



# RTPI

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Dear Emma

## **Scottish Planning Policy Consultation**

Thank you for the opportunity to respond to the consultation on 'Scottish Planning Policy' which aims to provide a consolidated version of current Scottish Planning Policy. The Institute welcomes and supports the development of a clearer statement of Scottish Planning Policy but is concerned that explanatory information and guidance on good practice should continue to be developed and made available.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and politically-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2100 members in Scotland, working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia.

Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee to take the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with the Institute's charter obligation to work for the public interest

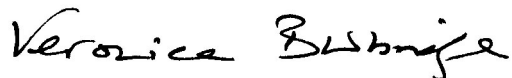
The RTPI's response to this consultation was discussed at a special meeting of the Scottish Executive Committee together with members of the Policy Sub-committee. Detailed responses to the questions raised in the consultation paper are set out in the attached annex to this letter.

In summary, the Institute welcomes the consolidation of the Scottish Government's Planning Policy into one reasonably short document. We agree that a consolidated SPP should make national planning policy clearer and easier to understand. However, we consider that:

- the full suite of planning policy documents: NPF2, SHEP, Designing Places, Designing Streets, the Statutory Guidance on Sustainable Development, and Parts 1,2, and 3 of the SPP should be clearly identified and cross-referenced;
- it will be important for further advice, guidance and good practice examples to be available in linked documents to ensure consistency of approach and to clarify the rationale of policy positions;
- further clarification of approaches both to sustainable development and climate change issues will be necessary; and
- the consolidation should be seen as a first step in the development of comprehensive and up-to-date planning policy particularly in relation to climate change; the RTPi considers that the planning system must play a key role in the development and implementation of Scottish Government's climate change policies.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: [scotland@rtpi.org.uk](mailto:scotland@rtpi.org.uk)

Yours sincerely



Veronica Burbridge  
National Director

# THE RESPONSE BY THE ROYAL TOWN PLANNING INSTITUTE IN SCOTLAND TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON THE CONSOLIDATED SCOTTISH PLANNING POLICY

## General Comments

### **Q1 Overall, is national planning policy clearer and easier to understand in the consolidated SPP compared with existing SPPs and NPPGs?**

1. The Institute welcomes the consolidation of the Scottish Government's Planning Policy into one reasonably short document. We agree that a consolidated SPP should make national planning policy clearer and easier to understand. However, whilst shorter statements of policy are desirable, clarity of purpose will require clear explanation of the rationale for policies; and clear guidance on interpretation to be available. This means that a consolidated statement of policy is only acceptable if it is well supported with contextual materials which provide clear rationale for policy and advice on interpretation and application. We would be pleased to assist in exploring the need for further supporting materials and in their preparation. Our concerns regarding the availability of supporting materials are further discussed in the response to Q3 below.
2. It would be useful to have some explanation of how future policy changes such as those which might emerge from the Climate Change Bill, the Marine (Scotland) Bill and the Flood Risk Bill, will be incorporated into the SPP. It would also be useful to have an indication of how often the SPP will be reviewed.
3. One area where greater clarity might be achieved is in the coverage of design. We note that 'Designing Places' and Designing Streets' will cover design issues. However, these documents contain both policy and guidance and might be considered manuals of best practice. It would be helpful if the SPP could contain a strong statement of Scottish Government policy on the importance of design; the policies which planning authorities should put in place; and the status of design as a material consideration in determining planning decisions. These points were adequately stated in the former SPP1 and should be re-instated. Other issues on which it would be helpful to have more fully developed statements of policy include: developer contributions and planning agreements; and air quality.

### **Q2 Do you support the proposed structure and format of the consolidated SPP?**

4. The current draft provides shorter statements of policy, however, these vary in length, in structure and in the amount of supporting background material. It might be helpful if the subject policies followed a standardised pattern: firstly, a preamble setting out any legislative frameworks and necessary background material; secondly, a clear statement of government policy; thirdly, specific guidance on how these principles should be reflected in development plans and development management; and fourthly links to related guidance which will remain in place. This approach could lead to shorter sections on subject policies than in the current draft.
5. The Institute considers that more attention should be given to the statutory guidance on sustainable development. Paragraph 2 of Part 1 of the Scottish Planning Policy published in October 2008 should refer to statutory guidance on sustainable development together with SHEP, Designing Places and Designing Streets as components of the Scottish Government's total package of planning policy. The alternative would be for separate guidance to be published on the sustainable development duty as originally envisaged. Given that this approach was not taken, we consider that Parts 1 and 2 of the SPP will require some revision. We would be pleased to contribute to such an exercise.

