

EAST AYRSHIRE COUNCIL

CABINET – 17 JUNE 2009

SCOTTISH PLANNING POLICY (SPP): CONSULTATIVE DRAFT

Report by Depute Chief Executive/ Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet and obtain Cabinet's views on the draft consolidated Scottish Planning Policy document produced by the Scottish Government and issued for consultation in April of this year. This report is based on an Ayrshire wide response coordinated by the Ayrshire Joint Planning Unit.

2. INTRODUCTION

- 2.1 National Planning Policy for Scotland was first published in the 1970's and is currently expressed through a series of Scottish Planning Policy documents (SPPs) and National Planning Policy Guidelines (NPPGs). As part of a commitment to proportionate and practical planning policies the Scottish Government is rationalising the SPP & NPPG series into a single statement of national policy. The first part of the consolidated SPP was published to mark the first Planning Summit in October 2008 and covers core principles, aspirations and expectations for the planning system. This current consultation provides the second part of the draft SPP and covers community engagement, sustainable development, outcomes for the planning system and subject policies currently contained within 17 SPPs and NPPGs.

3. AIMS AND CONTENT OF SCOTTISH PLANNING POLICY, CONSULTATIVE DRAFT

- 3.1 The aims of the consolidated SPP are to:
- provide a single statement of the Scottish Government's priorities for the planning system, explaining the contribution of planning to the overarching purpose;
 - make the cumulative requirements of national planning policy clear, and to eliminate duplication and resulting minor inconsistencies;
 - enable policy to be expressed which is proportionate, practical and concise, as is required in development plans;
 - provide national planning policy which is easier to understand with less scope for interpretation, therefore providing more certainty.

The final part of the SPP consolidates and, when finalised, will supersede the following documents:

- SPP2 Economic Development;
- SPP3 Planning for Homes;
- SPP4 Planning for Minerals;
- SPP6 Renewable Energy;

- SPP7 Planning and Flooding;
- SPP8 Town Centres and Retailing;
- SPP10 Planning for Waste Management;
- SPP11 Open Space and Physical Activity;
- NPPG13 Coastal Planning;
- NPPG14 Natural Heritage;
- SPP15 Planning for Rural Development;
- SPP16 Opencast Coal;
- SPP17 Planning for Transport;
- NPPG19 Radio Telecommunications;
- SPP21 Green Belts;
- SPP22 Planning for Fish Farming; and
- SPP23 Planning and the Historic Environment.

NPPG12 Skiing Developments has not been incorporated into the review as the Scottish Government is of the view that specific planning policy on this matter is no longer required. SPP20 which sets out the role of Architecture and Design Scotland has not been incorporated because it is not planning policy.

- 3.2 The Scottish Government has generally not sought to introduce new policies through the consolidation process. The redrafting seeks only to improve the presentation of existing policies on planning with the exception of those matters listed in paragraph 3.3 and 3.4 below. The table contained in Appendix 1 gives a summary of the policies and indicates where there have been substantive and/or minor changes. Appendix 2 provides answers to specific questions set by the Scottish Government. If agreed by Cabinet, Appendix 2 will constitute the Council's formal response to this Consultation Draft.
- 3.3 The draft SPP introduces enhanced protection for prime quality agricultural land, stating: "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..." It also outlines where small scale development, renewable energy development or minerals extraction on prime quality agricultural land may be permissible.
- 3.4 A new section has been included in the draft SPP that sets out the Government's expectations relating to community engagement in the planning system. The draft consolidated SPP notes the increased status of engagement in the modernised planning system, reflecting the Planning etc. (Scotland) Act 2006. The text highlights the opportunities this will provide for communities to shape the future of their area and for planning authorities to incorporate outputs from the engagement process into local development plans.

4. CONCLUSION

4.1 Whilst the Council is in support of consolidation and rationalisation of Scottish Planning Policy, it is considered that minor changes to the text is still required in order to provide comprehensive planning policy coverage on all topics. Appendix 2 attached to this report answers those questions set by the Scottish Government in the Consultation Draft and provides suggested proposed changes to the draft where considered necessary.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications for the Council as a result of this report.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications for the Council as a result of this report.

7. POLICY IMPLICATIONS

7.1 Once in force, the Council will require to incorporate, as appropriate, the consolidated Scottish Planning Policy into all future planning policy documents including the Local Development Plan.

