

**PERTH AND KINROSS COUNCIL**  
**Enterprise and Infrastructure Committee – 13 June 2007**

**STATUTORY GUIDANCE ON PLANNING AND SUSTAINABLE DEVELOPMENT –**  
**SUGGESTED CONSULTATION RESPONSE**

**Report by the Executive Director (Environment)**

This report outlines the Scottish Executive's draft Statutory Guidance on Planning and Sustainable Development and identifies issues of potential concern to Perth & Kinross Council and suggests a number of changes to the draft Guidance.

**RECOMMENDATIONS**

The Committee is asked to agree to instruct the Executive Director (Environment) to submit this report as the Council's response to the consultation on the Statutory Guidance on Planning and Sustainable Development.

**BACKGROUND**

- 1 A consultation draft Statutory Guidance on Planning and Sustainable Development document was received from the Scottish Executive in early April. Copies have been placed in the Councillors' lounge, and it is also available on the Scottish Executive's website at: <http://www.scotland.gov.uk/Publications/2007/03/28104755/0>. The Planning etc. (Scotland) Act requires planning authorities in drawing up development plans to carry out that function with the objective of contributing to sustainable development. A similar duty is placed on Scottish Ministers in preparing the National Planning Framework. The guidance currently being consulted on is intended to support the delivery of the obligation in the Act.
- 2 The guidance describes the main principles of sustainable development and provides guidance on how planning, in particular development plans, can contribute to that wider objective. It emphasises that the Scottish Executive has committed itself to "*working towards a sustainable development goal of enabling all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations*". To do so, it has signed up to five guiding principles for sustainable development, which can be paraphrased as protecting the environment and securing social progress by means of a healthy economy, participative governance and engagement, and the effective use of scientific evidence. The Scottish Executive and the UK Government consider that to be sustainable, a policy must respect all five of the following principles:
  - Living within environmental limits
  - Ensuring a strong, healthy and just society
  - Achieving a sustainable economy

- Promoting good governance
- Using sound science responsibly

Comments on the draft document have to be submitted to the Scottish Executive by 22 June 2007.

- 3 The Council has already made significant progress in mainstreaming sustainable development in planning and other fields. The Perth & Kinross Structure Plan and the various Local Plans already recognise the importance of sustainable development and they are fundamental to the delivery of sustainable development in the area. In addition the Council has recently undergone significant structural changes to assist in addressing sustainable development issues. The Organisational Change and Improvement Plan (OCIP) maps out the change management process, its objectives and improvement actions, and has highlighted mainstreaming sustainable development as a priority. The Environment Service, acting as the 'environmental conscience' of the Council, is now operational and the Sustainable Development Team within the new Planning Service leads on this priority. In addition the new Planning Service brings together land use and transport planning and sustainable development policy together with development management and building standards to provide an integrated approach which will aid the delivery of sustainable development.
- 4 On 28 March 2006, the Executive Officer Team (EOT) agreed in principle that developing an environmental strategy and sustainability capacity should be allocated funding from the Investment in Improvement Fund. This resulted in two projects being initiated; one to mainstream sustainable development throughout the Council, and the other to raise awareness of and mainstream Strategic Environmental Assessment to the Council's plan and policy development.

### **General Comments on Draft Guidance**

- 5 The Council therefore welcomes the publication of a draft Statutory Guidance on Planning and Sustainable Development consultation. The draft strikes a welcome balance between the social, economic and environmental aspects of sustainable development. The document sets out a number of areas for improving arrangements, including encouraging local leadership through improved consultation and engagement, enhancing governance arrangements, joined-up thinking between planning and transport for example, and improving co-ordination of public services whether by improved consultation arrangements or through partnership working. There is also a strong emphasis on the importance of using a clear evidence base and analysis of actual local needs in developing development plan policies which is welcomed. That is it re-affirms the integration of the sustainable development into the development plan policy agenda. It largely confirms that the Council's Investment in Improvement Fund project to mainstream sustainable development into all of its policy and plan making is the right approach and will help address many of the matters highlighted in the draft document as being necessary if sustainable development is to be delivered.

