

**Scottish Planning Policy Consultation Draft**

**Comments of West Dunbartonshire Council**

**Consultation Question 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?**

It is recognised that the revised Scottish Planning Policy is reflecting the Scottish Government's central purpose of increasing sustainable economic growth. This is supported.

In paragraph 17 it is suggested that significant weight be attached to the economic benefit of proposed development. Whilst the intent of this is welcomed, it is suggested that 'appropriate' should replace 'significant', thus ensuring there is a correct balance between economic and other considerations. This means that where environmental or social considerations are significant they will not be outweighed by economic considerations that could be relatively minor. Consideration should also be given to whether this is 'net' economic benefit as some development can involve the relocation or displacement of jobs rather than the creation of new e.g. out-of-centre retail can displace jobs from town centres.

**Consultation Question 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?**

No explanation is included in Scottish Planning Policy as to why town centres are important, not least that they lie at the heart of communities and are sustainable locations. This is important context.

Town centre health checks are important for assessing the vitality of town centres and should be undertaken by planning authorities. However resources would make it difficult to collect the full set of suggested indicators every two years. It is suggested a full health check should be undertaken every 5 years to inform the development plan process, with certain indicators collected more frequently. There would be value in providing guidance or identifying best practice in undertaking town centre health checks, and also how that information can then be used to inform good planning of town centres.

### **Consultation Question 3**

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

It is appropriate that town centres should have a clear strategy, ideally reflecting its role in the wider network of centres. They should inform local development plans and as such it would be preferable for these to be refreshed for each development plan cycle but resources may not always allow this.

### **Consultation Question 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?**

Agree that the town centre first policy should be applied to a wider range of uses. This requirement should be set out under the Development Plans section of the SPP, however, and Development Plans should be able to identify specific exceptions. Some of the public buildings identified have a neighbourhood role or serve a particular catchment, so a town centre may not be the most appropriate location for them. Also, the full sequential approach may not be appropriate for all public buildings e.g. directing a school or library to a commercial centre. The approach needs to be broken down a little with a full sequential approach required for retail and commercial leisure, and an explanation of why other uses are important for town centres and why they should be directed there. The term 'significant footfall' may need to be defined or quantified.

Paragraph 66 establishes a threshold of 2,500 sq m for retail impact analysis. It should be for the Local Development Plans to determine what level of retail development is significant for its area, and therefore when a retail impact assessment is required.

Scottish Planning Policy should make clear that the sequential approach and retail assessments need to consider town centres in other local authority areas which will be affected by proposed developments.

### **Consultation Question 5**

**Do you think the approach to spatial strategies for rural areas outlined in paragraphs 68 to 71 is the appropriate approach?**

The approach seems appropriate. It is considered important that occupancy conditions remain an option when houses have been justified in the countryside for a specific purpose.

#### **Consultation Question 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?**

It is useful to have the generosity allowance quantified. It should be made clear for SDP areas whether the generosity is to be applied at SDP or LDP level, and at housing market area or local authority area. The level of generosity should be in relation to the allocation of land and therefore applied to the housing land requirement and not to the Housing Supply Targets.

The draft NPF3 suggests that the requirement for a generous supply of effective housing land is most important in areas where household growth is expected to be high. The alternative proposal in SPP Question 6 suggests that the generosity factor should be higher in areas where there is less confidence in the deliverability of the land supply, which at present is generally in areas of low growth. This alternative is not welcomed as it is likely to increase the pressure to allocate less sustainable sites and dilute the settlement strategy in areas with a brownfield/regeneration priority.

#### **Consultation Question 7**

**Do you think that 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?**

Within the Glasgow and the Clyde Valley area an allowance for windfall sites have never been counted in the housing land supply. Instead they have been viewed as a contribution towards generosity and flexibility in the land supply. As there is now a move towards including a generosity factor within the land supply, the ability to include an element of windfall would be welcomed in order to avoid unnecessary allocation of land.

