



Scottish Campaign for National Parks

RESPONSE BY SCNP TO THE CONSOLIDATED SPP.

Preamble

The SCNP's primary aim is to promote the protection, enhancement and enjoyment of nationally outstanding areas that are National Parks, or are appropriate to be designated as such, or are of sufficient merit to warrant special protection. This is manifest in our support for good stewardship of the country's best environmental assets and encouragement of environmentally sustainable methods of development, particularly within areas of national park potential. SCNP is a recognised Scottish Charity.

Context

The Scottish Government has decided to consolidate a whole series of Scottish Planning Policy documents (SPPs) and National Planning Policy Guidance (NPPGs) into a single Scottish Planning Policy document. The aim appears to be to reduce some 300 pages of planning policy and guidance into a single document, a tenth of the size of its predecessors. Whilst, superficially, this may appear to be an attractive proposition, it will only be beneficial if the resulting document is:

- Clear and
- Usable in a practical sense.

The final Consolidated SPP must be comprehensible, clear and practical for the main users, namely:

- All government Directorates and agencies
- Local Planning Authorities including National Park Authorities
- Non-governmental organisations
- The development industry

and, critically,

- The general public.

Nearly all the documents which this consolidated SPP will replace suffer from the same intrinsic problem, namely, that in apparently trying to retain flexibility, the policies became unclear and were the subject of radically different interpretations by different interest groups. Nowhere is this more apparent than in SPP 6 Renewable Energy and particularly the equivocation when failing to protect important landscapes and sensitive habitats from wind energy developments. This will be referred to in more detail later.

SCNP's response to the Consolidated SPP consultation document concentrates primarily on those issues that affect national parks, protected areas and areas with national park potential. It is a serious omission that this consolidated draft SPP does not cover in any meaningful way, national parks, future national parks, National Scenic Areas, Regional Parks and other important designations in a manner that

recognises that we need to give special consideration to Scotland's prime economic resource – the natural environment.

The first part of the consolidated SPP was published in October 2008 but was not the subject of public consultation.

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

Response: *It is easier to read when in a single document, without all the need for cross referencing that the previous system required.*

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

Response: *Yes.*

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

Response: *Yes. The background information, however, should be available to those who wish to understand the policy justification.*

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

Response: *To date, the general level of interest by the public at large to getting involved in plan preparation has been modest. Public involvement is often at its most committed when a planning application is submitted which they believe will adversely affect a place where they live. Paragraph 35 does not make it clear who would carry out the statutory pre-application consultation with communities. If this is a responsibility that is to be placed on the applicant it will not necessarily lead to the public having a greater understanding of the implications of a proposal. There have been numerous examples where communities have been misled concerning the impact of, for example, windfarm applications and notwithstanding what might be said in government publications, the discussions have often revolved around how much money the developer would give to the community rather than the planning merits of the proposal. Paragraph 35 gives a simplistic and naïve view of community engagement.*

Once an application has been lodged and registered by the LPA, there should be the usual consultation period to allow the public to put their views before the Planning Authority.

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

Response: *Paragraphs 36 and 37 introduce new policy but there is no definition of sustainable development. The future for Scotland's development is bound up with the natural environment within which economic opportunities can be developed. Surely the important issue here is environmentally sustainable development because any development that claims to be economically sustainable is doomed to eventual failure if the environment is damaged by it. There is no doubt that the term sustainable development has been hijacked by the development industry and it is no longer clear to the public at large what is meant by the term. If sustainable*

development merely means the development can be sustained because it will be profitable then the public will be misled.

It would be preferable if the last sentence of para. 9 preceded the first sentence which should refer to 'high quality environmentally sustainable places'.

