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**SCOTTISH
NATURAL
HERITAGE**



12 Hope Terrace
EDINBURGH
EH9 2AS

Telephone: 0131-447-4784
Fax: 0131-446-2277

Website: www.snh.org.uk

Our Ref: PF 312/06-07

Sandra Carey
Scottish Executive
Planning Division
Victoria Quay
Edinburgh
EH6 6QQ

Friday, 22 June 2007

Dear Ms Carey

**STATUTORY GUIDANCE ON PLANNING & SUSTAINABLE
DEVELOPMENT**

Thank you for inviting SNH to comment on the above consultation paper. This is of considerable interest to SNH given our aims as set out in the Natural Heritage (Scotland) Act 1991 and our Corporate Strategy - A Natural Perspective. The latter is based on the principles of sustainable development and has four main themes, including the promotion of sustainable use. A key element of this theme is our involvement with the planning system, which we recognise as one of the most important influences on the care and sustainable use of the natural heritage.

As we indicated during consideration of the Planning Bill and related consultations, we fully support the Executive's modernising agenda and in particular the emphasis on the role of planning in securing sustainable development. The corresponding duties on Ministers and planning authorities, with regard to the National Planning Framework and development planning, should help realise this objective.

Against this background, we have a number of general comments on the consultation draft. More detailed comment on specific paragraphs is provided in the attached annex.

General Approach

We support the intention to produce comprehensive and broad based guidance - a broad statement of principles - which provides an important context for the more detailed suite of SPPs and PANs. It may be helpful if the broad principles were illustrated with examples of good practice at the strategic planning scale, which we understand may be included as part of the next National Planning Framework. It will be necessary to ensure that this guidance is supported, as necessary, by further detail provided through SPPs and PANs (with examples of good practice at the appropriate scale).

It may be helpful to set this guidance more firmly in the context of emerging thinking on the wider benefits conferred by functioning ecosystems, and the need for strategic planning to maintain their integrity. (the 'Ecosystem Approach'). These benefits can include landscape enhancement, carbon sequestration, flood management and recreation/amenity. To some extent these are already noted in the draft guidance and we would be pleased to give more detailed briefing on The Ecosystem Approach if you would find this helpful.

We particularly welcome the emphasis given to the key issue of climate change, including the need for a dual approach based on both mitigation and adaptation.

Environmental Enhancement

We welcome the existing references to environmental enhancement, and would suggest that these should be presented in broader terms. Our **Policy Summary on Sustainable Development** (copy enclosed) sets out five broad guidelines for environmental sustainability. These include the need to maintain and improve the quality of the natural heritage, suggesting that all activities should seek where possible to generate other benefits in terms of biodiversity, landscape and recreation and access opportunities.

As in our comments on the revised NPPG 4 "Mineral Planning", we would suggest that sustainable development can be promoted by ensuring that individual proposals identify associated opportunities for environmental enhancement. While the restoration of mineral workings is a very useful example (para 38), such an approach should be intrinsic to all forms of built development. The use (and enforcement) of planning conditions and agreements can play a vital role in this process.

The Precautionary Principle

The above Policy Summary also suggests that in situations of great complexity or uncertainty the precautionary principle should be applied. This implies that development should be restrained or adapted where there is a possibility of significant environmental damage, or where the complexity of the system makes prediction of impacts difficult. We would suggest that this is an important principle underpinning sustainable development, which should be reflected in the guidance where appropriate.

I hope these comments are helpful, but please contact Mark Wrightham (01463 725316 mark.wrightham@snh.gov.uk) or Ian Anderson (01786 435392 ian.anderson@snh.gov.uk) if you would like to discuss in any greater detail.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Clark'.

Jane Clark
Head of Sustainable Land Use

Annex: Specific Comments on the Draft Text

Para 1: It may be helpful to clarify the range of target audiences to whom this guidance is directed.

Para 6: It may be helpful to refer to our policy statement and summary Sustainable Development and the Natural Heritage for further detail in relation to the natural heritage. Notwithstanding the references elsewhere in the paper to environmental enhancement, it would be helpful to insert “and enhancing” before “Scotland’s natural heritage”.

