotland.gov.uk/Publications/2003/08/18013/25389)

# Subject Policies

## A Successful, Sustainable Place

### Promoting Town Centres

#### NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

#### Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy<sup>33</sup> when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

#### Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)<sup>34</sup>
- [Town Centre Action Plan – the Scottish Government response](#)<sup>35</sup>
- [Planning Advice Note 59: Improving Town Centres](#)<sup>36</sup>
- [Planning Advice Note 52: Planning and Small Towns](#)<sup>37</sup>

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 [www.scotland.gov.uk/Resource/0042/00426972.pdf](http://www.scotland.gov.uk/Resource/0042/00426972.pdf)

35 [www.scotland.gov.uk/Publications/2013/11/6415](http://www.scotland.gov.uk/Publications/2013/11/6415)

36 [www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59](http://www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59)

37 [www.scotland.gov.uk/Publications/1997/04/pan52](http://www.scotland.gov.uk/Publications/1997/04/pan52)

- [Town Centres Masterplanning Toolkit](#)<sup>38</sup>

## Development Plans

61. Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

63. Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

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38 <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

**68.** Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

**69.** Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

## **Development Management**

**70.** Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

**71.** Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

**72.** This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

**73.** Out-of-centre locations should only be considered for uses which generate significant footfall<sup>39</sup> where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

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<sup>39</sup> As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

40 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)



range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

**79.** Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

**80.** Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

**81.** In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

**82.** In some most pressured areas, the designation of green belts may be appropriate.

**83.** In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing<sup>41</sup> and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

## National Parks

**84.** National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

**85.** These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

**86.** Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

## Coastal Planning

**87.** The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

## Development Plans

**88.** Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

<sup>41</sup> including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.



avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

## Supporting Business and Employment

### NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

### Key Documents

- [Government Economic Strategy](https://www.scotland.gov.uk/Topics/Economy/EconomicStrategy)<sup>42</sup>

<sup>42</sup> [www.scotland.gov.uk/Topics/Economy/EconomicStrategy](https://www.scotland.gov.uk/Topics/Economy/EconomicStrategy)

- [Tourism Development Framework for Scotland](#)<sup>43</sup>
- [A Guide to Development Viability](#)<sup>44</sup>

## Delivery

### Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)<sup>45</sup>, [Enterprise Areas](#)<sup>46</sup>, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009<sup>47</sup> to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

43 [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

44 [www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf](http://www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf)

45 [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

46 [www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas)

47 These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

**101.** Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

**102.** Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

**103.** New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

**104.** Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

**105.** Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

## **Development Management**

**106.** Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

**107.** Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

**108.** Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

# Enabling Delivery of New Homes

## NPF Context

**109.** NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

## Policy Principles

**110.** The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

## Key Documents

- [The Housing \(Scotland\) Act 2001](#)<sup>48</sup> requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)<sup>49</sup>

## Delivery

**111.** Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

**112.** Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

<sup>48</sup> [www.legislation.gov.uk/asp/2001/10/contents](http://www.legislation.gov.uk/asp/2001/10/contents)

<sup>49</sup> [www.scotland.gov.uk/Publications/2010/08/31111624/0](http://www.scotland.gov.uk/Publications/2010/08/31111624/0)

## Development Planning

**113.** Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government's HNDA Guidance<sup>50</sup>. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

**114.** The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

**115.** Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority's housing supply target should also be reflected in the local housing strategy.

**116.** Within the overall housing supply target<sup>51</sup>, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

**117.** The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

**118.** Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

<sup>50</sup> [www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda](http://www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda)

