

REPORT TO: CITY DEVELOPMENT COMMITTEE – 16 DECEMBER 2013

REPORT ON: REVISED DRAFT SCOTTISH PLANNING POLICY – SUSTAINABILITY AND PLANNING CONSULTATION

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 484-2013

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's approval for the Council's response to the Scottish Government consultation on the revised draft Scottish Planning Policy on Sustainability and Planning.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approve the proposed response to the revised draft Scottish Planning Policy on Sustainability and Planning as set out in Appendix 1.

3 FINANCIAL IMPLICATIONS

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

4 BACKGROUND

- 4.1 The Scottish Planning Policy (SPP) was published in February 2010 and is a statement of Scottish Government policy on nationally important land use.
- 4.2 A review of the policy was announced in the Scottish Parliament on 18 September 2012 by the Minister for Local Government and Planning. The aim of the review was to bring the policy up-to-date, focus on sustainable economic growth and emphasise place making.
- 4.3 A draft SPP was published for consultation and the City Development Committee at its meeting on the 10 December 2012 approved the Council's response to the Review of SPP along with the Response to the Draft National Planning Framework 3 (Report 453-2012 refers). The response was forwarded to the Scottish Government for their consideration.
- 4.4 Over 1,600 responses were received to the consultation. Having reflected on the responses and taking into account the views of a range of stakeholders, the Scottish Government are now considering replacing the Draft SPP principal policies on "sustainable economic growth" and "sustainable development" with a new principal policy on "sustainability and planning".
- 4.5 As a result, the Scottish Government has published a revised draft of the Scottish Planning Policy (SPP) and is seeking the views of stakeholders on this revised policy approach.
- 4.6 The Government's aim is to replace the principal policies on "sustainable economic growth" and "sustainable development" in the draft SPP with a principal policy on "sustainability and planning". This will include a presumption in favour of sustainable development.
- 4.7 The consultation document lists a number of policy principles which will need to be taken into account. These include giving due weight to net economic benefit, supporting climate change mitigation and adaptation, and avoiding "over-development". Another key principle is to support "the delivery of infrastructure".
- 4.8 The revised policy states that plans should reflect the presumption in favour of sustainable development. Where the plan is out of date or does not contain policy relevant to the proposal, the policy presumption in favour of sustainable development would apply.

- 4.9 The proposed response to the revised draft of the SPP is contained in Appendix 1 of this Report.
- 4.10 Due to the additional consultation period a change to the timescale for publication of the final SPP was announced. It is now the intention to publish the final SPP in June 2014 alongside the finalised NPF3.

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, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 Scottish Planning Policy – Consultation Scottish Government 2012.

Mike Galloway
Director of City Development

Gregor Hamilton
Head of Planning

GH/GSR/KM

25 November 2013

Dundee City Council
Dundee House
Dundee

APPENDIX 1**Consultation Question 1**

Do you think the SPP should include a presumption in favour of development that contributes to sustainable development?

Would, in principle, support the inclusion of a presumption in favour of sustainable development and that planning should enable development that creates sustainable places across Scotland.

The support is based on the understanding that the approach is as set out in paragraph 1: *“This means that the planning system should contribute to economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*

There is a need, however, to better explain what is meant by the term *“contributes to”*. Surely proposals should be seeking to deliver rather than just contribute to sustainable development. An indication of how this should be assessed would be helpful as it could be open to a wide range of interpretations.

While supporting the principle of this statement there are some issues regarding the implications for local development plans. Paragraph 8 states that *“Development plans should reflect the presumption in favour of development that contributes to sustainable development, as set out in this SPP.”* It needs to be clear whether this is proposing an approach of general support as part of the strategy and underpinning of policies or whether there is an expectation of an actual policy setting out this position included in the Local Development Plan. The preference would for an underpinning of the approach to the strategy and policies rather than a specific policy.

The consultation also makes reference to *“Where the plan is out-of-date or does not contain policy relevant to the proposal, then the policy presumption in favour of development that contributes to sustainable development will apply.”* Clarity is required as to what is meant by does not contain policy relevant to the proposal. Is this simply where there is not relevant policy, which seems unlikely for most proposals or does it refer to a specific policy with reference to sustainable development or is it where existing policies do not support sustainable development? Given that the Local Development Plan for Dundee will soon be adopted this statement could have implications for a recently approved plan.

Consultation Question 2

Do you think the proposed approach to sustainability and planning is appropriate?

Generally support the approach being proposed in terms of the setting out of policy principles. However, there are issues regarding the coverage proposed (ie are all areas being covered) and how these will be used (weighting) in guiding decisions.

- 1 There is a lack of reference and emphasis given to the importance of high quality design. Consideration should be given to adding this in as a policy principle.
- 2 There is little to explicitly discourage car travel or encourage more active travel in the principles listed. Consideration should be given to including active travel principles in the decision making process.

- 3 Whilst the principle of including consideration of economic matters is supported it is important that this is done properly. There are detailed matters for consideration around how we assess net economic benefit and how to link in with local economic strategies. There is clearly scope for the provision of additional guidance on the assessment of economic considerations eg full time jobs versus part-time jobs, application of economic multipliers to developments. In addition, guidance for developers/applicants on what they should be expected to submit regarding the economic benefits, as part of any proposal for planning permission, should be considered.
- 4 In considering the “efficient” use of existing capacities of land, buildings and infrastructure regard must be had to local circumstances, as expressed in Local Development Plans.
- 5 There is no reference to energy efficient built environment and low carbon opportunities.
- 6 Finally, it is noted that the principles are only set out under bullet points. Is there any weighting given by the order in which they have been listed? Is there any significance to the fact that the economic considerations come first in the list.

Consultation Question 3

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.

No comment.

Consultation Question 4

In relation to the Equalities Impact Assessment, please tell us about 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.

Consultation Question 5

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

No comment.