

**REPORT TO:** CITY DEVELOPMENT COMMITTEE - 8 JUNE 2009

**REPORT ON:** SCOTTISH PLANNING POLICY (SPP) - CONSULTATIVE DRAFT

**REPORT BY:** DIRECTOR OF PLANNING & TRANSPORTATION

**REPORT NO:** 252-2009

## **1 PURPOSE OF REPORT**

- 1.1 To make recommendations concerning the Council's response to the Scottish Government's consultation paper "Scottish Planning Policy (SPP)".

## **2 RECOMMENDATION**

- 2.1 It is recommended that the comments and recommendations contained in the Appendix to this report be forwarded by the Director of Planning and Transportation to the Scottish Government by 24 June 2009 as the Council's response to the consultation "Scottish Planning Policy (SPP) Consultative Draft".

## **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising from this report.

## **4 BACKGROUND**

- 4.1 The foundations of the reformed planning system are represented in the Planning etc (Scotland) Act 2006 and associated secondary legislation. In October 2008, the Scottish Government and a variety of stakeholders agreed a shared determination to speed up and deliver the reform of the planning system. The document "Delivery Planning Reform" set out the joint actions which would result in a planning system where policies are proportionate, practical and informed by early and wide engagement, advice is clear and consistent, processes are effective and efficient and skills are developed and performance improved.
- 4.2 National planning policy for Scotland was first published in the 1970s and is currently expressed through a series of Scottish Planning Policies (SPPs) and National Planning Policy Guidelines (NPPGs). As part of the commitment to proportionate and practical planning policies the Scottish Government is rationalising the SPP and NPPG series into a single statement of national planning policy. The first part of the consolidated Scottish Planning Policy (SPP) was published in October 2008 in parallel with "Developing Planning Reform" and covers the core principles, aspirations and expectations for the planning system.
- 4.3 This consultation is on the final part of the SPP, which covers community engagement, sustainable development, the subject policies currently expressed through 17 separate SPPs and NPPGs and the outcomes of the planning process.
- 4.4 The consolidation of the subject policies into the single SPP is not a review of established policy. Existing policy is being rationalised and expressed in more concise terms, providing clarity and greater certainty of intended outcomes. The new style of SPP requires a different approach to expressing and explaining national planning policy, but the changes in wording do not, in most cases, represent a

change in policy. A change in policy would mean that the intended outcome of the policy is different.

- 4.5 The consultative draft of the final part of the consolidated SPP is structured to continue on from the published sections of the SPP (Introduction, Development Plans and Development Management). The full document may be viewed on the Scottish Governments website at:

[www.scotland.gov.uk/topics/built-environment/planning/publications/consult](http://www.scotland.gov.uk/topics/built-environment/planning/publications/consult).

When published in its final form, the consolidated SPP is intended to be considered as a whole rather than sections being considered independently.

- 4.6 The Scottish Government has asked specific questions in the consultative draft SPP, and these questions are set out in Appendix 1 to this report, together with a recommended Council response. Responses to the consultation will be analysed and taken into account when the final consolidated SPP is drafted. A consultation report will be published which will discuss the responses received, how they were analysed and how they contributed to the final version of the consolidated SPP.

## **5 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## **6 CONSULTATIONS**

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

## **7 BACKGROUND PAPERS**

- 7.1 The following background papers have been referred to in the preparation of this report:
- a Scottish Planning Policy (SPP) - Consultative Draft - Scottish Government April 2009.
  - b Scottish Planning Policy (Part 1) - Scottish Government October 2008.
  - c Scottish Planning Policy (Part 2) - Scottish Government October 2008.
  - d Delivering Planning Reform - Scottish Government and Partner Stakeholders October 2008.

- e SPP2, SPP3, SPP4, SPP6, SPP7, SPP8, SPP10, SPP11, SPP13, SPP14, SPP15, , SPP16, SPP17, NPPG19, SPP21, SPP22 and SPP23.

