

[Contacts](#) [Help](#)
[Subscribe for updates](#)

Register to receive email news alerts, daily digest, weekly roundup or Topic newsletters.

[Home](#) [About](#) [Topics](#) [News](#) [Publications](#) [Consultations](#)
Text size: [A](#) [A](#) [A](#) [A](#)
 You are here: | [Publications](#) | [1998](#) | [February](#) | [Circular 4/1998](#) | [Circular 4/1998 Introduction](#) |

Circular 4/1998 Introduction

[« Previous](#) | **No menu/sequence information for paging**
[Listen](#)

Circular 4/1998

Model Planning Conditions

Introduction

1. SODD Circular4/1998, issued in February 1998, set out Government policy on The Use of Conditions in Planning Permissions. This superseded Circular18/1986 although AppendicesA andB to the 1986 Circular, which provided examples of acceptable and unacceptable planning conditions, were not cancelled. It was explained in Circular4/1998 that further work on model conditions would be undertaken with local authority representatives and that further guidance would be issued in due course. This work has now been concluded and the Appendices to the 1986Circular are now superseded.

2. The model conditions have been drawn up in association with development control officers from Glasgow, Inverclyde, Moray, Scottish Borders and West Dunbartonshire. They should always be read in conjunction with Circular4/1998 and the following key elements of the Government's policy on the use of conditions are worth repeating:

- no condition should be imposed unless it meets the following tests -
 - **necessary**
 - **relevant to planning**
 - **relevant to the development to be permitted**
 - **enforceable**
 - **precise, and**
 - **reasonable in all other respects.**
 - conditions must not be applied slavishly - a clear and precise reason must be given for each and every condition imposed.
- 3.** The following points should be borne in mind when considering the use of the model conditions:
- the conditions which follow are intended as models only and may need to be adapted to the circumstances of particular cases;
 - the list is not exhaustive;
 - model reasons cannot be given for the imposition of the conditions shown - the reasons will vary according to the circumstances of each case.

Some examples of unacceptable conditions are included. On the right hand margin the reference, where appropriate, to the relevant paragraph in the Annex to Circular 4/1998 is given.

4. A list, again not exhaustive, of examples of satisfactory and unsatisfactory reasons for imposing planning conditions is also included.

A. TIME LIMIT FOR COMMENCEMENT

Circular Ref.: Time limits Paras 45-52 Planning Permissions Para 46 Outline Permissions Para 47

1. Planning Permissions

The development hereby permitted shall be commenced within [5]years from the date of this permission.

Note: Numbers put in square brackets as time periods can be varied with justification.

2. Outline Planning Permissions

a. Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), the means of access and the landscaping (collectively these are termed "reserved matters").

Note: This condition is appropriate in its entirety only where the outline application contained details of none of the items described as 'reserved matters' in Article 2 of The Town and Country Planning (General Development Procedure) (Scotland) Order 1992).

b. Plans and particulars of the reserved matters referred to in Condition2 (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

c. Application for approval of reserved matters shall be made to the planning authority within [3]years from the date of this permission.

d. The development hereby permitted shall commence within [5]years from the date of this permission, or within [2]years from the date of approval by the planning authority of the last of the reserved matters to be approved.

Note: Numbers put in square brackets as time periods can be varied with justification.

Examples of unacceptable conditions

- To require that a development (except in the case of mineral workings) shall be completed within a time limit.

Explanation - This would not normally be acceptable on the grounds of unreasonableness. To be reasonable it would have to serve a clear planning objective.

- To require that development shall not be carried out until, for example, 5 years from the date of permission.
- Explanation - It would not normally be acceptable to grant permission on condition that the right to carry out development is deferred until some future date. A suspensive condition could be useful if it served a clear planning purpose - see Model Condition A7 on page 3.

3. Details of Reserved Matters - Housing Estate

The subsequent application for the approval of reserved matters shall be accompanied by:

- i. a site layout plan at a scale of [*specify*] showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
- ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
- iii. a landscaping plan at a scale of [*specify*] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
- iv. details of the phasing of development;
- v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.

4. Reserving other matters

Before development commences, written approval from the planning authority must be obtained for the details of [*specify*].

5. Phasing of development

Details of the phasing of the development shall be submitted to the planning authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

6. Completion of Elements of a Development

Prior to the occupation of [*specify*] the [*specify the element*] shall be completed in accordance with the approved details.

7. Conditions Depending on Others' Action

No development shall take place on the site until [*specify off-site works on which implementation of the planning permission depends*] have been carried out.

B. TEMPORARY PLANNING PERMISSIONS

Circular Ref: Reserving other Matters Para 44

1. The [*specify development*] hereby permitted shall cease on [*specify date*].
2. The [*specify e.g. buildings/works*] hereby permitted shall be removed or the use hereby permitted shall be discontinued and the land restored to [*specify requirements*]. Any such restoration works shall be carried out by [*specify date*].

C REGULATION OF DEVELOPMENT

Circular Ref: Regulation of Development Paras 40-44 Regulation after Development Paras 84-90

1. Uses

The land which is the subject of this permission shall be used for [*specify use*] and for no other use notwithstanding the provisions of Class [*specify*] of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order [*specify dates*].

Note: This condition should only be used in exceptional circumstances to achieve clear planning objectives.

2. Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order(s) [*specify relevant date(s)*] no [*specify development*] shall be built on the site which is the subject of this application. Construction of [*specify*] cannot be carried out without planning permission being granted on an application made to the planning authority.

3. Hours of Use

The use hereby permitted shall not operate between [*specify hours and days*].

4. Hours of Operation

No machinery shall be operated, no process carried out and no deliveries received at or despatched from the site between [*specify hours*] from Monday to Saturday inclusive and at any time on Sundays.

5. Personal Permissions

The use hereby permitted shall be carried on only by [*specify person*].

Circular Ref: Personal Permissions Para 92

6. Occupancy

a. Housing related to agricultural and forestry employment

Occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in [*specify*] or to a widow or widower of such a person and to any dependants.

Circular Ref: Conditions restricting occupancy of buildings and land Paras 91-103

b. Housing related to other employment

Occupation of the dwelling shall be limited to a person solely or mainly employed in [*specify*].

c. Granny 'Annexes'

The extension hereby permitted shall be used solely as part of the existing dwellinghouse, and at no time shall it be occupied as a separate dwelling.

Circular Ref: Granny 'Annexes' Paras 97

7. Restrictions on operations

a. Storage of Materials

No materials, including waste products, shall be stored on the site outwith the buildings.

b. Storage of Materials - Hazard

No [*specify materials*] shall be stored within [*specify*] metres of buildings on the site or within [*specify*] metres of the site boundary.

c. Stacking of Materials - Height

Stacking of [*specify*] on the site shall not exceed [*specify*] metres in height [*specify datum*].

d. Burning

There shall be no burning of materials outwith the building(s) on the site.

Example of an unacceptable condition

- To require that the site shall be kept tidy at all times.
- Explanation - This is vague and unlikely to be capable of enforcement.

8. Retail Development

The use of the retail units hereby permitted shall be limited to the sale of non-food goods of the following types [*specify*]. In any unit, the use of more than [*specify percentage*] of the net retail floor area for the sale of goods other than those specified shall not be permitted without the written approval of the planning authority.

9. Garages and Outbuildings

All garages and outbuildings shall be used solely for domestic purposes incidental to the use of the dwellinghouse.

D. DESIGN

1. Density

The development hereby permitted shall not exceed a density of [*specify*] dwellings per hectare, net of [*specify what is excluded from the calculation of density*].

Circular Ref: Design and Landscape Para 74-76

2. Materials

a. The type and colour of materials to be used in the development shall be as specified on the approved drawings/application form/letter dated [*specify*] unless the prior written approval of the planning authority is obtained for other materials.

b. Development shall not begin until samples of materials to be used (on external surfaces of the buildings) or (in construction of hard standings/walls/fences) have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

[< Previous](#) | **No menu/sequence information for paging**

Channels

Flickr



YouTube



[Enterprising Communities](#)
11/02/2016 - **88 views**

[CashBack funding announced](#)
09/02/2016 - **104 views**

Follow

Twitter

[Timeline loading...](#)

[Crown Copyright](#) [Privacy Policy and Content Disclaimer](#)

Page updated: Monday, August 08, 2005

[Contacts](#) [Help](#)
[Subscribe for updates](#)

Register to receive email news alerts, daily digest, weekly roundup or Topic newsletters.

[Home](#) [About](#) [Topics](#) [News](#) [Publications](#) [Consultations](#)
Text size: [A](#) [A](#) [A](#) [A](#)
 You are here: | [Publications](#) | [1998](#) | [February](#) | [Circular 4/1998](#) | [Circular 4/1998 Landscape](#) |

Circular 4/1998 Landscape

[« Previous](#) | [No menu/sequence information for paging](#)
[Listen](#)

Circular 4/1998

E. LANDSCAPE

1. Landscaping

Circular Ref Design and Landscape Paras 74-76

a. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. programme for completion and subsequent maintenance.

b. Details of the scheme of soft landscaping works shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance.

c. All hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the planning authority.

d. Development shall not begin until details of earthworks have been submitted to and approved in writing by the planning authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.

e. Existing trees and shrubs as shown on [*specify drawing reference*] on the site shall not be lopped, topped, felled, removed or disturbed in any way without the prior written consent of the planning authority.

f. Development on the site shall not begin until trees marked for retention on [*specify drawing reference*] have been protected by suitable fencing. Details of this fencing shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

g. During construction work on the site, including the laying of services, no excavation shall be undertaken under the crowns of trees.

h. Before development begins a scheme for the maintenance of open space, including play areas, within the development shall be submitted to and approved in writing by the planning authority.

i. Any trees or shrubs, including hedges on the site which, in the opinion of the planning authority, are dying, severely damaged or diseased within [*specify*] years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.

2. Play Areas - Submission of Scheme

Before development begins a scheme for the provision of a play area as outlined [*specify drawing reference*] shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given. Details to be submitted include-

- i. type and location of play equipment, seating, fences, walls and litter bins
- ii. surface treatment of the play area
- iii. proposals for the implementation/phasing of play area(s) in relation to the construction of houses on the site.

3. Play Areas - Implementation

All works required for the provision of play area(s) shall be completed in accordance with the scheme approved in writing by the planning authority.

Example of an unacceptable condition

- Provision of Dog Fouling Areas and/or a scheme shall be developed by the applicant.

- Explanation - This condition fails the test of relevance to planning.

F. NATURAL HERITAGE

1. Restrictions on Development

a. No development, including the deposit of materials during construction and the deposit of waste materials, shall take place in the area hatched [*specify drawing reference*].

Circular Ref: Nature Conservation and Landscape Paras 71-73

b. No construction or engineering operations shall take place on site between [*specify dates*], which period coincides with the breeding season of [*specify*].

2. Footpath Links

Before development on the site begins details of a footpath link between points A and B on [*specify drawing reference*] shall be submitted to and approved in writing by the planning authority. The footpath shall be constructed in accordance with the approved scheme within [*specify*] of the planning authority's written approval of the scheme.

3. Species Protection

Before development on the site begins, a scheme for the protection of [*specify*] shall be submitted to and approved in writing by the planning authority. Any [*specify works or actions*] shall thereafter be carried out in accordance with the approved scheme.

G. BUILT HERITAGE

1. Building Details

Details of the design of doors/windows [*specify*] and other architectural details [*specify*] shall be submitted to the planning authority in the form of drawings at a scale of [*specify*]. The drawings should include dimensions of doors/windows, materials [*specify*], etc. No work shall begin until written approval of the planning authority to the details has been given.

2. Stone Cleaning

Details of the justification for and proposed method of stone cleaning shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

3. Stone Pointing

Details and specifications of the proposed stone pointing shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

4. Harling

Details of the proposed harling shall be to the planning authority and no work shall begin until written approval of the planning authority has been given to these details.

5. Materials

Samples of materials [*specify*] to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

6. Replacement of Natural Stone

The coursing and surface finish of the replacement stonework shall match, in terms of texture and appearance, the stone on the existing/adjoining building(s) [*specify as appropriate*]. A sample shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

7. Archaeology

a. No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the planning authority.

Circular Ref: Archaeology Paras 79-80

b. No development shall take place until fencing has been erected in a manner and position to be agreed with the planning authority at [*specify name of monument*]; and no development shall take place within the fenced area until the prior written approval of the planning authority has been given.

c. The developer shall afford access at all reasonable times to any archaeologist nominated by the planning authority and shall allow him to observe work in progress and record items of archaeological interest.

Note: In relation to Model Condition G7c above, conditions should not require work to be held up while archaeological work takes place, although some developers may be willing to allow this.

H. TRANSPORT

1. Means of Access

The building/use [*specify*] hereby permitted shall not be occupied/commenced until vehicular, cycle and pedestrian access routes have been constructed in accordance with the approved plans.

Circular Ref: Traffic and Transport Paras 56-64

Examples of unacceptable conditions

- To require that the applicant shall construct an ancillary road as and when required by the planning authority.

Explanation - This is imprecise and unreasonable.

- To require that the land in front of the buildings shall be made available for future road widening.
- Explanation - There should be no requirement to make land available, although a condition could be framed to reserve land for future development.

2. Access for Disabled People

Development on the site shall not begin until a scheme indicating the provision to be made for disabled people to gain access to and within the site, including provision for parking, has been submitted to and approved in writing by the planning authority. The agreed scheme shall be implemented before the building/use is occupied/commenced.

Circular Ref. Access for Disabled People Para 110

3. Visibility Splays

No building or other structure or tree or shrub exceeding [*specify*] metres in height shall be allowed in the area shown on [*specify drawing reference*].

4. Parking

The car parking spaces shown on [*specify drawing reference*] shall be constructed and surfaced in accordance with the approved details before the building hereby permitted is occupied.

Example of an unacceptable condition

- To require that loading and unloading, and the parking of vehicles, shall not take place on the road at the front of the premises.
- Explanation - This condition seeks to exercise control in respect of a public road, which is not under the control of the applicant.

5. Cycle Racks

Before development on the site begins, details of a bicycle racking system for [*specify number*] bicycles shall be submitted to and approved in writing by the planning authority. The approved racking system shall be installed before the building is occupied.

6. Public Transport

Development shall not begin until details of the proposed bus/railway station(s) or stop(s) within the site have been submitted to and approved in writing by the planning authority. The development shall not be brought into operation until the station(s) or stop(s) have been constructed in accordance with the approved plans.

Circular Ref: Public Transport Paras 57-59

I. ENVIRONMENTAL CONTROLS

1. Noise

Circular Ref: Noise Para 70

a. Minimising the effect of noise on new noise sensitive development

Development shall not begin until a scheme for protecting [*specify development*] from noise from [*specify sources*] has been submitted to and approved in writing by the planning authority. The [*specify development*] shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the planning authority.

b. Restricting noise from industrial or commercial development

i. [*Specify activities*] should not take place within [*specify where*].

ii. The level of noise from the site shall not exceed [A] dB between [*specify time*] and [A] dB at any other time. The level of noise from the site is to be measured [*specify location(s)*].

Note: A - noise level expressed as a L Aeq,T over a time period X (eg 1 hour). Conditions on noise must be tailored to particular circumstances and should be drawn up in consultation with environmental health officers.

2. Contaminated Land

Circular Ref: Development of Contaminated Sites Paras 65-68

Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- i. the nature, extent and type(s) of contamination on the site
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
- iii. measures to deal with contamination during construction works
- iv. condition of the site on completion of decontamination measures.

Before any [*specify e.g. residential/commercial/business/retail*] unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. Drainage/Sewage Disposal

None of the dwellings shall be occupied until the drainage/sewage disposal works have been completed in accordance with the submitted plans.

4. Hot Food Shops

The hot food shop shall not start trading until the flue and ventilation systems are operational in accordance with details approved in writing by the planning authority.

Example of an unacceptable condition

- Certification by ventilation engineer that kitchen equipment will meet prescribed standards.

Explanation - This is not a matter for planning legislation.

[« Previous](#) | **No menu/sequence information for paging**

Flickr



YouTube



[Enterprising Communities](#)
11/02/2016 - **88 views**



[CashBack funding announced](#)
09/02/2016 - **104 views**

Follow

Twitter

[Timeline loading...](#)

[Crown Copyright](#) [Privacy Policy and Content Disclaimer](#)

Page updated: Monday, August 08, 2005

[Contacts](#) [Help](#) [Subscribe for updates](#)

Register to receive email news alerts, daily digest, weekly roundup or Topic newsletters.

[Home](#) [About](#) [Topics](#) [News](#) [Publications](#) [Consultations](#)Text size: [A](#) [A](#) [A](#) [A](#)You are here: | [Publications](#) | [1998](#) | [February](#) | [Circular 4/1998](#) | [Circular 4/1998 Reasons](#) |

Circular 4/1998 Satisfactory and Unsatisfactory Reasons

No menu/sequence information for paging

[Listen](#)

Circular 4/1998

SATISFACTORY AND UNSATISFACTORY REASONS

Reasons should be specific and explain clearly but succinctly why the condition is being attached to the permission. It should not state the obvious, or simply repeat the terms of the condition. The following are examples of satisfactory and unsatisfactory reasons.

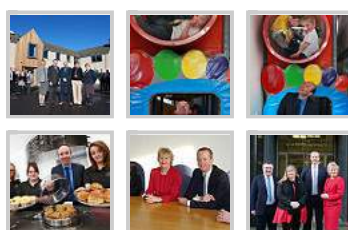
SUBJECT	ISSUE	UNSATISFACTORY REASONS	SATISFACTORY REASONS
REGULATION OF USE	■ Hours of opening	In the interests of residential amenity.	To protect occupants of nearby housing from noise/disturbance late in the evening.
DESIGN	■ Materials	In the interests of visual amenity.	To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.
LANDSCAPE	■ Tree protection	In the interests of visual amenity.	To maintain the contribution of existing trees to the landscape quality of the area.
Transport	■ Visibility splays	In the interests of traffic safety.	To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
	■ Hard surface first (x) metres of driveway	In the interests of traffic safety.	To prevent loose material being carried onto the public highway/footpath in the interests of traffic safety.
	■ Turning circle	In the interests of traffic safety.	To allow adequate space for vehicles to turn and exit the site in forward gear in the interests of traffic safety.
Environmental Control	■ Road traffic noise	In the interests of residential amenity.	To protect local residents from traffic noise.
	■ Odours/ cooking	In order to safeguard the property itself and the amenity of the surrounding area.	To protect local residents from nuisance resulting due to the disposal of cooking odours.

Enquiries about the contents of this document should be addressed to Susan Whitty, The Scottish Office, Planning Services Division, Room 2-H, Victoria Quay, Edinburgh EH6 6QQ (0131 244 7551) or by e-mail to susan.whitty@scotland.gov.uk. Further copies may be obtained by telephoning (0131 244 7066).

No menu/sequence information for paging

Channels

Flickr



YouTube

[Enterprising Communities](#)
11/02/2016 - 88 views[CashBack funding announced](#)
09/02/2016 - 104 views

Follow

Twitter

[Timeline loading...](#)

[Crown Copyright](#) [Privacy Policy and Content Disclaimer](#)

Page updated: Monday, August 08, 2005

stop

SCOTTISH PLANNING POLICY

Scottish Planning Policy

February 2010
© Crown copyright 2010
ISSN 1741 1203

PLANNING SERIES:

Scottish Planning Policy (SPP) is the statement of the Scottish Government's policy on nationally important land use planning matters.

National Planning Framework (NPF) is the Scottish Government's strategy for Scotland's long term spatial development

Circulars, which also provide statements of the Scottish Government's policy, contain guidance on policy implementation through legislative or procedural change.

Statements of Scottish Government policy in the SPP, NPF, Designing Places, Designing Streets and Circulars may be material considerations to be taken into account in development plans and development management decisions.

Designing Places, Designing Streets and the West Edinburgh Planning Framework have the same status in decision making as the SPP and NPF.

Planning Advice Notes (PANs) provide advice and information on technical planning matters.

Design Advice Guidance will provide guidance and information on design matters covering a range of practical projects and roles.