6. We suggest that the approach developed by the Welsh Assembly Government in 'Planning Policy Wales' might be examined: in this approach an early section addresses planning for sustainability including community engagement, these principles are reflected in each subject area, the subject areas are clearly structured, and support materials are included in Technical Advice Notes.

**Q3 Do you agree with the removal of advice and background information from the consolidated SPP?**

7. The Institute supports the development of a clear and concise statement of Scottish Planning Policy separate from advice and background information. However, we consider that the availability of advice and background materials is important in ensuring an understanding of national policy; in aiding its implementation at the local level; and in supporting effective and consistent implementation. In seeking to establish an inclusive planning system, it is important that information should be available to help practitioners in communicating principles and policy objectives and for such information to be available in an easily accessible style for members of the public as well as for professional planners. Supporting materials and links to sources of good practice should continue to be made available by Scottish Government and key agencies and more attention should be given to the needs of different audiences.

**Q4 Does this paragraph provide a clear overview of the expectations for community engagement in the modernised planning system?**

8. The Institute agrees that it is useful to have a section on community engagement within the consolidated SPP. We consider that this should reflect the intentions of planning reform as expressed in the Policy Memorandum which states 'it will be an inclusive system where local people can be more involved in the decisions that affect them and their communities'. We would like to see the section on community involvement and the section on Outcomes at an earlier point in the document linked to the guidance on sustainable development.
9. It might be helpful if this section referred to early expressions of policy on community involvement as in the White Paper which emphasised the 'front loading' of the system and noted '*The proposals set out in this White Paper will promote more public engagement at all levels in the planning system, recognising in particular the right to better information, more certainty that people's views will be taken into account, more transparency and fairness and more equity. The planning process must be both an instrument for creating a fair and socially just Scotland and an example of inclusive, accessible and credible public policy making.*'
10. The paragraphs on community engagement should reflect the scope of the legislation and thus note that statutory pre-application discussion relates only to major applications. It could be made clear that where a developer fails to conduct a meaningful consultation exercise then the planning authority may use this as a reason for refusal. The paragraph should also note the importance of neighbour notification in all applications, development plan proposals and statutory supplementary guidance. The need to post site notices when development commences will be important for community engagement and also as proactive enforcement.
11. Community engagement is an area where further guidance and explanation will be necessary; for instance, on how to define 'appropriate and proportionate steps to be taken in engaging communities'. Further guidance on techniques of engagement would be helpful. It is suggested that a clearer statement of policy might read 'Planning authorities and developers should be prepared to use a range of participatory techniques, including mediation, to ensure inclusive and effective participation when planning policies and

guidance are being developed'. A further suggestion is that the Outcomes section (paragraphs 189 – 191) might be strengthened to suggest that attempts should be made to resolve conflicts and disputes early in the planning process.

**Q5 Is the status of this section in relation to the Planning etc (Scotland) Act 2006 sufficiently clear?**

12. The Institute considers that further clarification of the status of this section in relation to the Planning etc (Scotland) Act is required. The Act allows Ministers to produce statutory guidance on sustainable development and requires authorities to have regard to this guidance. If statutory guidance is to be included in the SPP this should be clearly indicated by the title of the document and clearly stated in the introduction to the document. The status of this section as 'statutory guidance' lacks clarity of definition and purpose.
13. Paragraph 37 sets out to explain the link between sustainable development and sustainable economic growth, however, these terms both lack clarity of definition. (See answer to Q7 below). It is suggested that fuller coverage of sustainable development principles from the UK Sustainable Development Strategy should be included at this point. In addition, it would be helpful to include some guiding principles to be followed in carrying out the sustainable development duty. Paragraph 7 of the previous SPP1 provides some ways in which planning should encourage sustainable development and these might be incorporated into this draft.
14. Paragraphs 36 and 37 represent a major shift in Government policy and it is surprising therefore that these sections have not yet been subject to Strategic Environmental Assessment. A strategic environmental assessment of the statutory guidance would provide the opportunity to clarify policy relationships with wider environmental objectives.

