

**REPORT TO: CITY DEVELOPMENT COMMITTEE – 24 JUNE 2013**

**REPORT ON: NATIONAL PLANNING FRAMEWORK 3 AND SCOTTISH  
PLANNING POLICY – CONSULTATIONS BY THE SCOTTISH  
GOVERNMENT**

**REPORT BY: DIRECTOR OF CITY DEVELOPMENT**

**REPORT NO: 248-2013**

## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek the Committee's approval for the Council's proposed response to the above Scottish Government consultation exercise.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee approves the proposed Council response to the above Scottish Government Consultation exercise.

## **3 FINANCIAL IMPLICATIONS**

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

## **4 BACKGROUND**

- 4.1 By reviewing the two documents together the Scottish Government is able to coordinate the Strategy for the next 20 to 30 years with advice on how it is dealt with, that it the NPF3 sets out what should be developed where, whilst SPP indicates why and how.

### **4.2 Proposed National Planning Framework 3 (NPF 3)**

- a In December 2012 Dundee City Council submitted a response to the Scottish Government's call for Candidate National Development Sites. The Scottish Government had stipulated that all national developments must make a significant contribution to Scotland's sustainable economic growth and will demonstrate this by satisfying a number of criteria.
- b In its response Dundee City Council identified two projects in Dundee that could potentially fulfil the requirements for candidate national development status.
- Dundee Waterfront Development;
  - A90 Upgrade through or around Dundee; and

Both of these projects were considered to have the potential to satisfy the requisite criteria.

- c The Scottish Government indicated that: "The purpose of the national development designation was to establish the need for those developments in order to facilitate the developments through the subsequent consenting processes. Development which already had consent would not generally require

national development status. Where a national development needed planning permission it would be processed by the relevant planning authority, in the first instance, using the same procedures as for major developments.”

- d Following on from this the Scottish Government has now published its Main Issues Report (MIR) and Draft Framework in respect of the proposed NPF3. Dundee City Council is, therefore, encouraged to see that the Dundee Waterfront has been included as a proposed National Development, however, we will continue to press the case for recognition for the A90 Upgrade and Dundee Airport.
- e The Council's full comments on the NPF3 MIR are contained in Appendix I to this Report.

#### 4.3 Scottish Planning Policy (SPP)

- a The Scottish Government has now also published the Consultation Draft of the revised Scottish Planning Policy (SPP). The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for the development and use of land. It directly relates to:
  - the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- b The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It does not restate the policy and guidance set out elsewhere.
- c Among the proposals contained within the draft guidance are:

Underlining the town centres first approach by including a mix of uses;  
Regular “town centre health checks” covering a number of indicators;  
Clarification of the definition of a “generous” supply of housing land by allowing an additional margin of 10-20%;  
Regular “business land audits” to ensure that the identified sites are marketable.
- d Detailed comments on the SPP Consultation Draft are contained in Appendix II to this Report.

## 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 National Planning Framework 2 - The Scottish Government 2009.
- 7.2 National Planning Framework 3, Consultation - The Scottish Government 2012.
- 7.3 Ambition/Opportunity/Place - Scotland's Third National Planning Framework.
- 7.4 Main Issues Report and Draft Framework - The Scottish Government 2013.
- 7.5 Scottish Planning Policy - The Scottish Government 2010.
- 7.6 Scottish Planning Policy, Consultation - The Scottish Government 2012.
- 7.7 Scottish Planning Policy, Consultation Draft - The Scottish Government 2013.

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## **APPENDIX I**

### **NATIONAL PLANNING FRAMEWORK 3**

#### **General**

The title given to NPF3 is, 'Ambition. Opportunity. Place', building on the previous NPFs 1 and 2 the third Framework is a comprehensive document which seeks to address a wide range of issues of current National significance. Dundee City Council welcomes this approach and is supportive of the scope of the document and the issues it covers. The comments provided in this report are aimed at addressing the issues primarily as they relate to the City of Dundee.

#### **Dundee**

In Autumn 2012 the Scottish Government published its 'CALL FOR NATIONAL DEVELOPMENTS' Document which was responded to by Dundee City Council in December 2012 (Committee Report 453-2012 refers). The Council identified two potential developments within (and around) the City which it was felt worthy of examination in relation to the criteria listed;

Dundee Waterfront Development.  
A90 Upgrade through or around Dundee.

Following on from this the Scottish Government has now published its Main Issues Report (MIR) and Draft Framework in respect of the proposed NPF3. Dundee City Council is encouraged to see that the Dundee Waterfront has been included as a proposed National Development.

The A90 Upgrade through or around Dundee, however, has not been included at this time on the grounds that;

While 'There is some fit with the mandatory criterion and three of the optional criteria, the proposal works against one of the optional criteria.' and 'It does not appear that there is a definite solution to the congestion problem at the present time.'

While the Council is disappointed at this decision the proposal is a relatively long term one and opportunities to seek a solution to the issue of potential congestion on this route will continue to be sought.