<sup>51</sup> Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

**119.** Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

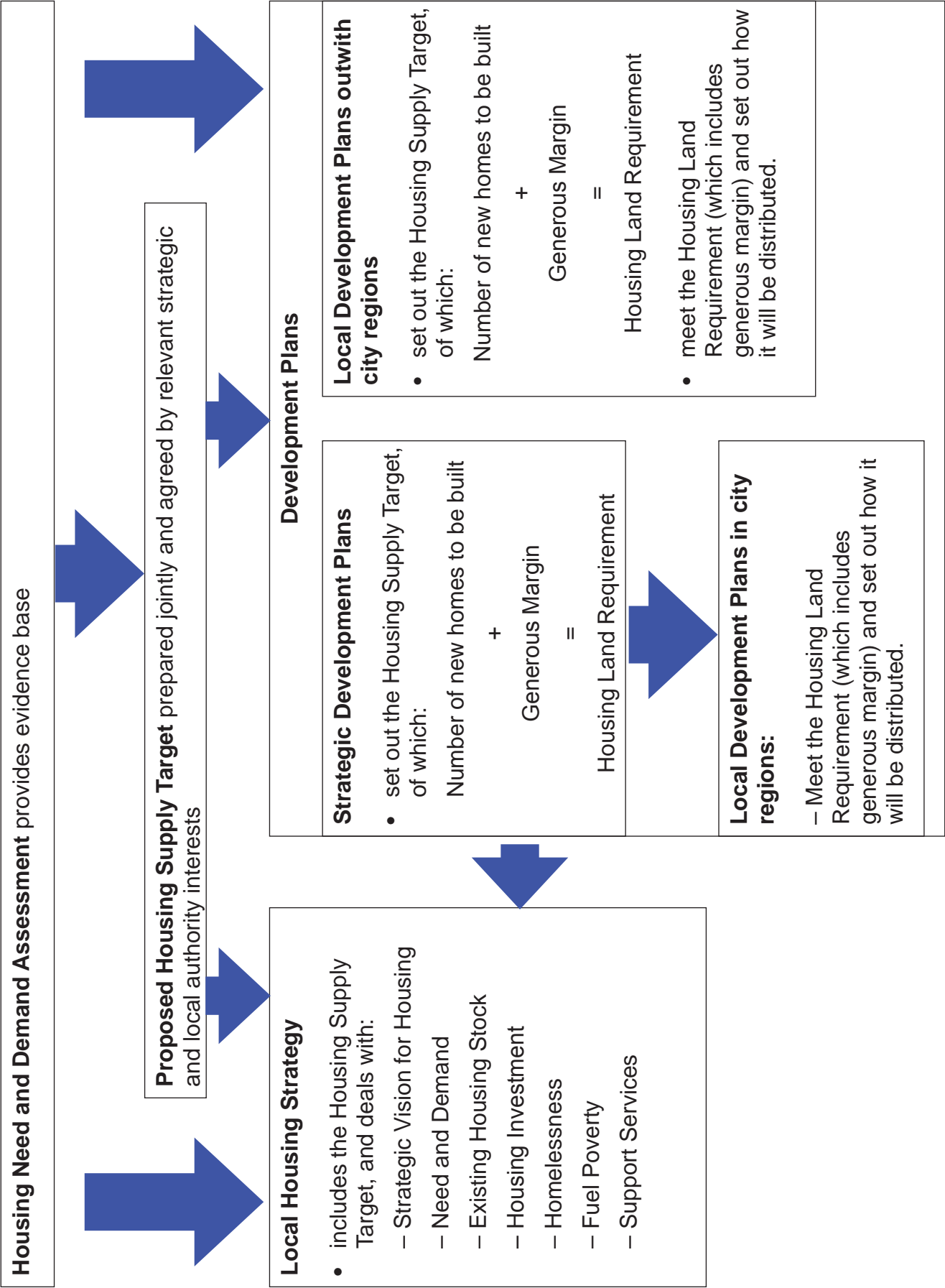
**120.** Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

**121.** In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

**122.** Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.



Diagram 1: Housing Land, Development Planning and the Local Housing Strategy



## Maintaining a 5-year Effective Land Supply

**123.** Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints<sup>52</sup> and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

**124.** The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

**125.** Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

## Affordable Housing

**126.** Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

**127.** Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

**128.** Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

<sup>52</sup> Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites [www.scotland.gov.uk/Publications/2010/08/31111624/5](http://www.scotland.gov.uk/Publications/2010/08/31111624/5)



**129.** Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

**130.** Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

**131.** Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

## **Specialist Housing Provision and Other Specific Needs**

**132.** As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

**133.** HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

**134.** Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation<sup>53</sup>. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

<sup>53</sup> [www.scotland.gov.uk/Publications/2012/06/4191](http://www.scotland.gov.uk/Publications/2012/06/4191)

# Valuing the Historic Environment

## NPF and wider policy context

**135.** NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

**136.** The **historic environment** is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

## Policy Principles

**137.** The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related **settings** and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