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

Response: *Irrespective of its location, any new development should now be planned to be environmentally sustainable. As such we agree with the last sentence of paragraph 39 but we are concerned about the possible implication that new environmentally sustainable development should be encouraged or supported in locations which will do irreversible damage to other aspects of the environment. For example the Scottish Sustainable Communities Initiative lists 11 projects some of which are unrelated to other settlements and are likely to encourage greater use of motor cars in the absence of adequate public transport. Another is a proposal in a National Scenic Area within a National Park without there being any evidence to suggest that there is an established need which it can satisfy.*

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

Response: *Most planning authorities have taken a positive approach to development for many years. They do, however, have to have regard to the longer term and take their decisions based on clear policy and factual information. They must not allow themselves to be pressured into knee-jerk, short-term reactions to particular economic crises. Whilst not strictly a planning matter, it is arguable whether economic growth can be sustained in all economies across the world indefinitely and this leads one to suspect that paragraphs 40-43 are too specific and when related to many of the headings following, over-emphasises the place of the economic contribution in the overall planning system.*

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

Response: *There must be very few situations where out-of-town shopping could be justified in Scotland and where no environmentally sustainable alternative could be found. For clarity, there could be merit in adding a first bullet point to paragraph 47 making it clear that no out of centre shopping should be permitted where it would adversely affect established high amenity character on the town edge.*

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

Response: *Since the abolition of the Scottish regions in 1996, housing development has become a source of competition between planning authorities on the grounds that development is "a good thing". The encouragement to local authorities to co-operate regionally is therefore welcome and could bring a greater air of reality to the housing scene. It must be doubtful whether in the current climate we can provide a reliable indication of the possible scale and location of housing land up to years 20 ahead let alone year 12 as advocated in paragraph 54. Whilst one might attempt to indicate possible scale of housing land up to years 20, to indicate location could encourage land banking or areas being developed prematurely. There is much laudable material in paragraphs 60-64, but it hardly squares with the list of 11 sites*

within the Scottish Sustainable Communities Initiative.

Affordable and local needs housing as it relates to the established national parks and those other similar areas with national park potential, is a major issue. It will not be solved satisfactorily by trying to rely on the spin-off from open market housing for which there is no housing need justification. It is of interest that the government appears to have discouraged the use of residency conditions to ensure that affordable and local needs housing is provided in the national parks and kept for that purpose for the lifetime of the property, whilst clearly being prepared to consider a variation on the idea within the draft Crofting Reform (Scotland) Bill which is currently the subject of consultation.

Paragraph 59 should include reference to flood risk in the light of what now appears to be inevitable global warming. There should be acknowledgement of the reality that some communities cannot and should not be expanded. In many cases, the capacity of a rural community to absorb new development is finite and this needs to be recognized if its character is to be maintained. Otherwise there will be a strong risk of character being lost to the detriment of the overall economic and environmental structure of the settlement.

Paragraph 63 is not appropriate for National Parks and other important environmental areas in Scotland and should be reconsidered.

Paragraphs 65 and 66 do not address affordable housing in National Parks or other tourism 'hot spots'. Residency conditions have to be considered if local needs and affordable housing provision is to be successful in the long term.

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

Response: *The paragraphs on rural development contain many supportive sounding words but it is unclear what they mean in practical terms, for example, the final sentence in paragraph 71. Respect for local character is very important, particularly in rural situations. Few builders know what good modern architecture is and the final sentence of paragraph 72 could be a recipe for pastiche rather than an opportunity for sensitive modern architecture. There are few planning authorities left in Scotland who have appropriately qualified staff to assess and advise on such matters. Concern must also be expressed about the first sentence in paragraph 72 which refers to a 'generous' supply of land to meet housing requirements in both rural and urban locations. Reference to urban locations in a section on rural development is inappropriate and 'generous' is a dangerously unquantifiable word to gift to developers. This is just the kind of thing that developers latch on to when trying to drive a coach and horses through local plan policies. It should be recognized that there will be cases where minimal or no new development would be appropriate. The right solution can only be assessed through thorough village studies.*