**Q6 Is the role of the planning system in assessing climate change mitigation and adaptation clearly highlighted throughout this SPP?**

15. The Institute considers that policies on the role of the planning system will need to be strengthened in the light of the Climate Change Bill. A stronger policy on the role of planning in assisting climate change mitigation and adaptation is urgently required and this should be linked to the guidance on sustainable development and reflected through subject areas embracing energy, housing, transport, flooding, and coastal planning. Much of the consolidated SPP is based on longstanding policies which need to be updated in the light of current knowledge of climate change variables, new targets in the reduction of greenhouse gas emissions, and changing technological solutions. The contribution to be made by habitat networks (paragraph 95) is welcomed and is an approach which could be followed in other sections of the document.

**Q7 Is the contribution of the planning system to sustainable economic growth, as explained in this section clear and easy to understand?**

16. A clearer definition of 'sustainable economic growth' is required. The Institute notes that in England, Communities and Local Government in their current consultation paper on a new Planning Policy Statement 4: Planning for Prosperous Economies, define 'Sustainable Economic Growth' as '*Economic growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles*'. We consider that this definition is more appropriate in its recognition and inclusion of the three attributes of sustainable development as discussed in Q5 above.

17. Detailed points on this section include the suggestion that mention should be made of the role of environmental quality in attracting economic development; and it is suggested that line 3 of paragraph 40 should read 'contribute to *sustainable* economic growth'.

**Q8 Have the main elements of national planning policy relating to town centres and retailing been included and are they clearly explained?**

18. The improvement of town centres is central to current policies on regeneration, economic recovery and the creation of sustainable communities. It will be essential that a fully integrated and plan-led approach should be taken to this issue.
19. We consider that the following additional phrases (*in bold, with source paragraph numbers*) might be retained from SPP 8. Other numbers refer to paragraphs of the draft SPP.

45.

*...Any significant changes in the evolving role and function of centres should be taken into account when preparing development plans **rather than changes being driven by individual applications (para 14).***

*The development plan should enable gaps and deficiencies in provision of shopping, leisure and other services to be remedied by identifying appropriate locations for new development and regeneration **to create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services (para 7).***

46. ...

*When considering the format, design and scale of proposals, developers, owners and occupiers should **be sympathetic to (para 16)** the centre's setting.*

*... **...New development which does not integrate successfully in scale, materials and appearance and create effective links with the surrounding urban fabric should be refused planning permission (para 27).***

47. ...

*Development plans should indicate whether retail or commercial development may be appropriate outwith existing centres and **if so** identify appropriate locations.*

SPP8 had included a definition of 'edge of centre' and this should be reinstated as a fourth footnote at the end of page 11.

**Q9 Have the main areas of national planning policy relating to housing been included and are they clearly explained?**

20. The Institute welcomes recognition of the need for development in sustainable locations, integration with public transport and active transport networks and the need to consider the protection and enhancement of landscape, natural, built and cultural heritage, biodiversity and the wider environment.
21. The statement on 'the capacity of the construction industry and the functioning of the housing market' is a welcome addition to the policy context. It reflects a need for an understanding of the industry which has been long overdue. This could be further strengthened in policy guidance.
22. Links should be made to available guidance e.g. on 'Housing Needs and Demand Assessment'.

**Q10 Have the main areas of national planning policy relating to rural development been included and are they clearly explained?**

23. It would be helpful to retain paragraph 26 of SPP15 which emphasises the importance and unique character of many of Scotland's smaller towns and the contribution this unique character makes in attracting visitors and in maintaining quality and distinctiveness of place.

**Q11 Do you support the proposed policy on protection of prime agricultural land?**

24. The Institute supports the proposed policy on the protection of prime agricultural land. This is an important aspect of the strategy to deal with climate change and links might be made with the soil strategy and the need to conserve other internationally important soil resources such as peat.

**Q12 Do you support the removal of the specific requirement for development plans to classify coastal areas as developed, undeveloped or isolated?**

25. The removal of this specific requirement may provide an opportunity to introduce a more flexible coastal policy framework which reflects local needs. However, removing the requirement for development plans to formally classify the coast may undermine the protection of areas of 'isolated coast' and lead to inconsistencies in application. The most vulnerable areas would appear to be areas of isolated coast which have no special landscape or nature conservation designations. The suggestion of a coastal classification system and terminology as proposed, which forms the basis for national planning policy around the coast but which is only implemented on a local opt-in basis, is unsatisfactory. If the classification system is used, the supporting advice given in PAN 53 will remain relevant.

