



SPP Review Team
Area 2H
Victoria Quay,
Edinburgh
EH6 6QQ

3 July 2013

Dear Sir/Madam,

RE: SCOTTISH PLANNING POLICY – CONSULTATION DRAFT

The Scottish Wildlife Trust welcomes the opportunity to comment on the Consultation on Scottish Planning Policy (SPP).

The Scottish Wildlife Trust's central aim is to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. We have a 25-year vision for Scotland in which we want to see a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas.

The Scottish Wildlife Trust believes that inappropriately located and badly designed developments can have significant, detrimental impacts on Scotland's biodiversity and on people's quality of life. We also believe that delivering high quality sustainable places where people want to live can only be achieved by having a robust and well-resourced planning system.

We believe the way forward to protect and enhance Scotland's biodiversity and wildlife is to adopt an ecosystem approach to nature conservation and for society to recognise that healthy ecosystems are the foundation of Scotland's prosperity. The conservation of biodiversity is key to ecosystem health; without thriving biodiversity, ecosystems begin to malfunction, are less resilient to change and lose significant value. By working in partnership through our Cumbernauld Living Landscape and Coigach Assynt Living Landscape initiatives we are demonstrating how we can manage land to deliver environmental, social and economic improvements at a landscape scale.

General points

We are pleased that there is a clear line of sight between National Planning Framework 3 (NPF3) and SPP and we are very supportive of the inclusion of placemaking in the policy. We also support the steer given by the Minister regarding the status of SPP in that it is *a material consideration that carries significant weight*. We hope this leads to better outcomes in which plans that demonstrate the ambition to deliver high quality places are approved and those that have no such aims and do not align with the principles of SPP, are rejected.

We do however have a concern regarding the emphasis placed on planning *attaching significant weight to economic benefit*. This increased weighting is contrary to the principles of sustainable development and may lead to developments being approved which have a significant and detrimental effect on Scotland's

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natural capital. This would be contrary to the Scottish Government's (SG) aspirations of: *protecting and enhancing natural resources* and the delivery of Outcome 2: *Planning protects and enhances Scotland's built and natural environments as valued national assets*.

In addition, placing emphasis on the economic imperative may have unintended consequences because the business as usual model of 'approving volume house building plans' will no doubt deliver short term economic benefits but may not accord with the six placemaking principles and the other key documents referred to in SPP. Therefore, there is a real danger that this planning guidance will fail in its ambition to support the delivery of quality places across Scotland.

CONSULTATION QUESTIONS AND ADDITIONAL COMMENTS

Question 1:

Do you think that the measures outlined in paragraphs 15 to 23 are appropriate to ensure that the planning system supports economic recovery and sustainable economic growth?

Are there other measures to support sustainable economic growth that you think should be covered in the SPP?

The Scottish Wildlife Trust does not agree with bullet point 3, paragraph 17 which states that the planning system should:

attach significant weight to economic benefit of proposed development as a material consideration, particularly the creation of new jobs, recognising and responding to economic and financial conditions

We believe that by attaching significant weight to 'economic benefit' SPP may be at odds with the five principles of sustainable development (which are set out in paragraph 25, page 8) and conflict with The Planning etc. (Scotland) Act 2006 which states that development plans by planning authorities must be exercised with the objective of contributing to sustainable development.

Because the environment is the context for all activity in Scotland - the quest for economic growth should not be at any cost but should go hand in hand with the protection and enhancement of Scotland's natural assets (natural capital) which provide the ecosystem services upon which Scotland's prosperity depends.

Placing such an emphasis on the economy sends out the wrong message to decision makers because this could be interpreted as taking precedence over the environment when planning decisions are to be made. As such, it will be difficult for the Scottish Government to deliver its aspiration of: *protecting and enhancing natural and cultural resources* (paragraph 2 page 2) and Outcome 2: *Planning protects and enhances Scotland's built and natural environments as valued national assets* (page 4).

In addition, placing emphasis on the economic imperative may have unintended consequences because the business as usual model of 'approving volume house building' will no doubt deliver short term economic benefits but may not accord with the six placemaking principles and the other key documents referred to in SPP. Therefore, there is a real danger that this planning guidance will not deliver the quality places that the SG wants to see across Scotland.