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

Response: *The wish to protect prime quality agricultural land is welcome. However, the policy should be expressed very clearly as a presumption against development on prime agricultural land unless.... and then be very strict about the criteria which could justify a departure.*

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

Response: *No. We welcome the recognition of the importance of Scotland's coast in paragraph 75. We are at a loss to understand why one would remove the need to classify coastal areas as developed, undeveloped or isolated, but then use those categories when making judgements about how the areas should be managed from a development point of view. Clearly, the logic is that the classification should remain and we strongly support the final sentence of paragraph 76 with its presumption against development in isolated coastal areas. The idea of presuming against development unless there are extraordinary circumstances could be expressed more frequently in the consolidated SPP when looking at protected areas of international, national or regional importance.*

There should be a comprehensive coastal and marine policy developed including marine conservation areas and national parks and integrated with a strategy for land based national parks.

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

Response: *No. There are several places in the consolidated SPP which refer to the need to take into account the cumulative effect of new development (para. 80) but this is something that is very difficult to manage when the nature of the new development is essentially speculative and unpredictable e.g. wind farms. The location of important new development should not be primarily dependant upon private agreements between developers and landowners.*

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

Response: *With regard to enabling development (paragraph 84) it is extremely difficult if not impossible for a planning authority to get involved in the economics of the renewal of a listed building and what might be regarded as necessary for viability of the scheme because they can never gain access to the real costs or the potential developer's financial circumstances. The danger here is of too much development being permitted, damaging the character and setting of the listed building. Regarding the last sentence of paragraph 85, it is to be hoped that planning authorities will enforce this adequately in the future.*

Paragraph 90 should also include candidate, potential or proposed World Heritage sites.

With regard to paragraph 91, we should not lose sight of the fact that the current inventory of gardens and designed landscapes is incomplete.

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

Response: *This has the merit of simplicity.*

We consider that Landscape and Natural Heritage are potentially Scotland's prime economic resources and easily damaged. It is becoming ever more valuable in an over populated world. Scotland has a population density of 64 persons per sq.km and this together with the quality of its landscapes is what makes it so attractive to locals and visitors alike.

Paragraph 97 final sentence refers to commissioning research to remove uncertainty when there is a potential irreversible clash between conservation and development. It should be borne in mind however, that more often than not, such research is not amenable to the short-term surveys employed by developers. In such circumstances there needs to be a presumption in favour of the precautionary principle. The penultimate sentence of para. 97 should be omitted – no-one admits to doing something unnecessarily!

We consider that the only reliable way of getting proper research carried out is for it to be commissioned by the planning authority and charged to the developer.

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

Response: *It should be recognized that local designations (para.96) can be as important to local communities as some national designations. The type of development proposed is therefore, the critical issue rather than the level of protection. Wind turbines can destroy a locally designated area just as easily as they can a piece of a national park.*

*The precautionary principle is well set out in paragraph 97, but the penultimate paragraph undermines the position and should be removed. Paragraph 98 is surely one of those areas where the wording should be a ‘**presumption against development unless**’. There should also be mention here of the Sandford Principle which is built into the National Parks (Scotland) Act 2000 and makes it clear that where there is an irreconcilable conflict between conservation and development that conservation should have priority.*

*Paragraph 101 identifies National Scenic Areas as being nationally important for their scenic quality. There is however, no indication of central government’s intention to update the system and improve planning powers as was proposed some time ago. This is clearly an important outstanding item of business. Paragraph 101 is also an area where the ‘**presumption against development unless.....**’ approach would be justified and welcome.*

Paragraph 102 sets out precisely the terms of the National Parks (Scotland) Act 2000 but there should be greater emphasis on environmentally sustainable development rather than just sustainable economic development. There is also no recognition of the fact that other areas of Scotland are worthy of national park designation and in the same way that the government has stated its intention of having a strategy for the management of the seas and coasts, there should be a strategy for the development of future national parks including coastal and marine parks.

