

LINK Consultation Response

Scottish Planning Policy and Housing: Technical Consultation
on Proposed Policy Amendments – 8 October 2020



Scottish Environment LINK response to Scottish Planning Policy and Housing: [Technical Consultation on Proposed Policy Amendments](#) – October 2020

Question 1: What is your view on our proposal to remove ‘the presumption’ from the SPP, through the changes set out?

We support the proposal to remove ‘the presumption’ from the SPP through the proposed changes.

All aspects of sustainable development should be assessed when applications for proposed housing and indeed any development are being decided, with due weight given to climate and biodiversity impacts. However, the way ‘the presumption’ is currently implemented does not achieve this.

We note that the proposed changes are interim measures and note the retention of the planning principles in paragraphs 28 & 29 of the SPP in the meantime. We would like to see the proposed changes brought in as soon as possible.

We believe that clarity on the criteria of sustainable development is fundamental, and detailed guidance is very important. There is an urgent need for NPF4 and planning policies to redress the balance between economic, social and environmental criteria. NPF4 must address all aspects of sustainability and the environmental principles in the revised SPP should be strengthened. NPF4 must encourage development that contributes positively to net-zero and biodiversity targets and supports adaptation to climate change but should also place requirements on all developments to contribute to biodiversity net gain.

It is extremely concerning that there have been a number of planning decisions relating to housing on unallocated greenfield land (including designated Green Belt) where ‘the presumption’ is activated (due to arguably out-of-date development plans or shortfalls in land supply) and this has resulted in approval of development that is contrary to other planning policies. Such decisions undermine Scotland's plan-led system and local communities’ confidence in the fairness and transparency of it.

During the development of the Planning (Scotland) Act 2019 there was consistent agreement from all parties that Scotland should have a plan-led system. Scottish Environment LINK and others called for an equal right of appeal on planning decisions that were contrary to the development plan. These calls were rebutted by the Scottish Government, on the grounds that communities would have meaningful input at the early stages of the development planning process (so called ‘frontloading’). A community right of appeal was therefore said to be unnecessary. That argument rings rather hollow if the system of appeals is repeatedly and successfully abused by developers to undermine agreed plans. It is therefore important that the presumption is removed as proposed.

Question 2: What is your view on the proposed changes set out and our aim of clarifying the definition of the 5 year effective housing land supply to reflect the currently exceptional market circumstances?

We welcome the proposed changes that clarify a contentious area of planning and consider this a helpful approach in such uncertain times.

Question 3: What is your view on the proposed changes to paragraph 125, including (a) the proposed calculation to establish the scale of the 5 year effective land supply in relation to alternatives and (b) the proposed approach to assessing proposals where a shortfall emerges?



We agree with the proposed changes which clarify the policy.

We welcome the removal of the disputed matter of plans becoming 'out-of-date' for the reasons given, related to changes in plan timescales.

We understand that a shortfall might be considered a material consideration, but it should not be determinative (or even the only or most important consideration) when deciding whether or not to approve a planning application. This should be clearly stated in the policy.

Where a shortfall arises, there is clearly a need to develop a mechanism that allows local authorities to bring forward the 'next best option' in terms of housing land (ie that meets net-zero and other targets as well as housing). This could avoid the worst aspects of speculative 'windfall' developments that may deliver some housing but fit less well with local authorities' climate, infrastructure, environment and wellbeing strategies and therefore have long-lasting negative consequences for communities and the environment.

Question 4: Do you agree that the proposed amendments will not directly impact on other (non-housing) types of development? If not, please provide evidence to support your view.

We agree that the proposed amendments will not directly impact on non-housing types of development as the principles in paragraphs 28 & 29 will still operate and a commitment to Sustainable Development is embedded in Scotland's planning legislation.

Question 5: Do you agree that fuller impact assessments are not required? If not, please provide evidence to support your view.

We agree that fuller impact assessments are not required.

This response is supported by the following LINK member organisations:

Association for the Protection of Rural Scotland
Badenoch & Strathspey Conservation Group
Environmental Rights Centre for Scotland
Froglife
National Trust for Scotland
Planning Democracy
Royal Society for the Protection of Birds
Woodland Trust Scotland

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

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