In general, however, while it is encouraging to have the Waterfront Development identified as a National Development, the opportunity to identify an 'Area of Coordinated Action' based on Dundee and the Tay Estuary is one that should also be pursued. It is suggested that a proposed "Area of Co-ordinated Action" would cover the 2 cities of Dundee and Perth, and coastal area roughly from Montrose to Crail. This would allow the synergies between the cities to be exploited, build on the National Development status of Dundee Waterfront, incorporate the Enterprise Zone and Phase 1 NRIP Status at Dundee Port and take account of the areas potential for major renewables development. It would also be able to build on the area's tourist potential as well as recognising the outstanding natural environment and sensitivity of nationally designated areas of wildlife and scientific importance. It could also

highlight the strengthening of transport linkages through road, rail, port and airport improvements both through the area and between the area and other regions.

Key issues would include;

- Building long-term community, economic and infrastructure resilience.
- Working with the environment to achieve sustainable development that reflects the area's distinctive natural and cultural assets.
- Maximising the benefits from clustered renewable energy development.
- Connections within the area, with the rest of Scotland and further afield.
- Working with the area's distinctive character to reinforce its sense of place.
- Supporting investment, including in renewable energy, life sciences, the creative industries, tourism and recreation.
- Managing flood risk and supporting adaptation to climate change.

## Questions

### ***A Low Carbon Place***

#### ***Question 1: How can NPF3 support the transition to a largely decarbonised heat sector?***

It would be helpful to have a clearer positive statement on the role of large biomass developments using imported fuel in contributing towards decarbonising heat.

#### ***Question 2: How can we provide better spacial guidance for on onshore wind?***

A clearer and positive statement promoting smaller scale onshore wind in appropriate locations in urban areas would be welcomed.

#### ***Question 6: Does our emerging spacial strategy help to facilitate investment in sites identified in the National Renewables Infrastructure Plan?***

Yes, and identification of Dundee as an "Area of Coordinated Action" would further assist.

### ***A Successful, Sustainable Place***

#### ***Question 11: How can we help to consolidate and reinvigorate our existing settlements and support economic growth and investment through sustainable development?***

*What more can NPF3 do to support the reinvigoration of our town and city centres and bring vacant and derelict land back into beneficial use?*

*How can NPF3 support our key growth sectors?*

*Should the Dundee Waterfront be designated as a national development?*

*Should the redevelopment of the Ravenscraig site be designated as a national development?*

*Could NPF3 go further in indicating what future city and town centres could look like, in light of long term trends including climate change, distributed energy generation and new technologies?*

*How can the strategy as a whole help to unlock the potential of our remote and fragile rural areas?*

Dundee has already made a strong case for the inclusion of the Waterfront Development as a national development and considers its inclusion to be a major benefit to the economy of the country as a whole, however there are more opportunities throughout the city that both support and enhance this initiative. In addition the designation of an “Area of Coordinated Action” for the Tay Estuary area would also greatly assist.

***Question 13: How can NPF3 help to deliver sufficient homes for our future population?***

*Are there spatial aspects of meeting housing needs that NPF3 could highlight and help to tackle?*

The spatial aspects of meeting housing needs are already dealt with comprehensively by Strategic and Local Development Plans. It is not considered necessary for this to be addressed at a National level as the issues involved tend to be inherently local in nature. Any cross boundary issues should be dealt with at the Strategic level, where Strategic Plans are not in place it is unlikely that national issues would arise.

***A Connected Place***

***Question 14: How can NPF3 help to decarbonise our transport networks?***

*Is our emerging spatial strategy consistent with the aim of decarbonising transport?*

*Are there any specific, nationally significant digital infrastructure objectives that should be included in NPF3?*

*Should NPF3 go further in promoting cycling and walking networks for everyday use, and if so, what form could this take at a national scale?*

Despite recent advances in the quality of electric vehicles, the range of these and the availability of recharging facilities still remains a major barrier to use for even medium level journeys. The availability of recharging points and their location will have to become much more widespread and high profile before this option is accepted as truly viable.

***Question 15: Where are the priorities for targeted improvements to our transport networks?***

Continued improvements, including increased electrification, of the rail network.

***Question 16: How can NPF3 improve our connections with the rest of the world?***

There needs to be good connections from major cities such as Dundee to a new high speed rail network including electrification of the east coast main line from the Central belt to Aberdeen via Dundee,

## APPENDIX II

### Scottish Planning Policy

#### General

Dundee City Council welcomes the proposed revision of Scottish Planning Policy, the opportunity to bring this advice up to date in line with revisions to the Planning System in Scotland and the principles and core values set out in the Consultation Document. It is considered that the most important issues of current interest are covered in the consultation. This response does not seek to answer every question posed in the Consultation Document, but rather concentrates on these of most relevance to Dundee City Council.

#### Key Questions

In relation to the key questions from the Consultation Document, Dundee City Council would respond as follows;

- 1 *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?*

The confirmation of the principle of a 'plan led system' and the emphasis on the 'right development in the right place' are principles that are to be welcomed. The importance of economic considerations in evaluating proposals is well recognised, however, the terminology of the third bullet point seems to imply that it may be afforded increased weight over other considerations and it is felt that this could be better expressed.