Further information on the Scottish Government's role in the planning system is available on <http://www.scotland.gov.uk/Topics/Built-Environment/planning>

This Scottish Planning Policy supersedes the following documents, which are now revoked:

- SPP 2 – Economic Development
- SPP 3 – Planning for Homes
- SPP 4 – Planning for Minerals
- SPP 6 – Renewable Energy
- SPP 7 – Planning and Flooding
- SPP 8 – Town Centres and Retailing
- SPP 10 – Planning for Waste Management
- SPP 11 – Open Space and Physical Activity
- NPPG 12 – Skiing Developments
- NPPG 13 – Coastal Planning
- NPPG 14 – Natural Heritage
- SPP 15 – Planning for Rural Development
- SPP 16 – Opencast Coal
- SPP 17 – Planning for Transport
- NPPG 19 – Radio Telecommunications
- SPP 20 – Role of Architecture and Design Scotland
- SPP 21 – Green Belts
- SPP 22 – Planning for Fish Farming
- SPP 23 – Planning and the Historic Environment
- Circular 12/1986 – Planning Control over Onshore Oil and Gas Operations
- PAN 53 – Classifying the Coast for Planning Purposes

CONTENTS

	Paragraph
INTRODUCTION	1
Purpose of Planning	3
Core Principles	7
DEVELOPMENT PLANS	10
Preparation	12
Content	14
Implementation, Monitoring and Review	18
DEVELOPMENT MANAGEMENT	22
Determining Planning Applications	24
Enforcement	28
Role of the Scottish Government	29
Appeals and Local Reviews	30
COMMUNITY ENGAGEMENT	31
SUSTAINABLE ECONOMIC GROWTH	33
SUSTAINABLE DEVELOPMENT	34
Climate Change	41
SUBJECT POLICIES	
Economic Development	45
Town Centres and Retailing	52
Housing	66
Rural Development	92
Coastal Planning	98
Fish Farming	104
Historic Environment	110
Landscape and Natural Heritage	125
Open Space and Physical Activity	149
Green Belts	159
Transport	165
Renewable Energy	182
Flooding and Drainage	196
Waste Management	212
Minerals	225
Onshore Oil and Gas Operations	236
Surface Coal Mining	239
Communications Infrastructure	248
OUTCOMES	255
GLOSSARY	

INTRODUCTION

1. The Scottish Government's planning policies are set out in the National Planning Framework, this SPP, Designing Places, Designing Streets¹ and Circulars². This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.
2. This approach places planning in the wider context of Scottish Government aims and policies and clarifies the Government's expectations of the system and planning services. It is a brief statement of policy and does not attempt to provide a comprehensive summary or explanation of the planning system in Scotland or to describe the full and diverse range of objectives to which planning may contribute. This SPP does not restate policy and guidance expressed elsewhere. The wider policy framework including the National Planning Framework, Designing Places, Designing Streets and Circulars, should be taken into account in decision making. Policy linked to direct legislative requirements is expressed in terms of what must be done. Policy linked to Scottish Ministers' requirements for an efficient and effective planning system is expressed in terms of what should be done. The policies expressed in this SPP should inform the content of development plans, should be a consideration in decisions on planning applications and should be used to inform development proposals from initial concept to implementation.

THE PURPOSE OF PLANNING

3. Planning guides the future development and use of land. Planning is about where development should happen, where it should not and how it interacts with its surroundings. This involves promoting and facilitating development while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. Careful attention to layout, design and construction should result in places where people want to be.
4. The Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government's five strategic objectives and fifteen national outcomes³.
5. The Government believes strongly in the value of forward-looking, visionary and ambitious plans that will guide development. These plans provide guidance to potential developers and investors; provide various interests with the opportunity to participate in shaping the future of their nation and their communities; and give public authorities a structure within which decisions can be made with confidence. Development plans should lead and guide change. The statutory requirement to keep development plans up to date⁴ will ensure that they reflect and respond to emerging pressures and issues.

¹ Due for publication in early 2010

² All documents are available at www.scotland.gov.uk/Topics/Built-Environment/planning

³ For more information about the Scottish Government's central purpose, strategic objectives and national outcomes see www.scotland.gov.uk/About/scotPerforms

⁴ Planning etc. (Scotland) Act 2006 Sections 10(8) and 16(1)

6. The planning system has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of those issues will inevitably disappoint some parties. The planning system cannot satisfy all interests all of the time. It should, however, enable speedy decision making in ways which are transparent and demonstrably fair.

CORE PRINCIPLES

7. The legislative framework for the planning system in Scotland has recently undergone a major change through the Planning etc (Scotland) Act 2006. Secondary legislation implementing key parts of the Act came into force in 2009⁵.
8. The Government believes that the following broad principles should underpin the modernised planning system:
 - The system should be genuinely **plan-led**, with succinct development plans setting out ambitious, long-term visions for their area. They must be kept up to date, and provide a practical framework within which decisions on planning applications can be made with a degree of certainty and efficiency.
 - The **primary responsibility** for the operation of the planning system and service is with **local and national park authorities**.
 - **Confidence in the planning system** needs to be reinforced through: the efficient and **predictable** preparation of plans and handling of applications; transparency in decision-making and reliable enforcement of the law and planning decisions.
 - The **constraints and requirements** that planning imposes should be **necessary and proportionate**.
 - The system should operate to **engage all interests as early and as fully as possible** to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly.
 - There should be a clear focus on the **quality of outcomes**, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. Successful operation of the planning system will only be achieved if all those involved – applicants, planning authorities, agencies and other statutory consultees, communities, representative organisations, public bodies, the Government and the general public – commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system contributes effectively to increasing sustainable economic growth. Partnership working and dialogue with the private sector is an important contributor to the delivery of business, development and conservation opportunities. A range of government and non-governmental organisations can offer expert advice on specialist matters and this expertise should be utilised wherever relevant.

DEVELOPMENT PLANS

10. The development plan comprises a local development plan supported by supplementary guidance. In the 4 largest city regions, the development plan also comprises a strategic development plan which addresses land use issues that cross local authority boundaries or involve strategic infrastructure.

⁵ See www.scotland.gov.uk/planning for full details of secondary legislation linked to the Planning etc. (Scotland) Act 2006

11. Development plans guide the future use of land and the appearance of cities, towns and rural areas. They should indicate where development, including regeneration, should happen and where it should not. Development plans must be accessible to the communities they serve and should be concise and written in plain language. There is a statutory duty on development plans to contribute to sustainable development. Guidance on this duty is provided in paragraphs 34 to 40.

PREPARATION

12. The development plan scheme sets out the programme for plan preparation. The first schemes were published by planning authorities in 2009 and they will be updated annually. The emphasis should be on the actions needed to ensure that an up to date development plan is in place as swiftly as possible.
13. The processes of engagement, information gathering, analysis and assessment should be geared towards the date of submission of the plan to Ministers. These processes should be proportionate and fit for purpose. Contracting out parts of plan preparation may offer scope for effective management of the process.

CONTENT

14. Development plans should be concerned primarily with land and infrastructure. The efficient use of land and good infrastructure are important for the wellbeing of an area, particularly where they are supported by the commitment to the creation and maintenance of high quality places. Development plans should provide clear guidance on what will or will not be permitted and where. This should be very clear from the proposals map. Only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan. Plans should therefore provide opportunity and stability.
15. Development plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change, in particular opportunities for development. They should be clear about the scale of anticipated change and demonstrate the underlying reasons for the preferred location and the likely sequence of development.
16. Investment in infrastructure may be required as a consequence of existing under provision and/or planned growth. These issues should be addressed in development plans and not left to be resolved through the development management process.
17. The Scottish Government expects development plans to:
 - have a sharp focus on land and infrastructure,
 - concentrate on what will happen, where and why,
 - make more use of maps and plans to explain and justify the long-term settlement strategy, and
 - contain policies and proposals that will achieve predictable outcomes.

IMPLEMENTATION, MONITORING AND REVIEW

18. The action programme is a key means of delivering the objectives of a plan. It should set out how the plan is to be implemented, in particular what should happen over the following two years.
19. A key element of implementation will be the programme of supplementary guidance. Where this is to form part of the development plan, authorities should ensure the guidance:
 - is derived from the plan, and
 - has been the subject of discussion and engagement.

Supplementary guidance should not be applied in the consideration of development proposals until it has been formally agreed by the authority following consideration of comments and representations on the draft.

20. Monitoring should focus on what has changed, for example the extent to which key assumptions remain valid, whether land allocations have proved viable and investment in infrastructure has been forthcoming. Monitoring should set the direction for the future review of the plan.
21. The review, which must take place at least every 5 years, should focus on what has to change rather than invite the re-opening of settled issues.

DEVELOPMENT MANAGEMENT

22. Development management is a key part of the planning system and should operate in support of the Government's central purpose of increasing sustainable economic growth. This means providing greater certainty and speed of decision making as a means of creating good quality sustainable places. Development management services should operate within a climate of continuous improvement. Processes should be responsive, reliable, transparent and efficient. Decisions should be taken against a framework of up to date and effective development plans and supplementary guidance.
23. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. It is important that stakeholders understand their role in the planning process and how decisions have been arrived at. There should be clear but concise reports of the considerations that have been taken into account in reaching decisions on all planning applications. The Scottish Government's expectation is that schemes of delegation provide maximum scope for officials to determine planning applications, thus ensuring elected members focus on complex or controversial issues.

DETERMINING PLANNING APPLICATIONS

24. Prospective applicants are required by legislation⁶ to consult communities before submitting planning applications for major and national developments⁷. The purpose of pre-application consultation is to allow meaningful consultation to take place before development proposals are finalised and applications for planning permission are submitted. Pre-application discussions between prospective applicants, key agencies and planning authorities are vital to ensure all parties have a shared understanding of the nature of a proposed development, information requirements and the likely timescales for determination. The Scottish Government supports the use of processing agreements to manage the delivery of decisions on major and national developments to agreed timescales. Authorities and key agencies should respond positively to requests for such agreements.
25. The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. More information on material considerations is provided in Annex A of Circular 4/2009 *Development Management Procedures*. Where a proposal is in accordance with the development plan, the principle of development should be taken as established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

⁶ Section 35 Planning etc. (Scotland) Act 2006 and Regulations 4-7 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

⁷ See Circular 5/2009 *Hierarchy of Developments* for definition of Local, Major and National Developments

26. Conditions imposed on the grant of planning permission can enable development proposals to proceed where it would otherwise have been necessary to withhold planning permission. While the power to impose conditions is wide, it must be exercised in a manner which is fair, reasonable and practicable and the conditions imposed must accord with the established tests set out in Circular 4/1998 *The Use of Conditions in Planning Permissions*.
27. Planning agreements can be used to overcome obstacles to the grant of planning permission but they should not be used to obtain a benefit which is unrelated to the nature or scale of the proposed development. Planning authorities should use the development plan and supplementary guidance to set out their approach to planning agreements and should not seek to introduce agreements late in the development management process. Planning agreements should only be used where the obligation cannot be secured by condition or by other means. More information on planning agreements is provided in Circular 1/2010 *Planning Agreements*.

ENFORCEMENT

28. Effective enforcement is important as a means of maintaining public confidence in the planning system. The 2006 Act contains a range of additional powers on enforcement and planning authorities should use the full range of powers available to them to ensure that enforcement action is appropriate, speedy and effective. More information on enforcement is provided in Circular 10/2009 *Planning Enforcement*.

ROLE OF THE SCOTTISH GOVERNMENT

29. Scottish Ministers have a general power to call-in planning applications for their own determination. Circular 3/2009 *Notification of Planning Applications* provides guidance on the circumstances in which planning authorities must notify Scottish Ministers where they propose to grant planning permission. It also sets out the circumstances in which Scottish Ministers may call in a planning application from the planning authority, thereby taking over the role of decision maker.

APPEALS AND LOCAL REVIEWS

30. The 2006 Act introduced important changes to the appeal process aimed at improving efficiency and ensuring that decisions are made at an appropriate level through an appeal to Scottish Ministers or review by the planning authority's local review body. Central to maintaining an efficient system is the frontloading of the planning process by ensuring all parties state their full cases at the outset. The appeal and review procedures also involve taking a proportionate approach so that the person or body making the decision follows an examination process that is appropriate to the complexity of the case. All parties should be clear that new material should not be introduced late in the process except in exceptional circumstances. More information on appeals is provided in Circular 6/2009 *Planning Appeals*. Information on local reviews is provided in Circular 7/2009 *Schemes of Delegation and Local Reviews*.

COMMUNITY ENGAGEMENT

31. Effective engagement with the public can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process. It also improves confidence in the fairness of the planning system. The Scottish Government expects engagement with the public to be meaningful and to occur from the earliest stages in the planning process to enable community views to be reflected in development plans and development proposals. Minimum requirements for consultation and engagement in the

planning system are established through legislation⁸. Advice on community engagement in the planning system, linked to the National Standards for Community Engagement⁹, is provided in PAN 81 *Community Engagement*.

32. Everyone has the right to comment on any planning application which is being considered by a planning authority. Legitimate public concern or support expressed on a relevant planning matter should be a consideration in planning decisions. Planning authorities must ensure that communities are given the opportunity to get involved in the preparation of development plans. Planning authorities and developers should ensure appropriate and proportionate steps are taken to engage with communities when planning policies and guidance are being developed, when development proposals are being formed and when applications for planning permission are made. Individuals and community groups should ensure that they focus on planning issues and utilise available opportunities for engaging constructively with developers and planning authorities. Close working with communities can help to identify and overcome sensitivities or concerns associated with new development. Liaison committees can have a role in offering communities greater involvement in the operation of mineral extraction sites and other similar developments.

SUSTAINABLE ECONOMIC GROWTH

33. Increasing sustainable economic growth is the overarching purpose of the Scottish Government. Fifteen national outcomes¹⁰ explain in more detail how sustainable economic growth will be delivered. The Government Economic Strategy¹¹ sets out how sustainable economic growth should be achieved, and identifies five strategic priorities that are critical to economic growth – learning, skills and wellbeing; supportive business environment; infrastructure development and place; effective government; and equity. The planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. Achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth. Planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

SUSTAINABLE DEVELOPMENT

34. The Planning etc. (Scotland) Act 2006 introduced a requirement that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to sustainable development. The 2006 Act requires planning authorities to have regard to guidance on this requirement issued by Scottish Ministers. This section (paragraphs 34 – 40) is guidance under section 3E of the 2006 Act. The principles of sustainable development outlined in this section are embedded in national planning policy.

⁸ The Planning etc. (Scotland) Act 2006, the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

⁹ National Standards for Community Engagement (Communities Scotland, 2005)

¹⁰ www.scotland.gov.uk/About/scotPerforms/outcomes

¹¹ www.scotland.gov.uk/Publications/2007/11/12115041/0

35. The Scottish Government supports the five guiding principles of sustainable development set out in the UK shared framework for sustainable development¹². The five principles are:

- living within environmental limits,
- ensuring a strong, healthy and just society,
- achieving a sustainable economy,
- promoting good governance, and
- using sound science responsibly.

Achieving a sustainable economy, promoting good governance and using established science responsibly are essential in enabling a strong, healthy and just society and living within environmental limits. The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society.

36. The Scottish Government's commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. This is set out in the Government Economic Strategy, supported by the fifteen National Outcomes. Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too.

37. The planning system has an important role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development. Decision making in the planning system should:

- contribute to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050, contribute to reducing energy consumption and to the development of renewable energy generation opportunities,
- support the achievement of Zero Waste objectives, including the provision of the required waste management installations,
- protect and enhance the cultural heritage,
- protect and enhance the natural environment, including biodiversity and the landscape,
- maintain, enhance and promote access to open space and recreation opportunities,
- take into account the implications of development for water, air and soil quality, and
- support healthier living by improving the quality of the built environment, by increasing access to amenities, services and active travel opportunities, and by addressing environmental problems affecting communities.

38. Decisions on the location of new development should:

- promote regeneration and the re-use of previously developed land,
- reduce the need to travel and prioritise sustainable travel and transport opportunities,
- promote the development of mixed communities,
- take account of the capacity of existing infrastructure,
- promote rural development and regeneration, and
- prevent further development which would be at risk from flooding or coastal erosion.

¹² *One Future – Different Path: The UK's Shared Framework for Sustainable Development* (2005)

39. Decisions on the layout and design of new development should:
- encourage the use of and enable access to active travel networks and public transport,
 - promote the efficient use of land, buildings and infrastructure,
 - encourage energy efficiency through the orientation and design of buildings, choice of materials and the use of low and zero carbon generating technologies,
 - support sustainable water resource management,
 - support sustainable waste management,
 - consider the lifecycle of the development,
 - encourage the use of sustainable and recycled materials in construction, and
 - support habitat connectivity.
40. The settlement strategy set out in the development plan should promote a more sustainable pattern of growth for an area, taking account of the scale and type of development pressure and the need for growth and regeneration. The most effective way to plan for change will depend on many factors, including geography, environmental sensitivities, landscape character and infrastructure capacity.

CLIMATE CHANGE

41. The need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it, is a principal challenge of sustainable economic growth. Section 44 of the Climate Change (Scotland) Act 2009 requires all public bodies to act:
- in the way best calculated to contribute to the delivery of the emissions targets in the Act,
 - in the way best calculated to help deliver the Government's climate change adaptation programme, and
 - in a way that it considers is most sustainable.

The Act sets a target of an 80% reduction in emissions by 2050, with an interim target of a 42% reduction by 2020. Achieving these targets will require coordinated action and a significant commitment to adapting the built environment to reduce energy and other resource requirements, to reducing the need to travel, and to providing for active travel and travel by public transport.

42. The need to help mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system. Development plans should promote a pattern of development which reduces the need to travel and encourages active travel and travel by public transport, taking into account the likely availability of public transport in rural areas. Development plans should also require the siting, design and layout of all new development to limit likely greenhouse gas emissions, particularly by limiting resource and energy requirements.
43. The design of new development should address the causes of climate change by minimising carbon and other greenhouse gas emissions and should include features that provide effective adaptation to the predicted effects of climate change. The changing climate will increase the risk of damage to buildings and infrastructure by flood, storm, landslip and subsidence. Development should therefore normally be avoided in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from the impacts of storms. When designating land for new residential, commercial and industrial development, planning authorities should consider the energy and heat requirements of these new developments. New development should be planned to make use of opportunities for decentralised and local renewable or low carbon sources of heat and power wherever possible.

44. The use of energy efficient, microgenerating and decentralised renewable energy systems will be components in the move towards reducing emissions, but energy efficient design of buildings will make a significant contribution to reducing emissions. Location, siting, orientation, design, materials and insulation are important factors in the energy efficiency of buildings. Under section 72 of the Climate Change (Scotland) Act 2009 local development plans must require all new buildings to be designed to avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies. When preparing such policies, planning authorities should take into account technical constraints which may exist including the availability of appropriate and effective technology and its practical application to different scales of development. Local development plans or supplementary guidance should set out the approach to existing buildings which are being altered or extended including historic buildings, and the approach to applications where developers are able to demonstrate that there are significant technical constraints to using on-site low and zero carbon generating technologies. It is recommended that development plan policies for development involving low and zero carbon generating technologies should accord with the standards, guidance and methodologies provided in building regulations.

SUBJECT POLICIES

ECONOMIC DEVELOPMENT

45. Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:
- taking account of the economic benefits of proposed development in development plans and development management decisions,
 - promoting development in sustainable locations, particularly in terms of accessibility,
 - promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
 - supporting development which will provide new employment opportunities and enhance local competitiveness, and
 - promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

The planning system should also be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

46. Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status. The supply of marketable sites should be regularly reviewed. New sites should be brought forward where existing allocations do not meet current and anticipated market expectations. Where identified sites are no longer considered appropriate or marketable, they should be reallocated for another use through the development plan. The specific needs of different businesses should be taken into account in development plans and development management decisions, including the importance of access to the strategic road and rail network and opportunities for transport by water for manufacturing, warehousing and distribution uses.

47. Development plans should support small business development and growth and promote opportunities for low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity. Planning authorities should adopt a flexible approach to working from home where the amenity of surrounding properties will not be significantly affected. The tourism industry is one of Scotland's largest business sectors and planning authorities should support high quality tourism related development, including the provision of appropriate facilities in key locations across urban and rural Scotland. Some specialist activities such as research and development and knowledge-driven industries require locations where there is high environmental quality and connections to relevant academic and research institutions and similar businesses.
48. High environmental quality can be an important component in attracting investment into an area and can provide important economic opportunities, for example through tourism and recreation. Planning authorities should therefore ensure that new development safeguards and enhances an area's environmental quality and, where relevant, should promote and support opportunities for environmental enhancement and regeneration. Previously developed land (also referred to as brownfield land) is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments. Not all previously developed sites are available in the short term, but areas can be identified where investment in site assembly, remediation, infrastructure and environmental improvement will enable successful development in the longer term. Vacant and derelict land and obsolete commercial and industrial property can act as a constraint on the economic growth of towns and cities. Authorities should therefore adopt a proactive approach to encouraging the reuse of buildings and previously developed land, making use of land assembly and compulsory purchase powers to enable redevelopment opportunities.

Strategic Business Locations

49. Strategic development plans, or local development plans outwith the city regions, should identify an appropriate range of strategic business locations such as mixed developments, business parks, science parks, medium and large industrial sites and high amenity business locations.
50. National planning policy previously identified and safeguarded nine large single user high amenity sites. These sites were identified for their special qualities in terms of location, quality and marketability and were targeted at high technology inward investment. The Scottish Government no longer considers it necessary to identify and safeguard large single user high amenity sites for inward investment through national planning policy.
51. Strategic sites for business use which are of high amenity and accessible by all forms of transport should be identified in strategic development plans, or local development plans outwith the city regions. These sites should be protected from inappropriate uses and development which would compromise their quality, accessibility or marketability as a business location. Given their special characteristics in terms of location, quality and marketability, the previously identified national sites should be considered by planning authorities when identifying and safeguarding strategic high amenity sites, taking into account the potential for sub-division of large sites. The development plan should identify the type and scale of development which may be appropriate for strategic high amenity sites and should specify the quality of development which is required.

TOWN CENTRES AND RETAILING

52. Town centres are a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and planning authorities should support a diverse range of community and commercial activities in town centres. The range and quality of shopping, wider economic and social activity, integration with residential areas and the quality of the environment are key influences on the success of a town centre.