Para 8 - sixth bullet: natural environment. To avoid any misunderstanding it may be helpful to rephrase the final sentence as “it may be necessary to review designations and associated planning policies in future development plans, although the timing and scope of any such reconsideration remains unclear at the moment.”

Para 23. This section could make due reference to the impact of freight movements as well as journeys to work. It would also be helpful to highlight the scope for links to path networks for non-motorised modes of transport, which provides an important potential synergy with increased access provision arising from the Land Reform Act.

Para 26. It would be helpful if the references to environmental enhancement extended beyond measures relating to climate change. As discussed above it would be helpful if the guidance could promote the need to identify opportunities for environmental protection and enhancement as part of all development proposals.

Under the section Living within Environmental Limits - this section should also refer to landscape as a valuable natural heritage resource which is particularly relevant when considering windfarms.

Para 28. The references to enhancement of the environment could be strengthened to reflect the importance of such measures to economic objectives – for example by stating that protection and enhancement of the built and natural heritage will have positive benefits in many areas such as tourism.

Para 30. As suggested above, discussion under this heading could highlight the application of the precautionary principle (consistent with NPPG 14), where there is insufficient information to ensure that significant adverse impacts can be avoided. It would also be useful to recognise the importance of ‘softer’ information sources to inform decision-making, for example to indicate public attitudes to their local environments.

Para 35 -second bullet: promote urban regeneration. The creation of open space should not be solely dependent on the difficulty of utilising vacant or

derelict land for built purposes. Rather the creation of open spaces should be a function of the production of open space strategies and greenspace standards – as discussed in the seventh bullet “maintain and enhance open space”.

Ninth bullet - the natural heritage includes earth science interests (or ‘geodiversity’), and should be considered in parallel with the need to improve access to the natural environment for informal recreation - which of course derives particular impetus from the advent of access rights under the Land Reform (Scotland) Act 2003.

As discussed above, environmental enhancement should be a consideration for all forms of development, while environmental protection should be a general consideration, which does not just apply to special or protected areas. This appreciation of the “wider countryside” is also consistent with NPPG 14.

Under “consider energy schemes on a strategic basis “ we recommend this emphasises the importance of siting energy installations carefully and it is importance of a strategic environmental assessment to ensure that the right renewables are developed in the right places to minimise impacts on the natural heritage.

Para 37 - first bullet: accessibility. It may be helpful to include cross-reference to the Executive’s statutory guidance to access authorities under Part 1 of the Land Reform Act, which includes a model planning condition to address access needs in conjunction with new development.

Para 38 & 44: We support the emphasis given to the operation and maintenance of development in ensuring sustainability and also agree on the vital role of enforcement within development management.

Para 41. As confirmed in various responses, such as our input to SPP 21 “Green Belts” we support the plan-led approach to long-term settlement strategy. In our experience, however, development plans have often been based on what appear to be very optimistic projections of future economic growth, in turn resulting in land allocations, which are cumulatively excessive. This could in turn have potential adverse consequences for local landscapes and amenity, which are themselves important economic assets. It would be helpful to provide guidance on this issue to inform future development planning – and perhaps to highlight the possible role of the National Planning Framework in providing an overview and strategic steer.

Para 50. As confirmed through our inputs to the Planning Bill/Act, we welcome the importance to be attached to our involvement in the preparation of future development plans.

Policy Summary

SUSTAINABLE DEVELOPMENT

Sustainable development is about meeting the needs of the present generation without compromising the ability of future generations to meet their own needs.

In its founding legislation, SNH was charged to have regard to the desirability of securing that anything done to the natural heritage is undertaken in a manner which is sustainable. SNH's aims include promoting the care and improvement of the natural heritage, its responsible enjoyment, its greater understanding and appreciation, and its sustainable use, now and for future generations.

SNH's vision is that all activities which make use of or have an impact upon the natural heritage of Scotland should be environmentally sustainable, that is to say that they should not diminish the quality and value of Scotland's natural heritage taken as a whole.