Paragraph 27, bullet point 7 (page 8)

It would be helpful here to refer to protecting and enhancing ecosystems – this would align with paragraph 126 bullet point 2 (page 33) and the recently published Scottish Biodiversity Strategy (SBS) 2020 Challenge which has an aim to:

protect and restore biodiversity on land and in our seas, and to support healthier ecosystems

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We note in Paragraph 27, that there is no reference to: *promoting the development of mixed communities and supporting habitat connectivity*

As they were included in the last SPP, we do wonder why they have been omitted here.

Climate Change

Paragraph 34 (page 10)

We are pleased that there is reference to 'nature based solutions' in adaptation mechanisms for Climate Change – it states: *working with natural environmental processes, for example through the development of green infrastructure and sustainable urban drainage systems to reduce flood risk; and - promoting landscaping and natural shading that cool spaces in built areas during hotter periods*

Placemaking (page 11)

We are pleased that the proposed revised SPP includes a section on placemaking. In particular, we support the six qualities which are necessary for positive placemaking as set out in paragraph 37 (page 11).

As it is recognised with reference to the status of SPP (Paragraph 6 page 3) that: *As a statement of Ministers' priorities [SPP] it is a material consideration that carries significant weight* this should mean that decision makers faced with poorly designed, low quality developments - that do not accord with the placemaking policy principles - have the confidence and the means to reject them. This approach, if adopted across Scotland, would go some way to raising the quality of places for people to live and, to paraphrase Jan Gehl, would ensure the design process considers: life first, then spaces and then buildings- rather than working the other way around i.e. putting buildings first.

We find the Figure on page 13 regarding *the process involved in achieving better places* helpful and we would like to see it included in the final SPP.

Location of new development (page 15)

Paragraph 43

Bullet point 8 should include reference to protecting and enhancing ecosystems – which would more closely align with the Land Use Strategy (LUS) and SBS - 2020 Challenge.

Valuing the Natural Environment (page 33)

Section 134 (page 35) With regard to peatland, in addition to stating that developments should aim to minimise the release of CO₂, there is an opportunity for developers to set in motion the process to reverse the release of greenhouse gases- i.e. by committing to habitat restoration – as referred to in Section 128 last sentence (page 34).

Section 143 (page 35)

To avoid confusion, *nature conservation sites* should be expressed as *local nature conservation sites*- this would align with paragraph 145.

Enhancing Green Infrastructure (page 38)

This section would benefit from a definition of green infrastructure (GI) and how it relates to ecological (green) networks. We would suggest that the European Commission's definition¹ would be appropriate:

¹ Green Infrastructure (GI) — Enhancing Europe's Natural Capital. Brussels, 6.5.2013 COM(2013) 249 final

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GI: a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services. It incorporates green spaces (or blue if aquatic ecosystems are concerned) and other physical features in terrestrial (including coastal) and marine areas. On land, GI is present in rural and urban settings.

We strongly support the policy principles bulleted in paragraph 156 (page 38).

Key documents should include the SBS 2020- challenge, reference the EU Commission's communication on GI² and the LUS.

Paragraph 157 (page 38)

It would be helpful to refer to opportunity mapping here- this is the best way to identify constraints, opportunities and synergies in land use planning.

Paragraph 158 (page 38) should refer to an ecosystem approach- to align with the LUS and the supplementary guidance included therein on the ecosystems approach.

Consultation Question 14

Do you think that the provision of green infrastructure in new development should be design led and based on the place, as set out in paragraph 163?

An alternative would be to continue with a standards based approach. Do you think this is the appropriate approach?

We agree with the first statement that GI should be designed into new development rather than be a 'bolt on' as is often the case. If designers from the outset, worked with the 'grain of nature' and the 'traces on the land' this would have the advantage of being both more cost effective and more likely to protect and enhance the ecosystems present. In addition, this method is the best way to deliver high quality greenspace adjacent to where people live and work.

As stated in the EU Commission's definition (see above) - GI must be strategically planned.

We are pleased that paragraph 163 refers to the long-term management of GI- as this is key to long term sustainability of high quality greenspace.