Other measures that may be considered to support sustainable economic growth could include further support for the provision of appropriate infrastructure and

- 2 *Do you think that local authorities should prepare town centre health checks, as set out in paragraph 55?*

*If so, how often do you think they should be updated?*

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

As a general principle, the concept of town centre health checks is supported, however in detail it will be difficult to resource the level of indicators and frequency being suggested. The relevance of some of the indicators aligned with their value and degree of difficulty to collect needs to be closely examined.

- 3 *Do you think that local authorities should prepare town centre strategies, as set out in paragraph 56?*

There needs to be an explanation of why town centres are considered to be important and what their functions and values are. Not all town centres will need this level of attention. It should also be recognised that any town centre strategy would need to

address more than just planning issues and that many diverse elements need to be covered.

The work of the Town Centre Review should be incorporated when this is available.

- 4 *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?*

With the decreasing role of retailing in established centres we need to ensure that the range of other uses including not just leisure but also offices, education, tourism etc are focussed in town centres and would therefore prefer the first approach above.

- 5 N/A

- 6 *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 think this is the appropriate approach?*

The proposal to set a definition for the term 'generous' is welcomed. However an upper level of 20% would appear to be on the high side. A more flexible approach, taking into account local circumstances and the ability to demonstrate confidence in deliverability would seem appropriate.

- 7 *Do you think 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, where there is a strong evidence base to support this based on past trends.

- 8 *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 plan (SDP) area as a whole;*

*B – for the individual local authority areas;*

*C – for the various housing market areas that make up the SDP area; or*

*D – a combination of the above?*

It would seem that (d), a combination of methods should be used in strategic development plans in setting out the housing supply target but with an emphasis on (b) and (c); that is, by local authority areas and housing market areas, respectively would be most appropriate.



9 N/A

- 10 *Do you think the approach to identifying the 5 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?*

Yes, the use of this indicator seems to be relatively well understood.

- 11 *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?*

The current Dundee Local Plan Review does not require any specific allocation for Affordable Housing as this was not identified in the HNDA or local housing strategy process. The situation in Dundee is that there is a substantial existing supply of affordable housing both in the private and public sectors, particularly in relation to social housing supply and further provision, particularly in regeneration areas remains strong. There is no requirement therefore for specific allocations to be placed on individual planning consents that developers must comply with.

As long as the requirements allow for locally determined allocations and provision that accords with local situations, it is considered to be acceptable.

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

It is considered appropriate that the requirements of special needs groups are highlighted. In Dundee the specific requirements of special needs groups are addressed very carefully both in the adopted and emerging local plans and provision of special needs and sheltered accommodation constantly monitored. In addition, with a large resident student population, Dundee has specific Supplementary Guidance to comprehensively cover the situation in respect of HMOs which is constantly monitored.

- 13 *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?*

Employment Land Audits are undertaken within most, if not all, Planning Authorities to inform Development Plans in particular. It is not considered that SPP needs to set this out within national policy, but rather focus on the need to best ensure that land is made available for a supply of business land.

- 14 *Do you think the provision of green infrastructure in new development should be designed 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?*

For the purposes of ensuring confidence and certainty within the development process it is important that an authority is clear on the standards expected. This can include local responsiveness to the nature of place.

Some basic standards at a national level would be appropriate – such as advocated with playing fields, but open space strategies, core path plans, etc in LDPs and Community Plans are the most appropriate level to indicate standards requirements.

Connectivity to adjacent green infrastructure, is important, however this places a possible maintenance burden on Local Authorities.

- 15 *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?*

We need to support the development of heat networks in advance of the availability of renewable/low carbon sources of heat.

- 16 *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?*

The guidance is unclear in relation to individual wind turbines and at what concentration do these then become a 'wind farm'. The 'Community Separation' proposal also needs to be more explicit in relation to developments within the urban area.

- 17 *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 and protecting the natural environment and managing visual impacts on communities?*

Whilst not specifically relevant to the Dundee situation, this would seem to be an appropriate approach.

- 18 *N/A*

- 19 *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?*

This could be helpful and less expensive than retro fitting. National guidance would help overcome local variations in requirements. This is also in line with the establishment of infrastructure for electric vehicle charging which is becoming more commonplace.

The importance of technologies that are essential for the infrastructure of sustainable economic growth and greater connectivity should be supported..

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

Yes this is already practiced and should be continued.

- 21 *With reference to paragraphs 245 to 247, do you think that where SEPA has already granted a Controlled Activities Regulations licence then there should be no need for consideration of water and drainage issues by the planning system?*

Para 245 states that FRA may be required in the low category of flood risk, where the risk is at the upper end of the probability range. The development industry needs a robust threshold measure to declare if a FRA is required or not – otherwise it could introduce delays to the processing of applications where these are being asked for at a later stage.

With regard to CAR licences – this is not examined in the proposed SPP. It would be a useful measure.

- 22 *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, the existing SPP consolidated previous advice.

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

In its tone it is considerably more formal than NPF3 but wholly appropriate.

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

LA performance monitoring benchmarks.

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

There are some areas identified where the need for national policy guidance would seem unnecessary.