26. There are a number of more general issues:

- consideration should be given to issues of climate change and coastal flooding. This section should read-across to the policies advocated in the NPF2;
- further consideration will be needed of links to new requirements under the Marine Bill, and the need for development plans to be compatible with adjacent regional marine plans, providing a mechanism to deliver Integrated Coastal Zone Management (ICZM).
- while coastal planning and fish farming are specifically included in the draft SPP, marine spatial planning (or marine planning) is excluded. It has apparently been specifically excluded because the marine bill is still not legislation and because the SPP is intended only for use within the statutory T&CP system. However, this seems a lost opportunity to make important linkages between marine and terrestrial planning at an early stage, and at a time of change in the planning system in Scotland. The bill and the explanatory memorandum specifically refer to the need for the compatibility of terrestrial plans with the new regional marine plans and there has been political consensus behind the main aims. The role of Integrated Coastal Zone Management is also referred to in the Bill. ICZM will have an integral part in ensuring that the marine and terrestrial systems are appropriately integrated. Once again, the opportunity to provide a platform for this through the SPP should be taken.

**Q13 Have the main elements of national planning policy relating to fish farming been included and are they clearly explained?**

27. We consider that the main elements relating to fish farming have been included.

**Q14 Have the main elements of national planning policy relating to the historic environment been included and are they clearly explained?**

28. The Institute considers that other policy points from SPP 23 should be retained including:

- Scottish Government expects Local Authorities to maintain a commitment to the historic environment and to reflect the SPP in their policies & resource allocation;
- Planning Authorities should ensure they have sufficient specialist conservation and archaeological advice, and ensure access to a Sites & Monuments or Heritage Environment Record;
- Authorities are encouraged to use Building Preservation Notices, Urgent Works and Repairs Notice powers & compulsory purchase, to minimise loss;
- “proposed development that fails to preserve or enhance the character or appearance of a Conservation Area should be refused planning permission;”
- “there is a general presumption in favour of retaining buildings that make a positive contribution to a Conservation Area, particularly where it can be demonstrated that a building is able to support a new viable use;” and
- an effect on an Inventory Garden or Designated Landscape is a material planning consideration.

29. It is understood that it is intended to replace these statements of policy, where necessary, in the SHEP, and the Institute would urge this to be done at the very earliest juncture.

**Q15 Do you agree with the principle of limiting local non-statutory designations to two types?**

30. The principle of limiting non-statutory designations to two types is accepted; it would be helpful if the nature of ‘local nature conservation sites’ could be explained and whether ‘Local Nature Reserves’ are included in this category. The European Landscape Convention makes it clear that all landscapes require consideration and care, and that local and national designations must be seen as integral components in policies to safeguard the wider interests of Scotland’s biodiversity and landscape.

**Q16 Have the main elements of national planning policy relating to landscape and natural heritage been included and are they clearly explained?**

29. The Institute supports the updated policy context with regard to the European Landscape Convention and the increased emphasis to networks and connectivity. We support the use of the title ‘Landscape and Natural Heritage’ for this section. We also support the principle of no net loss of woodland and the presumption against any loss unless there is a significant and clearly defined public benefit. We consider that paragraph 96 does not reflect the general presumption against development on designated sites and in sensitive areas and we would prefer a stronger statement in this regard. We consider that:

- more links could be made with issues of climate change and the need to recognise the importance of ecosystem services;
- more emphasis might be given to links with LBAPs; and
- more emphasis might be given to edge of settlements and to ensure that these issues are covered in related documents on ‘Designing Places and ‘Designing Streets’.