## Key Documents

- [Scottish Historic Environment Policy](#)<sup>54</sup>
- [Historic Environment Strategy for Scotland](#)<sup>55</sup>
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)<sup>56</sup>
- [Planning Advice Note 2/2011: Planning and Archaeology](#)<sup>57</sup>
- [Planning Advice Note 71: Conservation Area Management](#)<sup>58</sup>
- [Scottish Historic Environment Databases](#)<sup>59</sup>

<sup>54</sup> [www.historic-scotland.gov.uk/index/heritage/policy/shep.htm](http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm)

<sup>55</sup> [www.scotland.gov.uk/Publications/2014/03/8522](http://www.scotland.gov.uk/Publications/2014/03/8522)

<sup>56</sup> [www.historic-scotland.gov.uk/managingchange](http://www.historic-scotland.gov.uk/managingchange)

<sup>57</sup> [www.scotland.gov.uk/Publications/2011/08/04132003/0](http://www.scotland.gov.uk/Publications/2011/08/04132003/0)

<sup>58</sup> [www.scotland.gov.uk/Publications/2004/12/20450/49052](http://www.scotland.gov.uk/Publications/2004/12/20450/49052)

<sup>59</sup> <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>

## Delivery

### Development Planning

**138.** Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

**139.** Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

### Development Management

**140.** The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

### Listed Buildings

**141.** Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

**142.** Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

### Conservation Areas

**143.** Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

**144.** Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders<sup>60</sup> can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

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<sup>60</sup> [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

## Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

## Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

## World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

## Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

## Battlefields

149. Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

## Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

# A Low Carbon Place

## Delivering Heat and Electricity

### NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)<sup>61</sup>. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)<sup>62</sup>. Communities can also gain new opportunities from increased local ownership and associated benefits.

### Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets<sup>63</sup>, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - 11% of heat demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  - Energy efficiency;
  - Heat recovery;
  - Efficient energy supply and storage;

61 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

62 [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

63 Further targets may be set in due course, for example district heating targets have been proposed.



- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

## Key Documents

- [Electricity Generation Policy Statement](#)<sup>64</sup>
- [2020 Routemap for Renewable Energy in Scotland](#)<sup>65</sup>
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)<sup>66</sup>
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)<sup>67</sup>

## Delivery

### Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

### Heat

158. Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, 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 in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 [www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain](http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain)

65 [www.scotland.gov.uk/Publications/2011/08/04110353/0](http://www.scotland.gov.uk/Publications/2011/08/04110353/0)

66 [www.scotland.gov.uk/Publications/2014/03/2778](http://www.scotland.gov.uk/Publications/2014/03/2778)

67 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

## Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale<sup>68</sup> of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

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<sup>68</sup> For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

# Table 1: Spatial Frameworks

<p><b>Group 1: Areas where wind farms will not be acceptable:</b></p> <p>National Parks and National Scenic Areas.</p>		
<p><b>Group 2: Areas of significant protection:</b></p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p><b>National and international designations:</b></p> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p><b>Other nationally important mapped environmental interests:</b></p> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p><b>Community separation for consideration of visual impact:</b></p> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p><b>Group 3: Areas with potential for wind farm development:</b></p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		



## Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

## Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

### **Community Benefit**

173. 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 the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)<sup>69</sup>.

### **Existing Wind Farm Sites**

174. Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

## **Planning for Zero Waste**

### **NPF and Wider Context**

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

### **Policy Principles**

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 [www.scotland.gov.uk/Publications/2013/11/8279](http://www.scotland.gov.uk/Publications/2013/11/8279)

## Key Documents

- [EU revised Waste Framework Directive](#)<sup>70</sup> (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)<sup>71</sup>: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)<sup>72</sup> and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)<sup>73</sup>;
- SEPA waste data sources: including [Waste Data Digests](#)<sup>74</sup> and [Waste Infrastructure Maps](#)<sup>75</sup>;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)<sup>76</sup>;
- [Waste capacity tables](#)<sup>77</sup> (formerly Zero Waste Plan Annex B capacity tables)

## Delivery

177. Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

## Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

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70 <http://ec.europa.eu/environment/waste/framework/revision.htm>

71 [www.legislation.gov.uk/sdsi/2012/9780111016657/contents](http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents)

72 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy)

73 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

74 [www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_digest.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx)

75 [www.sepa.org.uk/waste/waste\\_infrastructure\\_maps.aspx](http://www.sepa.org.uk/waste/waste_infrastructure_maps.aspx)

76 [www.sepa.org.uk/waste/waste\\_regulation/energy\\_from\\_waste.aspx](http://www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx)

