

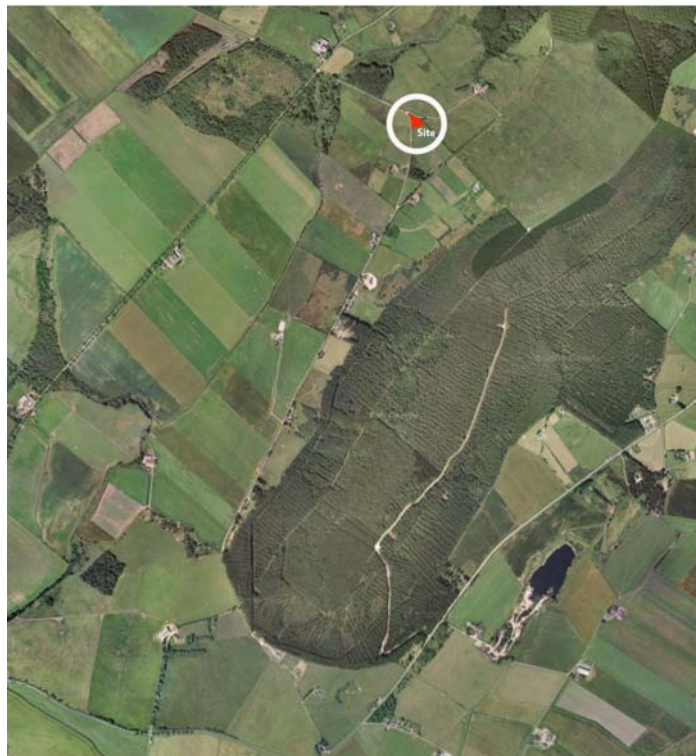
Appendices

Site at Roadside Croft, Grange - Mr and Mrs J Sim

December 2009

Grounds for Review of Refusal of Planning Permission in Principle

Planning Application Ref No 09/01611/PPP



Prepared by
grant and geoghegan
enquiries@ggmail.co.uk
01343-556644

Appendices

Appendix 1 - Case officers Report of Handling for planning application

Appendix 2 - Circular 4/2009 - Development Management Procedures - Extracts

Appendix 3 - Moray Structure Plan 2007 - Extracts

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Appendix 5 - Scottish Planning Policy (SPP1 Replacement) - Extracts

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Appendix 1

Report of Handling

REPORT OF HANDLING

Ref No:	09/01611/PPP	Officer:	Beverly Smith
Proposal Description/ Address	Planning Permission in Principle for erection of a dwellinghouse on Site Adjacent To Roadside Croft Grange Keith Moray		
Date:	27/10/09	Typist Initials:	LH

RECOMMENDATION

Approve, without or with condition(s) listed below	
Refuse, subject to reason(s) listed below	X
Legal Agreement required e.g. S,75	
Notification to Scottish Ministers/Historic Scotland	
Hearing requirements	Departure
	Pre-determination

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	17/09/09	Approve unconditionally
Contaminated Land	17/09/09	No further action
Transportation Manager	30/09/09	Approve subject to conditions
Environmental Protection Manager		No response received
Scottish Water	16/09/09	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1		
Whole of Policy 2		
EP4: Private Water Supplies		
EP5: SUDS		
EP9: Contaminated Land		
EP10: Foul Drainage		
H8: New Housing in Open Countryside	Y	
T2: Provision of Road Access		
T5: Parking Standards		
IMP1: Development Requirements	Y	

REPRESENTATIONS

Representations Received

NO

Total number of representations received

Names/Addresses of parties submitting representations

Name Address

Summary and Assessment of main issues raised by representations

Issue:

Comments (PO):

No objections/representations received.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The proposal for a new build house plot requires assessment against the above development plan provisions. Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 of the MLP 2008 sets out various criteria against which new house sites require to be assessed. These include the requirement that new sites:

- 1) should not detract from the character or setting of existing buildings, or their surrounding area,
- 2) are not overtly prominent in the landscape i.e. located within an open setting or on a skyline etc and where otherwise prominent are offset by a natural backdrop and
- 3) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and house designs to reflect traditional proportions and include traditional features. Policy IMP1 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape

The proposal is contrary to policy 1(e) of the Moray Structure Plan 2007 and policies H8 and IMP1 of the adopted Moray Local Plan 2008 for the following reasons:

The proposal would occupy a roadside position within an open setting and would be readily visible from a large part of the surrounding countryside and adjoining public roads. The resultant development would represent inappropriate 'overtly prominent' development in the countryside, which would neither be low-impact or well located, and would detract from the rural character of this part of the countryside. Approval would set a serious and undesirable precedent for similar poorly sited proposals to be submitted in the area. It is acknowledged that there is an area of woodland to the north but it is not fully established to provide a backdrop to offset such a prominent site.