8. COMMUNITY PLAN IMPLICATIONS

8.1 There are no community plan implications for the Council as a result of this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no risk management implications for the Council as a result of this report.

10. RECOMMENDATIONS

10.1 It is recommended that Cabinet agrees:

- (i) to approve the contents of the report and in particular appendix 2 as the Council's formal response to the questions set;
- (ii) to authorise the Depute Chief Executive / Director of Corporate Support to send a copy of this report to the Scottish Government as representing the Council's views on the Consultative Draft SPP.

Elizabeth Morton

Depute Chief Executive / Director of Corporate Support

1 June 2009 (EF/SA)

BACKGROUND PAPER

Scottish Planning Policy (SPP) – Consultative Draft – April 2009.

For further information on the contents of this report, please contact Emma Fyvie, Senior Planning Officer on (01563) 576756.

Implementation Officer: Alan Neish

Appendix 1 – Summary of Content of Scottish Planning Policy (SPP), Consultative Draft

SPP2: Economic Development
Summary Policies
Planning should strongly support economic development, both new and expanding businesses, where consistent with other national and local policies
Substantive Changes
No substantive changes to the policy
Minor Changes
(i) Reference to safeguarding sites of national importance removed: NPF refers to high amenity sites. (ii) Specific mention of corporate headquarters removed. (iii) Reference to dialogue with stakeholders removed, as covered by planning reform. (iv) Changes focus on consistency of terminology and removal of duplication across national plans and policies.

SPP3: Planning for Homes
Summary Policies
Sufficient land to support an increased supply of the right homes in the right places should be identified through the planning system, and the system should be used to facilitate the construction of well-designed, good quality housing in sustainable locations.
Substantive Changes
No substantive changes to the policy
Minor Changes
(i) Annex A: Housing Land Audits is advice not policy and will be removed. (ii) Reference to Housing Market Partnerships removed. (iii) Policy on housing in rural areas covered in rural development section. (iv) Alterations to structure and wording to enable clearer and more concise explanation of policy. Removal of duplication and advice.

SPP4: Planning for Minerals
Summary Policies
Minerals are vital to the Scottish economy and the planning system should take a positive approach to ensuring an adequate supply of minerals. The planning system must ensure

that minerals extraction only takes place where impacts on local communities and the environment can be made acceptable.
Substantive Changes
No substantive changes to the policy
Minor Changes
(i) Removal of specific references to conservation of natural and built heritage, green belts, agricultural land and rural economy because these are covered elsewhere in SPP. (ii) Detail regarding noise, dust and air quality, groundwater and surface water, and mineral waste is not provided as these fall within broader regulatory regimes. (iii) Removal of more detailed requirements for restoration bonds. (iv) Reduction of the text on working with communities. (v) Alterations to structure and wording to enable clearer and more concise explanation of policy. Removal of duplication and advice.

SPP6: Renewable Energy
Summary Policies
The planning system should support achievement of targets for the generation of electricity from renewable sources. The policy sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications.
Substantive Changes
Annex A Spatial Framework for Wind Farms over 20 MW has been incorporated into the main body of the SPP. This has led to: (i) retention of para 1 that emphasises the importance of clarity and that development plans should set out broad areas of search, protected areas and criteria for assessing proposals in other areas. (ii) removal of consultative approach: now covered by the section on community involvement. (iii) inclusion of para 3: policies should be based on the principle that wind farms should be accommodated where feasible. (iv) retention of the criteria applicable to areas where wind farms could be encouraged. (v) retention of criteria for broader areas where development may be feasible. (vi) retention of those criteria applicable to natural heritage interests, project viability and grid infrastructure in areas not subject to statutory designation.
Minor Changes
(i) Removal of background information on sustainable development, climate change and renewable energy. (ii) Restructuring of spatial framework to provide more straightforward explanation, with reduction in level of detail provided in the text and removal of duplication.

SPP7: Planning and Flooding
Summary Policies
New development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. Drainage is a material consideration and sustainable drainage will be required wherever practicable. For coastal and watercourse flooding a Risk Framework characterises areas for planning purposes by their annual probability of flooding and gives the planning response.
Substantive Changes
No substantive changes to the policy although this should be revisited later in 2009 as the implications of the Flooding Bill become clearer
Minor Changes
(i) Policy on SUDS has been clarified but not changed. (ii) Removal of background information and explanation of responsibilities. (iii) Alterations to the structure and wording to enable clearer and more concise explanation of policy. Removal of duplication and advice.

