

Draft Scottish Planning Policy : Consultation Questionnaire

Responding to this consultation paper

We are inviting written responses to this consultation paper by Tuesday 23rd July 2013.

Please send your response with the completed Respondent Information Form (see 'Handling your Response' below) to:

sppreview@scotland.gsi.gov.uk

or

SPP Review Team
Area 2H, Victoria Quay
Edinburgh. EH6 6QQ

If you have any queries contact:

Helen Wood, Principal Planner 0131 244 7534 helen.wood@scotland.gsi.gov.uk
Carrie Thomson, Senior Planner 0131 244 7529 carrie.thomson@scotland.gsi.gov.uk

We would be grateful if you would use the consultation questionnaire or could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

The consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/Consultations/Current>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to the responses made to this consultation exercise.

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Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form). You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us finalise the document. We aim to publish the finalised Scottish Planning Policy before the end of 2013.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Consultation documents are placed on the Scottish Government web site enabling a wider audience to access the papers and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation request confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

The views and suggestions detailed in consultation response are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

¹ <http://www.scotland.gov.uk/consultations>

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- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

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RESPONDENT INFORMATION FORM

This is to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Cairngorms National Park Authority

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Miles

Forename

Gavin

2. Postal Address

14 The Square

Grantown-on-Spey

Postcode PH26 3EW

Phone 01479873535

Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

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Please answer the questions relevant to you and provide further comment, including evidence or justification, in the box provided.

PRINCIPAL POLICIES

- 1 Sustainable Economic Growth** Y N
- Do you think that the measures outlined in paragraphs 15 to 23 are appropriate to ensure that the planning system supports economic recovery and sustainable economic growth? X
- Are there other measures to support sustainable economic growth that you think should be covered in the SPP? □ N

The Cairngorms National Park Authority (CNPA) welcomes the focus of the SPP on increasing sustainable economic growth. National Parks are ideally placed to deliver this purpose and are exemplars of how this can be undertaken while conserving the special qualities of unique parts of Scotland. In the Cairngorms National Park we are currently developing, along with partners, an Economic Diversification Strategy to give greater impetus to this approach.

We suggest that this section of the SPP also makes specific reference to the importance of tourism as a growth sector contributing to sustainable economic growth.

- 2 Location of New Development – Town Centres** Y N
- Do you think that local authorities should prepare town centre health checks, as set out in paragraph 55? X
- Are there other health check indicators you think should be included in the SPP? X

Yes, planning authorities should prepare town centre health checks. The CNPA suggests that the SPP should highlight the importance of rural communities and service centres that perform additional town centres roles for rural areas. Additional indicators could be the links with public transport, the presence of public services and community facilities that serve a wider area.

- 3 Location of New Development – Town Centres** Y N
- Do you think that local authorities should prepare town centre strategies, as set out in paragraph 56? X

The CNPA considers that the SPP should also explicitly give guidance on the characteristics of rural town centres so as to encourage consideration of the very important role they play in supporting wider rural communities. SPP should encourage the development of health-checks for provision of community facilities that support the wider rural areas.

- 4 Location of New Development – Town Centres** Y N
- Do you think the town centre first policy should apply to all significant footfall

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generating uses and the sequential test be extended to this wider range of uses, as outlined in paragraphs 63 to 67?

X

An alternative would be to apply the sequential test to retail and 'all' leisure development, no longer limiting leisure to 'commercial' development. Do you think this is the appropriate approach?

No comment

5 Location of New Development – Rural Development

Y N

Do you think the approach to spatial strategies for rural areas outlined in paragraphs 68 to 71 is the appropriate approach?

X

The CNPA warmly welcomes the additional recognition of National Parks in the SPP. However, we consider it could better reflect the complex nature of the management challenges faced by National Parks. Both Scottish National Parks face particular pressures in terms of visitors, recreation and development as well as historically fragmented management. They are both accessible and pressured areas (as described in para 70) and yet also remote/rural (as described in para. 71). National Park Partnership Plans provide the basis for integrated management of the National Parks and the framework for rural development within them. The SPP should make stronger reference to the National Park Partnership Plans' role in addressing such challenges.