Network of Centres

53. Development plans should identify a network of centres, and explain the role of each centre in the network. The network will, depending on circumstances, include town centres, commercial centres and other local centres, and may take the form of a hierarchy. Within the network the individual role of each centre should support and be supported by the role of other centres. The development plan can also specify a centre's function, for example a centre restricted to the sale of bulky goods. Networks will change over time, therefore any significant changes in the evolving role and function of centres should be addressed through development plans rather than changes being driven by individual applications. Changes to the network of centres should be justified using the results of a health check.
54. To be identified as a town centre a diverse mix of uses and attributes, including a high level of accessibility, should be provided. The contribution of these uses to the qualities of character and identity which create a sense of place and further the well-being of communities should be taken into account. Range and quality of shopping, wider economic and social activity in both the day and the evening, integration with residential areas and the quality of the environment are key elements of successful town centres, and should be supported rather than taking a retail-led approach which can create homogenous centres. Commercial centres are distinct from town centres as their range of uses and physical structure makes them different in character and sense of place. They generally have a more specific focus on retailing or on retailing and leisure uses. Examples of commercial centres include out-of-centre shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres.
55. The network of centres identified in the development plan will provide a context for the assessment of proposals for new development. Where proposals support a centre's role and function, as identified in the development plan, there is no requirement to provide a detailed assessment of need. Investment to maintain and improve commercial centres should be supported where the centres are part of the network and where such investment will not undermine town centres.
56. The development plan should enable gaps and deficiencies in provision of shopping, leisure and other services to be remedied by identifying appropriate locations for new development and regeneration. Commercial realities should be taken into account when development plans are prepared. Planning authorities should be responsive to the needs of town centre uses, identifying suitable and viable sites in terms of size, location and availability within a reasonable time period, indicating how and when constraints could be resolved. Opportunities for improving the physical quality and sustainability of town and commercial centres should also be identified in the development plan, providing the framework for the development of town centre strategies.

Improving Town Centres

57. The planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development. Planning authorities should assess how centres can accommodate development, and relevant opportunities should be identified in the development plan. When considering the format, design and scale of proposals, developers, owners and occupiers should take into account the setting of the centre. This should include considering different built forms for the development, adjusting or sub-dividing large proposals to better fit with existing development, and making use of vacant and under-used land or premises. New development should integrate successfully and create effective links with the surrounding urban fabric. It is essential that town centres provide a high quality, inclusive and safe environment. Well designed public spaces and buildings can improve the health, vitality and economic potential of a town centre.
58. The evening economy should be encouraged and managed in appropriate centres to ensure life and activity outwith usual retail hours. When preparing policies and deciding applications, planning authorities should consider the scale of the developments and their likely impact, including cumulative impact on the character and function of the centre, the amenity of nearby residents and anti-social behaviour and crime.
59. Vitality is a measure of how lively and busy a town centre is. Viability is a measure of capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs. Together these measures give an indication of the health of a town centre and, when used consistently over a period of time as part of a town centre health check, can demonstrate changes in performance that can inform future decision making. A health check measures the strengths and weaknesses of a town centre and analyses the factors which contribute to its vitality and viability. Examples of vitality and viability indicators include:
 - Pedestrian flow (footfall),
 - Prime rental values,
 - Space in use for different town centre functions and how it has changed,
 - Retailer representation and intentions (national multiples and independents),
 - Commercial yield,
 - Vacancy rates, particularly at street level in prime retail areas,
 - Physical structure of the centre, including opportunities and constraints, and its accessibility,
 - Periodic surveys of consumers, and
 - Crime levels.
60. Actions to support improvements in town centres and to create distinctive and successful places are encouraged. Improvements can range from small scale public realm works to assembly of larger scale development sites which aid regeneration. Town centre strategies are key to the delivery of such improvements. Within the context provided by the development plan, a town centre strategy should provide the more detailed framework which enables action to be realised. Town centre strategies should be informed by the outcomes of regular monitoring of town centre performance and should:
 - indicate the capacity for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre,
 - consider the constraints to implementation, for example diversity in site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats,
 - identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Business Improvement Districts or the use of compulsory purchase powers,

- promote new opportunities for development, using master planning and design exercises and taking account of historic and conservation considerations where necessary,
 - consider the potential to reduce impacts on the environment, for example using sustainable urban drainage and combined heat and power systems, and
 - include a monitoring exercise to link back to the health check and to examine the extent to which it resulted in the actual delivery and implementation of an improved town centre environment.
61. All retail, leisure and related developments should be accessible by walking, cycling and public transport. Town and commercial centres should be accessible at all times to all sectors of the community. Accessibility for people and the delivery of goods, and for waste collection, is essential to the success of a town centre. The perception of convenience is also important, for example whether a location is close to homes or places of work and is easily accessible by foot, public transport or car with available short term parking.

Sequential Approach

62. The sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. It should also apply to proposals to expand or change the use of existing developments where proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order:
- town centre,
 - edge of town centre,
 - other commercial centres identified in the development plan,
 - out of centre locations that are or can be made easily accessible by a choice of transport modes.
63. The sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location. Where development for town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses in that centre will not be necessary. Where development proposals in edge of town centre, commercial centre or out-of-centre locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. Out-of-centre locations should only be considered when:
- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,
 - development of the scale proposed is appropriate, and
 - there will be no significant adverse effect on the vitality and viability of existing centres.
- Development plans should indicate whether retail or commercial development may be appropriate outwith existing centres and identify appropriate locations.
64. When a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that:
- the sequential approach to site selection has been used,
 - there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres,
 - the proposal will help to meet qualitative and quantitative deficiencies identified in the development plan, and
 - the proposal does not conflict with other significant objectives of the development plan or other relevant strategy.

65. A retail impact analysis should be undertaken where a retail and leisure development over 2,500 square metres gross floorspace outwith a defined town centre is proposed which is not in accordance with the development plan. An impact analysis may also be necessary for smaller retail and leisure proposals which may have a significant impact on vitality and viability. The impact analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. In carrying out an analysis, a broad-based approach should be adopted. It should not be necessary to attempt detailed calculations or forecasts of a sector's growth as small variations in assumptions can lead to a wide range of forecasts. Authorities and developers should, where possible, agree data and present information on areas of dispute in a succinct and comparable form.

HOUSING

66. The Scottish Government is committed to increasing the supply of new homes and the planning system should contribute to raising the rate of new housebuilding by identifying a generous supply of land for the provision of a range of housing in the right places. The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

Housing Requirements

67. Housing need and demand assessment provides the evidence base for defining housing supply targets in local housing strategies and allocating land for housing in development plans. The Scottish Government's Housing Need and Demand Assessment Guidance sets out the framework that local authorities should follow to develop a good understanding of how local housing markets operate and promotes an integrated approach to assessments by local authority housing and planning services. The assessment should be undertaken at a functional housing market area level and consider the operation of the housing system as a whole, covering all tenures. Where the housing need and demand assessment is considered robust and credible by the Scottish Government, the approach used will not normally be considered at a development plan examination¹³.
68. A housing market area is a geographical area where the demand for housing is relatively self-contained. Local authorities should define the housing market areas that will be used in determining housing requirements by following one of the approaches set out in the Housing Need and Demand Assessment guidance. Housing market areas may significantly overlap and will rarely coincide with local authority boundaries. Local authorities are therefore encouraged to co-operate regionally in housing market partnerships, which may also include other organisations such as housing associations and developers.
69. The Housing (Scotland) Act 2001 requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand. Local housing strategies consider the housing system as a whole and include a housing supply target covering all tenures based on the outcomes of the housing need and demand assessment. The local housing strategy provides the strategic direction for addressing housing need and demand and should inform future investment in housing across a local authority area. The preparation of local housing strategies and development plans should be closely aligned.

Housing Land

70. The delivery of housing through the development plan to support the creation of sustainable mixed communities depends on a generous supply of appropriate and effective sites being made available to meet need and demand, and on the timely release of allocated sites. The scale, nature and distribution of the housing requirement for an area identified in the local housing strategy and development plan should be based on the outcome of the housing need and demand assessment. Wider strategic economic, social and environmental policy objectives should also be taken into

¹³ This policy does not override the provisions of Part 4 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008

account when determining the scale and distribution of the housing requirement and the housing supply target for an area. Planning authorities may, as part of the development plan settlement strategy, direct development to particular locations to achieve desired policy outcomes. In such circumstances the planned level or direction of growth may not reflect past trends.

71. Allocating a generous supply of land for housing in the development plan will give the flexibility necessary for the continued delivery of new housing even if unpredictable changes to the effective land supply occur during the life of the plan. Consideration of the scale and location of the housing land requirement in development plans well ahead of land being required for development should assist in aligning the investment decisions of developers, infrastructure providers and others.
72. In city regions the strategic development plan should identify the housing land requirement for the plan area and indicate where land should be allocated in local development plans to meet requirements up to year 12 beyond the predicted year of plan approval and an indication of the possible scale and location of housing land up to year 20. The strategic development plan should also identify how much of the housing land requirement should be met by site allocations in the local development plan that are capable of development by the end of year 7. This approach builds in up to 2 years for the adoption of local development plans following approval of the strategic development plan. Local development plans should allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of 5 years effective land supply at all times.
73. Outwith the city regions, the local development plan should identify the housing land requirement and allocate a range of sites which are effective or capable of becoming effective to meet these requirements up to year 10 beyond the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. Local development plans outwith city regions should also provide an indication of the possible scale and location of housing land up to year 20.
74. Planning authorities should ensure that sufficient land is available to meet the housing requirement for each housing market area in full, unless there are serious local environmental or infrastructure constraints which cannot be resolved to allow development within the life of the plan. In this situation the authority should consider whether a proportion of the housing requirement should be met in another housing market area within the local authority or strategic development plan area.
75. A supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should manage land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. The housing land audit should be used to monitor the availability of effective sites, the progress of sites through the planning process, and housing completions. Development plans should identify triggers for the release of future phases of effective sites, such as where the housing land audit or development plan action programme indicates that a 5 year effective land supply is not being maintained. More information on housing land audits and effective housing land supply is provided in the Planning Advice Note on Affordable Housing and Housing Land Audits¹⁴.
76. The delivery of housing does not rely solely on the allocation of appropriate land in the development plan. A variety of other factors are important including the planning application and its determination, negotiation of legal agreements, granting of a building warrant and roads construction consent, water and drainage connection, the capacity of the construction industry and the functioning of the housing market. Most of these factors are outwith the direct control of the planning authority. Planning authorities, developers, service providers and other partners in housing provision should work together to both ensure a continuing supply of effective land and to deliver housing. The development plan action programme will be a key tool in the delivery of housing through the planning system.

¹⁴ Due to be published in early 2010

Location and Design of New Development

77. Planning authorities should set out a settlement strategy in the development plan to provide a long term context for development. Key considerations in a settlement strategy are:
- the efficient use of existing buildings, land and infrastructure,
 - accessibility of homes, services, open space and employment opportunities by a range of transport options,
 - co-ordination of housing land release with investment in infrastructure including transport and educational investment, and with other major proposals,
 - the deliverability of the strategy, and
 - the protection and enhancement of landscape, natural, built and cultural heritage, biodiversity and the wider environment, including consideration of flood risk.
78. The Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. The type of development that can be achieved should be considered when sites are being selected. The siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well integrated mix of land uses including well designed homes of different types and tenures. Development plans should encourage and enable the creation of successful places which contribute to the identity of the area. Further policy and advice on design is provided in *Designing Places, Designing Streets* and PAN 67 *Housing Quality*.
79. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.
80. Planning authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and to reduce energy consumption. Redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites. When identifying locations for housing, planning authorities and developers should consider the reuse of previously developed land before development on greenfield sites and should take account of the following factors:
- the potential contribution to the strategy and policies of the development plan and other national and local policy objectives,
 - the relative accessibility of sites by a choice of transport options,
 - the availability of infrastructure, including waste management infrastructure, and education and community facilities,
 - whether development can be achieved within the required time frame,
 - the provision of choice across the housing market area,
 - the design, quality and density of development that can be achieved, and
 - the individual and cumulative effects of the proposed development.
81. Urban capacity studies assess opportunities for further housing development within existing settlements, focusing on previously developed land and conversion of existing buildings, and reviewing land currently allocated for uses other than housing. Planning authorities are encouraged to use urban capacity studies, along with assumptions about the expected output from windfall sites, to inform the settlement strategy. Where possible, planning authorities should involve the private sector in urban capacity studies. The results of the study should be publicly available.

82. Infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.
83. The density of new development should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity.
84. The majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas. Development plans should promote the development of rural communities and aim to support and sustain fragile and dispersed communities through appropriate housing development. In areas where there is a large demand for holiday or second homes, planning authorities should respond to this demand through the housing land allocation. Policy on housing in rural areas is also covered in the rural development section of this SPP.
85. Meeting housing land requirements by extending existing settlements can reduce servicing costs and help to sustain local schools, shops and services. A new settlement may be appropriate if it is justified by the scale and nature of the housing land requirement, and:
- there are physical, environmental or infrastructural constraints to the further growth of existing settlements,
 - it is part of a strategy for promoting rural development and regeneration,
 - it could assist in reducing development pressure on other greenfield land,
 - it can be readily serviced by public transport,
 - it will not have a significant adverse effect on any natural or built heritage interest safeguarded by a national or international designation, and
 - it will not result in other significant environmental disbenefits, for example promoting development in areas of high flood risk.

Where a planning authority considers a new settlement to be a necessary part of its settlement strategy, the development plan should specify its scale and location. Supplementary guidance can address more detailed issues such as design and delivery.

Affordable Housing

86. Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. In some places the market may be able to meet most affordable housing needs but this will not be the case everywhere. Affordable housing may be in the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost housing for sale including plots for self build, and low-cost housing without subsidy. Where the housing need and demand assessment and local housing strategy identify a shortage of affordable housing, it should be addressed in the development plan as part of the housing land allocation. As with market led housing the need for affordable housing should be met, where possible, within the housing market area where it has arisen. Planning authorities may allocate sites specifically for affordable housing to meet requirements identified in the housing need and demand assessment and local housing strategy. This approach is most likely to be appropriate for small-scale sites within or adjoining existing settlements to provide for locally arising needs.

87. The circumstances around provision of affordable housing, including the form that it should take, will vary within and between local authority areas. Where an authority believes that the planning system has a role to play in the provision of affordable housing, the development plan should be clear on the scale and distribution of the affordable housing requirement for the area and should outline what is expected from prospective developers. Detailed policies on how the affordable housing requirement for an area is expected to be delivered, including an indication of any different approaches needed for urban and rural areas, should be set out in supplementary guidance. In rural areas, and increasingly in urban areas, innovative and flexible approaches will be required to deliver affordable houses in suitable numbers. Policies on affordable housing provision should be realistic and take into account considerations such as development viability and the availability of funding. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, the measures which will be used to achieve this should be set out in the supplementary guidance. As far as possible the tenure of housing should not be discernible from its design, quality or appearance.
88. Authorities may seek a percentage affordable housing contribution from developers of new housing developments where this is justified by the housing need and demand assessment and is included in the local housing strategy and development plan. The benchmark figure is that each site should contribute 25% of the total number of housing units as affordable housing. If a different percentage is required locally, justified by the housing need and demand assessment and identified in the local housing strategy and development plan, then the 25% benchmark does not apply. Advice on the range of possible options for provision of affordable housing is provided in the PAN on affordable housing and housing land audits.

Other housing requirements

89. Development plans should address the housing needs of sections of the community such as Gypsies and Travellers and travelling showpeople and consider the need for houses in multiple occupation. Demand for houses in multiple occupation (HMO) has come typically from students, but there is growing demand from other groups including young professionals and migrant workers. Planning authorities should consider the need for HMO accommodation as part of the housing requirement for the area. More information is provided in Circular 8/2009 *Houses in Multiple Occupation*.
90. Gypsies and Travellers have specific housing needs, often requiring sites for caravans and mobile homes. The needs of all Gypsies and Travellers for appropriate accommodation should be considered through the housing needs and demand assessment and local housing strategy. Given the typically transitory nature of Gypsies and Travellers, provision should be made for those communities which are in an area already and those who may arrive at a later date. Planning authorities should identify suitable locations for meeting the needs of Gypsies and Travellers and set out policies about small privately owned sites. Gypsy and Traveller communities should be involved in decisions about sites for their use.
91. Travelling showpeople are a separate community from Gypsies and Travellers, and may have different housing needs. Showpeople require permanent sites for accommodation and storage and maintenance of equipment. The needs of travelling showpeople for appropriate sites should be considered through the housing need and demand assessment and local housing strategy. Travelling showpeople have tended to identify suitable sites themselves and approach planning authorities with proposals. The transient nature of many travelling showpeople means that planning authorities should consider the accommodation needs of those communities in their area already as well as those who may arrive at a later date.

RURAL DEVELOPMENT

92. The planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.
93. The character of rural areas and the challenges they face vary greatly across the country, from remote and sparsely populated regions to pressurised areas of countryside around towns and cities. The strategy for rural development set out in the development plan should respond to the specific circumstances in an area whilst reflecting the overarching aim of supporting diversification and growth of the rural economy. Development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification, whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced. Developments which provide employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.
94. The requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result a cohesive grouping. Modernisation and steadying conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so.
95. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses. In more accessible and densely populated rural areas most new development should be in or adjacent to settlements. In less populated areas, small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
96. It is essential that rural communities have reasonable access to good quality services. Major facilities are usually concentrated in larger settlements, and wherever possible they should be accessible by a range of transport modes including public transport. However, planning authorities should be realistic about the availability or likely availability of alternatives to access by car as not all locations, particularly in remoter areas, can be served by public transport.

Prime Quality Agricultural Land

97. Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available. Small scale development directly linked to rural businesses, including housing, may also be permitted. Renewable energy generation development or minerals extraction may be acceptable where restoration proposals will return the land to its former status. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.

COASTAL PLANNING

98. The coast of Scotland is of national, and in some parts international, significance containing many areas of special landscape and ecological significance. A large proportion of Scotland's population live on or near the coast and it is a major focus for economic activity, recreation and tourism. The sustainable development of coastal areas is an important contributor to sustainable economic growth. Rising sea levels and more extreme weather events resulting from climate change will have a significant impact on coastal areas, and planning policy must respond to these challenges. New land-based development in coastal areas should not normally be permitted where it will require significant new defences against coastal erosion or coastal flooding, unless defences are planned as part of a long term settlement strategy.
99. Statutory planning control under the Town and Country Planning (Scotland) Act 1997 and associated legislation extends to the mean low water mark of ordinary spring tides, and to marine fish farming. A new marine planning system is being introduced through the Marine (Scotland) Bill. The purpose of the marine planning system is to provide a framework for the sustainable development of the Scottish marine area, setting economic, social and marine ecosystem objectives and providing a framework for decision making. A national marine plan will be prepared by the Scottish Government and regional marine plans will be prepared by Marine Planning Partnerships to guide decision making within the marine planning system. The powers of the marine planning system will extend up to the mean high water mark. The terrestrial planning system¹⁵ and the marine planning system are legally and functionally separate but overlap in the inter-tidal area. Planning authorities should work closely with Marine Planning Partnerships and neighbouring authorities to ensure that development plans and regional marine plans are complementary, particularly with regard to the inter-tidal area but also for the wider coastal zone. The landward limit of the coastal zone will vary based on the geographical effects of coastal processes and coastal-related human activity. Integrated Coastal Zone Management (ICZM) is a strategic management process which aims to facilitate an integrated approach to the use, development and protection of resources across the interface between land and sea, and may be of use in addressing the areas and issues in which regional marine plans and development plans have a common interest.
100. Development plans should identify coastal areas likely to be suitable for development, areas subject to significant constraints and areas which are considered unsuitable for development such as the isolated coast. The identification of coastal locations which are suitable for development should be based on a clear understanding of the physical, environmental, economic and social characteristics of the coastal area and the likely effects of climate change.
101. Coastal areas which are likely to be suitable for development include existing settlements and substantial free standing industrial and energy developments, particularly where development is linked to regeneration or the re-use of brownfield land. These coastal areas may also contain internationally and nationally designated nature conservation sites, important cultural heritage resources and valuable areas of open space which should be protected from inappropriate

¹⁵ The term 'terrestrial planning system' is used in this context to describe the statutory planning system defined through the Town and Country Planning (Scotland) Act 1997 and the Planning etc. (Scotland) Act 2006

development. The risks associated with rising sea levels and coastal flooding should be taken into account when identifying areas that are suitable for development. When identifying areas which are appropriate for development, planning authorities should take into account the locational requirements of different types of development, for example ports, Ministry of Defence related development, marine fish farms and other marine industries, land-based development associated with off-shore renewable energy generation or oil and gas production and tourism and recreation related development.

102. Areas subject to significant constraints on new development may include areas at risk from coastal erosion, areas where conservation or enhancement of the natural and historic environment requires development to be limited and locations of value for recreational uses. Areas which are unsuitable for development will include the isolated coast, which is distant from centres of population and lacks obvious signs of development and is of very significant environmental, cultural and economic value. The special characteristics of the isolated coast should be protected, and there is a presumption against development in these areas.
103. Development plans should protect the coastal environment, indicate priority locations for enhancement and regeneration, identify areas at risk from coastal erosion and flooding, and promote public access to and along the coast wherever possible. Where relevant, development plans should also identify areas where managed realignment of the coast may be appropriate, setting out the potential benefits such as habitat creation and new recreation opportunities. Planning authorities should take the likely effect of proposed development on the marine environment into account when preparing development plans and making decisions on planning applications.

