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Dear Sir or Madam

**Scottish Planning Policy (SPP) Proposed Policy Changes Consultation
Scottish Environment LINK Planning Task Force consultation response**

Please find the Scottish Environment LINK response to the above consultation enclosed. I hope that you find these comments of assistance. 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:

RSPB Scotland
Living Streets
The Woodland Trust Scotland
The Scottish Wildlife Trust
The Association for the Protection of Rural Scotland
Friends of the Earth Scotland
The National Trust for Scotland

Introduction and Summary

We broadly welcome the changes proposed and particularly welcome the introduction of much improved policy on climate change, sustainable development and flooding. However, we must make it clear that we retain doubts about the implications of the scale of reduction in background information proposed compared with the current suite of SPPs and NPPGs. We also have some concerns about the somewhat disjointed nature of the further consultation on proposed alterations to the consultation draft only, rather than consultation on a complete draft document.

In order to improve clarity, we recommend that more affirmative language is used throughout. In particular, by replacing "should" with "must" or "shall". This would remove the risk of stakeholders interpreting these policy requirements as being optional. Experience suggests that parties from all sides will seek to interpret policy wording to suit their own ends wherever there is a possibility of a difference of interpretation. Allowing such scope for differences of interpretation would seem contrary to aspirations to improve certainty within the planning system.

Climate Change

We welcome the proposals to incorporate the requirements of the Climate Change (Scotland) Act 2009 into the new consolidated SPP. The planning system will be instrumental in tackling climate change and delivering the ambitious targets set out in the legislation. However, while it is vital that we deliver emissions reductions and mitigate the effects of climate change, this must always be done in the most sustainable manner. Anthropogenic climate change is a result of unsustainable development. In our efforts to tackle this major threat to people and to our environment, we must ensure we do not cause further significant environmental damage. An obvious example is that renewable energy development may help mitigate climate change by reducing climate change causing emissions but inappropriately sited or designed renewable energy developments can cause significant environmental damage. It is important, therefore, to avoid the common misconception that development that can mitigate climate change is inevitably always sustainable development.

The need to tackle climate change in a sustainable manner is recognised in the Climate Change Act. Part 4, Section 44 (1) places a duty on public bodies, to exercise their functions in the way it considers most sustainable. This, of course, includes the exercise of planning functions. We acknowledge that sustainable development will be addressed in a specific sustainable development section in the SPP. However, as

explained above, there remains some scope for confusion about the difference between the need to tackle climate change and the need to deliver sustainable development. A specific reference should therefore be added into the climate change section of the SPP to ensure that planning authorities are aware of this requirement to tackle climate change in the most sustainable manner.

Even with the proposed changes we remain very concerned that there is no evidence of any in-depth analysis of the effect on climate change or sustainable development of removing national maximum parking standards. The introduction to the policy changes states:

“National maximum parking standards applied to specific types and scales of development have not been included but the overall policy on using maximum parking standards has been retained.”

Research has shown that most local authorities did not have a regime of maximum parking standards in place and we believe national maximum parking standards should be retained. As a first step, we would ask that specific research is commissioned into the effect of this decision and the final SPP document explicitly states that all local authorities should have maximum parking standards in place, as laid out in the Scottish National Transport Strategy:

“There is also a regime of maximum parking standards now established to constrain car trips at destinations. These requirements can have a significant impact on the amount of physical activity that individuals undertake, encouraging them to walk and cycle where possible and planning these activities into the early stages of the design work, leading ultimately to improved health.”

The Climate Change Act introduces a requirement to contribute to the delivery of adaptation measures. The proposed policy changes include some general measures to encourage planning authorities to deliver adaptation measures through new development. However, the planning process will also be key to delivering adaptation measures to ensure that existing development also adapts. For example, development plans could identify, and safeguard from sterilisation, areas for managed realignment and wetland recreation that could provide for future flood alleviation and allow for species and habitat adaptation to climate change. Planning authorities should be encouraged to identify options for such adaptation measures in their development plans. This would also contribute to delivery of the Central Scotland Green Network.

To improve clarity, it may be worth using a different word to "adapting" when discussing the move towards reduced energy and resource use in the built environment. In the climate change context "adapting" is more commonly used to cover actions aimed at dealing with the consequences of a changing climate such as flooding, as opposed to reducing energy demand aimed at emissions reduction. To avoid confusion we would suggest the sentence is reworded as "commitments to improving the built environment to reduce resource and energy demand".

Sustainable development

The proposed changes are a significant improvement and would represent a much more accurate representation of existing Scottish Government sustainable development policy. We therefore support and welcome these proposed changes. We offer some specific recommendations below.

As mentioned previously, there needs to be better integration between the sections on climate change and sustainability, with a clear specific reference to the need to tackle climate change in a sustainable manner included in the climate change section.

In paragraph 10, the specific measures identified will be helpful. However, most of these measures are relevant to both the location and the design of new development. For example, decisions on the location of new development will be at least as important to supporting habitat connectivity as decisions on the layout and design. We therefore recommend these two bullet points be combined to form a single bullet point:

- Decisions on the location, layout and design of new development must:
 - etc...

While these specific measures will be helpful, there will be a need to produce more detailed guidance for local planning authorities to assist with implementation. We would recommend that a PAN be developed to provide more detailed guidance on requirements, reporting and monitoring (of implementation of new development and of local planning authority performance in this area) and to assist in coordination with building standards.

Flooding

We broadly welcome the proposed changes. However, the wording needs to be strengthened to ensure the culture change needed in the approach of planning authorities to flood management is realised.

We recommend the following amended wording:

- The sources and pathways of flood waters and the impacts of flooding should be targeted by sustainable flood risk management measures.
- Wherever practicable, natural features and characteristics of catchments shall be restored to slow, reduce or otherwise manage flood waters. Development plans must identify, and safeguard from inappropriate development, areas that will be required for future restoration.
- The area of impermeable surface must be kept to minimum in all new developments.
- The likely impacts of climate change on the probability of flood risk over the lifetime of developments must be considered in all planning decisions relating to developments that could be vulnerable to flooding or could affect flooding elsewhere.

Coastal Planning

We broadly support the proposed changes to this section and offer some specific comments below.

We support the proposed introduction of a presumption against development on the coast that would require significant new defences against coastal erosion or coastal flooding. However, the proposed policy would be made clearer by removing "normally". This seems unnecessary given that decision makers are, in any case, able to use their judgement as to whether there are other material considerations.

We welcome the encouragement in bullet point 8 to identify areas for managed realignment. However, this should be strengthened so that there is a clear requirement for all development plans covering areas of coast to identify and safeguard areas where managed realignment would be appropriate.

Oil and Gas Operations and High Amenity Business Locations

Given the other proposed changes, we recommend that the SPP specifically remind planning authorities of the requirement to consider the climate change and sustainable development implications of any development proposals, including those to which these sections would apply.

Supplementary Strategic Assessment

We have no detailed comments to make on the Environmental Report. However, we have some concerns about the nature of the consultation and the ability of the SEA to fully consider all likely significant environmental effects when only specific policy changes are being consulted on, in isolation from the remainder of the consolidated SPP.