- 6 The draft guidance recognises that planning can contribute to sustainable development in three main ways: location; design and layout; and, in some cases, operation and maintenance of development. It states that *“it is the fundamental role of development plans to consider a wide range of factors relating to location, including those set out below, and to consider the weight to be attached to each of them, in formulating a long term strategy for the management of change in an area”*. The document also provides a useful cross-reference to guidance provided in Scottish Planning Policy (SPP) documents and other Scottish Executive guidance and advice.
- 7 The matters that the document suggests should be considered are to:
- assess the potential of existing settlements to accommodate further development and regeneration; promote urban regeneration;
  - promote rural development and regeneration; reduce the need to travel and encourage public transport use;
  - encourage reuse of existing buildings where possible;
  - promote efficient use of land through higher density development;
  - maintain and enhance open space;
  - protect and enhance the cultural heritage;
  - protect and enhance the natural environment;
  - prevent further development which would be at significant risk of flooding;
  - consider long-term impacts on coastal areas; consider energy systems on a strategic basis; manage waste effectively;
  - conserve air quality;
  - take account of the capacity of existing infrastructure.
- 8 Many of the above matters are within the remit of the integrated Environment Service and thus this will allow these matters to be addressed more effectively in the future development of development plans.
- 9 The recognition that while development plans have a significant role to play in delivering sustainable development and adapting to climate change, they cannot do everything is realistic and that many other regulatory regimes have a part to play, for example Building Standards. Also welcomed is the recognition that development plans have to be about more than land-use and that they also have to help deliver other policy initiatives with a spatial dimension.

- 10 The document also recognises the importance of the use of Strategic Environmental Assessment (SEA) as an important tool for assessing significant environmental impacts, both positive and negative and this is welcomed. It is worth noting that the Council is making significant progress through its Investment in Improvement Fund to raise awareness, develop templates and guidance on SEA which will be of use for all services.
- 11 While there is much to welcome in the document it is surprising to note that there is only one mention of Development Management in the document and that is in relation to the use of 'sustainability checklists'. Whilst it is recognised that the Act does not place a statutory duty on Development Management to make decisions using sustainable development principles it may be helpful to make it clear in the guidance that there is an expectation that this will be the case particularly where decisions are taken which may be contrary to the development plan.
- 12 Another surprising omission despite the recognition that 'evidence based' policies should be developed and that science is used in the development of development plan strategies that there is not a mention of the 'precautionary principle' which is an essential element of sustainable development. Consequently it would be helpful to have a section on the precautionary principle and a definition along the lines of the following *"The precautionary principle indicates that where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. More generally, where the consequences of delaying action to avoid or remedy harm are very costly (economically, socially, or environmentally), then it may be justifiable to take action based on a level of proof which is less than full scientific certainty. This may be the case... etc"*

### **CONSULTATION**

- 13 All Executive Directors, The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

### **RESOURCE IMPLICATIONS**

- 14 There are no resource implications arising directly from the recommendations in this report

### **COUNCIL CORPORATE PLAN OBJECTIVES 2006-2010**

- 15 The report supports the following Corporate Plan Objectives :-
- (i) A Safe, Secure and Welcoming Environment
  - (ii) Healthy, Caring Communities

- (iii) A Prosperous, Sustainable and Inclusive Economy
- (v) Confident, Active and Inclusive Communities

## **CONCLUSION**

- 16 A clear theme running through the Statutory Guidance on Planning and Sustainable Development – Consultation Paper is that the planning system has a significant role to play in ensuring that it contributes to secure and diverse energy supplies; tackles the causes of climate change; has the potential to support economic growth; create a healthy and a just society; while living within environmental limits.
- 17 It also recognises that sustainable development is ultimately about development in the right place and of the right quality and that *“while some aspects of sustainable development can be assessed using precise or objective criteria, the real test will be in the lasting legacy of built development, the protection of our key natural and cultural resources for future generations and the value attached to a place by the people living, working and visiting there”*. The recognition that the active stewardship of our natural and built environment is an important outcome and that *“planning can create better places and make sustainable development not just an aspiration but a reality”* is welcomed.

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### **NOTE**

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:

Statutory Guidance on Planning and Sustainable Development – Consultation Paper