77 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb)

182. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

183. Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

184. Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

187. Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

## **Development Management**

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

# A Natural, Resilient Place

## Valuing the Natural Environment

### NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

### Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

### Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>78</sup>
- [The 2020 Challenge for Scotland's Biodiversity](#)<sup>79</sup>
- [European Landscape Convention](#)<sup>80</sup>
- [Nature Conservation \(Scotland\) Act 2004](#)<sup>81</sup>
- [The Conservation \(Natural Habitats etc\) Regulations](#)<sup>82</sup>
- [The Wildlife and Countryside Act 1981](#)<sup>83</sup>

78 [www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy](http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy)

79 [www.scotland.gov.uk/Publications/2013/06/5538](http://www.scotland.gov.uk/Publications/2013/06/5538)

80 [www.coe.int/t/dg4/cultureheritage/heritage/landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp)

81 [www.legislation.gov.uk/asp/2004/6/contents](http://www.legislation.gov.uk/asp/2004/6/contents)

82 [www.legislation.gov.uk/uksi/1994/2716/contents/made](http://www.legislation.gov.uk/uksi/1994/2716/contents/made)

83 [www.legislation.gov.uk/ukpga/1981/69](http://www.legislation.gov.uk/ukpga/1981/69)



- [EU Birds Directive – 2009/147/EC](#)<sup>84</sup>
- [EU Habitats Directive – 92/43/EEC](#)<sup>85</sup>
- [Ramsar Convention on Wetlands of International Importance](#)<sup>86</sup>
- [National Parks \(Scotland\) Act 2000](#)<sup>87</sup>
- [River Basin Management Plans](#)<sup>88</sup>

## Delivery

195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

## Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
  - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
  - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
  - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
  - species diversity, species or habitat rarity, naturalness and extent of habitat;
  - contribution to national and local **biodiversity** objectives;
  - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
  - potential to facilitate enjoyment and understanding of natural heritage.

84 [ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

85 [ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

86 [www.ramsar.org/cda/en/ramsar-home/main/ramsar/1\\_4000\\_0](http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0)

87 [www.legislation.gov.uk/asp/2000/10/contents](http://www.legislation.gov.uk/asp/2000/10/contents)

88 [www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)



198. Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

200. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)<sup>89</sup> provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)<sup>90</sup>.

## Development Management

202. The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release.

89 [www.forestry.gov.uk/nwss](http://www.forestry.gov.uk/nwss)

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

206. Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

## International Designations

### Natura 2000 Sites

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

### Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

## National Designations

212. Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

## Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

## Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

## Woodland

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)<sup>91</sup> can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's [Control of Woodland Removal Policy](#)<sup>92</sup> includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

92 [www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf)

# Maximising the Benefits of Green Infrastructure

## NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

## Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

## Key Documents

- [Green Infrastructure: Design and Placemaking](#)<sup>93</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>94</sup>
- [Planning Advice Note 65: Planning and Open Space](#)<sup>95</sup>
- [Reaching Higher – Scotland's National Strategy for Sport](#)<sup>96</sup>
- [The Play Strategy for Scotland and Action Plan](#)<sup>97</sup>
- [Let's Get Scotland Walking: The National Walking Strategy](#)<sup>98</sup>

## Delivery

### Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure's multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

94 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

95 [www.scotland.gov.uk/Publications/2008/05/30100623/0](http://www.scotland.gov.uk/Publications/2008/05/30100623/0)

96 [www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21](http://www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21)

97 [www.scotland.gov.uk/Publications/2013/10/9424](http://www.scotland.gov.uk/Publications/2013/10/9424)

98 [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

Plans should promote consistency with these and reflect their priorities and spatial implications.

**223.** Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

**224.** Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

**225.** Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

**226.** Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. **Outdoor sports facilities** should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

**227.** Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

**228.** Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

**229.** Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

## Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

## Promoting Responsible Extraction of Resources

### NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

### Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.