Background

At the UN Conference on Environment and Development (the Earth Summit) held in Rio de Janeiro in 1992 it was agreed that all countries should produce national sustainable development strategies. In Europe the Amsterdam Treaty (1999) incorporated changes to the Treaties of Rome and Maastricht to ensure that sustainable development becomes a higher-level objective in all European policies and an EU Sustainable Development Strategy was published in 2001 and is under review in 2005. In the UK, **One Future – Different Paths: The UK's Shared Framework for Sustainable Development** was published jointly by the UK Government and Devolved Administrations in March 2005. The framework provides the basis for a Scottish sustainable development strategy which is expected in October 2005.

The UK shared framework defines five guiding principles, all of which have to be met for a policy to be sustainable:

- Living Within Environmental Limits;
- Ensuring a Strong, Healthy and Just Society;
- Achieving a Sustainable Economy;
- Promoting Good Governance; and
- Using Sound Science Responsibly.

The shared priorities for UK action are:

- Sustainable Consumption and Production;
- Climate Change and Energy;
- Natural Resource Protection and Environmental Enhancement;
and
- Sustainable Communities.

Through the 'Partnership for a Better Scotland' agreement, the Scottish Executive is committed to integrating the principles of environmentally and socially sustainable development into all Government policies including: economic development; extending Strategic Environmental Assessment to all public sector plans, programmes and strategies that are likely to have significant environmental effects; and, the encouragement of environmental education in schools.

SNH's Position

SNH's interests in sustainable development lie in the message it conveys about wise use of natural resources and in the belief that the quality of people's lives depends upon having a healthy and attractive environment as well as robust social structures and economic well-being. SNH has established five broad guidelines for environmental sustainability which provide a basis for its own actions and advice to others:-

- **Non-renewable resources should be used wisely and sparingly, at a rate which does not restrict the options of future generations.** Developments which affect irreplaceable assets, including geological and landscape features, should take into account the uniqueness of the resource, and the availability of alternative ways of addressing the demand.
- **Renewable resources should be used within the limits of their capacity for regeneration.** Exploitation of renewable resources for activities such as forestry, fisheries and agriculture should take into account the ability of the ecosystem to maintain levels of yield in the long-term and any impacts on the wider environment.
- **The quality of the natural heritage as a whole should be maintained and improved.** Care should be taken to avoid progressive degradation or pollution of natural heritage resources. All activities should seek where possible to generate other benefits in terms of biological diversity, an attractive landscape and recreation and access opportunities.
- **In situations of great complexity or uncertainty the precautionary principle should be applied.** Development should be restrained, or be capable of adaptation, where there is a possibility of significant environmental damage and where the complexity of the system makes accurate prediction of impacts difficult.
- **There should be an equitable distribution of costs and benefits (material and non-material) for any development.**

Development should not benefit one country, or geographical area, or sector of society, while imposing the costs on another.

In seeking to apply these guidelines SNH will:

- press for regulatory and planning policies which encourage the substitution of renewable for non-renewable resources and the development of alternative, less damaging technological options, recycling and re-use;
- promote restorative measures where resources have been damaged in the past;
- promote greater understanding and wider application of knowledge on how to improve the sustainability of farming, forestry and fishery systems;
- follow the precautionary principle when advising on developments where the risks of impact on the natural heritage are significant but uncertain;
- support extension of the 'polluter pays' principle whereby the polluter, whether developer or consumer, should bear the full costs of maintaining the quality of the environment;
- promote the inclusion of environmental studies, including an understanding of sustainability, as an integral part of educational programmes; and
- promote training in sustainable development issues for decision-makers and managers in businesses which have an impact on the natural heritage, such as those working in tourism, civil engineering and water resource management.

SNH would like to see the statutory duties of all public bodies of the Scottish Parliament and its Executive revised to reflect Government's commitment to sustainable development. SNH also consider that promoting education on sustainable development should be a high priority, among decision-makers, businesses, in formal education and for the public at large.

Contact:

Bill Band
01738 458635
bill.band@snh.gov.uk

Address:

Scottish National Heritage
National Strategy
Battleby
Redgorton
PERTH
PH1 3EW

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