

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee

20 November 2013

**SCOTTISH PLANNING POLICY – FURTHER CONSULTATION ON PLANNING
AND SUSTAINABILITY****Report by Executive Director (Environment)**

The Enterprise and Infrastructure Committee of 28 August 2013 considered and approved the Council's response (Article No. 504) to Scottish Government consultation on a draft Scottish Planning Policy (SPP). The SPP is a statement of the Scottish Government policy on nationally important land use matters and sets out Ministers' expectations of the way the planning system should operate.

Having reflected on the responses to the consultation, the Scottish Government is now considering replacing the Draft SPP principal policies on 'sustainable economic growth' and 'sustainable development' with a principal policy on 'Sustainability and Planning' and introducing a presumption in favour of sustainable development into the SPP. This report outlines the proposed response to this further consultation on the SPP.

1. Background / Main Issues

- 1.1 Earlier this year, the Council together with other stakeholders considered and responded to a review of the Scottish Planning Policy (SPP). Following initial consideration of the responses, the Scottish Government has indicated that the intention to include separate principal policies on 'sustainable economic growth' and 'sustainable development' raised a number of issues. This included calls for clarification on the relationship between both policies and on how economic considerations were to be balanced against social and environmental factors. To address this, the Scottish Government is now considering replacing these separate policies with a single principal policy on 'Sustainability and Planning' and introducing a presumption in favour of sustainable development into the SPP.
- 1.2 Scottish Ministers have also indicated their intention to bring forward an amendment to the Regulatory Reform Bill (at Stage 2) which will make it clear that the planning functions of a local authority will not be subject to the proposed duty to contribute to sustainable economic growth. This is on the basis that sustainable economic growth is already an established element of planning policy and practice which is being strengthened through the review of the SPP and the National Planning Framework (NPF).

- 1.3 In its response to the initial consultation, the Council acknowledged that the document remains short and succinct. It was noted that much of the draft SPP has not changed since the previous version was published and this consistency was welcomed. In relation to the sections which are the subject of the second consultation, the Council supported the main principles in the draft SPP and welcomed the primary focus on sustainable economic growth. The Council did however indicate that there was a need for guidance as to how much weight should be given to the economic benefits of proposed development as a material consideration, and how best to assess the circumstances where viability statements are required and on the assessment of viability statements.

2. PROPOSALS

- 2.1 The draft SPP contained two separate sections on Sustainable Economic Growth and Sustainable Development. Many felt that these two principal policies had the potential to be at odds with each other. The revised proposals make it clear that the SPP presumes in favour of development that contributes to sustainable development and expands on this by indicating that:-

“This means that the planning system should contribute to economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”

- 2.2 The revised SPP then provides further context in a section on Sustainability and Planning. This section outlines the Scottish Government’s commitment to the concept of sustainable development. Within that concept it sees its central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Although the merging of these sections provides some clarity that the Scottish Government sees sustainable economic growth as a means of achieving sustainable development, it still fails to answer some of the potential conflicts between these two principals.
- 2.3 The new draft goes on to indicate that Planning should enable development that creates sustainable places across Scotland and be guided by a set of policy principles. Whilst many of the principles remain unchanged, the first is “to give due weight to net economic benefit”. This is a change in emphasis from the previous draft SPP which indicated that “significant” weight should be attached to the economic benefit of proposed development. It is this change which perhaps removes the potential conflict between the two principals. However, as the Council noted in its initial comments that there remains a need for guidance as to how much weight should be given to the economic benefits of proposed development as a material consideration.

- 2.4 The list of Key Documents has been expanded to include the Scottish Land Use Strategy. As this was a notable omission from the first draft, this is to be welcomed. The list however does not include the Climate Change (Scotland) Act 2009 which places significant duties on the planning system. It is recommended that this Act is added to the list of key documents.
- 2.5 The section on Development Planning has little change supporting the planned system. The section on Development Management emphasises applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. It notes, however, that this should be proportionate to the scale of the application. In addition, planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Whilst this statement is welcomed, it is recommended that there is a need for the Scottish Government and its Agencies to examine its own guidance to ensure that it reflects the desire for a proportionate response. It is also hoped that statutory consultees in the planning system, again largely government agencies, will ensure that their own demands for additional impact assessments are proportionate.
- 2.6 The consultation poses 5 specific questions and the proposed responses are outlined below

Consultation Question 1

Do you think the SPP should include a presumption in favour of development that contributes to sustainable development?

Response: Yes

2.7 Consultation Question 2

Do you think the proposed approach to sustainability and planning is appropriate?

Response: Yes

2.8 Consultation Question 3

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.

Response: It is not considered that the proposed changes to the SPP will have any impact on particular groups of people.

2.9 Consultation Question 4

In relation to the Equalities Impact Assessment, please tell us about what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

Response: It is not considered that the proposed changes to the SPP will have any impact on advancing equality of opportunity between different groups.

2.10 Consultation Question 5

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

Response: The previous draft set out a positive framework to support business growth and the revisions make no change to that position.

3. CONCLUSION AND RECOMMENDATION(S)

- 3.1 The proposed changes to the Scottish Planning Policy add clarity to the document and are welcomed.

Recommendation:

- 3.2 To submit a response to the Scottish Government on the further amendments to the Scottish Planning Policy as outlined in this report.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 This report supports the Community Plan/ Single Outcome Agreement visions of creating a thriving local economy, a strong sustainable local economy which act as catalyst to essential elements of a vibrant and successful area.

Corporate Plan

- 1.2 Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:
- (i) Giving every child the best start in life;
 - (ii) Developing educated, responsible and informed citizens;
 - (iii) Promoting a prosperous, inclusive and sustainable economy;
 - (iv) Supporting people to lead independent, healthy and active lives; and
 - (v) Creating a safe and sustainable place for future generations.
- 1.3 This report relates to all above.

2. Resource Implications

Financial

2.1 None.

Workforce

2.2 None.

Asset Management (land, property, IST)

2.3 None

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 This report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

(i) Assessed as not relevant for the purposes of EqIA

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.4 However, no action is required as the Act does not apply to the matters presented in this report as this Council is providing comment on a PPS prepared by the Scottish Government who is the responsible authority in this instance.

Sustainability

3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

- 3.6 However, no action is required as the Act does not apply to the matters presented in this report as this Council is providing comment on a PPS prepared by the Scottish Government who is the responsible authority in this instance.

Legal and Governance

- 3.7 None

Risk

- 3.8 There are no specific risks associated with the proposals outlined within the report.

4. Consultation

Internal

- 4.1 None.

External

- 4.2 Tay and Central Scotland Transport Partnership (TACTRAN) were consulted in the preparation of this report.

5. Communication

- 5.1 None

2. BACKGROUND PAPERS

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report:

- Scottish Planning Policy: Consultation Draft, April 2013

3. APPENDICES

- 3.1 None

