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Dear Sir or Madam

**Scottish Planning Policy (SPP) Consultative Draft  
Scottish Environment LINK Planning Task Force consultation response**

Please find enclosed, the Scottish Environment LINK response to the above consultation. I hope that you find these comments of assistance in the continuing development of Scottish planning policy. However, please do not hesitate to contact me should you wish to discuss any matters further.

Yours faithfully

**Aedán Smith**  
**Planning Task Force Convener**

Scottish Environment  The voice of Scotland's environment movement

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## **Scottish Environment LINK**

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations - over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. This response is prepared by LINK's Planning Task Force, and supported by the following LINK members:

Archaeology Scotland  
The Association for the Protection of Rural Scotland  
Butterfly Conservation  
Friends of the Earth Scotland  
John Muir Trust  
National Trust for Scotland  
Ramblers Scotland  
RSPB Scotland  
Scottish Wildlife Trust  
Woodland Trust Scotland

## **Introduction**

Scottish Environment LINK supports the plan led planning system. However, from our vast experience of land use planning, we know that national planning policy, as currently expressed in SPPs and NPPGs, plays a vital role in many planning decisions. It helps ensure consistency across Scotland and encourages local planning authorities to operate in the wider public interest. We were therefore very concerned when it was announced that there would be such a radical restructuring of national policy.

The consolidated SPP has achieved one of the Scottish Government's aims; that of producing a shorter document. However, this has inevitably been at the expense of vital background information and we are not convinced that the resulting consultative draft consolidated SPP would improve on current practice. Indeed, it could well lead to less effective and consistent development and application of policy, and perversely to more delays and challenges.

The current suite of SPPs and NPPGs has evolved over a number of years. Significant effort was been put into developing current policy by a wide range of stakeholders. While, there are undoubtedly still weaknesses in current SPPs and NPPGs, the background provided to each policy provides a useful context that often assists greatly in interpreting the policy and its implementation. The loss of this background may well result in the opposite effect to that intended. It is likely to make policy less clear and provide more scope for debate and delay. The consolidation exercise has also resulted in a draft planning policy document so different from current documents that any sense of joint ownership and responsibility for the current policy among those who have worked hard to help develop it over previous years is likely to be lost. In addition, the removal of so much background information from the SPP could be exacerbated by the lack of clarity about the future status of PANs and Circulars, particularly where interpretation of the SPP depends upon them. Omission of detail from the redrafted SPP leads to a lack of clarity, which in turn would mean uncertainty for both developers and planning authorities with the ensuing delays - just the opposite of what the review intends.

We are particularly disappointed that the consolidated SPP appears to significantly downplay the role planning can play in achieving sustainable development and has

failed to take the opportunity to place planning in a central role in tackling climate change. We expand on this further in our detailed comments below.

Note: Many of the consultation questions have been frustratingly narrow. We have attempted to answer the questions posed but we have also included further comments where we felt this necessary.

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

No.

We are not convinced that the consolidated SPP would make for a clearer and easier to understand SPP compared with existing SPPs and NPPGs. While we are not opposed to a consolidation of existing policy in principle, we have a number of significant concerns with the proposed document. The absence of a context setting background to most of the consolidated SPP would provide scope for wide interpretation of the policies put forward. Government has been at pains to stress that, for the most part, the consolidation exercise is not a review of policy but is intended to provide clarity and greater certainty of outcomes. We believe the effect of removing so much background information that explains the rationale for policy would have exactly the opposite effect, providing greater opportunity for different parties to interpret different intent behind policy. As currently proposed, should the consolidated SPP come into force, we face the wholly undesirable prospect of needing to refer back to the current series of policy documents as background information to the consolidated SPP in order to gain an adequate understanding of policy intentions.

While we agree that there is some scope to remove repetitive background information from across the current policy series, the proposed consolidation has been excessive in the reduction of background information.

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

No.