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## APPENDIX 1 - STANDARD QUESTIONS AND THE COUNCIL'S RESPONSE

Topic Area	Question	Council's Response
General	1 Overall, is national planning policy clearer and easier to understand in the consolidated SPP compared with existing SPPs and NPPGs.	Yes. The Council considers it helpful to have all statements of national planning policy clearly set out in a single document.
	2 Do you support the proposed structure and format of the consolidated SPP?	The structure and format of the document is supported.
	3 Do you agree with the removal of advice and background information from the consolidated SPP?	In situations such as Planning Appeals and inquiries it has proved helpful to parties to have expanded expressions of national policy and advice. In getting the numerous policy documents down into the proposed SPP it is important for the Scottish Government to satisfy itself that there has been no <u>inadvertent</u> review of policy. If so, this may have consequences for development planning and the interpretation and application of locally defined policies.
Community Engagement	4 Does this paragraph provide a clear overview of the expectations for community engagement in the modernised planning system?	In the light of the content of the new Act relating to community engagement in development management it is recommended that the final paragraph of the policy statement emphasises further the significance of these measures.
Sustainable Development	5 Is the status of this section in relation to the Planning etc (Scotland) Act 2006 sufficiently clear?	Yes, the status is clear.
<b>Policies</b>		
General	6 Is the role of the planning system in assisting climate change mitigation and adaptation clearly highlighted throughout this SPP?	Climate change 'mitigation' and 'adaptation' are vague terms the meanings of which are not adequately spelled out. A greater emphasis throughout the SPP should be placed on what development can do to positively contribute to the reduction of climate change factors and indicate what could or should be included in development to achieve this
Economic Development	7 Is the contribution of the planning system to sustainable economic growth, as explained in this section, clear and easy to understand?	Para 40 indicates that the planning system should encourage energy efficiency and reduced emissions through layout and design. Emphasis should be placed on the targets of 15% reduction in carbon dioxide emissions through the inclusion on low and zero carbon technologies as stated in SPP6  No reference is made to the process of how unmarketable sites are to be reallocated to other uses. It is assumed that this would be through a

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		<p>formal review or amendment to the Development Plan but it should be explicitly stated in this guidance.</p> <p>In addition to identifying new opportunities it is equally important to protect existing facilities used by small businesses. Business markets tend to move slower than residential and as much as businesses should not impact on the amenity of existing residents, there should also be an awareness not to locate residential next to existing business facilities in a manner that might cause amenity difficulties.</p> <p>Dundee City Council has successfully used grant aid through the Vacant and Derelict Land fund to address sites within the city. The temptation to demolish and clear or otherwise address such sites is obvious once a site has fallen vacant, however there exists an opportunity through area regeneration schemes, master plans and other measures to stem the decline of such areas, and in turn potentially avoiding business closures.</p>
Town Centres and Retailing	8 Have the main elements of national planning policy relating to town centres and retailing been included and are they clearly explained?	For the most part, yes. However, some details could be provided of the types of commercial leisure use which should be subject to the sequential test.
Housing	9 Have the main areas of national planning policy relating to housing been included and are they clearly explained?	<p>Dundee City Council appreciates the overall aim of rationalising national planning policy by replacing the current series of SPPs and NPPGs with a single SPP. This consolidated SPP seeks to establish a more focused process-based approach to identifying and meeting the needs of the housing market. However, this approach has the danger of putting too much concentration on the process rather than the outcomes. The focus of the housing section of this SPP is premised on the assumption that you simply increase the supply of available land you will produce more houses. This is a rather simplistic approach to a complex issue. Whilst process and consistency are important they will be of little consequence if they result in poor quality housing and place-making.</p> <p>With this new consolidated SPP there is a loss of detailed technical guidance for example; the Glossary and Annex A regarding Housing Land Audits which may result in the loss of consistency and transparency in the content of the Housing Land Audit and the manner in which they are carried out by the various local authorities.</p>