SPP8: Town Centres and Retailing
Summary Policies
The planning system should identify and promote town centres as part of a network of centres and seek to focus development in existing town centres by using a sequential approach to development.
Substantive Changes
No substantive changes.
Minor Changes
(i) Removal of reference to mezzanine floor restrictions. (ii) Examples of vitality and viability indicators are not included in revised text. (iii) Definitions removed to glossary. (iv) Alterations to structure and wording to enable clearer and more concise explanation of policy. Removal of duplication and advice.

SPP10: Planning and Waste Management
Summary Policies
The policy supports a planned approach to the identification of sites for waste management installations using a range of technologies. Landfill opportunities should be safeguarded and waste facilities protected from inappropriate surrounding development. Encourages the provision for waste separation and collection of recyclable material in new developments.

Substantive Changes
No substantive changes.
Minor Changes
(i) Removal of background information and explanation of SEPA's role in planning. (ii) Alterations to structure and wording to enable clearer and more concise explanation of policy. Removal of duplication and advice. (iii) Sections on model policies, land raising, sewage and other process sludges, design and site waste management plans not included as they constitute guidance. (iv) Reduction in detail on waste management, proximity principle, working with communities and need. (v) Policy on taking pollution, including odour, into account when deciding on locations for thermal treatment plants has been clarified following advice from SEPA.

SPP11: Open Space and Physical Activity
Summary Policies
The planning system should seek to protect and enhance open space and opportunities for sport and recreation. Open space audits should be undertaken to inform open space strategies. Guidance should be provided in the quality and accessibility of open space in new developments.
Substantive Changes
No substantive changes.
Minor Changes
(i) Reduction of background text on the value of open space and physical activity. (ii) Removal of detail on open space audits and strategies. (iii) Removal of specific mention of stadia, actions by separate council departments and quality factors. (iv) Reduced text on local authority developments.

NPPG12: Skiing Developments
Summary Policies
States that the planning system should provide for the growth of skiing in locations where there are not likely to be adverse effects. While the development of new areas is not ruled out, the policy provides mainly for the consolidation and improvement in the range and quality of facilities at existing ski centres.
Substantive Changes
No separate section on skiing developments to be included in the draft consolidated SPP (all existing policy now excluded) as broader policies cover all relevant considerations.

This means that development plans will no longer be required to include specific policies on skiing development, although relevant areas may choose to retain or include specific policies.
Minor Changes
No minor changes

NPPG13: Coastal Planning
Summary Policies
The coast should be classified for planning purposes as developed, undeveloped or isolated and different responses are required to development proposals in these areas. Isolated and undeveloped coast should be protected. Developed coasts should be the focus for development which requires a coastal location.
Substantive Changes
The requirement to classify all the coast into one of the three types in the development plan has been removed, but the distinction between the types has been retained in the context of development management, to act as a general guide to development on the coast. This means that although many development plans would continue to undertake such an assessment, in some areas a different approach to coastal planning within development plans will occur.. It is important to note that recommended levels of protection for different types of coastal area have, however, been retained within the draft SPP. This includes a preference for development requiring a coastal location to be focused on the developed coast, with development on the undeveloped coast only being appropriate where it is socially or economically justified, and a presumption against development on the isolated coast.
Minor Changes
(i) Reduction of the explanation of types of coastal area. (ii) No information on non-statutory plans included. (iii) Removal of additional guidelines for development which may require a coastal location.

NPPG14: Natural Heritage
Summary Policies
Planning plays a key role in ensuring land requirements are met in ways which do not erode environmental capital. Sets out the key tools that planning can use to protect the environment. It notes the importance of a strategic approach to biodiversity protection, and explains the hierarchy of natural heritage designations, and the importance of protecting the wider environment. Also covers woodland and trees, lochs, ponds, water and wetlands. Explains role of non-statutory designations and refers to use of the precautionary principle.

Substantive Changes
Local designations are now limited to two types: special landscape areas and local nature conservation areas to prevent proliferation of local designation types.
Minor Changes
(i) Alterations to detailed wording and removal of duplication. (ii) Increased emphasis on habitat networks and connectivity. (iii) Some references are made to updated environmental policy context (i.e. European Landscape Convention).

