

## **Aberdeenshire Council's Response to Scottish Executive Development Department Consultation Paper**

### **Statutory Guidance on Planning and Sustainable Development (March 2007)**

Aberdeenshire Council welcomes the Scottish Executive's Draft Statutory Guidance on Planning and Sustainable Development. Its publication is particularly timeous here given the current preparation of the Strategic Development Plan for the North East, and completion earlier this year of the Scrutiny and Audit Committee's Report into Aberdeenshire's response to climate change.

Comments are offered under the general headings as set out in the paper.

### **GENERAL POLICY CONTEXT**

#### Sustainable Development

Aberdeenshire supports the UK Framework's five principles of sustainable development, and agrees that to be sustainable a policy must respect all five. The five principles are:

- Living within environmental limits
- Ensuring a strong healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly

More often than not it is very difficult to reconcile the principles with each other. One of the key reasons for this is a continuing drive towards higher levels of GDP as the principle measure of success within the economy with the result that sustainable development remains an elusive and abstract concept as far as most businesses are concerned.

Aberdeenshire welcomes the step, following recent elections, to include planning within a larger ministry, together with business and transport. It is hoped that this will enable greater alignment of sustainable development objectives across these three sectors.

Within the context of the guidance, it would be helpful to acknowledge that the very positive contribution planning can make, will be strongly influenced – and possibly limited – within a 'business as usual' culture (see also 'Personal Responsibility').

#### Climate Change

The way in which the recommendations are set out presently, suggests that mobility is still alright as long as car travel is minimised. In fact, an overall reduction in the need to travel should be a clear, stand alone objective. (Comparable with a need to reduce energy demand in new buildings as far as possible, before dealing with any *residual* requirement through renewables).

Reducing car travel is arguably an area where planning can most readily make a contribution; but travel by train, bus and plane also creates considerable energy demand. So, the need to travel should be reduced to a minimum, but more than this, developments which create additional energy and transport demand – particularly where this is avoidable, or optional for the well-being of host communities – should be discouraged. This might be encouraged, for example, through greater use of travel assessments required to reveal the carbon impact of travel to a site, and stronger enforcement of travel

plans. This may be seen as prejudicial to business ventures with a large travel implication, but with a goal of 60% CO2 reduction in the UK by 2050 (and carbon neutrality in the North East before this) local businesses and no or low carbon developments will need to pull through in a 'green economy'.

### Strategic Environmental Assessment

The consultation paper notes that the Environmental Assessment (Scotland) Act 2005 'requires that measures are considered that can, as fully as possible, prevent, reduce or offset' impacts. It rightly observes that 'it may not necessarily follow in every case that, the identified environmental effects and associated mitigation measures can be given precedence over social and economic factors within a development plan' (See paragraph 12).

To the extent that identified environmental effects and associated mitigation measures may not always take precedence over social and economic considerations, the notion that subjecting the framework to "strategic environmental assessment will ensure that issues of environmental sustainability are specifically *addressed*" seems to be too strong and unrealistic.

Consequently we suggest that an appropriate wording be used to reflect this observation. We propose that the last sentence could read as follows: "The framework will be subject to strategic environmental assessment, ensuring that issues of environmental sustainability are specifically *regarded*."

### Building Standards

Recent internal discussions on the best way to improve energy efficiency of new buildings and to promote carbon neutrality in Aberdeenshire, suggest that within the current planning framework, it is not feasible for development management to measure and verify, in each application, that the minimum X% reduction in CO2 emissions beyond the 2007 building requirements have been met. (SPP6: Renewable Energy, paragraph 36: '*....The expectation should be that all future applications proposing development with a total cumulative floorspace of 500 sq meters or more should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO2 emissions beyond 2007 building regulations carbon dioxide emissions standard. The intention is for national targets to increase through the Action Plan that will be prepared to implement the Energy Efficiency and Microgeneration Strategy*'-extract). Nor would we consider it realistic, or indeed legitimate, to attach conditions relating to thermal efficiency or CO2 emissions: Building Standard Services will be focussed on implementing the new 2007 Standards effectively as they stand, without further consideration of how or whether they have been sufficiently exceeded.

An additional consideration is the way in which the goal posts are likely to shift between the present and, say, 2016 when carbon neutrality may become a national requirement. The 5-year life of planning permissions means that considerably higher standards may pertain by the time the development is complete, in any case.

We consider that the best way forward is to offer full advice to developers with regard to on-site renewables and thermal efficiency, closely involving Building Standards officers, at the pre-application stage. It will ultimately lie with Building Standards to ensure standards are met; however a Planning Authority can make a positive contribution in terms of early

advice and guidance to developers as part of the overall development management process. Supplementary Planning Guidance is currently under preparation in Aberdeenshire, giving Members an opportunity to review and agree any proposals that are put forward.

### Personal Responsibility

The guidance states that ‘...essentially the role of the planning system is to ensure that, in the location and design of new development, individual developers, operators and users of buildings have a framework to make choices about how their behaviours and actions can contribute to sustainable development’. Given the current ambitious target of UK reductions in carbon emissions, planning should now extend, where appropriate, to precluding those choices which would continue to offer options for unsustainable behaviour.

For example, enabling a ‘choice’ to extend and intensify personal travel, on the one hand, while building higher density, thermally efficient housing closer to services on the other, is unlikely to deliver the low energy/low footprint vision of the Scottish Executive. The same argument might apply for example, to providing ‘choice’ over house size and business types e.g. international sporting and conference facilities, which give rise to significant travel demands. (Hence the need for travel assessments referenced earlier).