No material considerations exist to warrant a departure from policy and in light of the above the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY			
Reference No.	Description		
08/00537/OUT	Outline planning for dwellinghouse site and new septic tank on Site Adjacent To Roadside Croft Grange Keith Moray		
	Decision	Withdrawn	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	No Premises	08/10/09
Banffshire Herald	Departure from development plan	08/10/09

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	<input type="checkbox"/>	NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement	<input type="checkbox"/>	NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

Appendix 2

Circular 4/2009

Development Management Procedures - extracts



ANNEX A

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan,
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
- Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
 - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - a National Park Plan
 - the National Waste Management Plan
 - community plans
 - the environmental impact of the proposal
 - the design of the proposed development and its relationship to its surroundings
 - access, provision of infrastructure and planning history of the site
 - views of statutory and other consultees
 - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

Appendix 3

Moray Structure Plan 2007 - extracts

- ii) The second option to bring forward new settlements within Moray is not likely to be justified in terms of likely levels of demand with new facilities and services unlikely to be provided timeously. A new settlement would have a substantial impact on Moray's environment. This option is not considered realistic.
- iii) The third option to promote extensive new development in the countryside outwith settlements is inefficient in terms of service provision and in the use of transport energy. It is clear however that there is a demand for new housing in the countryside and this could help to sustain rural services and facilities where provision is also made for the growth of rural businesses. There is therefore a case to allow some development, of low impact, in the open countryside.

The preferred strategic option for development is therefore Option 1, to focus new development on existing settlements. Development should be related to the settlement hierarchy with Elgin as the primary centre supported by the secondary centres of Buckie, Keith, Lossiemouth and Forres. This is the most sustainable option as these towns contain the majority of the population and are the focus of economic activity, services and the transport network. Outwith the primary and secondary centres opportunities will be provided for more local provision of development land to meet local need and support services at an appropriate scale for the settlement.

This option will also be supported by the scope to allow rural businesses and low impact housing in the wider countryside.

Strategic Aims

To achieve the preferred strategic option the Plan must set the framework for development in the light of the following aims:

- i) maintain and grow the population.
- ii) promote economic opportunities and diversify the local economy.
- iii) spread the benefits of economic growth across the community.
- iv) safeguard and enhance the environment and mitigate any impacts caused by new development.
- v) seek improved accessibility within and external to the area.
- vi) allow sensitive small scale development in rural areas.

The Development Strategy

The aims can be translated into a single strategy that brings together the broad manner of its implementation. The central pillar of the strategy is to promote economic growth whilst safeguarding and enhancing the natural and built environment, and promoting overall sustainability. The Strategy seeks to stem outmigration, attract in-migrants, build on a revised and expanded business development portfolio, support local services and to offer improved housing choice to stabilise population levels.

New housing developments in built-up areas must take account of sustainable flood management issues and not impact on the floodplain's capacity to hold water or make flooding worse elsewhere. They must also take account of sustainable urban drainage systems and energy conservation principles.

SPP3 on 'Planning for Housing' acknowledges the role of development plans in maintaining the viability of rural communities through supportive policies for new housing in the countryside. The Structure Plan strategy recognises that in rural Moray the development of small scale housing is essential in order to sustain communities both socially and economically. In much of the rural area, communities require opportunities for employment and housing if they are to survive. Those who are disadvantaged are particularly affected by the loss of community services and facilities. A positive planning approach to sustain their viability is required.

The more disadvantaged parts of the rural area often coincide with the most scenic. Within these areas a dispersed pattern of development is also a characteristic of their rurality. Siting and design aimed at low impact should ensure that there is minimal conflict between development and landscape quality.

Throughout the countryside it is essential that new development remains particularly sensitive to areas of scenic and special scientific and nature conservation value.