Paragraph 73 on National Parks is not an accurate representation of the National Parks (Scotland) Act 2000. The Act requires the National Park Authority gives "greater weight" to the first aim of the Park in decisions where there is conflict between the aims that cannot be resolved, not that it gives precedence to it. We suggest this paragraph is changed to be accurate and also that the first sentence is replaced with: "Development plans within National Parks must be consistent with the National Park Partnership Plan. National Park Plans provide the management strategy for National Parks, the strategic context and direction for planning and the framework for rural development."

We also suggest that this section of the SPP cross references to paragraph 141 on National Designations which is both welcome and significant.

BUILDINGS

6 Housing

Y N

Do you think explaining a 'generous' housing land supply as allowing an additional margin of 10 to 20%, as set out in paragraph 85, is the appropriate approach?

X

An alternative would be to state that a generosity factor should be added to the land supply, and that this may be smaller in areas where there can be confidence that the sites identified in the plan will be developed in the plan period, and larger in

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areas where there is less confidence in the deliverability of the land supply. Do you think this is the appropriate approach?

The CNPA does not consider that the proposed approach to identifying a generous land supply is appropriate for National Parks in future. National Parks are different from other parts of Scotland. They face significant pressure from visitors, for recreation and for development. At the same time they hold some of Scotland's most important natural heritage. We recommend that a carefully reasoned land supply to both deliver housing and the four aims of the National Park is required in the long term.

- 7 Housing** **Y** **N**
- Do you think that authorities should be able to include an allowance for windfall development in their calculations for meeting the housing land requirement, as set out in paragraph 86?

If information about the likely contribution of windfall sites is available then it should be used in calculations to identify the housing the land requirement.

- 8 Housing** **Y**
- As set out in paragraph 87, do you think strategic development plans should set out the housing supply target:
- a. only for the strategic development area as a whole;
 - b. for the individual local authority areas;
 - c. for the various housing market areas that make up the strategic development plan area; or
 - d. a combination of the above

No comment

- 9 Housing** **Y** **N**
- Do you think the approach to how national parks address their housing land requirements, as set out in paragraph 90, is the appropriate approach?
- An alternative would be for national park authorities to assess and meet housing requirements in full within their areas. Do you think this is the appropriate approach?

The CNPA supports the principle that there should be flexibility in how housing land requirements are met in the National Parks. We do not consider that paragraph 90 provides sufficient flexibility in practice. The Cairngorms National Park includes peripheral parts of four housing market areas and one distinct housing market area (Badenoch and Strathspey). The SPP does not give clarity over how to address housing market areas that are entirely within a National

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Park.

The housing market area that is within the Park is the most pressured area and also within an area that is heavily designated for Natura 2000 interests. In the longer term, we anticipate difficulty in complying with the Habitats Regulations as well as meeting housing requirements as they are currently calculated. We consider that a more flexible approach will be required in future to ensure that appropriate housing is delivered along with the four aims of Scottish National Parks. We recommend that the SPP states that National Park Partnership Plans (which are approved by Ministers) are used to set the strategic context for housing land requirements in National Parks.

We do not consider that it is practical for National Park Authorities to assess and meet housing requirements in full within their areas given their interaction with a number of housing market areas and because National Park Authorities are not housing authorities.

10 Housing

Do you think the approach to identifying the five year effective land supply, as set out in paragraph 91, is the appropriate approach?

Y N

X

An alternative approach would be for the supply in strategic development plan areas to be calculated across local development plan areas. This would require strategic development plans to set out housing supply targets for each local development plan. Do you think this is the appropriate approach?

No comment

11 Housing

Do you think that the level of affordable housing required as part of a housing development should generally be no more than 25%, as set out in paragraph 97?

Y N

X

The CNPA considers that a 25% affordable housing requirement should generally be a minimum figure within the National Park and that there is strong justification for national planning policy that encourages more than the normal amount of affordable housing within National Parks. We recognise that some flexibility is required to respond to market conditions and to individual proposals but consider that in an area with the special characteristics of the Cairngorms National Park, and where housing land supply is limited, it is imperative that the available land that is used in way where all possible measures are promoting affordable housing. Our current Local Plan seeks an affordable housing contribution of between 25% and 40% and that was justifiable at the time it was prepared in 2010. Our proposed Local Development Plan has a benchmark

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requirement of 25% for affordable housing while also encouraging developments of 100% affordable housing in appropriate circumstances and cross subsidy of affordable housing from sale or rent of open market houses.

There should be recognition of the special circumstances of Scottish National Parks (see our response to question 5) and the role of National Park Partnership Plans in setting out an appropriate strategic framework to address this issue.