An Urban Capacity Study is based on expected changes and forms part of the Development Plan process. Windfall is based on unexpected sites. These are

different things so windfall cannot be based on an Urban Capacity Study, but past completions provide a guide as to what could be expected.

Para 86 Planning cannot ensure the continued delivery of new housing. This wording should be changed to 'support'.

**Consultation Question 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?**

The demand for market housing across the city region should be assessed within a framework of housing markets areas, and therefore the housing supply target for market housing should be set out for these areas in the SDP, and then allocated at local authority level.

Housing need is most appropriately assessed at local authority level. The SDP therefore needs to provide HSTs for a combination of areas, reflecting the differences in tenure

**Consultation Question 9**

**Do you think the approach to how National Parks address their housing land requirements, as set out in paragraph 90, is the appropriate approach? An alternative would be for National Park authorities to assess and meet housing requirements in full within their areas. Do you think this is the appropriate approach?**

The Loch Lomond and the Trossachs National Park incorporates part of West Dunbartonshire Council, and part of the Dumbarton and the Vale of Leven housing market area, but is not part of the SDP area. The National Park is the planning authority for this part of WDC, whilst the Council remains the housing authority. This has caused difficulties which have not yet been satisfactorily resolved in relation to what area the HNDA should cover. SPP suggests in para 90 that the NP should draw on evidence provided by the HNDA of the relevant housing authorities, suggesting that HNDA2, prepared to cover the SDP area, should extend to include this part of the Park. However, this may depend on whether or not the HNDA tool can provide the necessary support. This matter requires further discussion between the Park Authorities, Local Authorities and the Scottish Government.

**Consultation Question 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?**

The approach set out in para 91 reflects what is done currently and is appropriate.

It is not clear what is intended by the alternative approach, which appears to confuse housing land supply and housing supply targets.

#### **Consultation Question 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?**

West Dunbartonshire Council does not apply a quota based affordable housing requirement. In other areas the requirement should be determined and justified by local circumstances.

As an alternative to a quota approach, the SPP should make clear that it is appropriate for local development plans to identify sites for specific tenures so as to ensure that tenure specific housing supply targets are met.

#### **Consultation Question 12**

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

Particular Housing Needs are dealt with appropriately in paras 100-103 and do not need to be introduced in para 84. Revised HNDA Guidance should provide more detail on how to assess the need for specialist housing. Greater emphasis and guidance on particular needs for older people would be appropriate.

#### **Consultation Question 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?**

It is appropriate that a regular review of business land is undertaken, particularly to inform Local Development Plans, and this should include an assessment of the marketability of sites. This already takes place in the Glasgow and Clyde Valley area.

#### **Consultation Question 14**

**Do you think that the provision of green infrastructure in new development should be design-led 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?**

WDC supports the 'Integrating Green Infrastructure' (IGI) approach developed by the Glasgow and the Clyde Valley Green Network Partnership. Scottish Planning Policy should require the integration of green infrastructure at an early stage in the design process, rather than as an after-thought.. Green infrastructure provision should be based on the analysis of places and their surroundings at the outset of the design process. SUDS and habitats are green infrastructure and this should be reflected in the SPP.

The consultation notes that a standards based approach could be an alternative approach. Whilst a design-led approach is preferred a standards approach is helpful for setting minimum requirements for negotiations on open space. It may be that a hybrid of standards and design-led is the best approach. Standards should be set locally.

#### **Consultation Question 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?**

**Explanation: The former approach would help to drive transformational change, particularly as the wider use of heat mapping begins to highlight new opportunities and a wider range heat sources become available.**

This approach would help drive transformational change but would represent a significant risk – and cost to developers – where renewable or low carbon sources of heat are presently unavailable. A positive planning framework based on heat mapping and the identification of linkages between (existing and planned) heat supply sources and demand sites would be a more appropriate approach.

Heat networks should become a requirement for national and regional-scale development.