While we have no objection in principle to a single document SPP, we believe the proposed format of a particularly short single national planning policy document is undesirable for the reasons described in response to question 1.

We have no objection in principle to the structure of a context setting introductory section followed by subject areas. This reflects the current suite of planning policy and provides some link to the structure and format of existing policy.

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

No.

While we have no objection in principle to some reduction and rationalisation of advice and background information, in practice the scale of the reduction proposed would significantly reduce the usefulness of the SPP.

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

No.

LINK member organisations are often an important part of local communities in their own right. In addition, many LINK member organisations are primarily individual membership organisations, which exist to represent the views and interests of their membership. Community engagement is therefore of great interest to LINK and to many of our members as citizens.

Surprisingly, given that the consolidated SPP was intended to focus on providing statements of Government policy, paragraph 35 does not provide policy, just a background description of existing legislative requirements (although even in this regard it fails to make it clear that statutory pre-application consultation is not required for all planning applications). As currently proposed, there is no indication that community views should be taken into account in decision making. This is unacceptable and contrary to the Government's stated aims of modernisation, particularly that of creating a more inclusive system. It must be made clear that community views need to be taken into account in reaching planning decisions.

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

No. This section is wholly inadequate.

The status of the section in relation to the Act is completely unclear, particularly because there was an existing commitment to produce detailed guidance on sustainable development, which appears to have been reneged upon. Many LINK members responded to the consultation on draft sustainable development guidance in 2007. We were also assured in a meeting with the Scottish Government earlier in 2009 that the sustainable development guidance would be produced and sit alongside the consolidated SPP, NPF2, Designing Places and Designing Streets as Government planning policy. Only when this consultation was produced did it become apparent that significant or meaningful guidance on sustainable development would no longer be produced. The Scottish Government must draft meaningful guidance on sustainable development as soon as possible.

This question is also misleading. Notwithstanding these concerns, the status of the section in relation to the Act is of relatively limited real importance. What is important is the need to ensure sustainable development principles are embedded within national planning policy and that development planning authorities are provided with sufficient guidance to enable them to comply with their sustainable development duty. A single paragraph (paragraph 37; paragraph 36 provides just a description of the legislation) on sustainable development is completely inadequate.

Paragraph 37 implies that sustainable economic growth can be a substitute for sustainable development. We are not convinced this is the case, particularly given the description provided in the draft SPP. All generally accepted definitions of sustainable development include some reference to environmental limits or avoiding passing the burden of environmental, social or economic debts on to future generations. In particular, "...respecting environmental factors" is one of the weakest terms we have come across in relation to sustainable development in recent years. This is considerably

weaker than the previous consultation on sustainable development guidance which has apparently now been abandoned. It is weaker than SPP1, which stated "*Planning decisions should favour the most sustainable option*"; and weaker than the definition of sustainable economic growth provided by John Swinney, Cabinet Secretary for Finance and Sustainable Growth, at RSPB Scotland's conference on 2nd February:

"There is often much debate over what is meant by "sustainable economic growth". I see it simply as being about building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment, natural resources and biodiversity – both locally and globally – in order to ensure that future generations can enjoy a better quality of life too."

Recognition of environmental limits is critically important and it is essential that this is recognised in the SPP. As the document stands, it would redefine the fundamental link between planning and sustainable development. It also seems to amend Government's previously adopted position on sustainable development. We hope this was not intended and will be addressed as a priority.

There is a real opportunity here for the Scottish Government to show leadership on sustainable development and planning by building on the previous consultation paper and embedding the key principles of sustainable development throughout the whole of the new SPP. What is required is practical guidance which planning authorities can actually use in development plans and which will make application across and between local authorities more consistent and effective.

Although far from perfect, the March 2007 draft guidance on sustainable development explained how planning can contribute to SD in three main ways: location, design and layout. It went on to state a number of actions and principles through which planning could begin to deliver sustainable development. Some of these will be absolutely vital if we are to deliver climate change bill targets and the objectives of the biodiversity strategy.