**Q17 Have the main elements of national planning policy relating to open space been included and are they clearly explained?**

30. The consultation document suggests that there have been no substantive changes to this section, yet issues raised include:
- the use of 'should' rather than 'must' in relation to the requirement for planning authorities (e.g. to prepare open space audits) substantially changes the emphasis;
  - the need for the SPP to address play space;
  - the need for the SPP to continue to stress the importance of community use of school facilities; and
  - that the adequate maintenance of open space should be given greater emphasis.
31. As in a number of other SPPs, while it is sensible enough not to carry the "process" guidance in SPP11 over into the SPP (as the aim is to make the SPP as concise as possible), it will be desirable to include such information and advice in a PAN or other formal guidance, and also to add further advice and guidance on topics not covered in SPP11 that build on the experience of Councils' preparation of greenspace strategies.
32. Greater clarity might be given on the input of audits and how they should be used, on the sequential approach to open space delivery, and associated development management guidance will be required. Either now or in the near future the Institute would like to see the following desirable policy additions:
- policy relating to green infrastructure;
  - greater encouragement for artificial sports surfaces; and
  - a more flexible approach to the protection of open space in order to encourage planning authorities and developers to be more creative.

**Q18 Have the main elements of national planning policy relating to green belts been included and are they clearly explained?**

33. We consider that the key objectives of green belt policy should be expressed more positively and that the key objectives expressed in paragraph 6 of SPP 21 should be reinstated: 'to direct planned growth to the most appropriate locations and support regeneration; to protect and enhance character, landscape setting and identity of towns and cities; and to protect and give access to open space within and around towns and cities, as part of the wider structure of green space. As a result, there will be a strong presumption against inappropriate development in the green belt'.

**Q19 Do you support the retention of the policy on the use of maximum parking standards and the relocation of national maximum parking standards and advice?**

34. The Institute agrees with the relocation of national maximum parking standards into advice.

**Q20 Have the main elements of national planning policy relating to transport been included and are they clearly explained?**

35. The Institute agrees generally with the coverage given. The new SPP should provide stronger links to the preparation of Local Transport Strategies and nationally with the Strategic Transport Projects Review which itself should co-ordinate with NPF2.

**Q21 Do you agree with the integration of policy on spatial frameworks for wind farms over 20 megawatts generation capacity with general planning policy on wind farm development?**

36. The Institute agrees with this approach and supports the proposal for the spatial framework to be set out in supplementary guidance.

**Q22 Have the main elements of national planning policy relating to renewable energy been included and are they clearly explained?**

37. In general, the Institute considers that the main elements have been covered although clarity could be improved by re-structuring and reference made to supporting PANs which remain in place. Paragraph 144 should include species protection and migration routes.

**Q23 Have the main elements of national planning policy relating to flooding and drainage been included and are they clearly explained?**

38. The Institute considers that in general the main elements have been included. However, it is suggested that to avoid duplication this document should be amended bearing in mind the responsibilities placed on Local Authorities, SEPA, SNH and Scottish Water contained within the Flooding Bill, which is currently before Parliament. Mention should also be made of the relationship between the planning system and river basin management planning in addressing these issues.

39. Policy statements might note the need to consider other solutions alongside SUDS. Planners of new developments must consider their impacts on urban drainage systems including any potential for flooding and potential to cause pollution of water courses via combined sewer overflows or direct discharge of urban run-off into a water course. In particular the area of impermeable surface in developments should be kept to a minimum and where possible harvesting and use of rainwater should be encouraged. Planning policy should therefore require mitigating measures, to reduce the impacts of urban run off and surface water, to be identified. New development should also consider opportunities to reduce water usage through water efficiency and water recovery measures.

**Q24 Have the main elements of national planning policy relating to waste management been included and are they clearly explained?**

40. The Institute considers that the main elements of national policy as it currently exists have been incorporated into the text.

**Q25 Have the main elements of national planning policy relating to mineral extraction been included and are they clearly explained?**

41. The Institute considers that the main elements have been included with the exception of the promotion and use of recycling and secondary materials.

**Q26 Have the main elements of national planning policy relating to opencast coal extraction been included and are they clearly explained?**

42. The Institute considers that when read in the context of other parts of the SPP, the main elements relating to opencast coal have been included.

**Q27 Have the main elements of national planning policy relating to telecommunications been included and are they clearly explained?**

43. The Institute considers that the main elements have been included.

**Q28 How might the consolidated SPP impact positively or negatively on equalities groups?**

44. The Institute does not wish to comment on this point.

**Q29 Will any groups not identified already in the partial EqlA be affected by the consolidated SPP?**

45. The Institute does not wish to comment on this point.