Regional Parks in Scotland are also important and whilst they were initially set up by the former regional councils, they have to be approved by government and should be specifically recognized at a national level as being in need of protection from inappropriate industrialisation and urbanisation.

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

Response: *Paragraph 112 refers to Regional Parks all of which are IUCN category 5 protected areas and include other designations such as SSSI and SPA. The draft SPP does not recognise their significance or the potential for more. The designation of the existing Regional Parks was the work of the pre 1996 Regional Authorities but*

had to be confirmed with or without alteration by government. They are clearly more than local designations and their scale makes them significant assets eg CMRP is 108 sq. miles in three council areas. The SPP should recognize their significance and afford them protection like national parks.

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

Response: *Overall the paragraphs on green belt provide a reasonable summary of green belt purposes. There has been a tendency in some areas for planning authorities and developers to argue that neglected land in the green belt which has become unsightly should have development permitted. This neglect is often as a result of the pressures of large populations in the urban fringe or deliberate neglect with the hope of getting development value and it should be made clear that this is not a justification for green belt release.*

Q19. 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?

Response: *Nothing to add.*

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

Response: *Nothing to add.*

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

Response: *No. SCNP supports the principle of obtaining a higher proportion of our energy needs from renewable sources. To date there has been far too much emphasis on wind energy at the expense of other technologies. Paragraph 140, first sentence ends with 'if appropriate'. The words should be struck out and replaced by as necessary.*

Paragraph 140 also refers to "a range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments." Such action can be interpreted as a bribe to overcome local opposition and this should have no place in the planning process which should be open and transparent with all decisions taken only for sound planning reasons based on well considered policy and factual information.

The main document setting out how to deal with wind farms is SPP 6 Renewable Energy. This document was inherited by the present administration and has been a disaster. For example, Clyde Muirshiel Regional Park has been the subject of an uncoordinated assault by a range of windfarm developers. Lack of clarity and equivocation in SPP 6 has led to decisions which will do irreversible damage to Scotland's finest Regional Park.

The decision to have a cut-off at 20 MW is a mistake. 20 MW can be 10x100m high turbines or 7x125m high turbines, the impact of which cannot be mitigated. Whilst the view from surrounding areas is important, the crucial issue for many developments of this kind is the impact they have on the land upon which they are built. Most of the sites are peat bog and the disturbance through foundations, roads, trenches,

drainage ditches, etc., does irreversible and often unmanageable damage. The impact is more than visual and when such developments are allowed in fine landscape settings, it brings about a permanent alteration to the function of the land and the quality of the landscape. This is damaging to all recreational and tourist users of the landscape in Scotland.

It is inappropriate to measure the size and impact of wind farms based upon the electrical output and this issue needs to be reconsidered alongside the integration of policy on spatial frameworks for windfarms. At present, it seems that nowhere is completely protected and the SPP should indicate areas where there is a presumption against such developments. We do not agree that LPAs should be barred from considering protection zones around sensitive landscape and natural heritage sites if that is the appropriate technique to provide adequate protection.

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

Response: *No. Many planning authorities have conscientiously developed strategies for their areas, designating preferred areas for wind energy developments. Because government policy does not rule out consideration of wind turbine developments in other areas, the wind energy industry has a traveling roadshow of smart solicitors and expert witnesses going round the country from public enquiry to public enquiry seeking to reverse the wishes of the local planning authority and the local communities. This appears a costly and wasteful use of resources both in terms of money and manpower. If the policies were clear, everybody's energies could be channeled into securing appropriate development in the right place.*

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

Response: *Nothing to add.*

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

Response: *Nothing to add.*

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

Response: *The description of minerals policy does not appear to have regard to international, national and other designations such as national and regional parks etc.*

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

Response: *Nothing to add.*

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

Response: *Please, no artificial trees! - nothing else to add.*

Q28. How might the consolidated SPP impact positively or negatively on equalities

groups?

Response: *Nothing to add.*

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

Response: *Nothing to add*