Q6. Is the role of the planning system in assisting climate change mitigation and adaptation clearly highlighted throughout this SPP?
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No.

There is insufficient information in the SPP to guide decision makers on how the planning system can assist climate change mitigation and adaptation. This is particularly disappointing given the Government's desire to demonstrate international leadership and profile on climate change. Spatial planning will be one of society's most important and effective mechanisms of delivering climate change adaptation and mitigation. This was identified in the 2006 Stern Review, yet the draft SPP makes only a few minor references to climate change. A positive exception is the text in paragraph 95 on the need to develop green networks as an adaptation response. Well considered green networks could build on the existing network of designated sites and lead to positive benefits for wildlife, people and economies and make a real contribution to achieving sustainable economic growth. It is this type of policy that we wish to see more of in the document because it offers tangible planning solutions to the climate change challenge.

Paragraph 189 highlights the lack of national leadership provided by the draft SPP. It correctly highlights the key, cross-cutting national and international challenges the planning system must help deal with, including creating high quality sustainable

places and reducing Scotland's carbon footprint, yet the last sentence defers responsibility for decision making to be made in line with local priorities. This is naïve. The challenge of climate change has highlighted our failure to live sustainably or within environmental limits. Climate change and other critical issues, such as biodiversity loss, require decisions to be made in line with regional, national and international priorities as well as local priorities. This must be made clear in the SPP, otherwise decisions will inevitably continue to be made on a parochial basis, often to the detriment of our environment.

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

No. A major difficulty is the lack of a clear definition for sustainable economic growth.

We welcome recognition in paragraph 40 that to support sustainable economic growth, the planning system should promote development in sustainable locations, particularly in terms of accessibility; ensure development is of a high design quality and does not have an unacceptable impact on the natural and built heritage and encourage energy efficiency and reduced emissions through the layout and design of development. However, a clear definition or statement of what is intended by sustainable economic growth is required. John Swinney's definition of sustainable economic growth provided at RSPB Scotland's conference on 2nd February and quoted above would be an appropriate definition for use in the SPP.

In paragraph 43, while reuse of previously developed land is often the most sustainable option, there should be a recognition that brownfield sites are also often of significant biodiversity or amenity value. Redevelopment should take this into account.

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

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

We welcome recognition of the need for development in sustainable locations, integration with public transport and active transport networks and the need to consider the protection and enhancement of landscape, natural, built and cultural heritage, biodiversity and the wider environment. However, this section seems weak both on provisions to limit greenfield development and the extra transport demands it generates; and on guidance to implement policy on low carbon housing (Sullivan report etc) in para 60.

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

While aspects of this section are welcome, it also highlights the conflict between policies put forward to encourage development that is well connected by public transport and/or walking and cycling and the policies originally put forward through SPP15, which encourage isolated developments in rural areas where increases in private car use are the only realistic outcome. This conflict and inconsistency is very apparent in the draft SPP when considering paragraphs 60 and 61 (which encourage

use of existing infrastructure and effectively discourages car dependent housing development) and paragraph 123 (which supports a pattern of development that reduces the need to travel) against paragraph 72 (which effectively encourages small scale and individual housing development in isolated areas). The consolidated SPP should take the opportunity to improve on the policy put forward in SPP15, by adopting a more sustainable national planning policy for rural development.

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

No.

Not as currently proposed. We agree that prime quality agricultural land is a valuable resource. However, the number of caveats will mean that little protection from development would be provided in practice. Given the wide range of exceptions to protection already given in paragraph 74, further exceptions should be given to proposals that would result in natural heritage benefits or contribute towards sustainable flood management. Agricultural intensification has led to massive natural heritage losses and, in some areas, has exacerbated flood risk. It must be made clear to planning authorities that creating or recreating natural habitats can be a valuable alternative use for agricultural land. The policy change must not result in the transfer of development pressure to other valuable land, such as land with significant natural or cultural heritage value.

