

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 If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.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

SURF - Scotland's independent regeneration network

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

Surname

MacDonald

Forename

Brian

2. Postal Address

Chair of SURF

Orkney Street Enterprise Centre

18-20 Orkney Street

Glasgow

Postcode G51 2BX

Phone 0141 585 6848

Email info@scotregen.co.uk

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?
- Are there other measures to support sustainable economic growth that you think should be covered in the SPP?

It is difficult to present a cogent argument against the pursuit of economic recovery and sustainable economic growth. There appears, however, to be no role for communities other than as “stakeholders” in determining the future of their area. It is a worry that para 23 suggests that developer contributions are “proportionate and do not adversely affect the viability of the development”.

There is no definition of “proportionate”. In what terms? It is conceivable that developers will be able to construct a case against any contribution that they deem affects the viability of a project. The possibility exists, therefore, that such developer contributions as are made will not reflect the negative impact of that development on a community. Such a disconnect may bring into question the sustainability of the development itself. Overall, this section appears to be weighted strongly in favour of developers, with limited mitigation and no meaningful role for communities in the process.

- 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?
- Are there other health check indicators you think should be included in the SPP?

In general, there is agreement that the proposed health checks, as defined, are an important aspect of ensuring viability of our town centres. What appears missing, however, is a recognition of the role in which the provision of public services in town centres aids the vibrancy of town centres. There should be a specified role for Community Planning Partnerships to act as a clearing house for the changes in the utilisation of the public sector estate. It should be possible to avoid the debilitating removal of public services from town centres to out of town locations if there is greater sharing of premises across silos in all aspects of public services. No public sector organisation should be able to close a town centre location without considering the wider public benefit. This proposal would be consistent with the recommendations of the recently published Scottish Government Town Centres Review.

The issue of compulsory purchase of derelict sites/premises in town centres should be developed. Communities in urban areas should have the same access to legislative support as those in the rural area. A long time derelict site or building can have as significant negative impact on an urban area as a

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bad/absentee landlord in a rural area. Communities should be able to challenge and change this tangible cause of local degeneration.

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?

Yes.

4 Location of New Development – Town Centres

Y N

Do you think the town centre first policy should apply to all significant footfall generating uses and the sequential test be extended to this wider range of uses, as outlined in paragraphs 63 to 67?

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?

As indicated above, there is support for the town centre first policy, but this should be enhanced for the public sector. Para 67 states: "...it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable." This seems to shift the decision-making on to the applicant, inappropriately. It should be the role of the planning authority to assess and determine the impact on town centres.

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?

Yes. The aspiration that, in all rural areas, planning should encourage development that supports prosperous and sustainable communities, seems appropriate.

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?

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 areas where there is less confidence in the deliverability of the land supply. Do you

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think this is the appropriate approach?

There is a question as to whether such a “generous” allowance is necessary in all areas. Indeed, generosity might not be the correct term. It is accepted that there is a need for a margin, but this could be based on an analysis of the completions in the last plan period compared with the land supply available to avoid a nation prescription and allowing for local factors to be recognised.

There should perhaps be a percentage of derelict land included in this figure in areas where there is a significant element of such land.

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?

Yes, but as above, there should perhaps be a percentage of derelict land included in this figure in areas where there is a significant element of such land.

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

d. A combination of the above.

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?

National Park authorities should assess and meet housing requirements in full within their areas.

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10 Housing **Y** **N**

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

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?

Setting housing supply targets within strategic development has some merit.

11 Housing **Y** **N**

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?

This seems broadly appropriate, however, it is couched in terms which could leave scope for wriggle room to water down the figure. This, perhaps, could be firmed up. Consideration should be given to the practicality of specifying a minimum percentage, particularly for larger developments.

12 Housing **Y** **N**

Do you think that the approach to addressing particular housing needs, as outlined in paragraphs 100 to 103, is appropriate?

Yes.

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?

The implication in this section is that sites that are not marketable should not be included. There should be an evaluation of sites close to areas of disadvantage to ascertain what would be necessary to make them marketable and to provide the means for doing so. Otherwise, there is a danger again of cherry picking and leaving some areas and communities still further behind.

NATURAL RESOURCES

14 Green Infrastructure **Y** **N**

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

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?
An alternative would be to continue with a standards based approach. Do you think this is the appropriate approach?

It should be design led and based on place.

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?

No comment.

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?

Yes.

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?

No comment.

18 Heat & Electricity **Y N**
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?

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There is a major incongruity here. Whilst on the one hand, it can be argued as appropriate that communities should benefit from renewable energy, communities which sit in the shadow of polluting coal fired power stations or which live with the concern of proximity to nuclear power stations get no community benefit such as the £5000 per mega watt per annum.

- 19 Digital** **Y** **N**
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?

Yes.

- 20 Flooding & Drainage** **Y** **N**
Do you think that Strategic Flood Risk Assessment should inform the location of development, as set out in paragraph 239?

Yes.

- 21 Flooding & Drainage** **Y** **N**
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?

Yes.

- 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?

Yes.

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

Given the current high level emphasis within the Scottish Government's

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regeneration policy for developing community assets and enhancing community led regeneration, two major elements appear surprising.

There is one section on "Engagement", para 28, which, whilst not mentioning communities specifically, runs to three lines. By contrast, there are 10 paragraphs on valuing the historic environment and 40 paragraphs on natural resources. The role of communities and their ability to be engaged in this document is curiously understated. In particular the support needs of disadvantaged communities in terms of their engagement with the planning process is absent. This is unlikely to be picked up in any equalities impact analysis.

In addition, the weight allocated to some issues is difficult to understand. There is no consultation question in respect of: placemaking; valuing historic buildings; valuing the natural environment; and promoting sustainable transport. All of these had substantial sections, yet there was a question on heat networks, which was far less significant within the document.

24 Overall

Do you think the SPP should and can be monitored? If so, how?

Y **N**

Yes. Consideration should be given to linking the SPP with the NPF in both timing and monitoring processes. It should be possible to set out clear longer term ambitions for its impact and identify 'indicators for success'. These could then be reviewed by the Scottish Parliament (as is currently done with the NPF) potentially via its Local Government and Regeneration Committee.

The considerable scope and expertise within the membership of the Scottish Forum for Planning presents a potentially useful resource for the monitoring process.

25 Overall

Do you think the SPP could be more focused? If so, how?

Y **N**

See answer to 23 above.

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.

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

No particular equalities groups are absent, but communities, and particularly disadvantaged ones, are missing from the document.

27 Overall

In relation to the Equalities Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

No comment.

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.

No comment.

29 Overall

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

No additional comments.