## Key Documents

- [Electricity Generation Policy Statement](#)<sup>99</sup>
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)<sup>100</sup>
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)<sup>101</sup>
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)<sup>102</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)<sup>103</sup>
- [Circular 34/1996: Environment Act 1995 Section 96](#)<sup>104</sup>

## Delivery

### Development Planning

**236.** Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

**237.** Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

**238.** Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

<sup>99</sup> [www.scotland.gov.uk/Publications/2013/06/5757](http://www.scotland.gov.uk/Publications/2013/06/5757)

<sup>100</sup> [www.legislation.gov.uk/ssi/2010/60/contents/made](http://www.legislation.gov.uk/ssi/2010/60/contents/made)

<sup>101</sup> [www.scotland.gov.uk/Publications/1996/10/17729/23424](http://www.scotland.gov.uk/Publications/1996/10/17729/23424)

<sup>102</sup> [www.scotland.gov.uk/Publications/2003/01/16122/16256](http://www.scotland.gov.uk/Publications/2003/01/16122/16256)

<sup>103</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

<sup>104</sup> [www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance](http://www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance)



239. Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

## **Development Management**

242. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

# Supporting Aquaculture

## NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

## Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

## Key Documents

- National Marine Plan

## Delivery

## Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

## Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

## Managing Flood Risk and Drainage

### NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

### Policy Principles

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

## Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)<sup>105</sup>
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)<sup>106</sup> (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)<sup>107</sup> (Scottish Government, 2013).

## Delivery

258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

## Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

262. Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
  - No constraints due to coastal or watercourse flooding.

<sup>105</sup> [www.legislation.gov.uk/asp/2009/6/contents](http://www.legislation.gov.uk/asp/2009/6/contents)

<sup>106</sup> [www.scotland.gov.uk/Publications/2011/06/15150211/0](http://www.scotland.gov.uk/Publications/2011/06/15150211/0)

<sup>107</sup> <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
  - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
  - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
  - May be suitable for:
    - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
    - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
    - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
    - job-related accommodation, e.g. for caretakers or operational staff.
  - Generally not suitable for:
    - civil infrastructure and the most vulnerable uses;
    - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
    - new caravan and camping sites.
  - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
  - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

## Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.



## Development Management

264. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

268. Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.



# A Connected Place

## Promoting Sustainable Transport and Active Travel

### NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

### Policy Principles

270. The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

271. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

### Key Documents

- [National Transport Strategy](#)<sup>108</sup>
- [Climate Change \(Scotland\) Act 2009](#)<sup>109</sup>
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)<sup>110</sup>
- [Infrastructure Investment Plan](#)<sup>111</sup>
- [Strategic Transport Projects Review](#)<sup>112</sup>
- [Transport Assessment Guidance](#)<sup>113</sup>
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)<sup>114</sup>
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)<sup>115</sup>

108 [www.scotland.gov.uk/Publications/2006/12/04104414/0](http://www.scotland.gov.uk/Publications/2006/12/04104414/0)

109 [www.legislation.gov.uk/asp/2009/12/contents](http://www.legislation.gov.uk/asp/2009/12/contents)

110 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

111 [www.scotland.gov.uk/Publications/2011/12/05141922/0](http://www.scotland.gov.uk/Publications/2011/12/05141922/0)

112 [www.transportscotland.gov.uk/strategic-transport-projects-review](http://www.transportscotland.gov.uk/strategic-transport-projects-review)

113 [www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning\\_Reform\\_-\\_DPMTAG\\_-\\_Development\\_Management\\_DPMTAG\\_Ref\\_17\\_-\\_Transport\\_Assessment\\_Guidance\\_FINAL\\_-\\_June\\_2012.pdf](http://www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf)

114 [www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag](http://www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag)

115 [www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf](http://www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf)

- [Design Manual for Roads and Bridges](#)<sup>116</sup>
- [Designing Streets](#)<sup>117</sup>
- [Roads for All](#)<sup>118</sup>
- [Cycling Action Plan in Scotland](#)<sup>119</sup> (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)<sup>120</sup>
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)<sup>121</sup>
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)<sup>122</sup>
- [Tourism Development Framework for Scotland](#)<sup>123</sup>

## Delivery

### Development Planning

**272.** Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

**273.** The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

**274.** In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

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<sup>116</sup> [www.dft.gov.uk/ha/standards/dmr/index.htm](http://www.dft.gov.uk/ha/standards/dmr/index.htm)

<sup>117</sup> [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

<sup>118</sup> <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

<sup>119</sup> [www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013](http://www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013)

<sup>120</sup> [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

<sup>121</sup> [www.scotland.gov.uk/Publications/2014/02/8239/0](http://www.scotland.gov.uk/Publications/2014/02/8239/0)