Elsewhere in the guidance (paragraph 27 and 34) there is reference to the need for “robust justification” for new development. Development Plan Policies are able to justify the location of broad categories of development and influence their design. However, any call for justification of the function and operation of development *outwith the public realm* (delivering housing and community needs) needs to be communicated candidly to other sectors.

## **PLANNING AND SUSTAINABLE DEVELOPMENT**

### Living within Environmental Limits

Evidence based decision making is likely to be supported in Aberdeenshire by use of the foot printing approach (and software tool) to demonstrate which policies can lead to a lower environmental impact. This is to be applied to a number of key strategic areas in Aberdeenshire Council, although not solely in relation to planning.

## **PLANNINGS CONTRIBUTION**

This section provides a useful overview of planning’s contribution, although to be taken in the context of comments made above, and subject to a number of minor observations or points of clarification, as follows:-

### Location of New Developments

- **Protect and Enhance the Cultural Heritage** – A reference to the Scottish Historic Environment Policy would be helpful in the last sentence.

- **Consider Energy Systems on a Strategic Basis** – see section on 'Building Standards' above, which concludes that the role of Development Management should be supportive, rather than regulatory in this area.
- **Take Account of Existing Infrastructure** – Planning Authorities should take account where possible of existing infrastructure. However, it is unrealistic to suggest that deregulated service providers of water, gas and electricity will enter into formal protocols with local authorities independently of the private sector. All service providers now respond primarily to the market, and commercial confidentiality tends to preclude any type of formal response.

### Design and Layout of Buildings

- **Water Efficiency** – The storage, purification and delivery of water and its subsequent treatment and return to the environment has a high carbon intensity. Water metering should be made mandatory for at least all new developments in Scotland for this reason alone, irrespective of the amount of water available. It is requested that the Scottish Executive liaise with Scottish Water to bring about an amendment to Building Standards, to exist alongside current mandatory and optional measures for water conservation.

## **KEY MECHANISMS FOR DELIVERING SUSTAINABLE DEVELOPMENT THROUGH PLANNING**

This section again provides a useful and comprehensive overview of the tools with which sustainable development can be delivered.

### Development Plans

**Focus** – This section states that, while development plans can have a significant role to play they cannot do everything.

Other measures outside of the planning system which could be considered would include:

1. Reconsidering the introduction of personal carbon accounts in early course as recommended by the Royal Commission on Environmental Pollution.
2. Re-appraising Visit Scotland's aims and objectives, with recognition of the need to reduce fuel miles as well as the footprint of visitors.
3. Reappraising Scottish Enterprise Network's aims and objectives, for example such that carbon impact become an integral part of new business cases.

**Implementation** – the new Strategic Development Plan for the North East's draft Action Programme will be drawn up in mid 2008. The implementation and enforcement which underpins the delivery of actions depend on having appropriately qualified staff, in sufficient numbers.

### Supplementary Planning Guidance

**Sustainability Standards** – Aberdeenshire Council has already prepared, or has in preparation, a number of measures or SPG's aimed at supporting the delivery of sustainability standards.

The draft guidance advises that “Planning Authorities must satisfy themselves that they have the necessary skills to make these assessments and introduce arrangements, monitor their effects...”. This should be a basic pre-requisite, but is not always possible, given the rapid rate of change and innovation at present at National and Local policy level, combined with the range of emerging materials and solutions to meet the challenges of sustainable development.

It is worth noting that the appropriate skills are not exclusively to be found within the planning process but may come from a range of other areas, such as waste or environmental management.

### Knowledge & Skill, Education and Training

Nowhere in the guidance is there reference to the additional resources likely to be needed to recruit and retain the necessary skilled staff. An overview of the guidance suggests that at a minimum, additional enforcement, building standards and policy/specialist staff will be needed for effective delivery.

Aberdeenshire Council have initiated an informal forum with academic institutions in the North East, with a view to recommending a joined up approach to issues of mutual interest. Topics which are likely to be considered include:

- The general match between the content of current academic courses and the need for planning and practice.
- Potential of academic courses to address planning issues in Aberdeenshire.
- The potential of academic researchers or research bodies to address current planning problems in Aberdeenshire, with the help of bursaries, on a commercial basis, or facilitated in other ways.

We would welcome some reference in the guidance to the roll out of the Planning Development Programme, as well as the building up of the liaison with further education establishments

### **OUTCOMES**

Within the last sentence reference to ‘our key natural and cultural resources’ might suggest that we are protecting Scottish natural and cultural resources. In fact the test of sustainability is much wider: it extends to the protection of resources in other countries very far from ‘ours’, most likely to be most impacted by shortfalls in our decision making. Omit ‘our key’ from the last sentence.

### **CONCLUSIONS**

Planning cannot create better places and make sustainable development a reality within a policy vacuum. It will not happen without a reconciliation of high level strategic objectives, as suggested above. An additional caveat is needed in this respect, setting the guidance in its overall context within the newly formed ministry.

## RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name: Irina Birnie

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Consultation title: **STATUTORY GUIDANCE ON PLANNING AND SUSTAINABLE DEVELOPMENT: DRAFT FOR CONSULTATION**

1. Are you responding as: (please tick one box)

- (a) an individual  (go to 2a/b)  
(b) **on behalf of** a group or organisation  (go to 3)

2a. **INDIVIDUALS:** Do you agree to your response being made available to the public (in SE library and/or on SE website)?

- Yes (go to 2b below)   
No, not at all

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

- Yes, make my response, name and address all available   
Yes, make my response available, but not my name or address   
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4. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?

- Yes