FISH FARMING

104. Aquaculture is a nationally important industry, particularly for coastal and island communities, making an important contribution to the rural economy and providing a significant number of jobs, many in remote locations where alternative employment opportunities are limited. The Scottish Government's policy on aquaculture is set out in *A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture*. There are three main components of the fish farming industry – marine finfish farms, shellfish farms and freshwater farms. The statutory planning system covers both freshwater farms and marine farms out to three nautical miles. Circular 1/2007 *Planning Controls for Marine Fish Farming* provides guidance on the Acts, Regulations and Orders relevant to planning controls over marine fish farming. Planning authorities should support the development of new and modified fish farms in appropriate locations. There is a presumption against development of marine finfish farm developments on the north and east coasts to safeguard migratory fish species.
105. Development plans should identify areas which are potentially suitable for new or modified fish farm development and sensitive areas which are unlikely to be appropriate for such development. In potential development areas fish farm development may be appropriate, subject to locational and environmental considerations. Sensitive areas are unlikely to be suitable for fish farm development unless adverse impacts can be adequately mitigated. When designating potential development areas and sensitive areas, planning authorities should take into account carrying capacity, landscape, natural heritage and historic environment interests, potential conflict with other users and other regulatory controlled areas. *Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters* was published by Marine Scotland in 2009. Fish farming framework plans, published as supplementary guidance, can set out a planning authority's approach to fish farm development in specific areas. Supplementary guidance can also be used to provide advice on how the design of fish farms and associated development can minimise landscape and visual impact.

106. Fish farms are likely to require land based facilities and where possible these facilities should be considered as part of or simultaneously with the application for the fish farm. Opportunities for shared use of onshore facilities including jetties, piers and ancillary facilities should be promoted and, wherever possible, access to the foreshore for recreational purposes should not be impeded. Established anchorages and harbours should be safeguarded.
107. When determining planning applications, authorities should take into account the direct and cumulative effects of the proposed development on the environment, including carrying capacity, visual impact and the effects on the landscape, marine historic environment and the sea or loch bed. The needs of local communities and other interests should also be taken into account alongside the economic benefits of the sustainable development of the fish farming industry and the operational needs of fish farms. The capacity of an area to accommodate fish farm development can be considered on a loch or voe wide basis. Where adverse cumulative impacts are significant and cannot be mitigated, planning permission should not be granted. Fish farms can be fitted into their surroundings to avoid or minimise visual intrusion and mitigation strategies should be incorporated into development proposals. Applications should be accompanied by information on the extent of the site, type, number and physical scale of structures, the disposition of structures across the lease area, on-shore facilities, ancillary equipment, lighting and noise impact and proposed restoration following cessation of operations.
108. There are a number of regulatory controls covering fish farming in addition to planning permission, including the rights and interests of the Crown Estate as owners of the seabed. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland. Planning authorities and applicants should engage with other regulators to improve understanding of relevant requirements. Voluntary Codes of Good Practice have been produced by fish farming stakeholders which address a range of issues outwith planning control such as cage and equipment design, security, management and operational practices. These codes provide the basis for certification of standards and practices put forward in support of planning applications for fish farms.
109. There is potential for conflict between fish farming and local fishing interests, including commercial inshore fishing and recreational fishing. The effects of fish farm development on traditional fishing grounds, salmon netting stations and angling interests should be considered. Other uses of the inshore area, such as recreational use, should also be taken into account when identifying potential development areas and sensitive areas in development plans and when determining planning applications. Fish farming is one of a number of activities excluded under Ministry of Defence (MOD) by-laws on controlled areas that are used by the UK, NATO and allied nations for training purposes. The most significant of these areas are the Dockyard Ports of the Gareloch, Loch Long, Loch Goil and Rosyth. Similar prohibitions also exist at the British Underwater Test and Evaluation Centre and the Rona Noise Range. There are also MOD Danger areas and Exercise areas used for firing from shore, ship and aircraft. Mine laying and mine hunting operations around military facilities on the west coast and the presence of submarine exercise areas constrain the provision of fish farm moorings in some areas. Details of these areas are normally indicated on large scale Admiralty Charts or MOD Practice and Exercise Area (PEXA) charts. The MOD also has statutory safeguarding zones surrounding military facilities on land which extend over estuaries and marine areas.

HISTORIC ENVIRONMENT

110. The historic environment is a key part of Scotland's cultural heritage and it enhances national, regional and local distinctiveness, contributing to sustainable economic growth and regeneration. It is of particular importance for supporting the growth of tourism and leisure, and contributes to sustainable development through the energy and material invested in buildings, the scope for adaptation and reuse and the unique quality of historic environments which provide a sense of identity and continuity for communities. Planning authorities can help to

safeguard historic assets through development plans and development management decisions. The Scottish Government's policy on the historic environment and guidance on relevant legislation is set out in the Scottish Historic Environment Policy (SHEP). This SPP, the SHEP and the Managing Change in the Historic Environment guidance note series published by Historic Scotland should be taken into account by planning authorities when preparing development plans and determining applications for listed building consent, conservation area consent or planning permission for development which may affect the historic environment¹⁶. Developers should also take Government policy and guidance on the historic environment into account when forming development proposals. Relevant legislation includes the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Ancient Monuments and Archaeological Areas Act 1979, the Town and Country Planning (Scotland) Act 1997, the Planning etc. (Scotland) Act 2006, the Protection of Wrecks Act 1973¹⁷ and the Protection of Military Remains Act 1986.

111. The historic environment includes ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features. It comprises both statutory and non-statutory designations. The location of historic features in the landscape and the patterns of past use are part of the historic environment. In most cases, the historic environment (excluding archaeology) can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character. However, in some cases the importance of the heritage asset is such that change may be difficult or may not be possible. Decisions should be based on a clear understanding of the importance of the heritage assets. Planning authorities should support the best viable use that is compatible with the fabric, setting and character of the historic environment. The aim should be to find a new economic use that is viable over the long term with minimum impact on the special architectural and historic interest of the building or area.
112. Development plans should provide the framework for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting. Setting is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from around, or areas that are important to the protection of the place, site or building. When preparing development plans or considering development proposals with a potentially significant impact on historic character, planning authorities should consider the capacity of settlements and the surrounding areas to accommodate development without damage to their historic value. Authorities should also consider whether further and more detailed assessment is required to establish the capacity of an area for and its sensitivity to change. Relevant assessments include conservation area appraisals, townscape audits and landscape character assessments. When significant elements of the historic environment are likely to be affected by development proposals, developers should take the preservation of this significance into account in their proposals. The amount of information and analysis required should relate in scale to the possible impact on the historic environment.

Listed Buildings

113. Listed buildings are buildings of special architectural or historic interest. The term building includes structures such as walls and bridges. Listing covers the whole of a building including its interior and any ancillary structures within its curtilage that were constructed before 1 July 1948. Works which will alter or extend a listed building in a way which would affect its character or its setting and demolition works require listed building consent. Works requiring listed building consent may also require planning permission. More information on listed building consent is provided in SHEP. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, when determining applications for planning permission or listed

¹⁶ Circular 9/2009 *Withdrawal and Replacement of the Memorandum of Guidance on Listed Buildings and Conservation Areas*

¹⁷ Changes to legislation on the protection of wrecks are proposed as part of the Marine (Scotland) Bill

building consent, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. There is a presumption against demolition or other works that will adversely affect a listed building or its setting.

114. Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. The resulting development should be of a high design quality, protect the listed building and its setting and be the minimum necessary to enable its conservation and re-use. The new development should be designed to retain and enhance the special interest, character and setting of the listed building.

Conservation Areas

115. Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.
116. Conservation area consent is required for the demolition of unlisted buildings in conservation areas. The merits of the building and its contribution to the character and appearance of the conservation area are key considerations when assessing demolition proposals. Where demolition is considered acceptable, careful consideration should be given to the design and quality of the replacement scheme. More information on conservation area consent is provided in SHEP.
117. Planning authorities are encouraged to undertake conservation area appraisals. Appraisals can assist owners and developers in formulating proposals and should inform development plans and development management decisions. Where necessary planning authorities can put in place Article 4 Directions to increase the protection of an area of historic value. Planning authorities also have powers to preserve trees in conservation areas in the interests of amenity. PAN 71 Conservation Area Management provides good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

Scheduled Monuments and Designated Wrecks

118. Scheduled monuments are archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long term legal protection of the monument in the national interest, in-situ and as far as possible in its existing state and within an appropriate setting. Scheduled monument consent is required for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument. Where works requiring planning permission affect a scheduled monument, the protection of the monument and its setting are important considerations. Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances. More information on scheduled monuments is provided in SHEP.

119. Where planning control extends offshore, planning authorities should ensure that development will not adversely affect the integrity and setting of scheduled wreck sites or wrecks designated under the Protection of Wrecks Act 1973 or the Protection of Military Remains Act 1986.

World Heritage Sites

120. World Heritage Sites are inscribed by UNESCO as cultural and/or natural heritage sites which are of outstanding universal value. Planning authorities should protect World Heritage Sites and their settings from inappropriate development, including relevant policies in the development plan and setting out the factors that will be taken into account when deciding applications for development proposals which may impact on a world heritage site. The immediate setting of a World Heritage Site, important views, and other areas which are important to the site and its protection, should be protected from inappropriate development. The setting of a World Heritage Site is the area around it in which change or development may have an adverse impact on the World Heritage Site.
121. A statement of outstanding universal value is adopted by UNESCO when a site is inscribed, which provides the basis for the effective protection and management of World Heritage Sites. World heritage site management plans should be prepared which summarise the significance of the site and set policies for the protection and enhancement of the site. Planning authorities should consider incorporating the management plan into the development plan as supplementary guidance.

Gardens and Designed Landscapes

122. An Inventory of Gardens and Designed Landscapes of national importance is compiled by Historic Scotland. Planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. Relevant policies should be included in local development plans. The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

Archaeology

123. Archaeological sites and monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on planning applications. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them.

Other Historic Environment Interests

124. There is a range of non-designated historic assets and areas of historical interest, including battlefields, historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in-situ wherever feasible. The effect of new development on these resources should be considered by planning authorities when allocating sites in the development plan and when making decisions on planning applications. Planning authorities should ensure they have access to a Sites and Monuments Record and/or a Historic Environment Record that contains necessary information about known historic environment features and finds in their area.

LANDSCAPE AND NATURAL HERITAGE

125. Scotland's landscape and natural heritage are internationally renowned and important, underpinning significant industries such as the food, drink and tourism industries, and are a key component of the high environmental quality which makes Scotland an attractive place in which to live, do business and invest. Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities should therefore support opportunities for enjoyment and understanding of the natural heritage¹⁸.
126. Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses, and areas of open space are linked together in integrated habitat networks can make an important contribution to the maintenance and enhancement of biodiversity and to allowing ecosystems and natural processes to adapt and respond to changes in the climate. Planning authorities should seek to prevent further fragmentation or isolation of habitats and identify opportunities to restore links which have been broken. Where possible, planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitats.
127. Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. The European Landscape Convention defines landscape as an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors, and makes it clear that all landscapes require consideration and care. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscapes, particularly those affecting communities, should be promoted through the development plan where relevant.
128. The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan.
129. All public bodies, including planning authorities, have a duty to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004, and this should be reflected in development plans and development management decisions. Biodiversity is important because it provides natural services and products that we rely on, is an important element of sustainable development and makes an essential contribution to Scotland's economy and cultural heritage.
130. Linking greenspaces in and around settlements through green networks can deliver benefits for people and nature. By encouraging connectivity between habitats, green networks can improve the viability of species and the health and viability of previously isolated habitats and ecosystems, supporting adaptation to climate change. Development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats in the city regions and in and around other towns and cities. Lochs, ponds, watercourses and wetlands also form valuable landscape features, recreational resources and wildlife habitats and should be protected and enhanced wherever possible both as part of developments and green networks.
131. Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental

¹⁸ The natural heritage of Scotland includes flora, fauna, geological and physiographical features, its natural beauty and its amenity (Natural Heritage (Scotland) Act 1991)

changes, are considered when preparing development plans and deciding planning applications. While the protection of the landscape and natural heritage may sometimes impose constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted. Statutory natural heritage designations are important considerations where they are directly or indirectly affected by a development proposal. However, designation does not necessarily imply a prohibition on development.

132. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.
133. The disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. Where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work.

International Designations

134. Sites classified as Special Protection Areas (SPA) under the Birds Directive¹⁹ and designated as Special Areas of Conservation (SAC) under the Habitats Directive²⁰ form an EU-wide network of protected areas known as Natura 2000. Any development plan or development proposal which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment by the planning authority of the implications for the site's conservation objectives. Development which could have a significant effect on a Natura site can only be permitted where:
 - an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
 - there are no alternative solutions, and
 - there are imperative reasons of overriding public interest, including those of a social or economic nature.
135. Where, in the absence of any alternatives, an authority proposes to approve a plan or project which could adversely affect the integrity of a Natura site for reasons of overriding public interest, Scottish Ministers must be notified and compensatory measures necessary to ensure the overall coherence of the Natura network is protected must be provided. For plans or projects affecting a Natura site where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission via Scottish Ministers is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment. The Scottish Government accords the same level of protection to proposed SACs and SPAs which have been approved by Scottish Ministers for formal consultation.
136. Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

¹⁹ Directive 79/409/EEC on the conservation of wild birds

²⁰ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

National Designations

137. A National Scenic Areas (NSA) is an area which is nationally important for its scenic quality. A Site of Special Scientific Interest (SSSI) is notified for the special interest of its flora, fauna, geology or geomorphological features. A National Nature Reserve (NNR) is an area considered to be of national importance for its nature conservation interests. Development that affects a NSA, SSSI or NNR should only be permitted where:
- it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
 - any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
138. National parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:
- conserve and enhance the natural and cultural heritage of the area,
 - promote sustainable use of the natural resources of the area,
 - promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and
 - promote sustainable economic and social development of the area's communities.

In circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence. The management strategy for each park is set out in the National Park Plan. Development plans within park areas should be consistent with the National Park Plan.

Local Designations

139. International and national designations can be complemented by local designations which protect, enhance and encourage the enjoyment and understanding of locally important landscapes and natural heritage. Local designations should be clearly identified and protected through the development plan. The reasons for designation should be clearly explained and the on-going relevance and function of local designations should be considered when development plans are prepared. Some local designations, such as Local Nature Reserves, are a statutory designation. Other local designations are non-statutory. Planning authorities are encouraged to limit non-statutory designations to two types - local landscape areas and local nature conservation sites. Both statutory and non-statutory local designations should be identified and protected in the development plan and the factors which will be taken into account in development management decision making should be set out. The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.
140. The purpose of designating a local landscape area in the development plan should be to:
- safeguard and enhance the character and quality of landscapes which are important or particularly valued locally or regionally, or
 - promote understanding and awareness of the distinctive character and special qualities of local landscapes, or
 - safeguard and promote important settings for outdoor recreation and tourism locally.
141. When considering whether to designate new local nature conservation sites for their biodiversity or when reviewing existing designations, planning authorities should assess sites against the following factors:
- species diversity, species or habitat rarity, naturalness and extent of habitat,

- contribution to national and local biodiversity objectives,
- potential contribution to the protection or enhancement of connectivity between habitats or the development of green networks, and
- the potential to facilitate enjoyment and understanding of the natural heritage.

Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and other cultural and aesthetic value, particularly for their potential for promoting public awareness and enjoyment.

Protected Species

142. Many species are legally protected and their presence or potential presence is an important consideration in decisions on planning applications. Although their presence rarely imposes an absolute block on development, mitigation measures are often needed and the layout, design and timing of works may be affected. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, their presence must be established, the requirements of the species factored into the planning and design of the development and any likely impact on the species fully considered prior to the determination of the planning application.
143. Planning permission must not be granted for development that would be likely to have an adverse effect on a European protected species²¹ unless the planning authority is satisfied that:
- there is no satisfactory alternative, and
 - the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

In no circumstances can development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

144. Planning permission must not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
145. Applicants should submit supporting evidence for any development meeting these tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to acceptably meet the need identified.

Trees and Woodland

146. Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement. Planning authorities should consider preparing woodland strategies as supplementary guidance to inform the future development of woodland and forestry in their area. Advice on planning for forestry and woodlands will be issued by the Forestry Commission Scotland in early 2010.

²¹ European protected species are species listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)

147. Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks. Where appropriate planning authorities should seek opportunities for new woodland creation and planting of native species in connection with development schemes. 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.
148. The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy²² and this should be taken into account when preparing development plans and deciding planning applications

OPEN SPACE AND PHYSICAL ACTIVITY

149. Access to good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system has a role in helping to create an environment where physical wellbeing is improved and activity made easier. Providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities can support their development. Access to good quality open spaces can encourage people to be physically active and aid health and wellbeing. In settlements, networks of linked, good quality open space are important for their contribution to amenity and their role in nature conservation, biodiversity, recreation and physical activity. Rural areas provide a wide range of outdoor recreation opportunities, many of which are closely linked to the quality of the environment. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation.
150. Statutory access rights under the Land Reform (Scotland) Act 2003 apply to most land and inland water in Scotland, underpinning opportunities for outdoor recreation. Planning authorities should consider access issues and should protect core and other important routes and access rights when preparing development plans and making decisions on planning applications. Authorities should ensure that there is consistency between the development plan, open space strategy, core paths plan²³, local transport strategy and outdoor access strategy. Where relevant, access rights and core path plans should be considered when determining planning applications. New development should incorporate new and enhanced access opportunities, linked to wider access networks. Green networks which provide opportunities for physical activity and access to the outdoors, and increase accessibility within settlements and to the surrounding countryside, should be promoted and safeguarded through the development plan. Regional parks and country parks have a statutory basis and have been designated by local authorities to provide recreational access to the countryside close to centres of population. Planning authorities should take this purpose into account when making decisions that affect them.

Open Space Audits and Strategies

151. Planning authorities should take a strategic and long term approach to managing the open space in their area, assessing both current and future needs and protecting all spaces which can help to meet them. Authorities should undertake an audit of the open space resource in their area and how well it meets the needs of the community. The audit should cover all types of open space,

²² Forestry Commission Scotland [http://www.forestry.gov.uk/pdf/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf)

²³ Prepared under the Land Reform (Scotland) Act 2003

public and privately owned, including spaces owned by schools and voluntary clubs. Informal open space should be assessed as well as parks and formal facilities. The audit should take account of the quality, community value, accessibility and use of existing open space, not just the quantity.

152. Using the information from the audit, authorities should prepare an open space strategy which sets out the vision for new and improved open space and addresses any deficiencies identified. The open space strategy should provide the justification for seeking contributions from developers, and should be taken into account when preparing development plans and deciding planning applications. Open space audits and strategies should be reviewed regularly, linked to development plan preparation. More information on open space audits and strategies and on the role of the planning system in protecting and enhancing open spaces is provided in PAN 65 *Planning and Open Space*.
153. Open spaces which are identified in the open space audit and strategy as valued and functional, or which are capable of being brought into functional use to meet a need identified in the open space strategy, should be identified and protected in the development plan. There is a presumption against development of these open spaces. Open space which is not identified in the strategy but which is valued and functional or contributes to local amenity or biodiversity should also be protected. Only where there is strong justification should open space be developed either partly or fully for a purpose unrelated to use as open space. Justification should include evidence from the open space audit that the development will not result in a deficit of open space provision of that type within the local area and that alternative sites have been considered. Proposals for new open spaces or alterations to open spaces to address deficits or surpluses should be included in the development plan. When a planning authority grants permission for development which would result in or exacerbate a deficit, replacement open space of appropriate type, quantity, accessibility and quality should be provided. Poor maintenance and neglect should not be used to justify development of open space which may otherwise be potentially functional and valued. Local authorities should protect and enhance open space in their ownership. Local authorities have a statutory duty to provide allotments where there is proven demand. Existing, and where relevant potential, allotment sites should be safeguarded in the development plan.
154. Local development plans or supplementary guidance should set out specific requirements for the provision of open space as part of new development and make clear how much, of what type and quality and what the accessibility requirements are. On and off site provision should be considered, depending on the specific site circumstances. Planning authorities and developers should aim to create new open spaces which are fit for purpose, maintained and sustainable over the long term. They should be well designed, built to a high standard and capable of adaptation to reflect changes in the needs and requirements of users. Wherever possible, planning authorities and developers should identify opportunities to create and enhance networks between open spaces and avoid fragmentation. Planning authorities and developers should work together to ensure that proper arrangements are in place for the long term management of any proposed open space, landscaping and other common facilities.
155. Open spaces should be accessible, safe, welcoming, appealing, distinctive and well connected. Within settlements there should be spaces that can be used by everyone regardless of age, gender or disability. Statutory equal opportunities obligations should be taken into account when planning for open space and physical activity. There are two main constraints on accessibility – physical constraints such as distance, degree of personal mobility and severance by roads, railways or other barriers, and social and cultural constraints such as fear of crime and other concerns over personal safety. These issues should be considered in the siting and design of open space. New open space and other facilities should be accessible on foot and bicycle and located where they can be served by public transport. Authorities are encouraged to improve access to existing areas of open space via green networks and paths.