In the rural areas there will be a presumption in favour of housebuilding:

- i) within rural communities; or
- ii) where it involves the re-use, replacement or rehabilitation of existing buildings; both of which comply with the Council's sustainable objectives; and
- iii) only on well located and designed sites that have low environmental impact.

The main thrust of Government policy is to encourage the private sector to play the principal role in satisfying housing requirements. It is important, however, that Councils and Communities Scotland have sufficient resources to tackle the provision of houses for the special needs and "affordable" sectors. Local authorities, housing associations, and private developers, provide a range of tenures including rental, sale, shared ownership and self-build.

In SPP3 a high priority is given to measures designed to provide an appropriate supply of affordable housing through both Structure and Local Plans. It promotes mechanisms, such as Section 75 Agreements.

The Council has set out its approach to affordable housing through the publication of supplementary planning guidance.

The broad strategies for special needs housing are set out in the Moray Community Health and Social Care Partnership Plan agreed between the Moray Council and Grampian Health Board. The effects of the Community Care Legislation and the hospital closure programme have increased the pressure on special needs housing, and the demand for private residential homes.

The Council will seek to secure affordable and/or special needs housing within new housing developments by agreement with private developers and housing agencies in areas of need identified by the Community Services Department.

POLICY 1: DEVELOPMENT AND COMMUNITY

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the local plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2.
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation.
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Appendix 4

Moray Local Plan 2008 - extracts

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

a) Siting

- It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example, dykes, hedgerows, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

b) Design

- A roof pitch of between 40-55 degrees.
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.

POLICY IMP1: DEVELOPMENT REQUIREMENTS

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

JUSTIFICATION

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

CONFORMS TO:

The policy conforms to SPP1 on the Planning System and to national planning guidance and advice generally

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Other policy requirements generally.

POLICY T2: PROVISION OF ROAD ACCESS

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

JUSTIFICATION:

It is important to ensure that new development is served by appropriate infrastructure. The road access arrangements should be suitable to the proposed development and ensure that there are adequate safety provisions and provision for public transport, cycling and pedestrians. Road access design should be carefully designed to fit in with the surrounding landscape and environment. Where the access to a site is unmade or a private track it may require to be surfaced to a suitable standard and require the provision of passing places or be widened accordingly.

CONFORMS TO:

The policy conforms to the Council's guidance on technical standards for the provision of roads infrastructure.

ADDITIONAL GUIDANCE

Policy IMP1: Development Requirements;
PAN76: New Residential Streets.

POLICY T3: ROADSIDE SERVICE STATIONS

The Council will approve applications for roadside service stations if there is a specific locational need; no adverse impact on the built and natural environment that cannot be satisfactorily mitigated; and where appropriate access, parking and safety standards can be met.

JUSTIFICATION:

Roadside service stations provide an important safety feature particularly for long distance travellers. They can also provide an input into the local economy. Therefore where environmental and access, parking and safety issues can be satisfactorily resolved there should be a positive approach to their provision.

CONFORMS TO:

The policy conforms to SPP17 Planning for Transport

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

POLICY T4: BUS, RAIL AND HARBOUR FACILITIES

The Council will promote the improvement of the bus, rail and harbour facilities within Moray. Development proposals that may compromise the viability of these facilities will not be acceptable.

JUSTIFICATION:

It is a Plan aim to optimise the contribution to transport that can be made by enhancing bus, rail and harbour facilities. Therefore, it is appropriate to safeguard existing railway and bus stations, railfreight facilities and harbours from development that may compromise their viability. Notwithstanding the above there are likely to be opportunities, particularly related to the area's commercial and leisure harbours, where more diversified development would be acceptable.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Policy IMP4: Action Plan.

POLICY T5: PARKING STANDARDS

Proposals for development must conform with the Council's policy on parking standards.

JUSTIFICATION:

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.

CONFORMS TO:

The policy conforms to SPP17 on 'Transport and Planning: Maximum Car Parking Standards (2003)'.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

POLICY T6: TRAFFIC MANAGEMENT

The road hierarchy will be used to assist the assessment of planning applications, in particular for the consideration of the appropriate road design and traffic management requirements. The road hierarchy will be used when considering appropriate traffic management options/schemes to optimise the performance of specific roads.