There is also a need to ensure that appropriate changes are made to Homeless Persons Act or through use of local lettings initiative so as to ensure that housing is, as far as possible, available to local people.

- | | | | |
|-----------|--|----------|--------------------------|
| 12 | Housing | Y | N |
| | Do you think that the approach to addressing particular housing needs, as outlined in paragraphs 100 to 103, is appropriate? | X | <input type="checkbox"/> |

No comment

- | | | | |
|-----------|---|----------|--------------------------|
| 13 | Business & Employment | Y | N |
| | Do you think the regular review of marketable sites for business, as set out in paragraph 110, should take the form of 'business land audits' in order to ensure identified sites are marketable? | X | <input type="checkbox"/> |

The CNPA welcomes this approach but suggest the SPP makes clear that the appropriate level of information and detail will be different in different parts of Scotland with different characteristics. We suggest that the SPP makes clear that in National Parks, this work should be shared between National Park Authorities, Local Authorities, Scottish Enterprise and Highlands and Islands Enterprise.

NATURAL RESOURCES

- | | | | |
|-----------|--|--------------------------|--------------------------|
| 14 | Green Infrastructure | Y | N |
| | Do you think that the provision of green infrastructure in new development should be design-led and based on the place, as set out in paragraph 163? | X | <input type="checkbox"/> |
| | An alternative would be to continue with a standards based approach. Do you think this is the appropriate approach? | <input type="checkbox"/> | X |

The CNPA considers that a design-led and place-based approach leads to better places than a standards based approach.

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UTILITIES

- 15 Heat & Electricity** **Y** **N**
- With reference to paragraphs 214 to 215, do you think heat networks should be developed ahead of the availability of renewable or low carbon sources of heat?
- An alternative would be for heat networks to only happen where there are existing renewable and waste heat sources or networks. Do you think this is the appropriate approach?

The CNPA considers that carefully planned heat networks should be developed in advance of heat generating capacity in order to provide incentives for the private sector to invest in developing the capacity and to demonstrate the ability to connect to additional consumers.

- 16 Heat & Electricity** **Y** **N**
- With reference to paragraph 218 and subsequent groups, do you think that the proposed increased community separation distance of up to 2.5km is appropriate?

No comment

- 17 Heat & Electricity** **Y** **N**
- With reference to paragraphs 216 to 219, do you think the proposed approach to spatial frameworks achieves the right balance between supporting onshore wind development whilst protecting the natural environment and managing visual impacts on communities?

The CNPA warmly welcomes the identification of National Parks as Group 1 areas in spatial frameworks for onshore wind farm development where wind farms will not be acceptable. This reinforces the policy set out in both of the Ministerial approved National Park Partnership Plans. The policy is also referred to in the Main Issues Report and Draft Framework for Scotland's third National Planning Framework.

The CNPA agree that identification of buffer zones around National Parks or National Scenic Areas would not be sensible or appropriate. However, we consider that paragraph 218 is potentially confusing because it states that areas outside National Parks and National Scenic Areas should not have additional protection, yet at the same time provides a cross-reference to the policy requirements for national and international designations in paragraphs 136-141, which refer to the effects of development on the designation (that could be from

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development inside or outside the designation). We see three potential areas of confusion:

1. We consider that some wind farm proposals outside National Parks or NSAs can affect the integrity of the designations or the special landscape qualities they hold. Ministers have recognised this in the recent decision to refuse the Glen Kirk wind farm proposal to the north of the Cairngorms National Park. (See <http://www.dpea.scotland.gov.uk/Documents/qJ13102/A6172322.pdf>) We consider that spatial frameworks should reflect information on the sensitivity of these designations to wind farm proposals outside their boundaries so that developers have access to information that may affect their prospects of success. Otherwise, there is a risk that spatial frameworks direct developers to locations where they would be unlikely to secure permission.

2. There are also locations around both National Parks where areas that fall into Group 2 (Areas of significant protection) such as national or international designations and core areas of wild land either sit across or beside the National Park boundaries. This means that spatial frameworks will at times require to preclude or restrict windfarm development around National Parks and NSAs.

3. The underlining of the single sentence in paragraph 218 appears to be the only example of such emphasis within the draft SPP and this is likely to lead to considerable discussion about the relative weight to be given to different areas of policy.

