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**Subject:** Sustainable Development Consultation Response

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Please find attached the response of Friends of the Earth Scotland to the consultation on Statutory Guidance on Planning Sustainable Development. Thank you for the opportunity to comment.

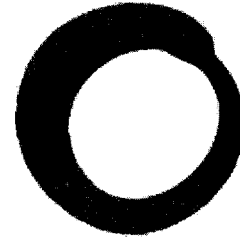
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# Statutory Guidance on Planning and Sustainable Development Consultation Paper



**Friends of  
the Earth  
Scotland**

## A response from Friends of the Earth Scotland

21<sup>st</sup> June 2007

### 1. Introduction

Friends of the Earth Scotland is an independent member of the Friends of the Earth International network. We undertake research, advocacy and community development activities throughout Scotland in pursuit of environmental justice and sustainability. This response represents the views of Friends of the Earth Scotland.

### 2. Summary of main points

Friends of the Earth Scotland welcomes consultation on steps to encourage the planning system to promote sustainable development. Whilst we are pleased with the spirit and intention of the guidance we are extremely concerned that:

- Whilst the document highlights many themes and issues that are of concern to Friends of the Earth Scotland, its tone is too often vague, advisory, rather than specific and instructive. Therefore, it gives planning authorities inadequate guidance on policy; and as a result will mean developers and communities have little confidence as to whether a specific proposal should be deemed sustainable;
- The draft guidance fails to give climate change mitigation the level of priority and importance that the current science and government policy indicates is required. Nor is the issue of environmental limits and reductions (e.g. carbon emission ceilings) addressed – something that constitutes a fatal error;
- There is no direct reference to environmental justice. Other important policy principles are also omitted, despite being well established as measures of sustainable development;
- Little attention is given to the nature or purpose and ultimate outcome of development, focusing mainly on location, and to some degree on design.

For the above reasons we strongly advise comprehensive revision of the guidance so that it is 'fit for purpose', a process that must involve external stakeholders with knowledge of delivering sustainable development policy.

**Friends of the Earth Scotland**

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## Specific comments

### Policy Context

We welcome the use of the principles and desired outcomes established in “*Choosing Our Future*”.

We believe mitigation must come before adaptation and believe therefore the sequence of the two paragraphs should be reversed to emphasise their relative importance and priority.

This section fails to discuss long-term targets for climate emissions – the key driver for current policy and something soon to be established in primary legislation at both Holyrood and Westminster.

P.3, paragraph 10 should set out that it is the duty of the planning system to encourage low carbon developments, where emissions are reduced; whilst discouraging developments that increase overall emissions. This is implied by the third bullet but needs much greater clarity. We feel the words ‘seek to’ are unhelpful and ‘ensure’ alone is more appropriate.

The first bullet omits mention of the planning system’s importance in reducing the need to travel.

We are unclear why building standards features in this section given that its interplay with the planning system is not discussed. It might be appropriate to retain this, if the opportunity is taken to explain that local authorities should be seeking to deliver high quality development which exceeds the minimum building standards (which are, of course, merely a minimum, or floor, not a maximum or ceiling!)

Para 15 introduces a critical concept which is largely ignored elsewhere: that sustainable development is “the right development at the right time” (not just in the right place, or of the right quality – factors which are considered at length elsewhere. This should also be addressed in paragraphs 21 and 31, where only location and design are mentioned). This point is critical because the nature of development can be unsustainable regardless of the location or design, if for example it contributes to breaching environmental limits such as those set by greenhouse gas concentrations.

The section on personal responsibility, whilst well intentioned, is unhelpful - especially in relation to the phrase ‘make choices about how their behaviours and actions can contribute to sustainable development, implying that such a choice is optional.

### General principles

We are disappointed that this section fails to set out the well-established fundamental aspects of sustainable development; such as meeting our own needs, without compromising the ability of future generations to meet theirs.