JUSTIFICATION:

A strategic road hierarchy (Trunk Road; Principal Local Roads; and Non-Principal Local Roads) already exists that enable efficient management of the road network within Moray. There are road hierarchy categories in the Road Guidelines for new developments. The road hierarchy categories will be reviewed and extended to cover roads within Elgin.

CONFORMS TO:

The policy conforms to guidance set out in SPP17 on 'Transport and Planning'.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP4: Action Plan.

POLICY EP5: SURFACE WATER DRAINAGE: SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

JUSTIFICATION:

The aim of the policy is to encourage the use of SUDS to deal with surface water run-off. SUDS must be implemented to the satisfaction of the regulatory authorities to ensure that they do not adversely impact on the wider environment.

SUDS also provide an opportunity to encourage the creation of new habitats for wildlife.

CONFORMS TO:

The policy conforms to PAN61 on Planning and Sustainable Urban Drainage Systems

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements; SUDS Design Manual for Scotland and Northern Ireland.

POLICY EP6: WATERBODIES

The Council will approve proposals affecting waterbodies where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, fisheries, water quality, quantity and flow rate, recreational, landscape, amenity, and economic and social impact can be adequately mitigated. The report should consider potential impacts up and downstream of the works particularly in respect of potential flooding. Opportunities for the enhancement of biodiversity and nature conservation should be considered. SNH and SEPA will be consulted on proposals

JUSTIFICATION:

There are a number of works to watercourses and land drainage which fall outwith the General Permitted Development Order including fisheries management, erosion control or flood prevention which can have a significant impact on the management or ecology of watercourses.

The Water Environment and Water Services (Scotland) Act 2003 implements the EC Water Framework Directive (2000/60/EC) which aims to maintain and improve the quality of aquatic ecosystems and requires that any ecological risks associated with development in rivers, tidal and coastal waters be identified and controlled.

CONFORMS TO:

The policy conforms to the Spey Catchment Management Plan.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements; River Works on the Spey and its Tributaries – who to contact and how to proceed.

POLICY EP10: FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i) systems shall not have an adverse impact on the water environment;
- ii) systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii) systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

JUSTIFICATION

This policy aims to achieve satisfactory disposal of sewage. The policy encourages new development to connect to the mains system wherever possible but recognises that in some settlements this will not be possible. The policy seeks to ensure that drainage systems can be designed to a standard which can be adopted by Scottish Water and which could be connected to a public system in the future.

CONFORMS TO:

This policy conforms to SPP10 Planning for Waste Management.
PAN79 Water and Drainage.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

Appendix 5

Scottish Planning Policy - extracts

INTRODUCTION

1. This document is a statement of Scottish Government policy on land use planning.
2. In addition to the National Planning Framework which expresses the spatial aspects of the Government Economic Strategy, Scottish Government Planning Policies will comprise 3 elements:
 - The Scottish Government's view of the purpose of planning and the core principles for the operation of the system
 - The objectives for key parts of the system
 - Thematic policies on planning structured around
 - the contribution to the Scottish Government's Central Purpose
 - concise expression of policy
 - implications for development planning
 - implications for development management
3. This approach seeks to place planning in the wider context of Scottish Government aims and policies and clarify the expectations of the system and the service. It is, therefore, a brief statement of policy direction and does not attempt to provide a comprehensive summary of planning in Scotland, nor to describe the diverse range of objectives to which planning may contribute.

THE PURPOSE OF PLANNING

4. Planning guides the future development and use of land. Planning is about where development should happen, where it should not and how it interacts with its surroundings. This requires promoting and facilitating development, while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. Careful attention to layout, design and construction should result in places where people want to be.
5. The Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government's 5 strategic objectives.
6. The Government believes strongly in the value of forward-looking, visionary and ambitious plans that will guide development. They will provide guidance to potential investors in Scotland's future on likely paths to success; provide various interests the opportunity to participate in shaping the future of their nation and their communities; and give public authorities a structure within which decisions can be made with confidence. Plans should seek to lead and guide change. The statutory requirement to keep plans up to date should ensure that they reflect and respond to emerging pressures and issues.



7. Planning has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of those issues one way or another will inevitably disappoint some parties. Planning cannot be expected to satisfy all interests all of the time. It should, however, enable speedy decision making in ways which are transparent and demonstrably fair.

