



# 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

## SCOTTISH PLANNING POLICY

**CONTENTS**

	Paragraph
<b>INTRODUCTION</b>	<b>1</b>
Purpose of Planning	3
Core Principles	7
<b>DEVELOPMENT PLANS</b>	<b>10</b>
Preparation	12
Content	14
Implementation, Monitoring and Review	18
<b>DEVELOPMENT MANAGEMENT</b>	<b>22</b>
Determining Planning Applications	24
Enforcement	28
Role of the Scottish Government	29
Appeals and Local Reviews	30
<b>COMMUNITY ENGAGEMENT</b>	<b>31</b>
<b>SUSTAINABLE ECONOMIC GROWTH</b>	<b>33</b>
<b>SUSTAINABLE DEVELOPMENT</b>	<b>34</b>
Climate Change	41
<b>SUBJECT POLICIES</b>	
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
<b>OUTCOMES</b>	<b>255</b>
<b>GLOSSARY</b>	

**SCOTTISH PLANNING POLICY**

## INTRODUCTION

1. The Scottish Government's planning policies are set out in the National Planning Framework, this SPP, Designing Places, Designing Streets<sup>1</sup> and Circulars<sup>2</sup>. 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 outcomes<sup>3</sup>.
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 date<sup>4</sup> will ensure that they reflect and respond to emerging pressures and issues.

<sup>1</sup> Due for publication in early 2010

<sup>2</sup> All documents are available at [www.scotland.gov.uk/Topics/Built-Environment/planning](http://www.scotland.gov.uk/Topics/Built-Environment/planning)

<sup>3</sup> For more information about the Scottish Government's central purpose, strategic objectives and national outcomes see [www.scotland.gov.uk/About/scotPerforms](http://www.scotland.gov.uk/About/scotPerforms)

<sup>4</sup> 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 2009<sup>5</sup>.
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.

<sup>5</sup> See [www.scotland.gov.uk/planning](http://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 legislation<sup>6</sup> to consult communities before submitting planning applications for major and national developments<sup>7</sup>. 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.

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

<sup>7</sup> 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 legislation<sup>8</sup>. Advice on community engagement in the planning system, linked to the National Standards for Community Engagement<sup>9</sup>, 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 outcomes<sup>10</sup> explain in more detail how sustainable economic growth will be delivered. The Government Economic Strategy<sup>11</sup> 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.

<sup>8</sup> 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

<sup>9</sup> National Standards for Community Engagement (Communities Scotland, 2005)

<sup>10</sup> [www.scotland.gov.uk/About/scotPerforms/outcomes](http://www.scotland.gov.uk/About/scotPerforms/outcomes)

<sup>11</sup> [www.scotland.gov.uk/Publications/2007/11/12115041/0](http://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 development<sup>12</sup>. 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.

<sup>12</sup> *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 examination<sup>13</sup>.
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

<sup>13</sup> 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 Audits<sup>14</sup>.
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.

<sup>14</sup> 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<sup>1</sup> 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 steading 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 system<sup>15</sup> 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

<sup>15</sup> 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.