SPP15: Planning for Rural Development
Summary Policies
Planning's role in rural development is to enable opportunities for development in sustainable locations. Rural diversification should be embraced to help businesses expand or start new enterprises in relevant circumstances. New development should not undermine countryside character and quality.
Substantive Changes
No substantive changes
Minor Changes
Reduction of explanation provided and restructuring to combine key policy messages and remove duplication.

SPP16: Opencast Coal
Summary Policies
Coal continues to have an important part to play in widening the diversity of the energy mix. Planning authorities are responsible for determining individual development proposals. There should normally be a presumption against development unless the proposal is environmentally acceptable, or can be made so by planning conditions / agreements, or the proposal provided local or community benefits which clearly outweigh the likely impacts to justify consent.
Substantive Changes
No substantive changes
Minor Changes
(i) Sections on appraisal of proposals and assessment of disbenefits and benefits reduced. (ii) Annex on the Coal Authority removed. (iii) Alterations to structure and wording to enable clearer and more concise explanation of

policy. Removal of duplication and advice.

(iv) Less text on impact on communities, but need to take communities into account is retained.

(v) Section on operational considerations removed, as this is covered by wider environmental regulation.

SPP17: Planning for Transport

Summary Policies

Land use planning should assist in reducing the need to travel and creating the right conditions for greater use of sustainable transport modes. The settlement strategy should be related to the capacity of the strategic transport network. Development likely to affect trunk and other strategic roads should not adversely impact on the safe and efficient flow of traffic. Local maximum parking standards should be developed.

Substantive Changes

Requirement for application of national maximum parking standards removed. SPP17 requires that at and above specified development size thresholds, national maximum parking standards apply and that special measures are required if councils seek to exceed the standards. This has not been included in the draft SPP. It does not specifically refer to the requirement to meet national maximum parking standards, but maintains an emphasis on regionally defined maximum parking standards for on-site parking at new development

Section on new junctions onto motorways and the strategic road network adjusted to reflect the current position of Transport Scotland.

The existing SPP states a **general presumption against** new junctions onto motorways or trunk road junctions, except where **nationally** significant economic growth or regeneration benefits can be demonstrated. The draft consolidated SPP replaces this with statements that new junctions are **not normally acceptable** and that exceptions would arise where national **or regionally** significant benefits can be proven.

Minor Changes

(i) Sections on types of transport modes removed and policy incorporated into general text resulting in reduction in level of detail and removal of duplication and advice.

(ii) Section on assessing development proposals reduced.

(iii) Alterations to structure and wording to enable clearer and more concise explanation of policy.

NPPG19: Radio Telecommunications

Summary Policies

Siting and design of telecommunications development are the key issues to be addressed through the planning system. Options for site selection and base station design are set out and the role of the planning system in relation to emissions and health is explained.

Substantive Changes
No substantive changes
Minor Changes
<p>(i) Removal of all policy context, background information, advice and information about permitted development rights.</p> <p>(ii) Section on determining planning applications removed.</p> <p>(iii) Alterations to structure and wording to enable clearer and more concise explanation of policy.</p> <p>(iv) Significant reduction of discussion around emissions and health, but core policy position that emissions of radio frequency radiation are controlled and regulated under other legislation, therefore planning authorities should not treat emissions as a material consideration is retained.</p>

SPP20: Architecture and Design Scotland
Summary Policies
SPP 20 sets out the role of Architecture & Design Scotland and repeats policy messages from Designing Places
Substantive Changes
It is the view of Government that the role of A+ DS is not planning policy, therefore it has not been included in the consolidated SPP. Other policy messages are a repeat of Designing Places, which will be retained as a separate document.
Minor Changes
N/A

SPP21: Green Belts
Summary Policies
Green belt designation should be used as a long term land use planning tool to provide clarity and certainty on where development will and will not take place. There is presumption against inappropriate development in green belts. Where necessary the proposed release of green belt land should be taken forward as part of a long term settlement strategy in the development plan.
Substantive Changes
No substantive change

Minor Changes
(i) Removal of detail from the development planning and development management sections. (ii) Section on management not included. (iii) Alterations to structure and wording to enable clearer and more concise explanation of policy

SPP22: Planning for Fish Farming
Summary Policies
Planning authorities should use the development plan to support fish farm development where environmental and other impacts can be addressed satisfactorily. Plans should identify sensitive areas and potential development areas.
Substantive Changes
No substantive changes
Minor Changes
(i) Section on policy background removed. (ii) Less detail incorporated on working with communities, natural heritage, the historic environment and other regulatory controls and codes of practice. (iii) Alterations to structure and wording to enable clearer and more concise explanation of policy