<sup>122</sup> [www.transportscotland.gov.uk/report/j272736-00.htm](http://www.transportscotland.gov.uk/report/j272736-00.htm)

<sup>123</sup> [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

**275.** Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

**276.** Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

**277.** Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

**278.** While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

**279.** Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

**280.** Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

**281.** National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

**282.** When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

**283.** Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

**284.** Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

**285.** Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

## Development Management

**286.** Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

**287.** Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)<sup>124</sup>

<sup>124</sup> [www.scotland.gov.uk/Publications/2005/08/1792325/23264](http://www.scotland.gov.uk/Publications/2005/08/1792325/23264)

**288.** Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

**289.** Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

**290.** Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

**291.** Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

## Supporting Digital Connectivity

### NPF Context

**292.** NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

### Policy Principles

**293.** The planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

### Key Documents

- [Scotland's Digital Future](#)<sup>125</sup> and associated [Infrastructure Action Plan](#)<sup>126</sup>
- [Scotland's Cities: Delivering for Scotland](#)<sup>127</sup>
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)<sup>128</sup>

<sup>125</sup> [www.scotland.gov.uk/Resource/Doc/981/0114237.pdf](http://www.scotland.gov.uk/Resource/Doc/981/0114237.pdf)

<sup>126</sup> [www.scotland.gov.uk/Publications/2012/01/1487](http://www.scotland.gov.uk/Publications/2012/01/1487)

<sup>127</sup> [www.scotland.gov.uk/Publications/2012/01/05104741/0](http://www.scotland.gov.uk/Publications/2012/01/05104741/0)

<sup>128</sup> [www.scotland.gov.uk/Resource/0041/00411586.pdf](http://www.scotland.gov.uk/Resource/0041/00411586.pdf)



- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)<sup>129</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)<sup>130</sup>

## Delivery

### Development Planning

**294.** Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

**295.** Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

**296.** Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation<sup>131</sup>; and
- an assessment of visual impact, if relevant.

**297.** Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

<sup>129</sup> [www.scotland.gov.uk/Publications/2001/09/pan62/pan62-](http://www.scotland.gov.uk/Publications/2001/09/pan62/pan62-)

<sup>130</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

<sup>131</sup> The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

## Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.



# Annex A – Town Centre Health Checks and Strategies

**Town centre health checks should cover a range of indicators, such as:**

## **Activities**

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

## **Physical environment**

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

## **Property**

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

## **Accessibility**

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

## **Community**

- attitudes, perceptions and aspirations.

## **Town centre strategies should:**

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)<sup>132</sup>; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

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<sup>132</sup> [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

## Annex B – Parking Policies and Standards

### **Parking Restraint Policy – National Maximum Parking Standards for New Development**

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 14m<sup>2</sup>;
- retail (non-food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 20m<sup>2</sup>;
- business (Use Class 4) 2500m<sup>2</sup> and above – up to 1 space per 30m<sup>2</sup>;
- cinemas (Use Class 11a) 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- conference facilities 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m<sup>2</sup> and above – up to 1 space per 22m<sup>2</sup>; and
- higher and further education (non-residential elements) 2500m<sup>2</sup> and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

### **Parking for Disabled People – Minimum Provision Standards for New Development**

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

# Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as 'essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines'.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also 'Functional flood plain'.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also 'Washland'.
Green infrastructure	Includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected.  Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens.  Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.

Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m <sup>2</sup> ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.  Detailed typologies of open space are included in PAN65.

Outdoor sports facilities	<p>Uses where <b>sportscotland</b> is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
Outstanding Universal Value (OUV)	The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.
PADHI	Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.
Prime agricultural land	Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).
Place	The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.
Pluvial flooding	Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).
Ramsar sites	Wetlands designated under the Ramsar Convention on Wetlands of International Importance.
Scheduled monument	Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.
Sensitive receptor	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>



Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.  The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.





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## **Planning Advice Note 1/2020**

### **ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

To calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.

This annual figure should then be multiplied by 5.

**5 year supply of effective land requirement =**

**(development plan housing land requirement / plan period) x 5**

This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus.

APPENDIX 4



# HOUSING LAND SUPPLY

## Position Paper

January 2021

### Calculation of a five-year effective housing land supply

#### 1.0 Introduction

1.1 There is a requirement to maintain a five-year effective housing land supply at all times. This is set out in Scottish Planning Policy, SDP policy 7 and LDP policy HOU 2.