CORE PRINCIPLES

8. The legislative framework for Planning in Scotland has recently undergone a major overhaul through the Planning etc (Scotland) Act 2006. The secondary legislation required for its full implementation is being introduced at Holyrood from autumn 2008.

The Government believes that the following broad principles should underpin the modernised system:

- There should be a genuinely **plan-led** system, in which succinct development plans set out ambitious, long-term visions for their area. They will be kept up to date, and provide a practical framework within which the outcome of planning applications can be decided with a degree of certainty and efficiency.
 - The **primary responsibility** for the operation of the planning system and service **is with local and national park authorities.**
 - **Confidence in the planning system** needs to be reinforced through: the efficient and predictable preparation of plans and handling of applications; transparency in decision-making and reliable enforcement of the law and planning decisions.
 - The **constraints and requirements** that planning imposes **should be necessary and proportionate.**
 - The system should operate to **engage all interests as early and as fully as possible** to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly.
 - There should be a clear focus on the **quality of outcomes**, with due attention given to considerations of the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. Successful reform of the planning system will only be achieved if all those involved in planning – applicants, planning authorities, agencies and consultees, communities, representative organisations, public bodies, the Government and the general public – commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system can contribute effectively to increasing sustainable economic growth.

Appendix 6

Scottish Planning Policy 15 (SPP15)
Planning for Rural Development - extracts

INTRODUCTION

1. This Scottish Planning Policy (SPP) replaces National Planning Policy Guideline (NPPG) 15: *Rural Development* issued in 1999. The SPP draws on recent research funded by the Executive on the evaluation of NPPG 15¹. The research report identified broad support for a national planning policy focusing on sustainable rural development. It laid particular emphasis on the need for a more aspirational planning vision for rural Scotland. For the purposes of this SPP, rural Scotland means the countryside and settlements of 3000 population or less, although the guidance will have wider relevance as the links between rural areas, small towns and urban areas are also important. This SPP encourages a more supportive attitude towards 'appropriate' development whilst acknowledging and valuing the enormous diversity of rural Scotland. Advice is being published in Planning Advice Notes to accompany this SPP.
2. Scotland has a population of just over 5 million in a comparatively large land area including 100 inhabited islands. The population could fall below 5 million within 10 years although it is the policy of Scottish Ministers to reverse that trend. The bulk of the population lives in the central belt which is densely populated but still retains extensive areas of agriculture and forestry. Most of the remainder of rural Scotland has relatively few people. It is estimated that about a million people, 19% of Scotland's total, live in rural areas². Against a 2% decrease in Scotland's population since 1981, rural populations have increased by 2%. The increases have generally been in more accessible areas and some remoter parts. Areas that have experienced significant increases in population have done so because of the quality of life on offer and their ability to diversify economically. An additional 260,000 households are forecast in Scotland by 2025. Rural areas have an important role in helping to meet this demand although most new development is likely to be located in or adjacent to existing urban areas.
3. This SPP sets out the approach, key messages and objectives that should underpin planning policies and decisions affecting rural areas. It also describes the increasingly important links between development planning and community planning. This SPP's objectives and main principles should also apply to protected landscapes, including National Parks, but in ways appropriate and sympathetic to their special context.

POLICY CONTEXT

4. SPPs and NPPGs apply across the whole country and set the scene for shaping a great deal of new development in rural Scotland. This SPP complements these policies but does not repeat their content. Nor does it restate the underlying core principles of sustainable development, economic competitiveness, social justice, environmental quality and design which are set out in SPP1: *The Planning System*. There is thus an umbrella of national guidance under which planning authorities must operate although they have discretion in interpreting

SPPs 2, 3, 17 and NPPG 14 are particularly relevant

¹ Evaluation of NPPG 15, Scottish Executive, May 2003

² General Register Office for Scotland – based on the core definition of population in settlements of 3000 or less

and applying the guidance at the local level. The National Planning Framework, published in April 2004, provides a long-term spatial vision for the whole of Scotland, including a spatial perspective for rural Scotland, emphasising in particular the importance of economic diversification and environmental stewardship.