We are concerned with the sentence in paragraph 21 that states sustainable development “is not essentially or exclusively about preventing inappropriate development”; given that the sustainability is probably the most significant measure of whether a development is inappropriate. We recommend revision or removal of this sentence. If the guidance is attempting to say sustainable development is about promoting positive, economic, social and environmental change it should simply say this; and by implication indicate that, where developments fail to do this, they will fail to be optimal or in acceptable.

The section on the importance of the development planning (paragraph 22) requires its own heading to emphasize its importance.

### Planning and transport (paragraph 23)

Rightly, this issue is given emphasis, as this has been the planning system’s biggest failure when it comes to sustainable development. The significance of CO<sub>2</sub> emissions and air pollutants from the transport sector should be emphasised, including not only road, but also air travel implications. The guidance should imply presumption against new developments that will significantly increase the number of journeys by

unsustainable modes. Otherwise, the planning system will undermine other measures to reduce emissions from the transport sector.

### **Living within environmental limits (paragraph 26)**

This section fundamentally fails to grasp the concept and significance of environmental limits as understood in the sustainable development strategy. The most pressing environmental limit: the restriction on greenhouse gas emissions to avert dangerous climate change is not even mentioned here, when it should be a key driver. As a result the role of planning in climate change mitigation is significantly underplayed. In general, this section is poorly expressed and fails to recognise the planning system's critical role in ensuring finite resources are not irreversibly exhausted, be it carbon sinks, biodiversity or other non-renewable resources such as fossil fuels.

We are disappointed that this section makes no mention of environmental foot-printing, as technique to measure resource use, despite the fact that a number of Scottish local authorities are using this policy tool. The paragraph is almost exclusively focused on biodiversity and natural heritage rather than other pressing resource use issues such as atmospheric ability to absorb carbon.

### **Ensuring a strong, healthy and just society (paragraph 27)**

We are alarmed and concerned that this section makes no reference to environmental justice given that this has been and remains a long-standing Scottish executive policy priority. This must be explicit and not implicit in the paragraph.

### **Achieving a sustainable economy (paragraph 28)**

This text introduces unhelpful contradictions. Having already stated that sustainable development should address all five principles it is contradictory and unhelpful to assert that sustainable economic growth is the 'top priority'. This implies the emphasis is on the 'economic' rather than the 'sustainable growth' component of policy. Sustained growth (in economic activity that contributes to increasing GDP) is not necessarily the same as sustainable growth. This confusion potentially undermines the sustainability of planning policies, and in practice could particularly endanger the adoption of the most sustainable option; which in some cases means not proceeding with further development

We welcome the statement that "decisions should not be seen as trading off one factor for another and the aim is for integrated decisions which benefits communities and the environment"; we however regret the subsequent phrase 'for example through land restoration, in the long-term'. This could be interpreted as implying that environmental destruction is acceptable in the medium to short term, as long as communities are eventually compensated.

### **Promoting good governance (paragraph 29)**

The language is again loose and inadequate; for instance, 'broad based participation is not just 'important' but 'essential'. PAN 81 provides the minimum acceptable standard of engagement (which planning authorities' performance will be measured against) and this should be communicated in the guidance. Participation is critical to sustainable development and this must be emphasised.

It might be helpful to include the paragraph on strategic environmental assessment within this section, given it focus on transparency and accountability.

### **Using sound science responsibly**

This section focuses on climate adaptation rather than mitigation and requires revision to give emphasis and advice on the former.

## **Missing principles**

We also believe that in addition, this section should reflect the following principles which are essential to sustainable development;

- Environmental justice in terms of a developments impacts on communities, the global community and future generations and in each case using a fair share of resources. This is omitted despite previous and ongoing Scottish Executive policy commitments.
- Resource conservation in terms ensuring that finite resources are used sparingly
- The precautionary principle, where policies take account of uncertainty and avoid irreversible or negative outcomes, which is vital if sound science is to be used responsibly
- Ensuring the polluter pays the full economic, social and environmental costs of developments and does not pass them onto the wider community.
- The proximity principle where problems are resolved locally and immediately rather than passing them onto other communities or future generations.