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

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

In broad terms, the main elements are included. However, this section is very vague and would be of limited use as a statement of national planning policy as currently proposed. It is particularly unclear how principles of sustainable development would be applied to fish farming.

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

No.

There should be a clearly stated presumption in favour of preservation in situ of historic assets.

There is also a real risk that protection of the historic environment will be compromised by removal of information from SPP 23, which is not covered in SHEP, especially the omission of the precautionary principle and the requirement for historic environment assets to be a material consideration in the planning process. The concurrent use of SHEP with SPP in planning decisions should be made absolutely clear.

Planning authorities should be encouraged to ensure they have access to a sites and monuments record/historic environment record and a professional archaeological service.

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

Yes, but the SG needs to explain why it has selected the titles 'special landscape areas' and 'local nature conservation sites' rather than, for example, 'local landscape areas' or 'special nature conservation sites' - if the aim is greater clarity then surely both should be either 'special' or 'local'. This question could be informed by the outcomes of the work currently being undertaken on behalf of SNH on the presentation of designations.

The guidance is to be commended for acknowledging that: Local designations can play a valuable role in protecting and enhancing local natural heritage and landscapes, and in encouraging their enjoyment and understanding, we believe this should be supported by a recommendation for planning authorities to support, protect and enhance locally designated sites, such as LNCS, as stated for 'open spaces'. Whilst we note that there is a presumption against development on 'open space', there is no presumption against development on locally designated sites - nor indeed for internationally or nationally designated sites. We would like to see the same phraseology used in the guidance (as used for 'open space') for all levels of designation i.e. a presumption against development on internationally, nationally and locally designated sites.

We have already highlighted the important contribution locally designated sites can make to biodiversity, and we suggest the guidance should go further in paragraph 106, by stating that locally designated sites should be identified and protected in the local development plan, as stated for 'open spaces'.

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

No.

We were led to believe that the consolidated SPP would be based on SPP14 and not NPPG14. We were therefore surprised and disappointed to see some of the text in paragraph 96 has been lifted almost directly from NPPG14. E.g. *"The protection of the landscape and natural heritage may sometimes impose constraints on development, however with careful planning, the potential for conflict can be minimised"* and *"...designation does not imply a prohibition on development"*. This phraseology was removed from SPP14 since it detracts from the general presumption against development on designated sites and in sensitive areas. Designated sites should only be developed in exceptional circumstances. In addition, it must be remembered that not all areas of significant natural heritage value have been designated. Areas outwith designated sites may also often need to be protected through the planning system.

We support the use of the title 'Landscape and Natural Heritage' for this section, as this highlights the fact that the concept of 'landscape' addresses more than the natural heritage; landscape is as much about people as about place, and it embraces aspects of cultural as well as natural heritage in a particular area.



However, this section would benefit from greater clarity regarding definitions. For example, in paragraphs 92-94 alone, the following eight phrases are used at various points in the text, apparently to some extent interchangeably:

- Biodiversity and landscape
- Landscape and natural heritage including biodiversity
- Natural environment
- Natural heritage
- Landscape and natural heritage
- Biodiversity
- Habitats
- Species and habitats

There are various possible solutions. Our preference would be to start with a comprehensive definition of the phrase 'landscape and natural heritage', making clear that this phrase includes biodiversity, landscape, recreation, access, enjoyment and understanding, and then to use this phrase consistently throughout. NB the definition of 'natural heritage' in the Natural Heritage (Scotland) Act 1991 includes "flora and fauna ... geological and physiographical features ... natural beauty and amenity". Reference should also certainly be made to the accepted definition of 'landscape' in the European Landscape Convention.

There should be a reference to the role of Local Biodiversity Action Plans.

There should be some reference in this section to the value of peatlands as carbon stores.

#### Trees and Woodland

We are particularly disappointed with the section on Trees and Woodland. This section of the SPP is weak in comparison to NPPG14 and SPP14. Wording similar to that used in paragraph 89, "finite and non-renewable resource [that] should be protected and preserved..." should be used in reference to ancient woodland.