THE PLANNING VISION

5. Rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it, providing for people who want to continue to live and work there and welcoming newcomers. Traditional ways of living will remain but new ones should function alongside. The intention is to have vigorous and prosperous rural communities, ranging from small towns and villages to dispersed settlements. The countryside should be able to absorb more people content to live and able to work there. Coastal areas too should play their part. The clear goal will be to maintain the viability of existing communities and bring new life to many places which have seen years of decline.
6. Scotland's rural areas are a unique resource with significant long term potential as places to live and work. This special potential is replicated in only a few places in northern Europe and, arguably, nowhere else on this scale in the UK. Future lifestyle changes and technological development may well increase the demand for living and working in rural areas.

SPP OBJECTIVES

7. NPPG 15 said planning authorities needed to be alert and sensitive to the likely increased demand for new types of development in rural areas. It emphasised that planning authorities and agencies involved in rural development should adopt a proactive approach to providing land for development. This message remains relevant. Although many diversification projects have been implemented, the research has shown that the proactive approach promoted by NPPG 15 has not been embraced everywhere. There was a concern that there is insufficient clarity about what the planning system is aiming to achieve in rural areas. In particular, it highlighted the need for a vision to help guide policy making and development control decisions.
8. The Scottish Ministers ambitions for rural Scotland were set out in the document *Rural Scotland – A New Approach*³. The overarching aim is to have a prosperous rural economy, with a stable or increasing population that is more balanced in terms of age structure and where rural communities have reasonable access to good quality services. The planning system can assist this by adopting a more welcoming stance to development in rural Scotland

³ Rural Scotland – A New Approach, The Scottish Executive, May 2000

including the further refinement of the approach to diversification. The aim is not to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the Scottish countryside or to erode the high quality of its environment. Rather, it is to ensure that planning policy regimes are put in place to accommodate selective, modest growth. Most development should be foreseen, agreed and programmed to reflect the local circumstances. It can be different in scale and kind to what has occurred in the past but it should not be unexpected or unplanned. Wider economic and social objectives should also be considered as should Scotland's distinctive environment and heritage.

THE ROLE OF PLANNING

9. Planning's role in advancing the vision is to enable and help create opportunities for development in sustainable locations wherever appropriate e.g. where infrastructure capacity and good access exist, or can be provided at reasonable cost, or to meet justifiable social and economic objectives. Rural and urban areas are recognised as interdependent e.g. rural areas depend on urban areas for a range of services and jobs while providing quality recreational and leisure experiences for the urban population. Rural diversification should be embraced to help businesses, land managers and farmers expand or start new enterprises in appropriate circumstances and at an appropriate scale. New development must be carefully planned if the character and quality of the countryside is not to be undermined. One of the Scottish Ministers' objectives⁴ for the planning system is to assist in promoting a strong, diverse and competitive economy by providing land in sufficient quantity and quality to meet demand. The planning system helps to bring stability so that investment decisions are not undermined by inappropriate development. It is important therefore for planning authorities to be aware of new trends, pressures and opportunities and be ready to react positively but sensitively.

NEW DEVELOPMENT

10. In the more accessible and densely populated rural areas most new development will continue to be in, or adjacent to, existing settlements. Green belts will continue to presume against most new development and play a key role in maintaining the setting and separation of towns and cities. Any proposals to release land for development which is currently designated as green belt should be part of a longer term strategic settlement policy and set out in the development plan. A review of national policy on green belts is currently underway. The natural and historic environment also has to be protected. However, if the national vision is to be realised, planning policies will have to enable development in some areas which, hitherto, have not been considered suitable for development. More opportunities, appropriate in scale, kind and location, should be identified by planning authorities. In the more heavily

⁴ Framework for Economic Development in Scotland, September 2004



amount of housing has led to the creation of innovative business opportunities, the re-use of buildings, environmental enhancement and significant employment generation

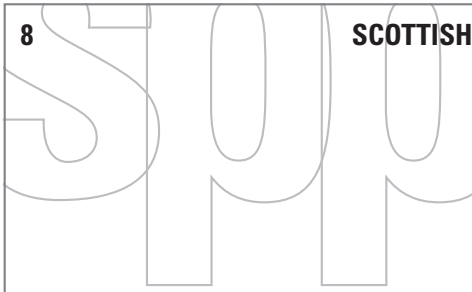
17. Diversification is likely to be most appropriate in locations where access, particularly by public transport, drainage capacity and IT infrastructure exist or can be provided at reasonable cost. Developments with the added value of employment generation or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Forestry Commission Scotland is active in facilitating diversification of agricultural businesses into forestry. Local value can be added through primary processing, the local use of bio-energy and eco-tourism. The Planning Advice Note on Rural Diversification which accompanies this SPP provides examples of good practice⁹.