Playing Fields

156. Playing fields are an important resource for sport and should be provided in sufficient quantity, quality and accessibility to satisfy current and likely future community demand. Local authorities are expected to develop a playing fields strategy in consultation with sportscotland as part of the wider open space strategy. Playing fields, including those within educational establishments, which are required to meet existing or future needs should be identified in the local development plan. Playing fields and sports pitches should not be redeveloped except where:
- the proposed development is ancillary to the principal use of the site as a playing field,
 - the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training,
 - the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area, or
 - a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.
157. Where a playing field is no longer required for formal sports use, planning authorities should consider whether the site has other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space. Circular 7/2007 sets out the circumstances under which SportScotland should be consulted on planning applications.
158. Where, through a local facility strategy or playing field strategy, a need has been identified for new indoor or outdoor sports or recreation facilities in an area, the local development plan should identify sites where they can be located. For many sports and recreation developments locations within or close to residential areas will be the most appropriate.

GREEN BELTS

159. The purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:
- direct planned growth to the most appropriate locations and support regeneration,
 - protect and enhance the quality, character, landscape setting and identity of towns and cities, and
 - protect and give access to open space within and around towns and cities.
- Green belt designation should provide clarity and certainty on where development will and will not take place, and can have particular benefit where a co-ordinated approach to settlement planning is required across local authority boundaries. Green belt designation should be used to direct development to suitable locations, not to prevent development from happening. For towns and cities with a distinct character and identity that could be harmed by unplanned growth, the use of green belt designation and relevant policies may help to manage that growth more effectively.
160. Green belts can encircle settlements but can also take other forms including buffers, corridors, coastal strips or wedges. Land should only be designated by a planning authority as green belt where it will contribute to the settlement strategy for an area. Not all greenfield land will be designated as green belt. Most settlements do not have or need green belts because other policies or designations, such as countryside policies, provide an appropriate context for decision making. Green belt designation can be used to prevent the coalescence of settlements;

however there may be circumstances where coalescence would create a more sustainable settlement pattern. Careful consideration should be given to the impact of a green belt on settlements beyond its boundaries as designation may have the effect of transferring pressure for development to locations which may be less sustainable. Green belt designation is not intended to be used to protect natural heritage or safeguard land for major uses such as airports.

161. In city regions, the strategic development plan should establish the need for a green belt, identify its broad area and set the policy for future development within it. Local development plans should establish the detailed boundaries of the green belt and identify types of development which are appropriate within the green belt. Outwith the city regions, the local development plan should establish the need for a green belt, identify specific boundaries and set out the policy for future development within it including the identification of appropriate uses. Where it is considered necessary, the proposed release of land previously designated as green belt should be identified as part of the settlement strategy set out in the development plan.
162. Green belt boundaries identified in local development plans should reflect the long term settlement strategy and ensure that settlements are able to accommodate planned growth. Inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and green belt boundary. Boundaries should also take into account the need for development in smaller settlements within the green belt, and where appropriate leave room for expansion. Green belt boundaries should be clearly identifiable on the ground, using strong visual or physical landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary. Existing settlements should be excluded from green belt designations in development plans, as should existing major educational and research uses, major business and industrial operations, airports and Ministry of Defence establishments.
163. Certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include:
 - development associated with agriculture, including the re-use of historic agricultural buildings,
 - woodland and forestry, including community woodlands,
 - horticulture, including market gardening and directly connected retailing,
 - recreational uses that are compatible with an agricultural or natural setting, and
 - essential infrastructure such as electronic communications infrastructure and electricity grid connections.

Where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form. Intensification of established uses may be appropriate subject to new development being of a suitable scale and form. Many uses will only be appropriate at a low intensity and where any built elements are ancillary to the main use. Public transport and access by walking and cycling will be required for uses that will attract a significant number of visitors. The cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

164. In addition to supporting the management of the long term growth of a settlement, an effectively managed green belt can be an important resource for access to the countryside, providing a range of opportunities for outdoor recreation, education and tourism, and for protecting and enhancing biodiversity, the landscape and the historic environment. However, it is not a designation designed to safeguard natural heritage resources. Wherever possible, green networks within settlements should extend into the green belt.

TRANSPORT

165. Reducing emissions from transport sources as a contribution to achieving Scottish Government greenhouses gas emission targets requires a shift to more sustainable modes of transport. For people this means a shift from car-based travel to walking, cycling and public transport. For goods it means a shift from road to rail and water based transport wherever possible. Tackling congestion will also support sustainable economic growth and reduce emissions. The planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport and freight movement by rail or water, and provides safe and convenient opportunities for walking and cycling. Reductions in emissions will also be achieved through changes in vehicle technology. The planning system should support the installation of infrastructure to support new technologies, such as charging points for electric vehicles.
166. The relationship between transport and land use has a strong influence on sustainable economic growth, and this should be taken into account when preparing development plans and in development management decisions. Authorities should ensure that the local transport strategy and development plan are complementary, and should work with Regional Transport Partnerships to ensure consistency between the development plan and regional transport strategy.
167. The existing transport network, environmental and operational constraints, proposed or committed transport projects and demand management schemes should be taken into account in development plans and development management decisions. When preparing a development plan, planning authorities should appraise the pattern of land allocation, including previously allocated sites, in relation to transport opportunities and constraints based on the current or programmed capacity of the transport network and sustainable transport objectives. Development should be supported in locations that are accessible by walking, cycling and public transport, making best use of or adding to existing networks and creating new networks. Significant travel-generating uses should be in locations which are well served by public transport and the amount of associated car parking permitted should be controlled to encourage more sustainable travel choices. A travel plan is a package of measures aimed at promoting more sustainable travel choices and reducing reliance on the car, and should be encouraged for all significant travel generating developments. Development plans or supplementary guidance should explain when a travel plan will be required in support of an application for planning permission.
168. A transport assessment should be carried out where a change of use or new development is likely to result in a significant increase in the number of trips. The output from transport assessments can also identify potential cumulative effects of development which need to be addressed. Planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where:
 - direct links to walking and cycling networks are not available or cannot be made available,
 - access to public transport networks would involve walking more than 400m,
 - it would have a detrimental effect on the capacity of the strategic road and/or rail network, or
 - the transport assessment does not identify satisfactory mechanisms for meeting sustainable transport requirements.

Recent developments, sites allocated for development in existing plans and unimplemented planning permissions should not set a precedent for the allocation of development sites in unsustainable locations.

169. Opportunities for personal travel should be prioritised by mode in the following order – walking, cycling, public transport, car and other motorised vehicles. Buildings and facilities should be accessible on foot and by cycle. Improvements to active transport networks, such as paths and cycle routes, in urban and rural areas will support more sustainable travel choices. The aim is for

urban areas to be made more attractive and safer for pedestrians and cyclists, including people with mobility difficulties. Cycle routes and, where relevant, cycle parking and storage should be safeguarded and enhanced wherever possible. Statutory equal opportunities obligations relating to accessibility to different users of different means of transport should be taken into account in development plans and development proposals. Accessibility issues and street layout and design should be part of the design and planning processes from the outset.

170. Development plans should identify required new transport infrastructure, including cycle and pedestrian routes. New development areas should be served by public transport accessing a range of potential destinations, or proposals should be put in place to provide public transport. Where enhancement of public transport services or infrastructure is required to serve a new development but would not be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The intended approach to developer contributions linked to the transport implications of a proposed development should be set out in the development plan. Disused railways with a reasonable prospect of re-use for rail, tram or active transport should be safeguarded in the development plan. Planning authorities should be realistic about the likely availability of public transport services in rural areas and innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on rural bus corridors should be promoted.

Parking Policies

171. The availability of parking can have an important influence in reducing reliance on the car. Planning authorities should apply maximum parking standards to on-site parking at new development to encourage modal shift. Parking restraint policies should be supported by measures to promote the availability of high quality public transport services. Authorities should also consider promoting park and ride schemes on commuter routes. Appropriate car and cycle parking should be provided at rail stations to encourage onward travel by rail.
172. In order to provide consistency in the level of maximum parking standard applied to specific types and scales of development, the following national standards have been set:
- Retail (food) (Use Class 1) 1000m² and above – 1 space per 14m²
 - Retail (non-food) (Use Class 1) 1000m² and above – 1 space per 20m²
 - Business (Use Class 4) 2500m² and above – 1 space per 30m²
 - Cinemas (Use Class 11a) 1000m² and above – 1 space per 5 seats
 - Conference Facilities 1000m² and above – 1 space per 5 seats
 - Stadia 1500 seats and above – 1 space per 15 seats
 - Leisure (other than cinemas and stadia) 1000m² and above – 1 space per 22m²
 - High and Further Education (non-residential elements) 2500m² and above – 1 space per 2 staff plus 1 space per 15 students

Where an area is well served by sustainable transport modes, more restrictive standards may be appropriate. In rural areas where public transport is scarce, less restrictive standards may be appropriate. Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

173. Specific provisions should be made for parking for disabled people in addition to general parking. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:
- 3 spaces or 6% (whichever is greater) in car parks up to 200 spaces, or
 - 4 spaces plus 4% in car parks over 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks up to 200 spaces, or
- 6 spaces plus 2% in car parks over 200 spaces.

Strategic Transport Network

174. The strategic transport network, which includes the trunk road, motorway and rail networks, is critical in supporting a level of national connectivity that facilitates sustainable economic growth. The primary purpose of the strategic transport network is to provide for the safe and efficient movement of strategic long distance traffic between major centres, although in rural areas it also performs important local functions. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. If required, mitigation measures should be agreed with Transport Scotland that would, where practicable, achieve no net detriment to safety or in overall performance, including journey times and connections, emissions reduction and accessibility.
175. Providing for the safe and efficient movement of traffic on the strategic road network requires the implications of development proposals on traffic and road safety to be taken into account in development plans and development management decisions. New junctions onto the motorway and trunk road network are not normally acceptable, but the case for such junctions will be considered where significant economic growth or regeneration benefits can be demonstrated. Direct access onto any strategic road should be avoided as far as practicable. Access should be from a secondary road unless there is no alternative.
176. Making best use of current rail services and stations to achieve optimum utilisation of the existing rail network should be considered before new services or stations are considered. The case for a new station will be considered where the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and it will be served by feeder rather than existing inter-urban services.

Airports and Seaports

177. Ports and airports are important economic generators. Scotland's airports, as well as being important transport nodes and supporting wider economic growth, provide a significant number and variety of jobs. Planning authorities and airport operators should work together to address airport masterplan and other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parking, warehousing and distribution services, and other development benefiting from easy access to the airport.
178. Coastal shipping can provide an environmentally friendly means of moving bulk freight. This requires wharves and harbour facilities able to handle and distribute goods. Planning authorities and port operators should work together to address the planning and transport issues arising from port operations. Opportunities for rail access should be safeguarded in development plans. Island and some coastal communities are dependent on ferry services. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and promote interchange with bus and train services.

Freight

179. Efficient freight movement and storage is of significant economic importance. Development plans should allocate sites for manufacturing, processing, distribution or warehousing which are readily accessible to the strategic road network or suitable railheads, wharves and harbours. Development which attracts significant movements of road freight such as large scale

warehousing and distribution depots and some forms of manufacturing should be located away from congested inner urban and residential areas.

180. Planning authorities should consider the need for improved and additional freight transfer facilities, including rail freight interchanges, when preparing development plans. Strategic freight sites are designated by Network Rail and have statutory protection. They should be safeguarded in development plans. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail, including facilities allowing road to rail or water transfer. Access for service vehicles should be taken into account in the design and planning process.

Roadside Facilities

181. Roadside facilities range from lay-bys through to comprehensive service areas. Planning authorities should support the provision of a range of roadside facilities. Existing lorry park facilities should be safeguarded and, if required, development plans should provide for additional overnight lorry parking related to the trunk road network and at other locations where there is a high volume of lorry traffic. Off road lorry parking provision should include provision of refreshment, WC and shower facilities and should be covered by CCTV.

RENEWABLE ENERGY

182. The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources. These targets are not a cap. Hydro-electric and onshore wind power are currently the main sources of renewable energy supplies. This is expected to continue but will increasingly be part of a wider renewables mix as other technologies become commercially viable. Other technologies which may contribute include biomass, solar, energy from waste and landfill gas and offshore wind, wave and tidal power generation. Production of heat and electricity from renewable sources will also make an important contribution both at a domestic scale and through decentralised energy and heat supply systems including district heating and biomass heating plants for businesses, public buildings and community/housing schemes.
183. There is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable way.
184. Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits. Development plans should support the wider application of medium and smaller scale renewable technologies such as decentralised energy supply systems, community and household projects. Development plans should also encourage microgeneration projects including those associated with or fitted to existing buildings.
185. Planning authorities should ensure that the development plan or supplementary guidance clearly explain the factors that will be taken into account in decision making on all renewable energy generation developments. Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

186. When granting planning permission, authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations, and should consider financial guarantees through a section 75 agreement. A range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments. These can include community trust funds. Such benefit should not be treated as a material consideration unless it meets the tests set out in Circular 1/2010 *Planning Agreements*.

Wind Farms

187. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions. The criteria will vary depending on the scale of development and its relationship to the characteristics of the surrounding area, but are likely to include:

- landscape and visual impact,
- effects on the natural heritage and historic environment,
- contribution of the development to renewable energy generation targets,
- effect on the local and national economy and tourism and recreation interests,
- benefits and disbenefits for communities,
- aviation and telecommunications,
- noise and shadow flicker, and
- cumulative impact.

The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

188. When considering cumulative impact, planning authorities should take account of existing wind farms, those which have permission and valid applications for wind farms which have not been determined. Decisions should not be unreasonably delayed because other schemes in the area are at a less advanced stage in the application process. The weight that planning authorities attach to undetermined applications should reflect their position in the application process. Cumulative impact will largely relate to the scale and proximity of further development. The factors that will be taken into account when considering cumulative impact should be set out in the development plan or supplementary guidance.
189. Planning authorities should set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity. Authorities may incorporate wind farms of less than 20 megawatts generating capacity in their spatial framework if considered appropriate. Planning authorities should continue to determine applications for wind farms while local policies are being updated. The spatial framework should identify:
- areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development,
 - areas with potential constraints where proposals will be considered on their individual merits against identified criteria, and

- areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria.

Spatial frameworks should not be used to put in place a sequential approach to determining applications which requires applicants proposing development outwith an area of search to show that there is no capacity within areas of search.

190. When identifying areas with potential constraints on wind farm development, planning authorities should consider the following:

- the historic environment,
- areas designated for their regional and local landscape or natural heritage value,
- tourism and recreation interests,
- likely impacts on communities, including long term and significant impact on amenity,
- impact on aviation and defence interests, particularly airport and aerodrome operation, flight activity, tactical training areas, aviation and defence radar and seismological recording, and
- impact on broadcasting installations, particularly maintaining transmission links.

A separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place. Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value.

191. Having identified areas requiring significant protection and other potential constraints on wind farm development, planning authorities should identify areas of search where there are no significant constraints on development. Within these areas of search, sites may be constrained by:

- other natural heritage interests, including habitats of high nature conservation value,
- project viability, including wind speed, site access, ground suitability and other environmental factors, and
- grid capacity.

Existing and approved grid capacity should be maximised wherever possible. However, grid constraints should not be used as a development constraint where renewable energy potential exists.

Off-shore Renewable Energy Generation

192. Off-shore renewable energy generation presents significant opportunities to contribute to the achievement of Government targets. Although the planning system does not regulate off-shore development, it is essential that development plans take into account the infrastructure and grid connection needs of the off-shore renewable energy generation industry. Development plans should identify appropriate locations for facilities linked to the manufacture, installation, operation and maintenance of off-shore wind farms and wave and tidal devices.

Other Renewable Energy Sources

193. The location of large scale biomass plants will be determined by a number of factors including the economic costs of transporting fuel materials from source, the availability of feedstock during the year, the location of the end user and the scale of the plant. In some locations there

will already be an adequate supply of feedstock from managed woodlands and secondary sawmill products which can be accessed immediately. Further options could be provided by growing energy crops and expanding woodland types in other areas. Development plans should identify sites with the potential to accommodate biomass plants which can be supplied from locally available resources, and should identify the factors that will be considered when making decisions on planning applications, including amenity, air quality and transport issues.

194. The scope for major new hydro-electric schemes is likely to be limited but there may be an increasing number of proposals for small run-of-river projects. Development plans should identify the issues which will be taken into account in decision making on hydro-electric schemes such as impacts on the natural and cultural heritage, water environment, fisheries, aquatic habitats and amenity, and relevant environmental and transport issues. Hydro-electric schemes are covered by the Water Environment (Controlled Activity) Regulations 2005 and therefore require consent from SEPA before work can commence.
195. A variety of technologies can generate energy from waste directly or indirectly through incineration or processing waste into a fuel which can be used elsewhere. Industrial sites with the potential for connection to the electricity grid or other possible users are likely to be suitable locations for energy from waste plants. Location will also be influenced by the source of the waste used. Development plans should identify appropriate sites and the factors that will be taken into account when making decisions on planning applications.

FLOODING AND DRAINAGE

196. Flooding is a natural process which cannot be prevented entirely, but it can be managed to reduce its social and economic consequences and to safeguard the continued functioning of services and infrastructure. Some locations are already susceptible to intermittent flooding and climate change is expected to worsen the situation. Inadequate drainage infrastructure also increases the risk of flooding. Planning authorities must take the probability of flooding from all sources – (coastal, fluvial (water course), pluvial (surface water), groundwater, sewers and blocked culverts) and the risks involved into account when preparing development plans and determining planning applications.
197. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. Alterations and small scale extensions are generally outwith the scope of this policy, provided they are unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. The area of impermeable surface should be kept to a minimum in all new developments.
198. Prospective developers should take flood risk into account before committing themselves to a site or project. The responsibility of the planning authority is to have regard to the risk of flooding when preparing development plans and determining the planning applications, but this does not affect the liability position of applicants and occupiers who have responsibilities for safeguarding their property. Planning authorities should avoid any indication that a grant of planning permission implies the absence of flood risk.

Flood Risk Management (Scotland) Act 2009

199. The Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a sustainable and risk-based approach to managing flooding. This includes the preparation of assessments of the likelihood and impacts of flooding, and catchment focused plans to address these impacts. By 2015 flood risk management plans will be in place across Scotland which should then be taken into account when development plans are prepared.
200. Although ultimate responsibility for avoiding or managing flood risk still lies with land and property owners, certain public bodies are expected to take a proactive role in managing and,

where achievable, lowering overall flood risk. The Flood Risk Management (Scotland) Act 2009 places a duty on Scottish Ministers, SEPA, local authorities, Scottish Water and other responsible authorities to exercise their functions with a view to managing and reducing flood risk and to promote sustainable flood risk management. The main elements of flood risk management relevant to the planning system are assessing flood risks and undertaking structural and non-structural flood management measures.

201. Section 42 of the Flood Risk Management (Scotland) Act 2009 will, once commenced, amend the Town and Country Planning (Development Management Procedure) Regulations (Scotland) 2009 so that planning authorities will require applicants to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding.

Flood Risk

202. All land is to some degree susceptible to flooding. The likelihood of a site being flooded is measured in terms of probabilities per annum, which range from very low (close to 0% probability) to very high (up to 100% probability). Even in areas generally free from flooding, local conditions and exceptional rainfall can lead to flooding. It is therefore not possible to set planning policy and determine applications solely according to the calculated probability of flooding. Developers and planning authorities should take a precautionary approach in taking decisions when flood risk is an issue. SEPA currently provides indicative flood risk maps as a basis for identifying some flood risk areas arising from fluvial and tidal sources. Flood risk from other sources such as rising groundwater, surface water and drainage systems should also be considered.
203. Functional flood plains store and convey flood water during times of flood. These functions are important in the wider flood management system. For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere. Built development should only take place on functional flood plains where it will not affect the ability of the flood plain to store and convey water, where the development will not be at risk of flooding and where the development will not increase the risk of flooding elsewhere. Piecemeal reduction of the flood plain should be avoided because of the cumulative effects of reducing storage capacity. There may be exceptions for infrastructure if a specific location is essential for operational reasons or it cannot be located elsewhere. In such cases, the development should be designed to remain operational in times of flood and not impede water flow, and the effect on the flood water storage capacity should be kept to a minimum. Development should not take place on land that could otherwise contribute to managing flood risk, for instance through managed coastal realignment, washland creation or as part of a scheme to manage flood risk.

Risk Framework

204. To provide a basis for planning decision making relating to flood risk, the following risk framework divides flood risk into three categories and outlines an appropriate planning response. The calculated probability of a flood occurring should be regarded as a best estimate and not a precise forecast. The annual probabilities referred to in the framework below relate to the land at the time a planning application is made or a development plan is prepared. In applying the risk framework, developers and planning authorities should also take into account:
- the characteristics of the site,
 - the use and design of the proposed development,
 - the size of the area likely to flood,
 - depth of water, likely flow rate and path, rate of rise and duration,
 - existing flood prevention measures – extent, standard and maintenance regime,
 - the allowance for freeboard,

- cumulative effects of development, especially the loss of flood storage capacity,
- cross boundary effects and the need for consultation with adjacent authorities,
- effects of a flood on access including by emergency services,
- effects of a flood on proposed open spaces including gardens, and
- the extent to which the development, its materials and construction are designed to be water resistant.

