



Our Ref:
Your Ref: POL/6208
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Date: 4th June 2007

Scottish Executive
Development Department
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Dear Sirs,

**Statutory Guidance on Planning and Sustainable Development
Consultation Paper**

I refer to the above Consultation Paper which you sent to us recently.

I enclose a copy of a Report to our Development and Environment Committee on 31st May 2007 which forms this Council's response on this matter.

I trust that this is satisfactory,

Yours sincerely,



Graham Shankland
Senior Planner



**DEVELOPMENT &
ENVIRONMENT
COMMITTEE**

DATE: 31 MAY 2007

REPORT NO: D&E 705-07

BY CORPORATE DIRECTOR -ENVIRONMENT

CONTACT OFFICER

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SUBJECT

**SCOTTISH EXECUTIVE CONSULTATION PAPER -
STATUTORY GUIDANCE ON PLANNING AND
SUSTAINABLE DEVELOPMENT**

1.0 PURPOSE

- 1.1 The purpose of this Report is to advise Committee of the publication by the Scottish Executive of a Consultation Paper on *Statutory Guidance on Planning and Sustainable Development*; and to seek approval for representations to be made to the Executive.

2.0 SUMMARY

- 2.1 The Planning etc. (Scotland) Act 2006 requires that functions relating to the preparation of the National Planning Framework and development planning should be exercised with the objective of contributing to sustainable development. This guidance is designed to help meet this requirement. It describes the main principles of sustainable development, as agreed by the Scottish Executive and the rest of the United Kingdom (UK), and provides specific guidance on how planning, in particular development plans, can contribute to this wider objective.
- 2.2 As the subject of Planning and Sustainable Development is so wide-ranging, it is difficult to do more than scratch the surface in a document such as this. However as means of raising awareness of the scope and importance of the different facets of how planning can positively influence sustainable development, the guidance is welcomed.
- 2.3 It is considered that certain representations, as contained in Section 7 of this Report, should be made to the Executive, covering the areas of:- urban renewal, flood risk, air quality, local sourcing of materials/labour, the precautionary approach, Strategic Environmental Assessment, the polluter pays principle and giving a stronger national lead on certain sustainable issues.

3.0 RECOMMENDATION

- 3.1 It is recommended that Committee
- a. notes the content of the Consultation Paper; and
 - b. approves the Report and that a copy of the report be submitted to the Scottish Executive as the Council's response to the consultation




Alan Sim
Head of Planning & Property Assets

4.0 BACKGROUND

- 4.1 The Planning etc. (Scotland) Act 2006 requires that functions relating to the preparation of the National Planning Framework and development planning should be exercised with the objective of contributing to sustainable development. This guidance is designed to help meet this requirement. It describes the main principles of sustainable development, as agreed by the Scottish Executive and the rest of the United Kingdom (UK), and provides specific guidance on how planning, in particular development plans, can contribute to this wider objective.
- 4.2 The guidance also advises on ways in which the statutory planning system can address climate change. Increasing demands for transport and energy in industrialised countries such as Scotland are largely responsible for the increases in greenhouse gas emissions which cause climate change. Long-life development will need to cope effectively with expected climate changes and impacts. Development plans have a key role to play in ensuring that sustainable development principles, including those which address the challenges of climate change, are applied in relation to the location and design of new development.
- 4.3 To be sustainable, a policy must respect five principles:
- Living within environmental limits
 - Ensuring a strong, healthy and just society
 - Achieving a sustainable economy
 - Promoting good governance
 - Using sound science responsibly
- 4.4 Planning policies must explicitly address the need both to help *mitigate* the causes of climate change, and to *adapt* to its impacts. Some climate change impacts are inevitable and the need to find ways to adapt will become increasingly important, given that climate change is increasingly being acknowledged as an economic as well as an environmental imperative. As a result, climate change should be seen as the principal challenge in sustainable development. Against that background, planning should:
- Set out and deliver patterns of urban growth and regeneration that help secure the fullest use of sustainable modes of transport and overall reduce the need for travel, particularly by private car.
 - Promote low carbon and zero carbon buildings, particularly through the use of efficient, decentralised and renewable energy systems in new development.
 - Seek to ensure that new development by its location, type and design contributes to climate change mitigation as well as adapts to an overall rise in temperatures and other changes in climate, for example, wetter and milder winters, rising sea levels and greater storminess.
 - Seek benefits and environmental enhancements from climate change mitigation and adaptation, for example, green networks which allow for species migration and 'soft engineering' for flood defences which will support biodiversity and contribute to sustainable flood management.

5 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

- 5.1 SEA has now been introduced as a key tool for assessing the potential significant environmental impacts of public plans, programmes and strategies (PPS), and extends the opportunities for public participation. However it may not necessarily follow in every case that the identified environmental effects and any associated mitigation measures can be given precedence over social and economic factors within a development plan. Instead, the primary benefit of SEA lies in the fact that it is an open and transparent process that ensures the environmental effects of PPS, including reasonable alternatives, are properly examined and that findings are conveyed to those that will be, or are likely to be, affected by the PPS.