HOUSING

18. SPP3: *Planning for Housing* remains the first point of reference on the general policy for housing. This SPP advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed houses, and holiday homes. The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans, either as part of general settlement policy or as a separate sub-set on rural housing policy. In many rural areas there are small sites (e.g. sawmills and brickworks) which cease to be required for their original purpose where conversion to residential use would bring about a net environmental benefit subject to the criteria set out in paragraph 21 below.
19. SPP3 states that development plans should allocate sufficient land to meet housing requirements including affordable housing. New affordable housing is currently provided primarily by Registered Social Landlords, with the assistance of subsidy through Communities Scotland's development funding programme, or by developers. Communities Scotland currently agrees investment priorities in partnership with local authorities and, in future, those priorities will be set out in Local Housing Strategies. Where there is a demonstrable requirement for affordable housing through a local plan or interim policy, developers may be asked to make a contribution to the supply of affordable housing. In most rural areas innovative and flexible approaches will be required to deliver affordable houses in suitable numbers.
20. One option is for development plans in areas with a known shortage of affordable housing to identify small-scale sites that are well integrated and close to services, perhaps as components of mixed-use sites. A number of further options and mechanisms on supporting delivery of affordable housing either directly through, or indirectly with the help of, the planning system are currently

⁹ PAN 73 Rural Diversification, February 2005

¹⁰ Forthcoming PAN on Affordable Housing



24. There is also a large demand for holiday, weekend and second homes in some rural areas. In recognition of the significant economic role which these can play, planning authorities should allocate land in their development plans to help meet this demand in addition to other housing requirements. One of the factors influencing community vibrancy is the ability of the local area to accommodate and absorb mixed housing developments. Buildings can range from those of sophisticated design to simple low impact, wooden, chalet-type developments. Similarly, issues of capacity, accessibility, sewerage, drainage, landscape and marketability will dictate the scale and location of development. Design standards should be made clear through supplementary design guidance.

RURAL ACCESSIBILITY

25. A key planning principle is to focus most additional housing, employment, retail, leisure and other services at accessible locations. Major facilities will continue to be concentrated in the larger settlements. This is important for people who do not have the use of a car, allowing them to access several services in one visit. Development plans should be realistic about the availability, or likely availability, of alternatives to access by car, as not all rural development locations are able to be served by public transport. Planning authorities can allow development where the impact of vehicle movements on the local road network would not be significant. They should also apply appropriate standards to access roads to enable small developments to remain viable. Developer contributions, to meet access requirements, can reasonably be sought to facilitate new development. Community run services have an important role to play in remote rural and island communities where there is limited potential for provision of public transport and they should be encouraged where possible.

ENVIRONMENTAL QUALITY

26. There are many areas of rural Scotland which are special in terms of the built, historic and natural environment where change has to be managed with great care. The quality of the country's natural and cultural heritage is especially high. These are a valuable national asset and will prove to be of increasing value in the years ahead. The protection and enhancement of these assets, including the need to further the interests of biodiversity, are important considerations. Many areas, such as those containing protected habitats and landscapes, are special in European and national terms and they have to continue to be cared for as part of the general good stewardship of the wider countryside. One of rural Scotland's special features is the extent to which environmental quality is high outwith protected areas as well as within them. Some parts of these valued environments can accommodate certain types of development, where it can be demonstrated that there will be no adverse environmental impact.
27. National planning policy and advice emphasises the importance of fit and design of new development in the landscape. This is often the key to making development acceptable and requires more emphasis in development plans.

Some places cannot absorb any substantial change but for many others there can be some scope. Development plans must recognise potential but they must also address constraints. In conjunction with typologies, landscape capacity studies are an increasingly useful tool in developing positive policies.

28. Planning authorities should take a positive approach to innovative, modern designs that are sensitive both to their immediate setting and define the characteristics of the wider local area. Positive policies on rural design should be prepared building on themes such as landscape character, village plans and design statements. Local communities should have an input. These policies should guide developers towards good quality design appropriate to the location. Design criteria should also be applied consistently in development control.