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		Also the idea of Housing Market Partnerships (SPP3 paragraph 24) is absent.
Rural Development and Prime Agricultural Land	10 Have the main areas of national planning policy relating to rural development	The main themes of national planning policy, that is, diversification and tourism should be better emphasised.
	11 Do you support the proposed policy on protection of prime agricultural land?	The protection of prime agricultural land continues to be important. Therefore support is given to this policy.
Coastal Planning	12 Do you support the removal of the specific requirement for development plans to classify coastal areas as developed, undeveloped or isolated?	Paragraphs 75 and 76 provide a welcome expression for the treatment of coastal development. However removal of the classification system associated with coastal development and the additional clarity afforded by it will not assist in providing clear planning policy.
Fish Farming	13 Have the main elements of national planning policy relating to fish farming been included and are they clearly explained?	Fish farming proposals are unlikely to affect Dundee however the policy seems clear enough.
Historic Environment	14 Have the main elements of national planning policy relating to the historic environment been included and are they clearly explained?	<p>The Council is satisfied that the SHEP document is comprehensive enough to allow the SPP to summarise national policy.</p> <p>Because the reference to archaeology is very brief it would be a retrograde step if the Planning Advice Notes on archaeology were ever to be withdrawn or curtailed. It is noted that the Model Policies in Annex A have been deleted. These are useful and should be re-introduced as separate advice.</p>
Landscape and Natural Heritage	15 Do you agree with the principle of limiting local non-statutory designations to two types?	Limiting local non-statutory designations to two types would make sense in terms of streamlining the category of sites protected for their nature conservation qualities. However it makes it less clear why a site is so designated and has the potential to create a level of confusion about what the qualities of a site are that have to be protected/mitigated in any development proposal.
	16 Have the main elements of national planning policy relating to landscape and natural heritage been included and are they clearly explained?	Paragraphs 92-110 set out the main elements of landscape and natural heritage adequately and clearly.

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Open Space and Physical Activity	17 Have the main elements of national planning policy relating to open space been included and are they clearly explained?	Footnote below para 111 would be better to refer to the open space use types suggested in PAN 65 for clarity hence removing any doubt about the distinction between open and green space. These sections treat the two as the same thing. However, vegetated vacant and derelict land, for example, is by definition not green space. Para 114 which refers to accessibility as being one of the qualities of open space is a case in point. Open space which is not accessible can nonetheless have value in terms of biodiversity found on site or as part of a nature corridor. Quality and maintenance could also be emphasised more along with drawing out what is meant by each of these terms. The relationship with sportscotland is not referred to.
Green Belts	18 Have the main elements of national planning policy relating to green belts been included and are they clearly explained?	All the main elements of greenbelt policy appear to be there and have been sufficiently explained.
Transport	19 Do you support the retention of the policy on the use of maximum parking standards and the relocation of national maximum parking standards into advice?	DCC supports the retention of the use of maximum parking standards for new developments as control of parking supply and capacity can be a key measure in encouraging individuals to use more sustainable modes. Planning authorities should also be allowed to set their own standards given local circumstances. However, the national standard should be considered as the ceiling whereby Local authorities must comply. This is to prevent some planning authorities using liberal parking standards to attract development at the dis-benefit to other authorities.
Transport (continued)	20 Have the main elements of national planning policy relating to transport been included and are they clearly explained?	In general the main elements of national policy seem to be included and clearly explained. The Council considered that the Strategic Transport Network has a significant impact to the City as the Trunk Road passes through large areas of the city including the city centre. The Trunk road network in Dundee performs a very local function and carries high volumes of local traffic and it is important that this is recognised by the Scottish Government. It is requested that policies limiting and constraining access to the Trunk Road should not be used to stifle economic development in Dundee given the current state of the economy.
Renewable Energy	21 Do you agree with the integration of policy on spatial frameworks for wind farms over 20 megawatts generating capacity with general planning policy on	Para 139: A further factor relevant to the consideration of applications is the environmental impact of some proposals. Within city and heavily trafficked areas there exists a concern for air quality which may influence the ability to accommodate biomass and energy from waste