SPP23: Planning and the Historic Environment
Summary Policies
The planning system can contribute to the delivery of the Government's objectives for the historic environment. Planning authorities should ensure that development plans provide a framework for protection, conservation and enhancement of the historic environment in which development impacts can be properly assessed. The historic environment can accommodate new uses while retaining its special character. The aim should be to identify the best viable use that is compatible with the fabric, setting and character of the historic environment.
Substantive Changes
No substantive change
Minor Changes
(i) Alterations to structure and wording to enable clearer and more concise explanation of policy. (ii) Information on authorities' wider powers relating to the historic environment has been removed. (iii) Model policies not included.

APPENDIX 2

ANSWERS TO QUESTIONS

Q1. Overall, is national planning policy clearer and easier to understand in the consolidated SPP compared with existing SPPs and NPPGs?

Yes - National policy is clearer and easier to understand by its consolidation into one document. However, the almost complete removal of cross-referencing of the SPP with other Scottish Government publications leads to ambiguity. Whilst it is understood why there has been an attempt to keep cross-referencing to a minimum in the SPP, it is considered that certain parts of the document lack clarity because of it. This whole issue should be re-examined and a small amount of cross-referencing reinstated where necessary.

Q2. Do you support the proposed structure and format of the consolidated SPP?

Yes - However given the requirements of the Planning etc (Scotland) Act 2006 the section on Sustainable Development should be the first paragraph within the consolidated SPP.

Q3. Do you agree with the removal of advice and background information from the consolidated SPP?

Yes- This is necessary within the context of the proposed changes to the planning system.

Whilst it is recognised that the intent of this review is not to change existing policy within the current series of NPPG's and SPP's, a future review of the content of the SPP should perhaps focus on a more limited set of themes, that is, the Economy, Communities & Regeneration and the Environment.

Q4. Does this paragraph provide a clear overview of the expectations for community engagement in the modernised planning system?

Yes.

Q5. Is the status of this section in relation to the Planning etc. (Scotland) Act 2006 sufficiently clear?

No-It needs to be made clear in this section that sustainable development is the overarching strategy that can inform action on the economy, the environment and within communities. Planning authorities and the Government through the National Planning Framework are obliged under the Planning etc (Scotland) Act 2006 to undertake their functions within this context. This section should be at the introduction of the document and extended to meet the requirements of Part 1 of the act (Section 3CA (3)).

Q6. Is the role of the planning system in assisting climate change mitigation and adaptation clearly highlighted throughout this SPP?

In general yes. However sustainable development and climate change issues are integrated issues. Paragraph 39 should be incorporated into the section on sustainable development. The paragraph and the SPP should also refer to matters which the planning system can take to mitigate the impacts of future climatic conditions.

Q7. Is the contribution of the planning system to sustainable economic growth, as explained in this section, clear and easy to understand?

No- Further clarity could be introduced by recognising the importance of partnership working and dialogue with the private sector in the delivery of business opportunities (see previous SPP2). There is also a gap in policy as the SPP should clearly state that development plans should continue to identify and safeguard sufficient strategic and local industrial sites to ensure that there is a marketable range of sites available for industrial/business development. There is also an absence in the text and a recognition that the environment is an important economic resource. High environmental quality can be used to promote an area for business development and requires to be safeguarded through the planning system. It can also provide a range of economic opportunities (e.g. tourism) and that improvements to the environment can play a role in retaining and attracting skilled people and businesses and improving the quality of life in the area.

Q8. Have the main elements of national planning policy relating to town centres and retailing been included and are they clearly explained?

The broad objective of supporting town centres as the primary location for retail and commercial leisure activities remains unaltered. However, the previous reference in SPP 8 (paragraph 7) in support of an efficient, competitive and innovative retail and leisure sector has been left out of the Government's objectives for town centres. This omission potentially strengthens the protection afforded to town centres as such as it removes an argument in favour of low cost ground expansive forms of retail and leisure development which in some cases can only be accommodated outwith traditional high density town centres.

The requirement to identify a network of retail and leisure centres remains. However, the previous explanation contained in SPP 8 as to the purpose and function of the network (paragraph 10 SPP8) has been omitted. In the interest of clarity it would be preferable to reinstate this explanation.