1.2 Scottish Planning Policy (SPP) explains that a housing land audit is a key tool in assessing effective housing land supply.

1.3 The 2020 Housing Land Audit is the most up-to-date housing land audit. The audit shows a five-year effective housing land supply figure of **8,363** units. Three sites have been disputed by Homes for Scotland amounting to 206 units. There is therefore an agreed figure of **8,157** units.

1.4 SPP with Finalised amendments was published in December 2020. PAN 1/2020 – assessing the extent of the 5-year supply of effective housing land was published on the same date. PAN 1/2020 sets out the methodology for calculating the 5-year housing land supply. SPP and PAN 1/2020 are important material considerations in the determination of planning applications.

1.5 The PAN states *‘to calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.*

*This annual figure should then be multiplied by 5.*

**5 year supply of effective land requirement =  
(development plan housing land requirement / plan period) x 5**

*This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus’.*

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1.6 The relevant variables for West Lothian are as follows:

**Table 1: – Housing supply calculation based on 2009 – 2024 plan period**

(adopted development plan Strategic Development Plan 1 and West Lothian Local Development Plan)

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement (19,811/ 15)	1,321
C	Identified Five Year Supply Audit 2020 (Disputed + Undisputed):	8,363
D	No. of Years Supply	6.33 years

1.7 When tested against the requirements of PAN 1/2020 the existence of an effective five year land supply is indisputable.

1.8 There are, however, a number of additional factors which further emphasise the robustness of the land supply position in West Lothian. Firstly, in carrying out the calculation in paragraph 1.6 the council has used the land supply position in the most recent Housing Land Audit (2020). The Audit contains 206 units which are disputed. It is the council's position that these should be included in the identified Five Year Supply. There is nothing in SPP or PAN 1/2020 that requires the council not to include these units. The calculations at paragraph 1.6 represent the council's preferred method of calculation.

1.9 If the 206 units are not included in the relevant calculation then a Five Year Effective Land Supply is still demonstrated. It is the council's position that the disputed units should be included and the below calculation is provided only to demonstrate that an effective five year supply continues to be demonstrated. The calculation is as follows:

**Table 2: – Housing supply calculation based on 2009 – 2024 plan period (undisputed Housing Land Audit)**

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement (19,811/ 15)	1,321
C	Identified Five Year Supply Audit 2020 (Undisputed):	8,157
D	No. of Years Supply	6.17 years

1.10 The longer term housing land supply situation in West Lothian is healthy. However, in reality, there is nothing to stop these houses being delivered in early course. It is principally the marketing aspirations of developers and indeed the market for the houses to be delivered which is the constraining factor. By way of an example, with the delivery of the new school infrastructure in Winchburgh there is no constraint on the delivery of the remaining 2,987 houses which have planning consent in the Core Development Area. If the market existed and there was capacity in the construction sector to deliver this number houses there is no planning reason that these houses are not being delivered. However, only 1,304 of these 2,987 houses are included in the Effective 5 Year Land Supply set out in Audit 2020. The same

Data Label: Public

is true for a number of other sites in West Lothian including the Core Development Area at Calderwood.

1.11 In practice, therefore, the Five Effective Year Land Supply could be significantly higher than that set out in the Audit. However, for the present, it is sufficient to limit the 5 Year Effective Supply to the supply in Audit 2020.

1.12 The current 5 year period extends beyond the Strategic Development Plan period, which only goes to 2024. PAN 1/2020 makes no acknowledgement of circumstances like this and requires simply that the land requirement in the development plan is divided to give an annual requirement irrespective of whether the five year period extends beyond the plan period. This is the approach which the council has used.

1.13 However, there is an argument that in the period beyond the plan period the most up to date assessment of housing demand should be used. In the West Lothian case this would be Housing Needs and Demand Assessment 2 (HoNDA2) which was progressed to inform the second strategic development plan. HoNDA2 was confirmed as Robust and Credible by the Scottish Government in March 2015. The annual housing requirement for West Lothian in HoNDA2, as supported by the Reporter conducting the Strategic Development Plan 2 Examination, was 523 Units. It will be noted that the Reporter considered that the housing requirements set out in SDP1 were a significant over estimate of actual demand over the first part of the plan period.

1.14 If the annual requirement for the final year of the five year period was reduced to 523 units (or 575 if a 10% generosity allowance is added) from the annual requirement of 1,321 set out in the calculations above the number of years of effective land supply would be further increased.