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	wind farm developments?	<p>facilities. Cities are designated as smoke free zones which effectively prohibits wood chip combustion or pushes the costs of such installations far beyond economic viability. Dundee has been successful in establishing large scale wind turbines within the city boundary, but this was amidst significant concerns over residential amenity through flicker and noise.</p> <p>Para 140: Do we take it from this that the number of jobs created is a material consideration for renewable energy developments?</p> <p>Para 144: The specification of a 2km separation between wind farms and the edge of settlements is unnecessary and should be reviewed on a case by case basis for each local development plan. (Dundee has successfully achieved the development of large wind generators within the built up area). Surely in terms of sustainability and conservation of resources it is correct that power generation should be close to its point of use.</p>
	22 Have the main elements of national planning policy relating to renewable energy been included and are they clearly explained?	<p>It may be better to require Plans to identify the factors on which an assessment will be based. (as with energy from waste detailed in para. 149).</p> <p>Para 150: This reflects SPP6, however SPP6 goes further than this by asking local authorities to consider higher targets (Aberdeen has implemented a gradually increasing target - to 100% reduction by 2016). Furthermore, SPP6 indicates that authorities should not wait for the adoption of new development plans but implement this measure immediately. The 15% target may require to be reviewed in order to meet national carbon reduction targets.</p>
Flooding and Drainage	23 Have the main elements of national planning policy relating to flooding and drainage been included and are they clearly explained?	All the main elements of flooding and drainage appear to have been included.
Waste Management	24 Have the main elements of national planning policy relating to waste management been included and are they clearly explained?	The main elements of national policy appear to be addressed, albeit in pretty abbreviated form. However, unlike SPP10, it makes no mention of the role of Area Waste Plans. Nor is there any indication of their future role (if any) or of any replacement alternative arrangements to guide waste management policy at the regional level. Para 164 could be read as implying that this role will be taken over by the National Waste Management Plan. This perhaps needs to be clarified.



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		The SPP includes the instruction that development plans must allocate sites for required waste management facilities. This was not a specific requirement of SPP10.
Mineral Extraction	25 Have the main elements of national planning policy relating to mineral extraction been included and are they clearly explained?	The SPP makes no mention of the role of EIA either in relation to mineral extraction applications or to any other form of development proposal. It also makes no reference to mineral waste or to the potential contribution of recycled and secondary aggregates (eg construction wastes). No reference is made to the need to review old mineral permissions. All of these matters were covered by SPP10. Apart from this, the key elements of SPP10 appear to be fairly clearly covered.
Opencast Coal Extraction	26 Have the main elements of national planning policy relating to opencast coal extraction been included and are they clearly explained?	As in the case of the minerals section of SPP there is no mention of the role of EIA. Apart from this, the guidance would appear to cover the key provisions set out in SPP16 in a reasonably clear way.
Tele-communications	27 Have the main elements of national planning policy relating to telecommunications been included and are they clearly explained?	The Council is satisfied that the main elements of national policy are covered. However, paragraph 187 should make reference to the inclusion of a comparative assessment of options for design and location, considered and rejected. Also, operators offer authorities an opportunity to discuss roll out plans for the coming year on an annual basis (paragraph 186).
Partial Equalities Impact Statement	28 How might the consolidated SPP impact positively or negatively on the equalities groups?	The Council considers that the way in which the policies are expressed is unlikely to disadvantage any group in society provided the document is available to those in minority language groups and the visually disadvantaged.
	29 Will any groups not identified already in the partial EqIA be affected by the consolidated SPP?	The Council has no comments.