We recommend the following amended wording be used in the final SPP:

*"Ancient, semi-natural and long established woodlands generally have the greatest natural heritage value or potential and as such are a finite and non-renewable resource that should be protected and enhanced. Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant natural heritage value and there should be a presumption in favour of their retention and enhancement.*

*Where appropriate, planning authorities should seek opportunities for woodland creation and planting in connection with development schemes.*

*There is a strong presumption in favour of protecting Scotland's woodland resources and where development involves loss of woodland, planning permission should be conditional on securing appropriately located compensatory planting, in keeping with the Forestry Commission Scotland Woodland Removal Policy. If a development would result in the severing or impairment of connectivity between important woodland or non-woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks. Compensatory planting should be located, designed and managed in a sustainable manner that protects and enhances priority biodiversity in accordance with the Government's UK*

*Forestry Standard and its associated guidelines (in certain circumstances, e.g. where recent non-native forestry plantations were inappropriately located on high biodiversity value open ground habitats, such as raised and blanket bogs, compensatory planning would not normally be required).*

*Tree Preservation Orders can be used to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest."*

#### Wild Land

Wild Land is an iconic element of Scotland, its landscape and history. Paragraph 104 of the draft SPP confuses local designations with "wild land." There is current no designation for "wild land," or one that specifies this as a feature for selection. The proposed 'special landscape area' may well be suitable for safeguarding locally or regionally valued wild land, but it is important to note that some wild land is valued nationally and internationally, and that not all of this is covered by NSAs or NPs. NPPG14 makes it clear in paragraph 11 that many areas of Scotland are valued for their wild land character. As there is no designation for wildness, it is particularly important that policy on this issue is not lost. The wording is not as good as that in paragraph 16 of NPPG14, which should be reintroduced, as should the definition of 'wild land' given in the glossary of NPPG14.

All reference to wild land (e.g. 104 & 105) should be moved out of the "local designations" section of the SPP and either placed in a section for landscape or a wildness-specific section that does not imply the downgrading of its importance.

There is no equivalent statement in the draft SPP to paragraph 16 of NPPG14, which states that there may be little or no capacity to accept new development in the most sensitive landscapes. This is a clear statement of current policy and must be retained in the final SPP.

#### International and national designated sites

We are generally satisfied that policies in relation to nationally and internationally designated sites have been adequately transposed. However, it needs to be made clear that, as a matter of Government policy, Ramsar sites are given the same protection as Natura 2000 sites.

Q17. Have the main elements of national planning policy relating to open space been included and are they clearly explained?
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No.

The reference to Land Reform (Scotland) Act 2003 (LRSA) was invaluable in the previous SPP11 in paragraph 11. This cross-referencing in the new SPP is lacking and should be reinstated. The general statement in paragraph 112 is insufficient and weaker than the LRSA legislation and SPP11. This cross referencing needs to be reinstated in the final SPP.

The statement in paragraph 66 of SPP11 that, "*sport and recreation interests should be fully considered and planning authorities should consult with sport and recreation interests,*" including "*governing bodies of sport,*" is important as many recreation interests are not within a geographically local community but dispersed. A similar reference should be reinstated in the SPP.

Paragraph 67 in SPP11 states that, *"Many outdoor sports and recreation activities depend on the quality of the environment and the planning system has a key role in safeguarding the settings where these activities take place."* This is partially covered in the new paragraph 111, but misses the point - that it is a role of the planning system to protect the environmental context and the setting of physical activity. This should be addressed through rewording or reinstating the text from SPP11. "Open space" is defined in the SPP as areas that are, "within and on the edges of settlements." This restriction to "open space" as opposed to all contexts within which physical activity is enjoyed is not what is in the SPP11, and is overly restrictive in application. The new 111 needs to reflect the role of the planning system in protecting the context across all environments where the quality of the environment has a role in the enjoyment and contributes to physical and mental health of activity in a high quality environment. This must include rural areas as in SPP11 paragraph 67.