In each case it is vital that these concepts are incorporated throughout the finalised guidance. Each principle is fundamental to the development of effective sustainable development policies.

## **Planning's Contribution**

This section must clearly express the role of the planning system in managing the transition to a low-carbon economy, which is fundamental to sustainable development and the most immediate priority.

## **Location of new developments**

We are generally supportive of this section of the guidance and the areas it addresses. However, in some areas there is much discussion without offering any useful advice on process or desired outcomes.

There is considerable emphasis on addressing issues at the development plan stage, which is very welcome, but again this needs to be stronger, by implying that exceptions to this approach will rarely be acceptable. This should not hinder economic development if local authorities have up to date plans, which is now a requirement.

Avoiding the loss of non-renewable resources should be emphasised and in particular high quality agricultural soils, carbon sinks or unique biodiversity systems.

SEA is proposed as an example to resolving some issues but not others (e.g. waste), which indicates that it should be discussed as a stand-alone and cross cutting topic.

With regard to managing waste effectively the guidance should emphasise the promotion of the waste hierarchy and not single out energy from waste for promotion - given its position lower in the hierarchy. With regard to the generation of heat this should be covered in the section on energy systems, which should have a clear presumption in favour of combined heat and power, not just electricity generation. In this respect, the planning system should not only support renewables but also the more efficient use of fossil fuels as part of decentralised energy networks.

The sustainability implications of new infrastructure demands generated by development must be considered, not just costs and availability. For instance, developments, which required a major expansion of the road network, are not sustainable.

In considering economic benefits it is important that any displacement effects are considered to ensure that any new employment is genuinely additional.

## **Design and layout**

We endorse and support this part of the document, but recommend the following minor revisions;

- The energy efficiency section should make direct reference to the use of passive solar energy as key element of sustainable design.
- Good neighbour agreements don't just cover monitoring but should allow communities to influence onsite management practices.

## **Key Mechanisms for Delivering Sustainable Development**

### **Process (paragraph 40)**

This must make reference to the role of plans in delivering national climate change targets aimed at emission reductions.

### **Long term settlement strategies**

We welcome the focus on long-term settlement planning but recommend that for clarity it should state; "public transport is available or will be provided and used as fully as possible"

Paragraph 42 should make reference to developer contributions for mitigation of any increased emissions, which might be through mechanisms such as the provision of public transport.

### **Outcomes**

This succinct paragraph does a good job of bring to together the key issues and is a useful starting point for the necessary redrafting of the document.

### **Other comments**

It is notable that the in England consultation has begun on a Planning Policy Statement on Climate Change; a 92 page document that provides extensive guidance to local authorities. It is vital that similar guidance is produced in Scotland or alternatively there is substantial revision of the guidance on sustainable development to address these issues in more detail. Without such steps being taken planning authorities will be ill prepared to contribute to the overarching statutory requirements in the forthcoming Climate Bill.

We reiterate the need to adopt the full range principles that contribute and define sustainable development. Furthermore we urge extensive redrafting of the latter part of the document to better express and explain how these translate into planning policies.

### **Conclusion**

Planning guidance on sustainable development is badly needed, as few plans at present are delivering these outcomes. In this regard the status-quo is, by any sensible measure, unsustainable in terms of environmental and social impacts, with increased car use being perhaps the worst symptom. Breaking such negative trends requires a radical change in approach and a clear statement of intent; sadly, the draft planning guidance doesn't deliver in this respect. There are however, the beginnings of a useful document, which with further consultation with relevant stakeholders could form the starting point for instigating the necessary changes to the planning system.

We regret that we can not be more positive and hope the constructive criticism that has been offered will facilitate the revision of guidance, so that it will be adequate to the challenge of promoting sustainable development. In this respect, we are happy to provide further advice, information and clarifications.

### **For further information contact:**

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