6 PLANNINGS CONTRIBUTION

- 6.1 *Planning* is not the only means to deliver sustainable development, other regulatory functions play a big part e.g. Building Standards and Environmental Health. There is also a strong personal responsibility for the public and developers to act responsibly and reasonably.
- 6.2 For the *Planning* function the following issues are particularly relevant within the general principle of promoting and implementing development in the right place and of the right design and quality:
- a. **Planning and Transport** - ensuring development is located in the most sustainable locations (for access to transport and services),
 - b. **Living Within Environmental Limits** - making efficient use of land and resources, conserving valuable natural and historic environments (and the links between them),
 - c. **Ensuring a Strong, Healthy and Just Society** - the diversity of communities has to be recognised, and planning policy can help provide access to jobs and services,
 - d. **Achieving a Sustainable Economy** - the Executive's top priority is sustainable economic growth,
 - e. **Promoting Good Governance** - a plan-led approach, coupled with effective public participation
 - f. **Using Sound Science Responsibly** - plans and developments must be based on up-to-date and sound information
- 6.3 Planning can contribute to sustainable development in 3 main ways: location; design and layout; and in some cases, operation and maintenance of development.
- 6.4.1 **Location** includes the following factors:
- a. Assess the potential of existing settlements to accommodate further development and regeneration
 - b. Promote urban regeneration
 - c. Promote rural development and regeneration
 - d. Reduce the need to travel and encourage public transport use
 - e. Encourage reuse of existing buildings where possible
 - f. Promote efficient use of land through higher density development
 - g. Maintain and enhance open space
 - h. Protect and enhance the cultural heritage
 - i. Protect and enhance the natural environment
 - j. Prevent further development which would be at significant risk of flooding
 - k. Consider long-term impacts on coastal areas
 - l. Consider energy systems on a strategic basis
 - m. Manage waste effectively
 - n. Conserve air quality

- o. Take account of the capacity of existing infrastructure

6.4.2 **Design and Layout of Buildings** also makes a significant contribution to sustainable development, and the following factors are relevant:

- a. Accessibility
- b. Energy efficiency
- c. Water efficiency
- d. Waste reduction
- e. Lifecycles
- f. Building materials and performance

6.4.3 **Operation and Maintenance** Issues around the operation and maintenance of new development can be important in ensuring its continuing sustainability. These issues may relate to the implementation of green travel plans or adhering to conditions on issues such as hours of operation, noise, dust and other forms of pollution. Precise conditions and agreements, effective monitoring, including the use of Good Neighbour Agreements, and robust enforcement, are fundamental to this. While the maintenance of buildings is essentially a matter for owners and occupiers, ensuring that arrangements are in place for the high quality management of open space and site restoration following mineral or other working are legitimate matters for the planning authority.

6.5 Delivery of Sustainable Development is achieved through the **National Planning Framework, Development Plans and Supplementary Planning Guidance**. Ensuring adequate knowledge and skills is also very important.

7 CONCLUSION AND IMPACT FOR EAST DUNBARTONSHIRE

7.1 As the subject of Planning and Sustainable Development is so wide-ranging, it is difficult to do more than scratch the surface in a document such as this. However as means of raising awareness of the scope and importance of the different facets of how planning can positively influence sustainable development, the guidance is welcomed.

7.2 The new local plan is taking account of the above factors, although impact on coastal areas is not relevant here.

7.3 With regards to the issues raised above, the following comments are made:

- a. *Promoting rural development and regeneration* has limited impact in East Dunbartonshire, as it primarily relates to **rural** Scotland where rural regeneration is a particular issue. In East Dunbartonshire and the Glasgow/Clyde Valley area a high priority is given to sustaining urban renewal (including Green Belt policies) - this could be made clearer in this section.
- b. *Prevent further development which would be at significant risk of flooding* - this section should not only prevent new development from being at risk of flooding, development should not have a knock-on effect on flood risk elsewhere within the flood plain
- c. *Conserve Air Quality* - planning authorities should seek not just to conserve air quality, but to actually seek improvements where standards are low
- d. *Building materials and performance* - could also refer to the sourcing of materials (and indeed labour) locally.
- e. *Strategic Environmental Assessment* - the paper states that "it may not necessarily follow in every case that the identified environmental effects and any associated mitigation measures

can be given precedence over social and economic factors”. Whilst that may essentially be true, it should be the case that where a development has adverse environmental effects, that mitigation measures must be considered and implemented to the highest degree possible.

- 7.3 There are two issues within the adopted Local Plan which are not really explored in the guidance, but which should be given a higher prominence, namely:
1. ***the precautionary approach*** - where impact of a development is unclear, and where the impact of it could be significant, it is reasonable that a precautionary approach is taken and potentially damaging development is resisted. The ‘Using Sound Science Responsibly’ section should refer to this.
 2. ***the polluter pays principle*** - is also important to ensure that it is clear that people/organisations become responsible for any pollution or environmental damage that they cause - it is not appropriate that environmental costs and damage be passed on to future generations.
- 7.4 It is also considered that the Scottish Executive could give a stronger statutory national lead on some issues, such as energy efficiency, to ensure that consistent standards are applied across the whole country, rather than leaving individual authorities to devise their own policies.