To address these issues we therefore suggest two changes to this section:

1. That the SPP provides further clarity on spatial frameworks and the need for them to highlight the potential for effects on National Parks and National Scenic Areas from wind farm developments outside their boundaries. We suggest two possible options:

a) an additional sentence is added under the bullets of Group 1 areas to state: "Spatial frameworks should consider whether wind farm proposals outside National Parks and National Scenic Areas would visually affect the integrity of the area or the special qualities for which they have been designated.", or

b) an additional category is added to Group 2 that states: "Areas outside National Parks or National Scenic Areas where wind farm development would be likely to visually affect the integrity of the area or special qualities for which they have been designated."

This would allow spatial frameworks to provide relevant information to help developers and to be consistent with national designations policy protection provided in paragraph 141.

2. That the sentence in paragraph 218 that is currently underlined is

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retained but that the underlining of it is removed so as to avoid confusion.

18 Heat & Electricity

Do you think the SPP could do even more than is drafted in paragraphs 222 to 224 to secure community benefits from renewable energy developments while respecting the principles of impartiality and transparency within the planning system?

Y N

X

No comment

19 Digital

Do you think the planning system should promote provision for broadband infrastructure (such as ducting and fibre) in new developments so it is designed and installed as an integral part of development, as set out in paragraph 230?

Y N

X

We support this objective though again we consider the SPP should make clear that this should be proportionate to the development. In rural Scotland and between different parts of rural Scotland, the infrastructure required may be different from urban Scotland.

20 Flooding & Drainage

Do you think that Strategic Flood Risk Assessment should inform the location of development, as set out in paragraph 239?

Y N

X

Yes, Strategic Flood Risk Assessment is an important new process to help inform location of new development. CNPA is about to be designated as a "responsible authority" under the Flood Risk Management Act. We already place considerable emphasis on catchment management initiatives and see synergies in delivering natural flood management within the Park, contributing positively to the lives of significant numbers of people living in the Park and downstream.

21 Flooding & Drainage

With reference to paragraphs 245 to 247, do you think that where the Scottish Environmental Protection Agency (SEPA) has already granted a Controlled Activities Regulations (CAR) license then there should be no need for consideration of water and drainage issues by the planning system?

Y N

X

We support this approach in principle and are already working with SEPA on a pilot scheme to help streamline such processes in the Cairngorms National Park. We will be pleased to share the results of that work, once complete. We

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consider that further clarification of process and procedure is needed for planning authorities, SEPA and applicants/developers. Links require to be made between these processes, SEPA and the requirements of the Water Framework Directive.

- 22 Reducing & Managing Waste** **Y** **N**
With reference to paragraphs 248 to 262, do you think that planning policy for waste management should be consolidated into the SPP to be clear on the messages and to remove the need for further narrative in Annex B of the Zero Waste Plan?

No comment

- 23 Overall** **Y** **N**
Do you think the proposed new structure and tone of the draft SPP is appropriate?

- 24 Overall** **Y** **N**
Do you think the SPP should and can be monitored? If so, how?

- 25 Overall** **Y** **N**
Do you think the SPP could be more focused? If so, how?

- 26 Overall**
In relation to the Equalities Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on any particular groups of people.

- 27 Overall**
In relation to the Equalities Impact Assessment, please tell us what potential there

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may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

28 Overall

In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, either positive or negative, you think the proposals in this consultation document may have on business.

29 Overall

Do you have any other comments? If so, please specify the relevant section and/or paragraph.

The CNPA Planning Committee discussed the Draft SPP on 21 June 2013. They wanted to make the following points in addition to those given in answer to specific questions:

Delivering heat and electricity: There is an inherent tension between Government policy to extent forest cover while also promoting wood fuel as sustainable fuel source. The SPP should give guidance about respective priorities.

Paras 35-40, Placemaking - We are pleased that the draft SPP highlights the importance of successful placemaking and promotes the design-led approach to planning.

Paras 28-30, Engagement - The Planning Committee raised neighbour notifications as an issue that the planning system fails to do well in rural areas because of the dispersed nature of dwellings and land ownership. There is a risk that people are unaware of development proposals that would affect them and are not involved in the planning process. It is suggested that the SPP sets out ways of improving neighbour notification practice for rural areas.

General comment: On a number of occasions the consultation paper referred to "planning authorities" and "local authorities" as if they were interchangeable terms. Both Scottish National Park Authorities are planning authorities and clarity is required so that everyone understands respective roles in the planning process.