#### **Consultation Question 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?**

Identifying areas within 2.5 km of cities, towns and villages as 'areas of significant protection' from wind farm development is a somewhat crude approach to protecting the impact of wind farms on communities, failing to take account fully of variations in wind farm and wind turbine size, local circumstances and geography. However, the SPP must make clear that proximity to communities is an important issue.

Para. 220 of the draft provides a robust framework for assessing the impacts of wind farms. It is considered that increasing the community separation distance and formally bringing it within the spatial framework, within Group 2 (as opposed to the current SPP1, where a separation distance of 2 km was recommended) is not appropriate in the context of a positive framework for wind energy. It also raises the question of what constitutes a 'wind farm'.

### **Consultation Question 17**

**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?**

Overall, the new approach is more complex and detailed than the current approach. There are now four categories instead of three, and more resources now need to be protected, including some which do not have a large geography, and therefore the previous broadbrush approach is lost.

With regard to the resources included in the spatial framework guidance:  
World Heritage Sites – it should be made clear that this is to include buffer zones.

Green belts – these often correspond with areas within which wind farm development would most affect communities

Areas safeguarded by planning policies – clarity is required here. Is this to relate to built heritage assets only? For example, local landscape and natural heritage resources are also protected by 'planning policies' but are identified as areas where planning constraints are less significant. This is counter-intuitive as landscape and natural heritage resources are more likely to be affected by a wind farm/turbine than built heritage resources.

Civil and defence consultation zones and broadcasting installations should be potential constraints rather than requiring significant protection as there can be technical fixes in relation to impact upon them.

Long distance walking routes – these are not a specific planning designation, and the question is raised of what is to be protected, any area within view of one, or the area it passes through.

Tourism and recreational interests – are not referred to in the consultation draft.

### **Consultation Question 18**

**Do you think the SPP could do even more than is drafted in paras 222-224 to secure community benefits from renewable energy developments while respecting the principles of impartiality and transparency within the planning system?**

While promoting of community-benefit is welcomed in respect to renewable energy, it is not considered the SPP could go further than the current draft.

**Consultation Question 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?**

It would seem appropriate for the planning system to do this. However, it is not clear that paragraph 230 suggests this.

**Consultation Question 20**

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

Yes, with the assistance of SEPA. Such an approach will make planning authorities and developers aware of which sites are subject to flooding, and where solutions are possible, allow these to be developed at an early stage.

**Consultation Question 21**

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

Paragraphs 245-247 make no reference to this suggestion, only the question does. Assessment of water and drainage issues would normally be a part of a comprehensive planning consideration of a development site. However, if consideration by the planning system would simply replicate those issues covered by the CAR licence system, then such an approach would seem appropriate.

**Consultation Question 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. It would be appropriate for planning policy on waste to be included in a planning document and the reduction of documents that need to be referred to simplifies the planning system.

### **Consultation Question 23**

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

The structure of Introduction>Principal Policies> Subject Policies works well. A closer tie-in with the NPF sections of Low Carbon Place etc could be appropriate. The 'Location of New Development' section sits a bit awkwardly within the Principal Policies. The topics covered within it read a bit more like subject policies, and they may be better placed there.

The straightforward structure of the subject policies (context> principles> delivery> development planning> development management) is welcomed. There are some instances where measures under development management should sit under development planning (e.g. sequential approach) and vice versa (issues under para 243 appear to be development management related). An additional section could be added under delivery relating to what is expected of developers.

There is some inconsistency in approach across the document e.g. para 220 sets out quite a detailed list of considerations in relation to wind farms. There is no equivalent list in relation to waste, for example.

The introduction of graphics is welcomed, although some are superfluous. The Pg1 graphic setting out the planning policy, advice and guidance series is useful and welcomed. A graphic setting out the process for preparing HNDA/SDP/LHS/LDP would be welcomed.

An inconsistency is noted within the structures of the Historic and Natural Environment sections, with the latter broken down by sub headings whilst the former is not.

### **Consultation Question 24**

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

It is difficult to imagine a whole SPP monitoring system that would not be cumbersome. The SPP informs and is reflected in development plans, and locally monitoring of these should be sufficient to monitor the effectiveness of SPP requirements.