RISK FRAMEWORK

Little or No Risk – annual probability of watercourse, tidal or coastal flooding is less than 0.1% (1:1000)

- No constraints due to watercourse, tidal or coastal flooding.

Low to Medium Risk Area – annual probability of watercourse, tidal or coastal flooding in the range 0.1% - 0.5% (1:1000 – 1:200)

- These areas will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%) or where the nature of the development or local circumstances indicate heightened risk. Water resistant materials and construction may be required depending on the flood risk assessment. Subject to operational requirements, including response times, these areas are generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure must be located in these areas or is being substantially extended it should be capable of remaining operational and accessible during extreme flooding events.

Medium to High Risk – annual probability of watercourse, tidal or coastal flooding greater than 0.5% (1:200)

- Generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy. The policy for development on functional flood plains applies. Land raising may be acceptable.
- If built development is permitted, appropriate measures to manage flood risk will be required and the loss of flood storage capacity mitigated to produce a neutral or better outcome.
- Within built up areas, medium to high risk areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist, are under construction or are planned as part of a long term development strategy. In allocating sites, preference should be given to those areas already defended to required standards. Water resistant materials and construction should be used where appropriate.
- In undeveloped and sparsely developed areas, medium to high risk areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons, e.g. for navigation and water based recreation uses, agriculture, transport or some utilities infrastructure and an alternative lower risk location is not achievable. Such infrastructure should be designed and constructed to remain operational during floods. These areas may also be suitable for some recreation, sport, amenity and nature conservation uses provided adequate evacuation procedures are in place. Job-related accommodation (e.g. caretakers and operational staff) may be acceptable. New caravan and camping sites should not be located in these areas. If built development is permitted, measures to manage flood risk are likely to be required and the loss of flood storage capacity minimised. Water resistant materials and construction should be used where appropriate.

205. The settlement strategy set out in the development plans should take account of the potential risks from flooding. Local development plans should:

- identify sites or areas constrained by flood risk on the basis of the risk framework,
- safeguard the flood storage and conveyancing capacity of functional flood plains,
- indicate circumstances where a freeboard allowance²⁴ should apply,
- indicate when a drainage assessment will be required because of flood risk, and
- indicate when water resistant materials and forms of construction will be appropriate.

If relevant, local development plans could also identify where the promotion of managed coastal realignment or other measures could contribute to more a sustainable approach to flood management. Strategic development plans should, where appropriate, identify the major areas of the flood plain and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals and relevant drainage capacity issues.

Flood Protection and Flood Risk Management Measures

206. Flood protection measures are designed to protect against a specified height of flood water. The measures can reduce the probability of flooding but cannot eliminate it entirely. In areas protected by existing flood protection measures, brownfield development will generally be acceptable provided the defences are adequate and properly maintained. A development which requires additional flood protection measures will normally only be acceptable outside or adjoining the boundary of medium to high risk areas. Where flood protection measures will be necessary to enable a development to proceed, a thorough justification including an examination of alternative options should be provided. Elevated buildings on structures such as stilts are unlikely to be acceptable.

207. Flood risk management measures should target the sources and pathways of flood waters and the impacts of flooding. Where possible, natural features and characteristics of catchments should be restored so as to slow, reduce or otherwise manage flood waters. Flood risk management measures should avoid or minimise detrimental effects on the ecological status of the water environment. In all cases opportunities for habitat restoration or enhancement should be sought. Proposals for development which would require new flood risk management measures should only be promoted through the development plan.

Landraising

208. Landraising, which involves permanently elevating a site above the functional flood plain, may have a role in some circumstances. Proposals for landraising should:

- be linked to the provision and maintenance of compensatory flood water storage to replace the lost capacity of the functional flood plain,
- have a neutral or better effect on the probability of flooding elsewhere, including existing properties,
- not create a need for flood prevention measures elsewhere,
- not create islands of development but should adjoin developed areas outwith the functional flood plain, and
- be set back from the bank of the watercourse.

Major proposals for landraising should be promoted through the development plan. Once complete, the land created by landraising will no longer be part of the functional flood plain. Engineering operations for landraising are a controlled activity under the Water Environment and Water Services (Scotland) Act 2003 and approval is required from SEPA before works can commence.

²⁴ Freeboard allowance is a height added to the predicted level of a flood to take account of the height of any waves or turbulence and the uncertainty in estimating the probability of flooding

Drainage and Culverts

209. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water from new development to be treated by a sustainable drainage system (SUDS) before it is discharged into the water environment, except for single houses or where the discharge will be into coastal water. The aim of SUDS is to mimic natural drainage, encourage infiltration and attenuate both hydraulic and pollutant impacts to minimal adverse impacts on people and the environment. Surface water drainage measures proposed as part of a planning application should have a neutral or better effect on the risk of flooding both on and off the site. Where flooding is an issue, SUDS should be designed to mitigate the adverse effects of a storm inflow into the watercourse or sewer. Local development plans should incorporate the legal requirement for SUDS, promote a coordinated approach to SUDS between new developments and set out expectations in relation to the long term maintenance of SUDS. Planning permission should not be granted unless the proposed arrangements for surface water drainage are adequate and appropriate long term maintenance arrangements will be in place.
210. Sites identified as appropriate for development can sometimes be constrained by a lack of water supply or waste water infrastructure capacity. If a proposed development is considered acceptable in a location where the current water or drainage infrastructure would be insufficient, stakeholders should work together to identify the best practicable option to accommodate the development. For large scale development proposals in areas where drainage is already constrained or otherwise problematic or if there would be off-site effects, a comprehensive drainage assessment will be required. Drainage assessments cover both surface and foul water.
211. Culverts are a frequent cause of local flooding, particularly if design or maintenance is inadequate. Watercourses should not be culverted as part of a new development unless there is no practical alternative, and existing culverts should be opened whenever possible. If culverts are unavoidable, they should be designed to maintain or improve existing flow conditions and aquatic life. A culvert may be acceptable as part of a scheme to manage flood risk or where it is used to carry a watercourse under a road or railway.

WASTE MANAGEMENT

212. The Scottish Government has adopted Zero Waste as a goal. This means eliminating the unnecessary use of raw materials, sustainable design, resource efficiency and waste prevention, reusing products wherever possible, and recovering value from products when they reach the end of their lives either through recycling, composting or energy recovery, in accordance with the waste hierarchy. Policy on waste management is driven by European and national legislation including the EU Waste Framework Directive²⁵ and the Landfill (Scotland) Regulations (2003). The Scottish Government has targets for municipal waste including:
- increasing the proportion recycled or composted to 40% by 2010, 50% by 2020 and 70% by 2025,
 - a 5% limit on landfill of municipal waste by 2025,
 - to stop the growth in municipal waste by 2010, and
 - 25% limit on energy from mixed municipal waste.

Achieving these targets will require a reduction in the amount of waste produced and a significant increase in waste management infrastructure. Additional capacity will also be required to treat commercial and industrial waste. The planning system has a crucial role in ensuring that installations are delivered in time to allow waste management targets to be met. A significant commitment to enabling the development of new waste management infrastructure through the planning system is required.

²⁵ Directive 2008/98/EC

213. A sustainable approach to waste management planning relies on a number of objectives including those reflected in the Zero Waste Plan and the waste hierarchy, reduced reliance on landfill and the precautionary and proximity principles. The waste hierarchy favours prevention over reuse, recycling, recovery then disposal. The proximity principle requires waste to be dealt with as close as possible to where it is produced. This means taking local responsibility for the treatment and disposal of waste. Planning for waste management infrastructure to meet all waste needs within each local authority area is a key part of fulfilling this responsibility. An authority may also fulfil this responsibility by working with other authorities to develop shared strategic waste infrastructure.
214. A significant increase in the number, range and type of waste management installation is needed to manage municipal, commercial and industrial waste. Composting facilities, transfer stations, materials recycling facilities, and anaerobic digestion, mechanical, biological and thermal treatment plants are the main types of installation that are required. From 2010, the need for and required capacity of facilities will be established in the Zero Waste Plan²⁶. Until then, capacity requirements should be informed by the National Waste Plan, Area Waste Plans, the objectives of the Business Waste Framework and information held by SEPA, including quarterly local authority and operators' returns and the annual Waste Data Digest. Authorities should also take into account potential future capacity requirements.
215. All development plans must identify appropriate locations for required waste management facilities, where possible allocating specific sites, and provide a policy framework which facilitates the development of these facilities. Advice on identifying sites and assessing suitability is provided in PAN 63 *Waste Management Planning*. Detailed information on types of waste management facilities is available in *Planning for Waste Management Facilities*²⁷. Authorities within area waste plan areas should coordinate their approach to waste management planning policy and land allocations. Residential, commercial and industrial properties should be designed to provide for waste separation and collection. Waste management should be incorporated into masterplans or development briefs guiding the development of major sites.

Locations for New Facilities

216. Modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Locations which are appropriate for industrial or storage and distribution uses are therefore also appropriate for many waste management installations. Other locations should also be considered when allocating sites in the development plan for specific waste management facilities, for example former mineral workings. In keeping with the proximity principle, towns and cities will often be the best locations for new waste transfer, separation and handling installations. Accessibility is a key consideration for all waste management facilities. Locations for new installations, for community composting and bring facilities should be identified in development plans or supplementary guidance. Where facilities of more than local importance are required, taking account of economies of scale, authorities should work together to identify appropriate locations. Existing waste handling installations should be safeguarded in development plans and allocations on adjacent sites should not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.
217. Planning authorities should consider the need for buffer zones between sensitive receptors (for example, houses) and some waste management facilities. A 250m buffer may be appropriate for operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant. 100m may be appropriate for recycling facilities, small scale thermal treatment or leachate treatment plant. Greater separation distance may be appropriate for landfill sites. Appropriate buffer zones will depend on the specific characteristics of individual sites.

²⁶ The Zero Waste Plan will be published in 2010. Until then the National Waste Plan and Area Waste Plans provide information on need for a required capacity of facilities

²⁷ *Planning for Waste Management Facilities Research Study*, ODPM, 2004

Appropriately located, well run and well regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Further advice on health impacts is available from SEPA and in the Review of the Environmental and Health Effects of Waste Management (DEFRA). Where large scale waste management facilities are proposed close to communities, planning authorities and developers should work closely with communities to identify and address their concerns.

218. Development plans should also identify suitable sites for the processing of construction and demolition wastes. Suitable sites could include existing minerals workings or industrial sites. The Site Waste Management Plan voluntary code of practice aims to minimise waste at source on construction sites. Planning authorities should consider requiring the preparation of SWMPs as a condition of planning permission.
219. When locations for thermal treatment plants are being considered, the sensitivity of surrounding uses should be taken into account. Thermal treatment technology is more beneficial if it delivers both heat and power. Siting of plant close to energy grids or users of heat is an important factor in determining appropriate locations for installations capable of being run as combined heat and power (CHP) plants. More information on thermal treatment plants is provided by SEPA in *Thermal Treatment of Waste Guidelines 2009*.
220. With operational control regulated by SEPA, development plans and consideration of applications for planning permission relating to waste management facilities should:
 - focus on whether the development itself is acceptable rather than on control of the processes or waste streams involved,
 - consider only the aspects of operations enforceable under planning control to minimise impacts on the environment, transport network and local communities, and
 - secure decommissioning or restoration to agreed standards.

Operational impact and transport are important considerations when considering proposals for new waste management facilities. Depending on the facility, noise, effect on water resources, landscape and visual impact and the impact on the natural and historic environment may also be relevant considerations.

Landfill

221. Landfill will continue to be required for residual waste and planning authorities must safeguard potential landfill sites in the development plan. The Landfill (Scotland) Regulations 2003 state that planning permission may be granted for a landfill only if the following locational requirements have been considered:
 - the distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites,
 - the existence of groundwater, coastal water or nature protection zones²⁸ in the area,
 - the risk of flooding, subsidence, landslides or avalanches on the site, and
 - the protection of the natural or cultural heritage in the area.
222. Planning authorities should ensure that new landfill sites or extensions to existing landfill sites do not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape. This will be particularly important if there are already two or more operational or consented sites that could raise similar impacts within 5km of a nearby settlement. Such sites could include minerals or opencast coal sites. Applicants should assess the likely cumulative impacts of additional landfill, including

²⁸ Nature protection zone means land which has been notified under section 28 of the Wildlife and Countryside Act 1981 or a European site within the meaning of Regulation 10(1) of the Conservation (Natural Habitats &c) Regulations 1984

consideration of site design, increases in road traffic, period and intensity of disturbance to settlements and the length of time and level of landscape impact. Developers should indicate what measures will be taken to mitigate likely cumulative impacts, and if adverse cumulative impacts cannot be mitigated adequately, permission should be refused. This policy on cumulative impact also applies to mineral extraction sites and opencast coal sites.

223. Once landfill working has ceased, the site should be restored at the earliest opportunity. After-uses that result in environmental improvement rather than simply restoring land to its previous state or which add to the cultural, recreational or environmental assets of an area are encouraged. Restoration should be designed and implemented to the highest standards. The need to avoid creating new or increased bird strike hazards should be considered in statutory bird strike safeguarding zones. For more information see Circular 2/2003 *Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas*. Planning authorities should ensure that consents are associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.
224. Land raising has a permanent effect on the landscape and may therefore be most suited to derelict or otherwise degraded sites as a means of rehabilitation. Otherwise, and especially in areas designated for their landscape qualities, it is unlikely to be acceptable unless there are no suitable alternatives. Structural landscaping and planting are likely to be essential components of land raising, together with the use of existing landscape features. The flood management implications of land raising should be taken into account.

MINERALS

225. An adequate and steady supply of minerals is essential to support sustainable economic growth. The minerals industry provides raw material for construction, manufacturing, agriculture and other sectors. Continuity of supply to meet demand depends on the availability of land with workable deposits having planning permission for extraction.
226. Planning authorities should have regard to the availability, quality, accessibility and requirement for mineral resources in their area when preparing development plans. Authorities should liaise with operators and neighbouring planning authorities and use verifiable sources of information to identify appropriate search areas. These search areas, or where appropriate specific sites, should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out. The same safeguarding principles should apply to land allocated for development which is underlain by minerals and where prior extraction of the mineral would be beneficial. When preparing development plans, authorities should consider the appropriateness of existing search areas. Where there is no developer interest, planning authorities should modify or delete the search area from the plan, taking into account possible long term requirements, the need to avoid sterilisation of resources and the views of the industry. Where there is a concentration of mineral resources, a minerals subject local development plan may be the appropriate means of setting out relevant policies, proposals and opportunities.
227. Planning authorities should ensure a landbank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas. Where market areas for construction aggregates extend across local authority boundaries, authorities should work together to ensure an adequate supply of minerals can be provided. This is particularly important in the city regions.
228. Scotland contains a number of non-aggregate construction, industrial and metalliferous minerals including limestone, clay, dimension stone, slate and silica sands. Planning authorities should safeguard these resources and provide for their working. Limestone resources at Beith should continue to be safeguarded. Dimension stone and slate are important for repair of existing buildings and as a new building material. The demand for and scarcity of consented reserves of

building stone means that reserves should be safeguarded in development plans. Reopening dormant and securing active sites is important in providing for future supply. As building stone reserves are often worked on small sites, in limited quantities and intermittently, planning authorities should ensure that conditions do not impose undue restrictions on such operations. Where brick clay and fireclay is associated with coal-bearing strata, the policy on opencast coal applies. Policy on mineral extraction should be applied to proposals for deep coal mining. Planning authorities should decide, in consultation with local communities, whether they intend to identify locations for coastal exporting quarries in the development plan. Planning authorities should also facilitate the recycling and re-use of material in waste tips and construction and demolition wastes at appropriate general industrial locations or minerals sites.

229. Small workings, sometimes called borrow pits, commonly associated with roads and wind farm construction, forestry or agriculture, allow for the extraction of minerals near to or on the site of the associated development. Applicants will need to demonstrate the particular operational, community or environmental benefits of such proposals. They should be time-limited consents, tied to a particular project and accompanied by full restoration proposals.
230. Commercial peat cutting raises particular environmental concerns, and will only be acceptable in areas of degraded peatland which has been significantly damaged by human activity and where the conservation value is low and restoration is not possible. All areas of peatland that retain a high level of natural heritage conservation interest, archaeological interest or are of value as carbon stores should be protected through development plans and development management decisions.
231. Development plans and development management decisions should aim to minimise significant negative impacts from minerals extraction on the amenity of local communities, the natural heritage and historic environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction. Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. Wherever possible, haulage should be by rail, or coastal or inland shipping, rather than by road. Where there are significant transport impacts on local communities, routes which avoid settlements as far as possible should be identified. Advice on mineral workings is provided in PAN 50 Controlling the *Environmental Effects of Surface Mineral Workings*, PAN 50 Annexes A-D and PAN 64 *Reclamation of Surface Mineral Workings*.
232. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with proposals for appropriate control, mitigation and monitoring. When deciding planning applications for extraction, planning authorities should consider:
 - disturbance and disruption from noise, blasting and vibration, and potential pollution of land, air and water,
 - effect on communities,
 - effect on the local and national economy,
 - cumulative impact (see paragraph 222),
 - impact on the natural heritage and historic environment, including landscape and/or habitats benefits associated with the restoration and aftercare proposals,
 - landscape and visual impact,
 - the benefits of restoration proposals which remediate areas of dereliction or land instability,
 - transport impacts, and
 - restoration and aftercare proposals.
233. Authorities should not impose standard buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise and the mitigation that can be implemented.

Planning authorities should ensure that arrangements are in place to monitor the conditions attached to planning permissions. Authorities are required to review the conditions attached to mineral permissions every 15 years, providing an opportunity to ensure that up-to-date operating and environmental standards are put in place. Guidance is provided in Circular 34/1996 *Environment Act 1995 Section 96* and Circular 1/2003 *The Environmental Impact Assessment (Scotland) Amendment Regulations 2002 Review of Old Mineral Permissions*.

234. To offset impact on local communities, benefits in the form of new community facilities or community trust funds may be proposed by the developer or suggested by the planning authority. Such benefits should only be treated as a material consideration if they meet the tests set out in Circular 1/2010 *Planning Agreements*. Attempts to secure unreasonable provision not directly related to the proposed development or securing general benefits for the wider community should not be taken into account in decision making on planning applications.
235. Planning authorities should require operators to incorporate proposals for phased working and if applicable progressive restoration in planning applications. Proposals should also address visual impact during the life of the site, the locational impact of operations, design, layout and phasing and the appropriate management of extractive waste. Once mineral working has ceased, the land should be reinstated at the earliest opportunity. Operators are encouraged to consider after uses that result in environmental improvement rather than simply restoring land to its previous state. Planning authorities should encourage after uses which add to the cultural, recreational or environmental assets of an area. Restoration should be designed and implemented to the highest standards. The need to avoid creating new or increased bird strike hazards should be considered in statutory bird strike safeguarding zones. For more information see Circular 2/2003 *Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas*. Planning authorities should ensure that consents are associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient. This could include reliance on an established and properly funded industry guarantee scheme. Financial guarantees need to reflect the scale and type of mineral extraction proposed and avoid imposing costs on operators beyond that necessary.

ON-SHORE OIL AND GAS EXTRACTION

236. Secure energy supplies are an important objective of the Scottish Government, and whilst there is a clear need for a reduction in emissions associated with the use of fossil fuels, oil and gas are expected to have a role in achieving diverse and sustainable supplies of energy. The oil and gas industry is one of Scotland's biggest employers and a significant contributor to the Scottish economy and, in addition to off-shore extraction, there is potential for on-shore oil and gas extraction in some areas. The aim is to maximise the potential of Scotland's oil and gas reserves in an environmentally acceptable manner as part of a strategy for achieving safe, secure and indigenous energy supply. On-shore oil and gas extraction is licensed by the UK Government through Petroleum Exploration and Development Licences (PEDL)²⁹. Licences have been granted for several areas in central Scotland. The methods of on-shore oil and gas extraction covered by this policy are:
 - conventional on-shore oil and gas development – extraction of petroleum or hydrocarbon oils and gases by drilling and pumping,
 - coal bed methane – extraction by drilling into un-mined coal seams to release methane,
 - capture of methane that has accumulated in coal mine workings, and
 - gas derived from shale reservoirs.

²⁹ Information about PEDL licenses can be found on the UK Government's Department of Energy & Climate Change website - www.og.decc.gov.uk

237. Planning authorities and licensed operators should work together to ensure that operational requirements and likely environmental impacts of development associated with extraction are understood. Development plans for areas covered by PEDL licences should identify the factors that will be taken into account when deciding planning applications for wellheads and transmission infrastructure. Relevant factors may include disturbance and disruption from noise, potential pollution of land, air and water, impact on communities and the economy, cumulative impact, impact on the natural heritage and historic environment, landscape and visual impact and transport impacts. Where PEDL licences extend across local authority boundaries, planning authorities should work together to ensure a consistent approach to on-shore oil and gas extraction, including the consideration of cumulative effects.
238. Where possible, transport of the end product from the extraction point should be via pipeline, rail or water transport rather than by road. Planning authorities should ensure that conditions requiring the removal of equipment and full restoration of sites following completion of exploration and extraction are attached to any planning consents granted. When identifying drilling locations, operators should take into account the potential effects on neighbouring uses and use directional drilling wherever feasible. Drilling operations should not be permitted close to houses and other noise-sensitive properties unless noise from drilling and associated operations would fall within acceptable levels.