Paragraph 164 (page 39)

We agree that there should be compensation provided where GI is lost, which would accord with the EU Commission's No Net Loss initiative (due for publication in 2015) - however this should not be perceived as a licence to trash. In addition, we believe that because high quality GI may take time to establish it is important that compensatory creation of GI reflects this and as such is of greater extent to that which has been lost. There should also be reference to maintaining connectivity to an existing ecological network - i.e. developers should compensate for any increased habitat fragmentation that development has created.

Promoting responsible extraction of resources (page 40)

There should be a strong steer given to local authorities to phase out permissions for peat extraction for horticultural purposes. This would align with The Second Report on Proposals and Policies³ which states:

² *Ibid*

³ Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027. The Second Report on Proposals and Policies. Written statement laid before the Scottish Parliament pursuant to section 35 of the Climate Change (Scotland) Act 2009

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SEPA recommended that the Scottish Government also make a commitment to phase out the use of peat for horticulture. The Scottish Government can confirm that it wishes to see the reduction and eventual phasing out of the use of peat in horticulture. Where permission is sought for the extraction of peat for horticulture or a renewal of such permission, SNH advise local authorities on the habitat implications, including the scope for peatland restoration.

Paragraph 167 (page 40)

Bullet point 4 is especially pertinent in light of what has happened to Scottish Coal who are now unable to carry out restoration work affecting Natura 2000 sites. A clear steer needs to be given to extraction operators that restoration is just as important as minimising the impacts on natural heritage and how this will be achieved - in terms of a funding commitment - must be clearly set out in any planning proposal.

Paragraph 172 (page 41)

Bullet point 5 should include reference to ecosystems- because mineral extraction activity can affect ecosystem health and hence the quality of ecosystems services delivered.

Paragraph 172 (page 42)

The term *environmentally acceptable* needs to be clearly defined here.

Paragraph 177 (page 42)

There is reference to independent guarantees- will these be robust if developers go bankrupt?

Supporting Aquaculture (page 42)

Paragraph 181 (page 42) bullet point 3 states: *maintain a presumption against finfish farming on the north and east coasts to safeguard migratory fish species.*

While the Scottish Wildlife Trust would like to see this policy upheld it is unclear to us why migratory species such as Atlantic salmon and sea trout with origins in the rivers of the west coast or the western and northern isles are not afforded the same protection from potentially harmful marine finfish farms.

Key documents (page 43) should include the proposed Marine Protection Areas.

Promoting sustainable active travel (page 44)

Key documents (page 44) should also include SBS 2020 challenge

Onshore wind (page 51)

The reference to *high quality unaltered peat* (page 51) should be reworded as there are very few areas in Scotland which have peatland that have not been affected by land management (i.e. most peatlands have been altered to some extent). In fact, the peat itself may not be altered but the vegetation covering the peatland surface may have changed. It would be more appropriate to refer to active peatland (which covers active raised and blanket bog) – which would accord with the definition of this Annex 1 habitat in the Habitats Directive.

There is also reference to *deep peat* a definition is required- this could be consistent with the Peat and Wind Code published by Scottish Renewables.

With regard to Group 3 (page 51) - it should be remembered that many natural heritage designations- such as local nature conservation sites contain peatlands - particularly lowland raised bogs. Therefore there may

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be a conflict with the aspirations of the last bullet point pertaining to protection of peatlands as covered in Group 2. i.e. significant protection.

Managing flood risk and development

Consultation Question 20 (page 57)

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

Yes this is crucial for mitigating and adapting to the effects of climate change. Strategic flood risk management should be conducted at the catchment scale and nature based solutions should be provided as part of flood risk management. By this method multiple benefits can be delivered such as: slowing water movement, providing high quality and connected GI and increasing the biodiversity value in the catchment.

Key Documents (page 57) should include EU's Water Framework Directive.

Consultation Question 23 (page 62)

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

Please refer to the Scottish Wildlife Trust's general comments above.

Consultation Question 24 (page 62)

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

Yes we believe it would be useful to monitor the impacts of SPP with regard to the delivery of local development plans and, perhaps more importantly, development management. With regard to impacts of planning on the natural environment - development of a suit of ecosystem health indicators is underway and these could be scaled to the local authority level. In terms of measuring the increase in quality places across Scotland and impacts on health and wellbeing, this sort of information is already being captured by quantitative indicators in Single Outcome Agreements.

Yours faithfully,



Dr Maggie Keegan
Head of Policy and Planning