There could, however, be more regular discussions between planning authorities and the Scottish Government on how SPP is being used, and what is working and what isn't. This would inform future reviews.

### **Consultation Question 25**

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

There is scope for greater clarity of purpose between the NPF and SPP. The NPF should be more spatially focused. It has a lot of general content that could sit better in the SPP. Perhaps it could be looked on as the spatial interpretation of SPP in relation to national developments and regionally important issues.

**Consultation Question 26**

**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.**

Supporting well connected places and ensuring new development is well located will have positive impact on all groups and in particular the elderly or those with no car who may find it difficult to reach less accessible locations. Also supporting different housing needs will impact positively on groups with specific needs.

**Consultation Question 27**

**In relation to the Equalities Impact Assessment, please tell us what potential impact 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 28**

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

No comment.

**Consultation Question 29**

**Do you have any other comments? If so, please specify the relevant section and/or paragraph.**

Spatial strategies

It is not immediately clear why the requirements set out in paras 43 & 44 need to be in separate paragraphs.

Development meeting a national requirement or established need should not be exceptions to green belt restrictions. These should be identified in the development plan with the green belt designation removed from the site if appropriate.

Promoting sustainable and active travel

With regard to paragraph 203, there are very few locations where direct links to walking networks (footpaths/pavements) could not be made, but many of these will be in locations it will not be attractive to walk/to from. With regard to paragraph 206 there is no need to repeat trunk road junction restriction.

#### Delivering heat and electricity

It is not clear what the expectation of planning is with regard to the hierarchy set out in paragraph 209, particularly how energy efficiency relates to energy generation. Paragraph 210 needs to be qualified by reference to environmental and amenity considerations.

#### Sustainable Development

The current Scottish Planning Policy is clearer about what is expected of the planning system and new development in respect of sustainable development.

#### Placemaking

The graphics and diagrams on page 11 serve little purpose and appear superfluous. The graphics on pg 13 and 14 are welcome and useful.

If all of the key messages are captured, then the distillation of Designing Places into Scottish Planning Policy is welcomed.

#### Enabling Delivery of New Homes

The focus of this section is very much on the process of assessing housing supply and demand. It would be improved if there was more policy guidance in relation to issues such as placemaking, design, sustainable locations, regeneration etc.

There is a lack of clarity in the guidance for city regions, in the relationship between the SDP, LHS and LDP, both in terms of how they can be aligned, and the processes to be put in place to deliver the necessary outputs. It would be useful if these relationships could be clearly laid out, and the use of graphics or tables might help in this regard. The difference in the role and timing of the LHS is particularly significant and should be made clearer in the SPP.

Throughout this whole section of the draft SPP the definition and relationship between the housing land requirement, housing supply targets and housing land supply is also confused. The Glossary is not helpful in clarifying these terms. Specifically the 5-year effective land supply is not a pro-rata proportion of the HST, and the HST does not equate to the 'housing requirement'.

The process to be followed to produce these outputs, how they are to be dealt within the SDP, LDP and LHS and what geographic area they should be produced for are all unclear and/or contradictory. For example para 84 states the HST should be set out for each housing market area, but that it should equate to the HST in the LHS, which deals with local authority boundaries, and para 87 says they should be for each local authority area. Para 85 does not specify whether housing supply, requirements and targets should be considered at local authority or housing market area level. Para 85 should also be clear that the development plan will only need to provide new housing allocations (the housing land requirement) if the existing housing supply is not sufficient to meet the housing supply target, plus any margin for generosity. The SPP is not clear as to the role of the LHS in setting housing supply targets, or how targets for market areas can be translated into targets for local authority areas.

The implications for the LHS need to be clear. If HSTs are to be completed to inform the SDP MIR, but then the LHS waits for SDP approval before being finalised, that will result in a significant length of time between draft and final LHS which is not likely to be acceptable or fit in with LHS guidance.