SPP 8 has consistently included a definition of the term "edge-of-centre" but this has been omitted from the draft SPP. This should be reinstated and incorporated as a fourth footnote at the end of page 11 of the SPP to help reduce uncertainty.

The requirement to monitor the "health" of town centres has been retained but is only applied to town centres for which town centre strategies have been prepared. SPP 8 on the other hand applied this requirement to all town centres (paragraph 34 of SPP 8). For the purpose of identifying town centres in need of an action strategy and for development management purposes, monitoring of town centres in general is appropriate. The examples of town centre vitality and viability indicators previously contained in Box 4 page 9 of SPP 8, have been omitted. Given that these were examples only and not requirements their omission is not significant.

The most notable omission from SPP8 is the Annex which provided guidance in relation to particular types of development. In effect, the annex took particular forms of retail development such as retail warehouse parks and food superstores and explained how these should be assessed against the policy guidance contained within the main body of

the SPP. These examples did not add to the policy substance of SPP8 but did provide clarity in respect to the treatment of regional shopping centres, food discount stores, retail warehouse clubs, factory shops, factory outlet centres and petrol filling station shops by emphasising that they should be assessed in the same way as any other form of retailing. It could be argued that these forms of retail offer are not now novel and are better understood and consequently there is no need for specific guidance.

Q9. Have the main areas of national planning policy relating to housing been included and are they clearly explained?

The most notable difference from the current SPP covering planning for housing (SPP3 Revised 2008) is the omission of Annex A which provided guidance on the preparation of housing land audits. Whilst the removal of the Annex clarifies that the audit process is not the subject of policy guidance, it will be necessary for the Scottish Government to clarify for consistency purposes whether the advice previously contained in PAN 38 is to be reinstated in any way. Also notable is the omission of a reference to the Scottish Government's target of 35,000 homes per annum (as set out in "Firm Foundations").

The phrase "Housing Need & Demand Assessment" (HNDA) is introduced in paragraph 53 without definition. This should be properly explained and qualified by direct reference to the published guidance otherwise ambiguity will be introduced.

In referencing the term "Functional Housing Market Area" the published HNDA guidance should be referred to by its full title, either in the text or as a footnote, again to avoid the introduction of ambiguity.

The phrase in paragraph 53 "...The preparation of local housing strategies and development plans should be closely aligned..." is unclear. The text does not fully explain how or why the two should be aligned.

There is a need to reintroduce, in paragraph 53, the notion that the identification of the housing land requirement need not simply be a case of following trend projections but that it should be influenced by social and economic aspirations which may imply different outcomes (see paragraph 32 of SPP3).

In paragraph 57 the term "housing land audit" is introduced but is not defined (since Annex A of SPP3 has been deleted)

Q10. Have the main areas of national planning policy relating to rural development been included and are they clearly explained?

No- There are many areas of rural Scotland which are special in terms of the built, historic and natural environment where change has to be managed with great care. It is therefore important to recognise the unique character of many of Scotland's smaller towns and the contribution this character has in attracting visitors to an area. This recognition is absent from this section. See paragraph 26, SPP15

Q11. Do you support the proposed policy on protection of prime agricultural land?

Yes- The additional policy protection is supported. However, within the context of a wider soil strategy this protection is only consistent with the sustainable management of a finite

resource. Further guidance could also be given in this section to other international significant soil resources such as peat which are important carbon sinks (refer to paragraph 172 in mineral section).

Q12. Do you support the removal of the specific requirement for development plans to classify coastal areas as developed, undeveloped or isolated?

Given that there are no areas of coast in East Ayrshire, it is considered that this matter is best addressed by those local authorities who do.

Q13. Have the main elements of national planning policy relating to fish farming been included and are they clearly explained?

Consideration should be given on whether to retain this section within the finalised SPP. The detail provided within the current SPP22 could be incorporated within a Planning Advice Note.

Q14. Have the main elements of national planning policy relating to the historic environment been included and are they clearly explained?

Yes.

Q15. Do you agree with the principle of limiting local non-statutory designations to two types?

Yes- However this classification should not infer an order of significance or hierarchy, only that they are designated by different authorities. The European Landscape Convention makes it clear that all landscape requires consideration and care and that local and national designations must be seen as integral components of to safeguarding the wider interests of Scotland's biodiversity and landscape.