We welcome continued recognition of the wide range of open space types and their roles in paragraph 111 and the associated footnote. Paragraph 112 should include a reference to the benefits green networks can have for natural and cultural heritage in addition to access benefits.

Paragraph 22 of SPP11 states that "Access rights and core paths are material considerations in determining applications for planning permission", whereas the text in the consultative draft states that "planning authorities should consider access issues when preparing development plans". The text from SPP11 must be reinstated to avoid any ambiguity about whether access issues remain a material consideration.

In addition the phrase from SPP11 "Planning authorities should consider attaching appropriate conditions to ensure continuing public access" does not appear in the consultative draft, which only refers to new development incorporating new and enhanced access opportunities where appropriate.

The current form of wording in the consultative draft appears to weaken the status of access rights and core paths and could easily lead to a change in the intended policy outcome across a range of development proposals. New and enhanced access is welcome, but it is important to clearly protect existing rights as well as providing enhancement.

Q18. Have the main elements of national planning policy relating to green belts been included and are they clearly explained?
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In paragraph 121, although some of the categories of acceptable uses on agriculture and recreation remain, there has been a shift away from the previous specific limitations to the more general 'other uses appropriate to the area' and 'many uses will be appropriate at a low intensity and where any built elements are ancillary to the main use'. We are concerned that this could reduce the effectiveness of green belts and request that wording of this section is reconsidered to ensure this does not happen.

The section sets out some issues to which "a green belt will contribute"; however, it would be much clearer to phrase this instead as "The objectives of green belt designation are: ...", ie closer to the wording in the existing SPP21. It also states, rather negatively what "the objective of green belt designation is not", but it would be better worded more positively, i.e. setting out what the objectives of green belt designation are.

The final bullet point in paragraph 121, referring to "other uses appropriate to the character of the area", should be deleted as this is a difficult to define term that would lead to disputes.

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?

No.

We support the retention of maximum parking standards but believe national maximum parking standards should be retained in national policy. As recognised in paragraph 128, the provision of parking has an important influence on reducing reliance on the car, with resulting implications for carbon emissions. In the context of this government's commitments to reducing climate change emissions, this change is very surprising. In order to provide leadership on this issue, maximum standards should be retained in the policy. In order to ensure consistency across local authority boundaries, maximum parking standards must be provided at least at the strategic planning level.

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

The requirement for secure, sheltered cycle parking to be more conveniently located to building entrances than car parking should be reinstated.

Given Scottish Government policy on climate change, the lack of any reference to the climate impacts of air travel would appear to be a significant oversight.

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?

Yes. This is an improvement over the rather disjointed SPP6.

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

No.

Paragraph 138 is badly worded and seems to mix up cumulative contributions to renewable energy targets and cumulative adverse environmental impacts.

Paragraph 145 lists a number of constraints, brought across from Annex A of SPP6. However, it should also be made clear that plans should steer development away from areas with these constraints to other sites more suitable for development.

The wording of paragraph 150 repeats the error in wording introduced in SPP6 regarding on-site renewables. The policy intent – as with the 'Merton rule' widely used in England - was for such renewables to achieve a 15% or greater reduction in emissions in comparison to the design standard for the specific development (rather than the building standards level), and thus encourage developers to exceed building standards of energy efficiency so as to reduce the absolute capacity of renewables

generation required to meet the 15% threshold. The opportunity to correct this error should be taken.

There is no reference to Government policy to limit the proportion of waste treated by waste to energy facilities to no more than 25% at a regional scale and for the efficient recovery of heat energy in such facilities, with a preference for decentralised technologies more conducive to efficient heat recovery. When taken alongside the language of paragraph 164 that 'thermal treatment plants are among the types of installation that are "required"', this creates a serious policy conflict.

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

No.