SURFACE COAL MINING

239. Scottish coal output is likely to continue to play a significant role in ensuring diverse and sustainable supplies of energy at competitive prices. Although development can raise significant environmental issues, extraction is necessary and important in the national interest. Operators are responsible for determining the level of output from their sites whilst planning authorities are responsible for determining the acceptability of individual development proposals. A contract between a surface coal mine operator and any of the electricity generators is not a material consideration in planning decisions, nor is the quality of coal.
240. Development plans should identify broad areas where surface coal extraction may be acceptable, and set out the criteria to be addressed when assessing individual proposals including mitigation of cumulative impacts. Within areas identified for possible future working, individual proposals will still need to be judged on their merits, taking into account all relevant considerations. There is a general presumption against extraction outwith areas of search identified in the development plan. When reviewing plans, authorities should reconsider identified search areas and consider new search areas, taking into account any new information on coal reserves and the views of the Coal Authority and the industry. If it is clear that future applications are unlikely, authorities should modify or delete existing search areas, and identify new search areas if appropriate. It is essential that areas of search provide realistic opportunities for surface coal extraction, providing communities with an appropriate level of certainty and the industry with reasonable access to available coal resources.
241. Deposits of coal and related minerals capable of being extracted should not be sterilised unnecessarily. If extraction is not possible because of other ongoing developments that raise similar issues in the area then planning authorities should take a long term view on the potential for extraction and incorporate possible extraction timescales into the development plan. Where practicable it is desirable to secure extraction prior to permanent development above workable coal reserves.
242. Development plans and development management decisions should aim to minimise any significant negative impacts from surface coal extraction on the amenity of local communities, the built and natural heritage and other economic sectors important to the local economy. Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. Wherever possible, haulage should be by rail or coastal or inland shipping rather than by road. Where there are significant transport impacts on

local communities, routes which avoid settlements as far as possible should be identified. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with proposals for appropriate control, mitigation and monitoring. When deciding planning applications for surface coal extraction, planning authorities should consider:

- disturbance and disruption from noise, blasting and vibration, and potential pollution of land, air and water,
- benefits and disbenefits for communities,
- effect on the local and national economy,
- cumulative impact (see paragraph 222),
- benefits of removing derelict or unstable land and avoiding sterilisation,
- impact on the natural heritage and historic environment, including landscape and/or habitats benefits associated with the restoration and aftercare proposals,
- landscape and visual impact,
- transport impacts, and
- restoration and aftercare proposals.

When submitting planning applications operators should indicate their understanding of the location of coal reserves in surrounding land and their likely future plans relating to future extensions (vertical and lateral) and their interest in adjacent sites.

243. Within areas of search, there is a presumption against surface coal extraction unless the proposed development meets one of the following tests:

- the proposal is environmentally acceptable, or can be made so by planning conditions and/or agreements, or
- the proposal provides local or community benefits which clearly outweigh the likely impacts of the extraction.

Local or community benefits will only arise where extraction generates employment which is particularly beneficial in the area and jobs are genuinely available to local communities and the proposal safeguards the interests of impacted communities, or where there is improvement of local amenity or future development opportunities arising from the clearance of a substantial area of derelict or despoiled land, the stabilisation of a previously undermined site or other similar benefits.

244. Surface coal extraction is unlikely to be environmentally acceptable if:

- proposed site boundaries are within 500m of the edge of a community,
- it would have unacceptable impacts on individual dwellinghouses or sensitive establishments outwith communities and effects cannot be mitigated satisfactorily,
- the proposal is for an extension to an existing site where the intention was known but not made explicit when the original application was approved,
- it will result in a period of disturbance to communities for more than 10 years,
- it is in an area already subject to other developments that also have negative environmental effects and the simultaneous or sequential working will result in an unacceptable cumulative impact on a local community,
- haulage will be solely on roads which pass directly through communities, particularly if rail based transport is a viable option, or
- it will adversely affect any natural heritage or historic environment designation or site.

245. Although site boundaries within 500m of the edge of a community are unlikely to be acceptable, this should not prevent non-engineering works such as tree planting or other mitigation measures such as visual screening mounds and noise attenuation barriers to reduce the landscape and visual impact of the development. Site boundaries within 500m of the edge of a community may be acceptable where it would result in improvement of local amenity or future development opportunities by clearing a substantial area of derelict or despoiled land, the stabilisation of a previously undermined site or other similar benefit. Topography, the nature of the landscape, visibility and prevailing wind directions may result in a greater or lesser distance being required, depending on specific local circumstances. In this context, a community is a city, town or village, but can also include small clusters of housing. Planning authorities should decide what constitutes a community when applying this policy.
246. Operators should work closely with communities from the early stages of developing specific proposals and throughout the application, operational and restoration phases. Benefits in the forms of new community facilities or community trust funds may be proposed by the developer but such benefits should not be treated as a material consideration unless they meet the tests set out in Circular 1/2010 Planning Agreements. Attempts to secure unreasonable provision not directly related to the proposed development or securing general benefits for the wider community should not be taken into account in decision making on planning applications. Planning authorities should ensure that arrangements are in place to monitor the conditions attached to planning permissions, and should agree these arrangements with the operator.
247. Proposals for the restoration and aftercare of a site should be submitted with the planning application and provide enough detail to enable the planning authority to take a realistic view of the intended after-use. This should include information on the phasing of progressive restoration, the final landform and landscape and monitoring procedures. Operators are encouraged to consider after uses that result in environmental improvement rather than simply restoring land to its previous state. Planning authorities should encourage after uses which add to the cultural, recreational or environmental assets of an area. Restoration should be designed and implemented to the highest standards to avoid the occurrence of future public safety and environmental hazards, such as land instability and emissions of gas or water. Planning authorities should require a financial guarantee to ensure adequate restoration and aftercare unless the operator can adequately demonstrate that their programme of restoration, including the arrangements for financing, phasing and aftercare of the site is sufficient. This could include reliance on an established and properly funded industry guarantee scheme.

COMMUNICATIONS INFRASTRUCTURE

248. Advanced, high quality electronic communications infrastructure is an essential component of economic growth across Scotland. It also has a role in reducing the need to travel, particularly the need for commuting and other business travel by enabling alternative working patterns, therefore contributing to reduce emissions. Electronic communications legislation and regulation is a matter reserved to the UK Government but the physical development of networks, particularly the siting and design of equipment, is a matter for the planning system in Scotland. Planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area. The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. This should be achieved in a way that keeps the environmental impact of communications infrastructure to a minimum.
249. The siting and design of electronic communications infrastructure, such as base stations for mobile phone networks, are the key issues to be addressed through the planning system. All components of the equipment should be considered together, including antennas, any supporting structure, equipment housing, cable runs, fencing, planting, landscaping, access,

power supply and land lines. The following series of options should be considered when selecting sites and designing base stations:

- installation of smallest suitable equipment,
- concealing and disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques,
- mast or site sharing,
- installations on buildings and existing structures, and
- installation of ground based masts.

250. Equipment should be designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Planning authorities should take the cumulative visual effects of equipment into account when assessing new proposals. Planning Advice Note 62 *Radio Telecommunications* provides advice on siting and design. Communications infrastructure should not cause physical obstructions to aerodrome operations and other transmitter/receiver facilities. More information can be found in Circular 2/2003 *Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas*.
251. Local development plans and supplementary guidance should give a consistent basis for decisions on communications infrastructure by setting out the matters that will be taken into account in decision making. Operators should discuss network roll-out plans with planning authorities during the preparation of development plans or supplementary guidance.
252. Planning applications for communications equipment should be accompanied by the following supporting material:
- a description of how the proposed equipment fits into the wider network,
 - a description of the siting and design options which satisfy the operational requirements, alternatives that were considered, and the reasons for the chosen solution,
 - details of the design, including height, materials and all components of the proposal,
 - details of any proposed landscaping and screen planting,
 - a description of how the cumulative effects of the proposed and existing equipment in the area were considered,
 - a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines³⁰, and
 - information on visual impact, if relevant.
253. Planning authorities should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas to be employed in an electronic communications network should be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation.

³⁰ The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/EC on the limitation of exposure of the general public to electromagnetic fields

254. In response to the report in 2000 by the Independent Expert Group on Mobile Phones (the Stewart Report³¹) a number of precautionary measures relating to mobile phone masts were put in place outwith the planning process. These measures include the auditing of mobile phone mast emissions and the creation of a publicly accessible database of base stations and their principal characteristics. Ofcom carries out these duties on behalf of the UK Government. UK mobile network operators have also agreed to provide information on radiofrequency emissions from mobile phone masts located near to sites such as schools, nurseries and hospitals if requested to do so.

OUTCOMES

255. The planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environment assets. The planning system has a significant role in promoting a pattern of development which helps to reduce Scotland's carbon footprint and facilitates adaptation to climate change, in facilitating the generation of power and heat from low carbon sources and in the achievement of waste management targets. When conflicts between objectives arise, decisions should be made in line with local priorities and needs as identified in the development plan.
256. Planning authorities should be clear about the standard of development that is required. These expectations should be informed by an understanding of the qualities of their places and the underlying economics of development. This principle applies from major urban expansion and regeneration through to the design of individual houses and other minor developments. Quality of place is not just determined by buildings, but by how they work together and how the streets and spaces between buildings work. Through development plans, supplementary guidance and engagement with applicants, agents and communities on individual proposals, planning authorities should be clear about their expectations on quality and standards early in the planning process. Local design policies should enable informed judgements on development proposals, but should not create a rigid or formulaic approach to decision making. Design is an important consideration and planning permission may be refused, and the refusal defended at appeal or local review, solely on design grounds. The Scottish Government's policy on design is explained in *Designing Places* and in *Designing Streets*.
257. The planning system should be judged by the extent to which it maintains and creates places where people want to live, work and spend time. This is a major challenge which will require permission for inappropriate development to be refused, conditions imposed to regulate development and agreements reached on actions to mitigate impacts on amenity, natural heritage, historic environment and communities. Efficient and inclusive planning are important elements of the modernised planning system, but it is through the maintenance and creation of high quality sustainable places that the most significant contribution to increasing sustainable economic growth can be made.

³¹ *Mobile Phones and Health* – Independent Expert Group on Mobile Phones (www.iegmp.org.uk)

GLOSSARY

Article 4 direction	article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction
Biodiversity	the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992)
Brownfield land	land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable
Culvert	a structure with integral sides, soffit and invert, including a pipe that contains a watercourse as it passes through or beneath a road, railway, building, embankment etc. or below ground.
Community	the term community includes individuals and groups, and can be based on location (for example people who live, work or use an area) or common interest (for example the business community, sports or heritage groups).
Effective housing land supply	effective housing land supply is the part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing
Flood	the temporary covering by water from any source of land not normally covered by water, but does not include a flood solely from a sewerage system
Flood prevention measures	works including walls, new channels, embankments and flood water storage areas
Flood risk	the combination of the probability of a flood and of the potential adverse consequences, associated with a flood, for human health, the environment, cultural heritage and economic activity
Housing requirement	housing requirement is the total amount and type of housing necessary to accommodate a given or projected population at appropriate minimum standards. This includes both housing need and demand
Open space	open space includes greenspace consisting of any vegetated land or structure, water or geological feature within and on the edges of settlements, including allotments, trees, woodland, paths and civic space consisting of squares, market places and other paved or hard landscaped area with a civic function
Physical activity	incorporates a number of overlapping activities and refers to all types of formal and informal physical recreation, exercise, sports, dance, play, cycling, walking and activities such as gardening
Prime quality agricultural land	prime agricultural land is agricultural land identified as being of Class 1, 2 or 3.1 in the land capability classification for agriculture as developed by the Macaulay Land Use Research Institute
Recreation	includes many types of physical activity as well as passive enjoyment of open spaces and the countryside
Town centre	the term town centre is used to cover city, town and district centres, irrespective of size, that provide a diverse and sustainable mix of activities and land uses which create an identity that signals the function and wider role
Watercourse	all means of conveying water except a water main or sewer (see Flood Prevention (Scotland) Act 1961)



Scottish Planning Policy

© Crown copyright 2014

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

ISBN: 978-1-78412-567-7

Published by the Scottish Government, June 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS31655 (06/14)

Scottish Planning Policy

Contents

Planning Series	1
Scottish Planning Policy	2
Purpose	2
Status	2
Introduction	4
The Planning System	4
Core Values of the Planning Service	4
People Make the System Work	4
Outcomes: How Planning Makes a Difference	5
Principal Policies	9
Sustainability	9
Placemaking	12
Subject Policies	18
A Successful, Sustainable Place	18
– Promoting Town Centres	18
– Promoting Rural Development	21
– Supporting Business and Employment	24
– Enabling Delivery of New Homes	27
– Valuing the Historic Environment	33
A Low Carbon Place	36
– Delivering Heat and Electricity	36
– Planning for Zero Waste	41
A Natural, Resilient Place	45
– Valuing the Natural Environment	45
– Maximising the Benefits of Green Infrastructure	50
– Promoting Responsible Extraction of Resources	52
– Supporting Aquaculture	56
– Managing Flood Risk and Drainage	57
A Connected Place	61
– Promoting Sustainable Transport and Active Travel	61
– Supporting Digital Connectivity	65
Annexes	68
A – Town Centre Health Checks and Strategies	68
B – Parking Policies and Standards	70
Glossary	71

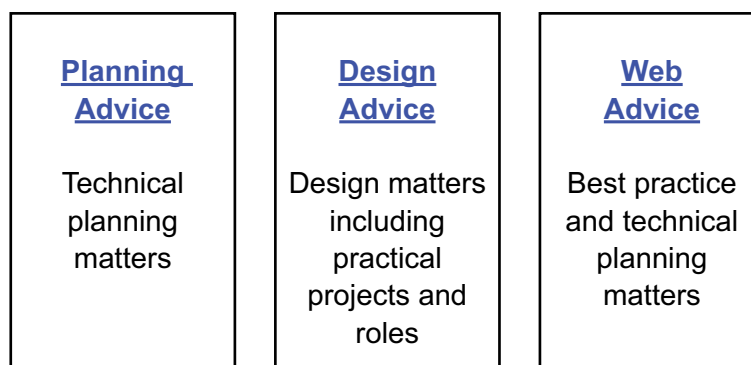
Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

Planning and Architecture Policy



Planning and Design Advice and Guidance



Further information is available at: www.scotland.gov.uk/planning

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development¹ and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

¹ The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)², which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)³, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)⁴, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)⁵, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

² www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

³ www.scotland.gov.uk/Publications/2013/06/9811/0

⁴ www.scotland.gov.uk/Publications/2010/03/22120652/0

⁵ www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars

Introduction

The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at www.scotland.gov.uk/planning⁶. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)⁷.

Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
 - focus on outcomes, maximising benefits and balancing competing interests;
 - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
 - be plan-led, with plans being up-to-date and relevant;
 - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
 - be inclusive, engaging all interests as early and effectively as possible;
 - be proportionate, only imposing conditions and obligations where necessary; and
 - uphold the law and enforce the terms of decisions made.

People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

⁶ www.scotland.gov.uk/Topics/built-environment/planning

⁷ www.scotland.gov.uk/Publications/2009/08/11133705/0

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)⁸ as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)⁹
- [Circular 3/2013: Development Management Procedures](#)¹⁰
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)¹¹
- [Planning Advice Note 3/2010: Community Engagement](#)¹²
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)¹³

Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)¹⁴ articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

⁸ www.legislation.gov.uk/ukpga/1997/8/contents

⁹ www.scotland.gov.uk/Publications/2013/12/9924/0

¹⁰ www.scotland.gov.uk/Publications/2013/12/9882/0

¹¹ www.standardscommissionscotland.org.uk/webfm_send/279

¹² www.scotland.gov.uk/Publications/2010/08/30094454/0

¹³ www.scotland.gov.uk/Publications/2009/03/10154116/0

¹⁴ www.scotland.gov.uk/About/Performance/scotPerforms/outcome

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)¹⁵, through their shared focus on ‘place’. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)¹⁶.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.

¹⁵ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012

¹⁶ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP

17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate **adaptation** to climate change.

18. The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government's climate change adaptation programme; and
- in a way that it considers is most sustainable.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people's choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland's existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

Outcome 4: A more connected place – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.										
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes										
SG National Plans, Policies & Strategies	Government Economic Strategy										
	Infrastructure Investment Plan										
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.										
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.	
National Planning	Scottish Planning Policy (SPP)										
	Principal Policies										
	Sustainability			Placemaking							
	Subject Policies										
	Town Centres	Heat and Electricity		Natural Environment		Travel					
	Rural Development			Green Infrastructure							
	Homes										
	Business & Employment	Zero Waste		Aquacultural	Digital Connectivity						
	Historic Environment			Minerals							
			Flooding & Drainage								
	COMMUNITY PLANNING										
Strategic	Strategic Development Plans										
Local	Local Development Plans										
Site	Master Plans										

Principal Policies

Sustainability

NPF and wider policy context

24. The Scottish Government's 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](#).

25. The Scottish Government's commitment to the concept of [sustainable development](#) is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support 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.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Key Documents

- [National Planning Framework](#)¹⁷
- [Government Economic Strategy](#)¹⁸
- [Planning Reform: Next Steps](#)¹⁹
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁰
- [UK's Shared Framework for Sustainable Development](#)²¹

Delivery

Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

¹⁷ www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

¹⁸ www.scotland.gov.uk/Publications/2011/09/13091128/0

¹⁹ www.scotland.gov.uk/Publications/2012/03/3467

²⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

²¹ <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

²² Development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of this SPP. However, the policies in the SPP will be a material consideration which should be taken into account when determining applications.

Placemaking

NPF and wider policy context

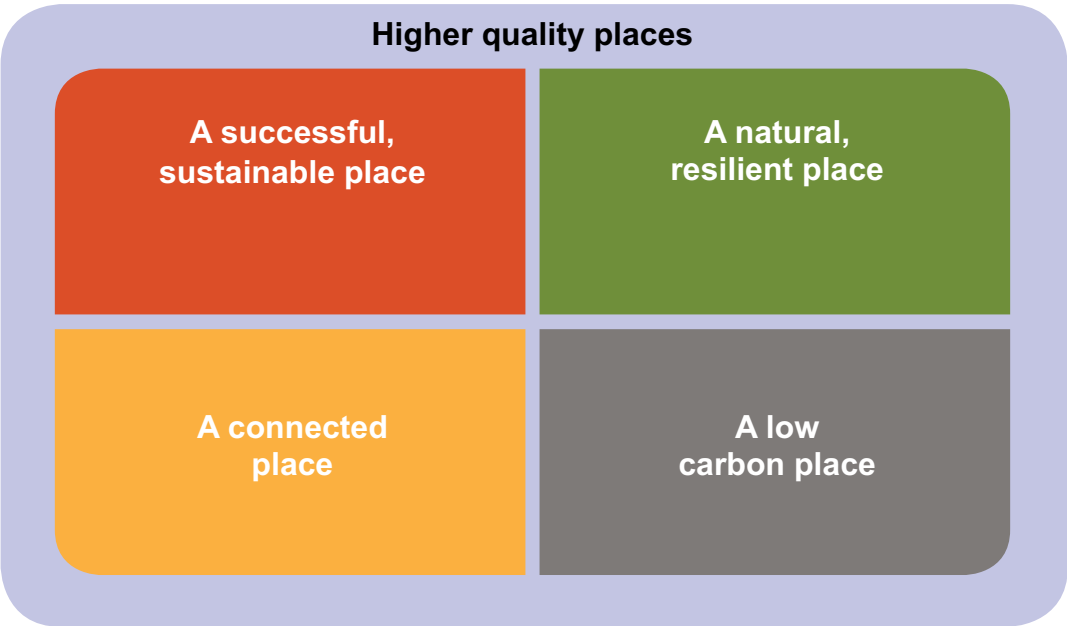
36. Planning’s purpose is to create better [places](#). Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government’s policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland’s communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland’s distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of [brownfield land](#) before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Key Documents

- [National Planning Framework](#)²³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁴
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)²⁵
- [Designing Streets](#)²⁶
- [Planning Advice Note 77: Designing Safer Places](#)²⁷
- [Green Infrastructure: Design and Placemaking](#)²⁸

23 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

24 www.scotland.gov.uk/Publications/2011/03/17091927/0

25 www.scotland.gov.uk/Publications/2013/06/9811/0

26 www.scotland.gov.uk/Publications/2010/03/22120652/0

27 www.scotland.gov.uk/Publications/2006/03/08094923/0

28 www.scotland.gov.uk/Publications/2011/11/04140525/0

Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)²⁹ where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads³⁰. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

²⁹ www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

³⁰ Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.

- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:

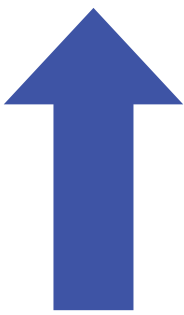

- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

Development Management

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

Tools for Making Better Places

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.

Scale	Tool
 	Design Frameworks For larger areas of significant change, so must include some flexibility. To address major issues in a co-ordinated and viable way. May include general principles as well as maps and diagrams to show the importance of connections around and within a place.
	Development Briefs For a place or site, to form the basis of dialogue between the local authority and developers. To advise how policies should be implemented. May include detail on function, layout, plot sizes, building heights and lines, and materials.
	Master Plans For a specific site that may be phased so able to adapt over time. To describe and illustrate how a proposal will meet the vision and how it will work on the ground. May include images showing the relationship of people and place. See Planning Advice Note 83: Masterplanning ³¹
	Design Guides For a particular subject, e.g. shop fronts. To show how development can be put into practice in line with policy. Includes detail, e.g. images of examples.
SITE SPECIFIC	Design Statements Required to accompany some planning applications. To explain how the application meets policy and guidance, for example by close reference to key considerations of street design with Designing Streets. See Planning Advice Note 68: Design Statements ³²

31 www.scotland.gov.uk/Publications/2008/11/10114526/0

32 www.scotland.gov.uk/Publications/2003/08/18013/25389

Subject Policies

A Successful, Sustainable Place

Promoting Town Centres

NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy³³ when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)³⁴
- [Town Centre Action Plan – the Scottish Government response](#)³⁵
- [Planning Advice Note 59: Improving Town Centres](#)³⁶
- [Planning Advice Note 52: Planning and Small Towns](#)³⁷

³³ A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

³⁴ www.scotland.gov.uk/Resource/0042/00426972.pdf

³⁵ www.scotland.gov.uk/Publications/2013/11/6415

³⁶ www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59

³⁷ www.scotland.gov.uk/Publications/1997/04/pan52

- [Town Centres Masterplanning Toolkit](#)³⁸

Development Plans

61. Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

63. Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

³⁸ <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

68. Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

69. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

Development Management

70. Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

71. Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m² is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

72. This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

73. Out-of-centre locations should only be considered for uses which generate significant footfall³⁹ where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

³⁹ As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁴⁰
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

⁴⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

79. Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

80. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

81. In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

82. In some most pressured areas, the designation of green belts may be appropriate.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing⁴¹ and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

National Parks

84. National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

86. Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

Coastal Planning

87. The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

Development Plans

88. Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

⁴¹ including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

Supporting Business and Employment

NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

Key Documents

- [Government Economic Strategy](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

- [Tourism Development Framework for Scotland](#)⁴³
- [A Guide to Development Viability](#)⁴⁴

Delivery

Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)⁴⁵, [Enterprise Areas](#)⁴⁶, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009⁴⁷ to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

⁴³ www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

⁴⁴ www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf

⁴⁵ www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

⁴⁶ www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas

⁴⁷ These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

101. Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

102. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

104. Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

105. Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

Development Management

106. Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

107. Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

108. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

Enabling Delivery of New Homes

NPF Context

109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

Policy Principles

110. The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Key Documents

- [The Housing \(Scotland\) Act 2001](#)⁴⁸ requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)⁴⁹

Delivery

111. Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

112. Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

⁴⁸ www.legislation.gov.uk/asp/2001/10/contents

⁴⁹ www.scotland.gov.uk/Publications/2010/08/31111624/0

Development Planning

113. Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government's HNDA Guidance⁵⁰. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

114. The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

115. Plans should address the supply of land for all housing. They should set out the [housing supply target](#) (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority's housing supply target should also be reflected in the local housing strategy.

116. Within the overall housing supply target⁵¹, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

117. The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from [windfall sites](#) must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

118. Strategic development plans should set out the [housing supply target](#) and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

⁵⁰ www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda

⁵¹ Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

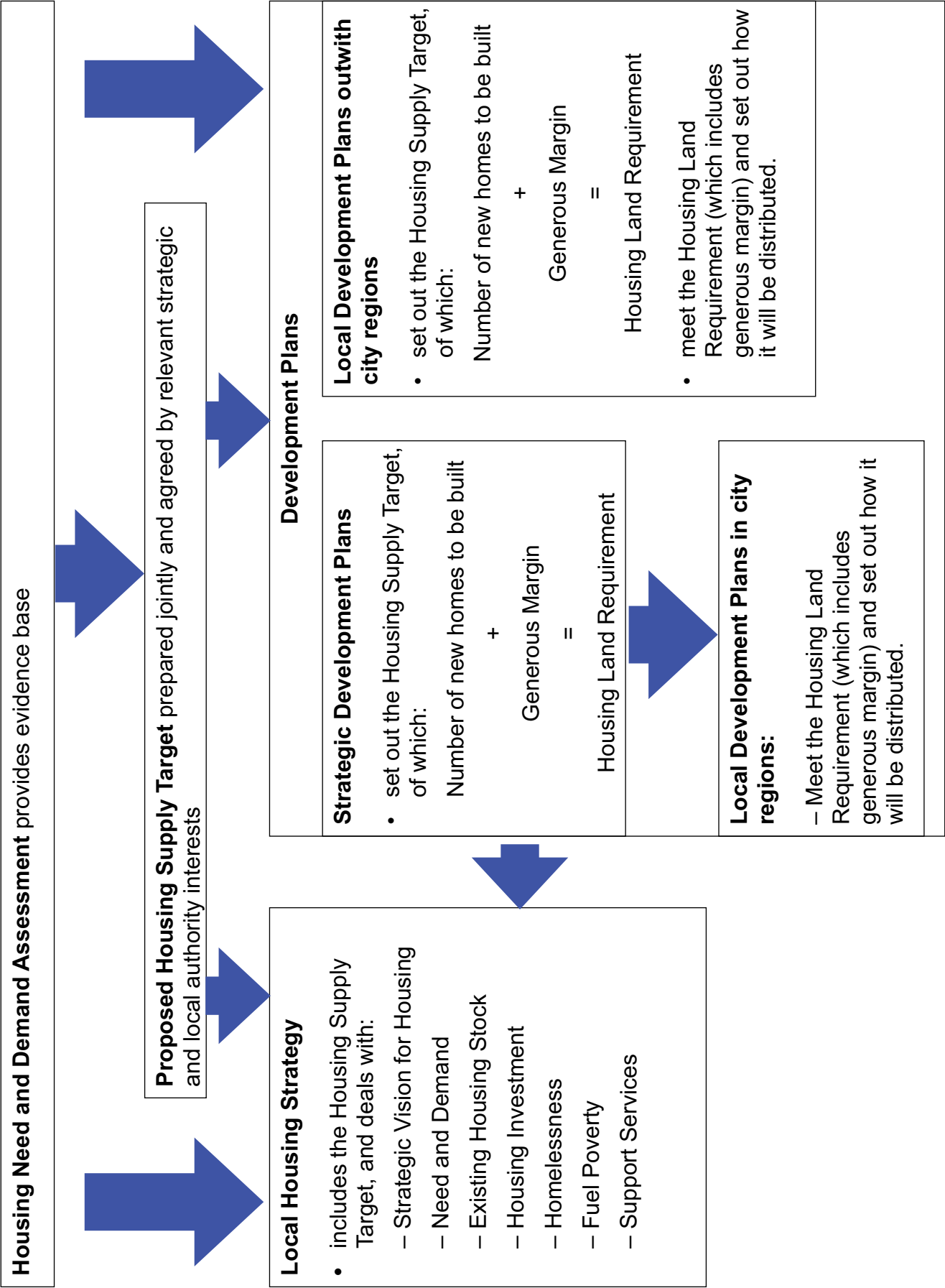
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

120. Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

121. In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

122. Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

Diagram 1: Housing Land, Development Planning and the Local Housing Strategy



Maintaining a 5-year Effective Land Supply

123. Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints⁵² and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

124. The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Affordable Housing

126. Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

127. Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

128. Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

129. Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

⁵² Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites www.scotland.gov.uk/Publications/2010/08/31111624/5

130. Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

131. Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

Specialist Housing Provision and Other Specific Needs

132. As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

133. HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

134. Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation⁵³. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

⁵³ www.scotland.gov.uk/Publications/2012/06/4191

Valuing the Historic Environment

NPF and wider policy context

135. NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

136. The [historic environment](#) is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

Policy Principles

137. The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Key Documents

- [Scottish Historic Environment Policy](#)⁵⁴
- [Historic Environment Strategy for Scotland](#)⁵⁵
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)⁵⁶
- [Planning Advice Note 2/2011: Planning and Archaeology](#)⁵⁷
- [Planning Advice Note 71: Conservation Area Management](#)⁵⁸
- [Scottish Historic Environment Databases](#)⁵⁹

⁵⁴ www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

⁵⁵ www.scotland.gov.uk/Publications/2014/03/8522

⁵⁶ www.historic-scotland.gov.uk/managingchange

⁵⁷ www.scotland.gov.uk/Publications/2011/08/04132003/0

⁵⁸ www.scotland.gov.uk/Publications/2004/12/20450/49052

⁵⁹ <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>

Delivery

Development Planning

138. Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

139. Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

Development Management

140. The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

Listed Buildings

141. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

142. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Conservation Areas

143. Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

144. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders⁶⁰ can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

⁶⁰ www.scotland.gov.uk/Publications/2011/01/28152314/0

Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

Battlefields

149. Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

A Low Carbon Place

Delivering Heat and Electricity

NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)⁶¹. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)⁶². Communities can also gain new opportunities from increased local ownership and associated benefits.

Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets⁶³, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - 11% of heat demand from renewable sources by 2020; and
 - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
 - Energy efficiency;
 - Heat recovery;
 - Efficient energy supply and storage;

⁶¹ www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

⁶² www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

⁶³ Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Key Documents

- [Electricity Generation Policy Statement](#)⁶⁴
- [2020 Routemap for Renewable Energy in Scotland](#)⁶⁵
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)⁶⁶
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)⁶⁷

Delivery

Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and [cumulative impact](#) considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

Heat

158. Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and [anchor developments](#) such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and [energy centres](#) exist or would be appropriate and include policies to support their implementation. Policies should support

⁶⁴ www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain

⁶⁵ www.scotland.gov.uk/Publications/2011/08/04110353/0

⁶⁶ www.scotland.gov.uk/Publications/2014/03/2778

⁶⁷ www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale⁶⁸ of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

⁶⁸ For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

Community Benefit

173. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)⁶⁹.

Existing Wind Farm Sites

174. Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

Planning for Zero Waste

NPF and Wider Context

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

Policy Principles

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 www.scotland.gov.uk/Publications/2013/11/8279

Key Documents

- [EU revised Waste Framework Directive](#)⁷⁰ (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)⁷¹: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)⁷² and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)⁷³;
- SEPA waste data sources: including [Waste Data Digests](#)⁷⁴ and [Waste Infrastructure Maps](#)⁷⁵;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)⁷⁶;
- [Waste capacity tables](#)⁷⁷ (formerly Zero Waste Plan Annex B capacity tables)

Delivery

177. Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

⁷⁰ <http://ec.europa.eu/environment/waste/framework/revision.htm>

⁷¹ www.legislation.gov.uk/sdsi/2012/9780111016657/contents

⁷² www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy

⁷³ www.scotland.gov.uk/Publications/2013/12/9924/0

⁷⁴ www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx

⁷⁵ www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

⁷⁶ www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx

⁷⁷ www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb

182. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

183. Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

184. Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

187. Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

Development Management

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

A Natural, Resilient Place

Valuing the Natural Environment

NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for **biodiversity** from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁷⁸
- [The 2020 Challenge for Scotland's Biodiversity](#)⁷⁹
- [European Landscape Convention](#)⁸⁰
- [Nature Conservation \(Scotland\) Act 2004](#)⁸¹
- [The Conservation \(Natural Habitats etc\) Regulations](#)⁸²
- [The Wildlife and Countryside Act 1981](#)⁸³

⁷⁸ www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy

⁷⁹ www.scotland.gov.uk/Publications/2013/06/5538

⁸⁰ www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

⁸¹ www.legislation.gov.uk/asp/2004/6/contents

⁸² www.legislation.gov.uk/uksi/1994/2716/contents/made

⁸³ www.legislation.gov.uk/ukpga/1981/69

- [EU Birds Directive – 2009/147/EC](#)⁸⁴
- [EU Habitats Directive – 92/43/EEC](#)⁸⁵
- [Ramsar Convention on Wetlands of International Importance](#)⁸⁶
- [National Parks \(Scotland\) Act 2000](#)⁸⁷
- [River Basin Management Plans](#)⁸⁸

Delivery

195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
 - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
 - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
 - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
 - species diversity, species or habitat rarity, naturalness and extent of habitat;
 - contribution to national and local **biodiversity** objectives;
 - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
 - potential to facilitate enjoyment and understanding of natural heritage.

⁸⁴ ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

⁸⁵ ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

⁸⁶ www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

⁸⁷ www.legislation.gov.uk/asp/2000/10/contents

⁸⁸ www.sepa.org.uk/water/river_basin_planning.aspx

198. Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

200. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)⁸⁹ provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)⁹⁰.

Development Management

202. The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

89 www.forestry.gov.uk/nwss

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

206. Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

International Designations

Natura 2000 Sites

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

National Designations

212. Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Woodland

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)⁹¹ can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's [Control of Woodland Removal Policy](#)⁹² includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 www.scotland.gov.uk/Publications/2011/01/28152314/0

92 www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf

Maximising the Benefits of Green Infrastructure

NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

Key Documents

- [Green Infrastructure: Design and Placemaking](#)⁹³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁹⁴
- [Planning Advice Note 65: Planning and Open Space](#)⁹⁵
- [Reaching Higher – Scotland’s National Strategy for Sport](#)⁹⁶
- [The Play Strategy for Scotland and Action Plan](#)⁹⁷
- [Let’s Get Scotland Walking: The National Walking Strategy](#)⁹⁸

Delivery

Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

⁹³ www.scotland.gov.uk/Publications/2011/11/04140525/0

⁹⁴ www.scotland.gov.uk/Publications/2011/03/17091927/0

⁹⁵ www.scotland.gov.uk/Publications/2008/05/30100623/0

⁹⁶ www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21

⁹⁷ www.scotland.gov.uk/Publications/2013/10/9424

⁹⁸ www.scotland.gov.uk/Publications/2014/06/5743

Plans should promote consistency with these and reflect their priorities and spatial implications.

223. Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

224. Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

225. Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

226. Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. [Outdoor sports facilities](#) should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

227. Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

228. Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

229. Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

Promoting Responsible Extraction of Resources

NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

Key Documents

- [Electricity Generation Policy Statement](#)⁹⁹
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)¹⁰⁰
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)¹⁰¹
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)¹⁰²
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)¹⁰³
- [Circular 34/1996: Environment Act 1995 Section 96](#)¹⁰⁴

Delivery

Development Planning

236. Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

237. Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

238. Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

99 www.scotland.gov.uk/Publications/2013/06/5757

100 www.legislation.gov.uk/ssi/2010/60/contents/made

101 www.scotland.gov.uk/Publications/1996/10/17729/23424

102 www.scotland.gov.uk/Publications/2003/01/16122/16256

103 www.scotland.gov.uk/Publications/2003/01/16204/17030

104 www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance

239. Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Development Management

242. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all [sensitive receptors](#) from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

Supporting Aquaculture

NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

Key Documents

- National Marine Plan

Delivery

Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

Managing Flood Risk and Drainage

NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

Policy Principles

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)¹⁰⁵
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)¹⁰⁶ (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)¹⁰⁷ (Scottish Government, 2013).

Delivery

258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

262. Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
 - No constraints due to coastal or watercourse flooding.

¹⁰⁵ www.legislation.gov.uk/asp/2009/6/contents

¹⁰⁶ www.scotland.gov.uk/Publications/2011/06/15150211/0

¹⁰⁷ <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
 - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
 - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 - May be suitable for:
 - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
 - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
 - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
 - job-related accommodation, e.g. for caretakers or operational staff.
 - Generally not suitable for:
 - civil infrastructure and the most vulnerable uses;
 - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
 - new caravan and camping sites.
 - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
 - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

Development Management

264. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

268. Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

A Connected Place

Promoting Sustainable Transport and Active Travel

NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

Policy Principles

270. The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

271. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

Key Documents

- [National Transport Strategy](#)¹⁰⁸
- [Climate Change \(Scotland\) Act 2009](#)¹⁰⁹
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)¹¹⁰
- [Infrastructure Investment Plan](#)¹¹¹
- [Strategic Transport Projects Review](#)¹¹²
- [Transport Assessment Guidance](#)¹¹³
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)¹¹⁴
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)¹¹⁵

¹⁰⁸ www.scotland.gov.uk/Publications/2006/12/04104414/0

¹⁰⁹ www.legislation.gov.uk/asp/2009/12/contents

¹¹⁰ www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

¹¹¹ www.scotland.gov.uk/Publications/2011/12/05141922/0

¹¹² www.transportscotland.gov.uk/strategic-transport-projects-review

¹¹³ www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf

¹¹⁴ www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag

¹¹⁵ www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf

- [Design Manual for Roads and Bridges](#)¹¹⁶
- [Designing Streets](#)¹¹⁷
- [Roads for All](#)¹¹⁸
- [Cycling Action Plan in Scotland](#)¹¹⁹ (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)¹²⁰
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)¹²¹
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)¹²²
- [Tourism Development Framework for Scotland](#)¹²³

Delivery

Development Planning

272. Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

273. The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

274. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

¹¹⁶ www.dft.gov.uk/ha/standards/dmr/index.htm

¹¹⁷ www.scotland.gov.uk/Publications/2010/03/22120652/0

¹¹⁸ <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

¹¹⁹ www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013

¹²⁰ www.scotland.gov.uk/Publications/2014/06/5743

¹²¹ www.scotland.gov.uk/Publications/2014/02/8239/0

¹²² www.transportscotland.gov.uk/report/j272736-00.htm

¹²³ www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

275. Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

276. Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

277. Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

278. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

279. Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

280. Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

281. National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

282. When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

283. Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

284. Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

285. Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

Development Management

286. Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

287. Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)¹²⁴

¹²⁴ www.scotland.gov.uk/Publications/2005/08/1792325/23264

288. Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

289. Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

290. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

291. Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

Supporting Digital Connectivity

NPF Context

292. NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

Policy Principles

293. The planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Key Documents

- [Scotland's Digital Future](#)¹²⁵ and associated [Infrastructure Action Plan](#)¹²⁶
- [Scotland's Cities: Delivering for Scotland](#)¹²⁷
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)¹²⁸

¹²⁵ www.scotland.gov.uk/Resource/Doc/981/0114237.pdf

¹²⁶ www.scotland.gov.uk/Publications/2012/01/1487

¹²⁷ www.scotland.gov.uk/Publications/2012/01/05104741/0

¹²⁸ www.scotland.gov.uk/Resource/0041/00411586.pdf

- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)¹²⁹
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)¹³⁰

Delivery

Development Planning

294. Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

295. Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

296. Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation¹³¹; and
- an assessment of visual impact, if relevant.

297. Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

¹²⁹ www.scotland.gov.uk/Publications/2001/09/pan62/pan62-

¹³⁰ www.scotland.gov.uk/Publications/2003/01/16204/17030

¹³¹ The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

Annex A – Town Centre Health Checks and Strategies

Town centre health checks should cover a range of indicators, such as:

Activities

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

Physical environment

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

Property

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

Accessibility

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

Community

- attitudes, perceptions and aspirations.

Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)¹³²; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

¹³² www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

Annex B – Parking Policies and Standards

Parking Restraint Policy – National Maximum Parking Standards for New Development

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m² and above – up to 1 space per 14m²;
- retail (non-food) (Use Class 1) 1000m² and above – up to 1 space per 20m²;
- business (Use Class 4) 2500m² and above – up to 1 space per 30m²;
- cinemas (Use Class 11a) 1000m² and above – up to 1 space per 5 seats;
- conference facilities 1000m² and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m² and above – up to 1 space per 22m²; and
- higher and further education (non-residential elements) 2500m² and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

Parking for Disabled People – Minimum Provision Standards for New Development

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as 'essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines'.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also 'Functional flood plain'.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also 'Washland'.
Green infrastructure	<p>Includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected.</p> <p>Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens.</p> <p>Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.</p>

Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m ² ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.

Outdoor sports facilities	<p>Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
Outstanding Universal Value (OUV)	<p>The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.</p>
PADHI	<p>Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.</p>
Prime agricultural land	<p>Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).</p>
Place	<p>The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.</p>
Pluvial flooding	<p>Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).</p>
Ramsar sites	<p>Wetlands designated under the Ramsar Convention on Wetlands of International Importance.</p>
Scheduled monument	<p>Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.</p>
Sensitive receptor	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.



© Crown copyright 2014

This document is also available on the Scottish Government Website:
www.scotland.gov.uk

ISBN: 978-1-78412-567-7

Published by the Scottish Government, June 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS31655 (06/14)

w w w . s c o t l a n d . g o v . u k

Heads of Planning



4 November 2011

Dear Sir/Madam

OCCUPANCY RESTRICTIONS AND RURAL HOUSING

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated. In areas, including green belts, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing.

Where sites are considered unsuitable for new housing, more acceptable locations will often exist elsewhere on the same landholding or nearby, and planning authorities can assist applicants by advising where these are.

Yours faithfully

[Redacted signature]

JAMES G MACKINNON