Q16. Have the main elements of national planning policy relating to landscape and natural heritage been included and are they clearly explained?

Yes.

Q17. Have the main elements of national planning policy relating to open space been included and are they clearly explained?

Yes- The integration of open space strategies within the development plan process clarifies their status, the scope for consultation and the processes of implementation and development management which was previously documented in SPP11. This is a welcome step. It is noted that the previous requirement for playing field strategies to be prepared in consultation with sportscotland has been replaced with "*playing field strategy prepared in accordance with a methodology approved by sportscotland*".

Q18. Have the main elements of national planning policy relating to green belts been included and are they clearly explained?

No- The key objectives of Greenbelt policy articulated in paragraph 6 of SPP21 should be reflected in paragraph 119. That is

- To direct planned growth to the most appropriate locations and support regeneration;

- To protect and enhance the character, landscape setting and identity of towns and cities; and
- To protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

Q19. Do you support the retention of the policy on the use of maximum parking standards and the relocation of national maximum parking standards into advice?

The retention of a policy on the use of maximum parking standards is supported. It is considered that parking restraint policies and maximum parking standards are issues best addressed by local authorities working in conjunction with regional transport partnerships as the use of one standard across the whole of Scotland is not considered to be effective or realistic.

Q20. Have the main elements of national planning policy relating to transport been included and are they clearly explained?

Overall, yes. Whilst the revised draft SPP reduces much of the content of the previous SPP17, the text clarifies and the role of the government in strategic transport provision and the role of local authorities and regional transport partnerships in land use / transport integration and local transport provision. This clarity within the document is supported.

One slight gap in policy, however, is that walking routes and core paths should be safeguarded by local authorities.

Additionally it is noted that in relation to disabled parking that the standard of provision contained in Building Standards does not match that contained in the draft SPP. The Building Standards state that disabled spaces should be provided "on a ratio of at least 1 per 20 parking spaces, or part thereof".

Q21. Do you agree with the integration of policy on spatial frameworks for wind farms over 20 megawatts generating capacity with general planning policy on wind farm development?

Yes- This is a significant improvement to the previous SPP

Q22. Have the main elements of national planning policy relating to renewable energy been included and are they clearly explained?

Yes- The main elements of national policy relating to renewable energy have been included and are clearly explained.

Q23. Have the main elements of national planning policy relating to flooding and drainage been included and are they clearly explained?

Yes- The main elements of national policy relating to flooding and drainage appear to have been included and are clearly explained.

Q24. Have the main elements of national planning policy relating to waste management been included and are they clearly explained?

Consistent with the modernisation agenda for planning the changes in text infer greater discretion to planning authorities in planning for waste facilities, whilst ensuring that a sustainable approach to waste management is adhered to and the principles of the waste hierarchy, reduced reliance on landfill and the precautionary and proximity principle are applied. Examples of this discretion are the removal of guidance on buffers from sensitive receptors, the section on model policies, the section on sewage and other process sludges and land raising. The main elements of national policy as it currently exists have been incorporated into the text of the revised SPP.

Q25. Have the main elements of national planning policy relating to mineral extraction been included and are they clearly explained?

In general terms the sustainable approach to mineral extraction advocated in paragraph 8 of SPP4 has been reflected in the draft SPP. However, the specific reference to the promotion and use of recycling and secondary materials has been excluded. In the absence of a strategic context for the assessment of mineral requirements the draft SPP encourages joint working with neighbouring authorities to ensure an adequacy of supply and to identify search areas. The requirement on Planning Authorities to maintain a minimum 10 year landbank is retained. Within an Ayrshire context the specific reference to the need to safeguard the Beith limestone reserves is also retained and is supported.

Q26. Have the main elements of national planning policy relating to opencast coal extraction been included and are they clearly explained?

Yes- When read in the context of other parts of the draft SPP the main elements relating to opencast coal extraction have been included in the text.

Q27. Have the main elements of national planning policy relating to telecommunications been included and are they clearly explained?

Yes- Much of the dated text contained within NPPG19 has been removed and the policy content in the draft SPP focuses on key paragraphs within the original document, namely paragraph 41-47 and 61. However, these paragraphs reflect the essence of national planning policy.

Q28. How might the consolidated SPP impact positively or negatively on equalities groups?

No Comment

Q29. Will any groups not identified already in the partial EqIA be affected by the consolidated SPP?

No Comment