In an effort to concentrate on policy and remove guidance, some useful information has dropped out. For example, Paragraph 14 of SPP7 contains important advice about insurance. There are also a number of important references missing to controls under the WEWS Act, such as in paragraph 20 and 23 of SPP7.

Paragraph 27 of SPP7 states: *"Development on greenfield land or public open space which is protected by existing measures will add to the developed area at risk and will therefore be generally unacceptable."* and paragraph 28 of SPP7 states: *"New development should not lead to demands for flood prevention schemes."* These do not appear to have been brought forward into the consolidated SPP but are clear statements of government policy and should be reinstated.

Paragraph 152, final sentence should read *"They must also undertake..."*

Paragraph 156, *"If relevant..."* should read: *"Where relevant, local development plans must also identify..."* as currently worded, this is weaker than the policy provided in paragraph 43 of SPP7.

Paragraph 157, second sentence should read: *"Where flood risk is an issue, developers must commission a flood risk assessment..."*

We also note that with the passage of the Flood Risk Management (Scotland) Bill 2009, national planning policy on flooding needs major revisions to bring it in line with the requirements for sustainable flood risk management. We seek re-assurance that this will be the case.

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

Yes – broadly.

Paragraph 167, third sentence, should refer to natural and cultural heritage rather than just landscape.

Reference in the last sentence of this section to mineral extraction sites and opencast sites is welcome but should also be referred to in the sections on those subject areas.

Note also our comments on energy from waste above.

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

Yes – this section is successfully reproduced.

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

No. Many elements of national planning policy are reproduced effectively in this section. However, one important area that appears missing relates to the monitoring of conditions. This is a general issue relating to all planning consents but our experience suggests that planning authorities often do not allocate sufficient time or expertise to monitor conditions associated with opencast coal extraction consents. Because of the nature of opencast consents, this can lead to serious environmental damage. There should be specific reference to the need for robust monitoring and enforcement in relation to opencast coal.

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

The list in paragraph 185 should be presented as a form of sequential test rather than merely a “series of options”, i.e. mast sharing should be considered before concealment or disguise and installations on existing structures before additional ground-based masts.

An additional bullet point should be added to require applicants to demonstrate how they have considered the options listed in paragraph 185.

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

The third paragraph of the annex states: *“National planning policy primarily affects planning authorities and applicants for planning permission, but also others who interact with the planning system or are affected by decisions made through the system including the general public.”* This is misleading. Planning decisions can affect everybody and often have a very significant effect on third parties. National planning policy is very influential in many planning decisions and, therefore, can have a significant impact on third parties. This should be made clear in the assessment.

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

There should be recognition of the implications for international and intergenerational equity as a result of the sustainable development and climate change implications of the consolidated policy.

## Other Specific Comments

Introduction This section provides some useful context and background. It will be necessary to include something similar in the final SPP.

61 The list of bullet points should include *"impact on natural and cultural heritage"*

93 Lines 1-2: suggest "... and the Scottish Government's aim is to facilitate positive change ..." or "... and the aim of this policy is to facilitate positive change..."

96 Lines 10-11: suggest "... should not be as high as that given to international or national designations."

97 Line 1: a definition of 'the precautionary principle' would be useful here.

101 It would be useful to summarise here the categories of proposed development in NSAs which local planning authorities are required to notify to SNH. The wording of the crucial test here has changed from NPPG 14, but appears to be clearer yet no weaker; we welcome the inclusion of environmental benefits in the second bullet.

102 National Parks

114 Areas of high natural heritage value should be added to the list to reflect that not all important areas are designated.

133 The term "environmentally friendly" seems inappropriate. "Relatively energy efficient" may be more appropriate.

144 Although we agree that identifying a buffer around designated sites is inappropriate, there should be a specific recognition of the need to consider impacts on a designated site even when a development is proposed outwith the site.

146 Any renewable energy project should demonstrate a net carbon gain. This should take into account the change of land use and the potential loss of habitat.

156 Last sentence should read: *"...a more sustainable approach..."*