1.15 The SDP1 Plan Period is further sub-divided into two time periods:

The Base Date (2009) to 2019; and 2019 to 2024

1.16 It is the council's position that these periods are subdivisions of the Plan Period and do not, in their own right, constitute plan periods for the purposes of the calculation set out in PAN 1/2020. However, the following calculations set out the position for the current period from 2019-2024 (with and without disputed sites in the Audit):

**Table 3: Strategic Development Plan 1 Housing Land Requirement 2019-24**

A	SDP Requirement 2019 – 2024	7,249
B	Annual Requirement	1,450
C	Identified Five Year Supply Audit 2020 (Undisputed):	8,157
D	No. of Years Supply	5.63 years



Data Label: Public

**Table 4: Strategic Development Plan 1 Housing Land Requirement 2019-24 (disputed and undisputed housing land Audit)**

A	SDP Requirement 2019 – 2024	7,249
B	Annual Requirement	1,450
C	Identified Five Year Supply Audit 2020 (Disputed and Undisputed):	8,363
D	No. of Years Supply	5.77 years

1.17 It is the council's position that this is not the correct calculation. It is provided only to demonstrate that should a Reporter be persuaded that this should be the calculation, an effective five year supply continues to be demonstrated. The factors set out in 1.8 and 1.13 should also be considered if the calculation set out above is to be preferred.

1.18 The revisions to SPP reaffirm the primacy of the development plan. Paragraphs 33 and 125 of the newly updated SPP state that "proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise". It remains the council position that there are no material considerations which merit setting aside the development plan and this position is now further strengthened by changes to SPP and the publication of PAN 1/2020.

1.19 The presumption in favour of sustainable development is no longer a significant material consideration as a result of the changes to SPP.

1.20 While PAN 1/2020 provides decision makers with increased clarity, there does remain a degree of uncertainty when calculating a 5-year effective housing land supply using Housing Land Audit 2020. This is because the LDP outlines the housing land requirement until 2024. A housing land target would have been outlined in SDP2 if it had been adopted.

1.21 Without a housing land requirement figure for year five (2024/25) stipulated in the LDP, an assessment has been made using the most up to date reliable and credible evidence available. HNDA2 was certified 'robust and credible' by the Scottish Government in March 2015. HNDA2 sets out three alternative futures. The Reporter for SDP2 used the 'wealth distribution' scenario (page 237 SDP2 Report of Examination recommendations). The estimate used for calculating the year 5 (2024/25) housing land requirement has therefore been derived from the 'wealth distribution' figure from HNDA2.

1.22 Paragraph 116 of SPP outlines that the housing land target should be increased by a margin 22of 10% - 20% generosity allowance to establish the housing land requirement. A figure of 10% has been applied. This is the same allowance that was applied to the housing land target for LDP1.

1.23 Tables 5, 6 and 7 are calculations based on rolling forward the average annual requirement for three different plan periods associated with SDP1 for Year 5 (2024/25). In all seven calculations the council can demonstrate that a five year effective land supply exists.

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**Table 5: – Housing supply calculation based on 2009 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2009 – 2024	19,811*
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement over 2010 - 2025	19,055
B	Annual Requirement	1,270
C	Identified supply (HLA 2020 Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.58 years</b>

\*Figure 4 West Lothian LDP

**Table 6: – Housing supply calculation based on 2014 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2014 – 2024	13,529*
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement over 2015 - 2025	12,751
B	Annual Requirement	1,275
C	Identified supply (HLA 2020 (Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.55 years</b>

\*2009-19 requirement 12,562/10 = 1,256 x 5 + 7249

**Table 7: – Housing supply calculation based on 2019 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2019 – 2024	7,249
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement 2020-2025	6,375
B	Annual Requirement 2020-2025	1,275
C	Identified supply (HLA 2020 Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.55 years</b>

## 2.0 Conclusion

2.1 The introduction of a definitive methodology for the calculation of a 5-year effective housing land supply has been long-awaited and should hopefully remove the lengthy and time-consuming debates over which methodology is the most appropriate.

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2.2 Using the methodology set out in PAN1/2020, over each of the plan periods set out in Tables 1 - 7 above the council can demonstrate that a five year effective housing land supply exists therefore satisfying the requirements of SPP, SDP Policy 7 and LDP Policy HOU2.