NATIONAL PARKS

29. The intention is that the general proactive thrust of the SPP should apply throughout Scotland. However, it should be recognised that Scotland's National Parks have been designated because of the national importance of their natural and cultural qualities. The Parks have four statutory aims which are set out in section 1 of the National Parks (Scotland) Act 2000 and the National Park Authorities have responsibility for ensuring that these aims are achieved in a co-ordinated way. The aims are: to conserve and enhance the natural and cultural heritage; to promote sustainable use of natural resources; to promote understanding and enjoyment; and to promote sustainable economic and social development. The aims have equal status but where there is conflict between them, the Park Authorities must give greater weight to the first aim of conserving and enhancing the natural and cultural heritage of the area. Subject to this, the policies set out in this SPP will have relevance for planning in the National Parks.

ENHANCEMENT

30. There are some parts of rural Scotland, particularly the small former mining areas in the central belt and fishing towns along several parts of the coast which are in urgent need of environmental improvement and economic stimulation. They are often characterised by areas of social housing where relative isolation presents additional problems for low-income tenants. Generating development in rundown areas where demand is low is one of the biggest challenges facing those charged with the task of upgrading. There is also the issue of acquiring funding of the scale necessary to make an impact and co-ordinating the regeneration activity with the other agencies concerned. Working in partnership with other organisations, planners can play an important role in this activity by highlighting in development plans the areas needing attention. By doing this they will influence the wider policy agendas of the other partners.

PUBLIC INVOLVEMENT AND LINKS WITH COMMUNITY PLANNING

35. Increased public involvement in preparing development plans is a key priority for the Scottish Ministers. Development plans will set out the land use strategy for the area and identify priorities. They should link into the community plan and deliver those elements that have a land use component. Rural communities can play a direct role in deciding the future course of development in their areas. Low population densities, travel distances and isolation can make effective engagement and consultation in rural areas particularly difficult. There are examples of innovative and effective approaches to public involvement in planning in such areas.
36. It is important to ensure that a wide spectrum of community views is heard and local initiatives aimed at building community capacity are required. The community planning process has a key role by acting as a framework for making services responsive to, and organised around, the needs of communities. It aims to ensure people and communities are genuinely engaged in the decisions made on public services which affect them and that organisations work together in providing better public services. It should also result in the better integration and co-ordination of existing plans and community consultation. The community right to buy legislation has opened up new opportunities for local communities to benefit from the development potential of their areas.

IMPLEMENTATION

37. The overarching themes and vision in this SPP should be increasingly reflected in planning policy and decisions. They will also influence a multiplicity of individual and corporate decisions. Planning authorities have a particular responsibility to promote opportunities for sustainable rural development through improved and more focused policies in development plans. These plans, once approved and adopted, will, in turn, guide decision making on planning applications. Planning permission should be granted for developments which conform to the principles and objectives as described in this statement. In some cases alterations to plans and supplementary planning guidance will have to be prepared in early course to ensure that development plans accord with this SPP.
38. Other stakeholders will also be responsible for implementing the SPP's objectives. These include the Executive (including Communities Scotland), national government departments and agencies, particularly the LECs, Homes for Scotland, entrepreneurs, businesses, VisitScotland, farmers and individuals. They will have their own strategies and objectives for rural areas and planning authorities should consult these organisations etc when preparing development plans. Where possible, Scottish Water will link in with other organisations spending plans e.g. those of Communities Scotland, to address housing supply problems. However, their legislative obligations in relation to public health and environmental requirements will remain priorities.

Appendix 7

Planning Advice Note 72 (PAN72)
Housing in the Countryside - extracts

Rural development

Problems to solve

For over 10 years, PAN 36 has had some positive impact on new housing development but, nethertheless, concerns remain:

- ▶ an inability to understand designs particular to local areas;
- ▶ development plans and supporting guidance not always sufficiently clear about the standards required;
- ▶ a lack of confidence in articulating and holding out for quality design, and following through to appeal, if necessary;
- ▶ an over reliance on houses not designed specifically for the site; and
- ▶ roads and drainage engineers using urban solutions rather than having greater flexibility to reflect local circumstances.

6

It is therefore appropriate to restate the importance of quality development in the countryside by expanding on the messages in PAN 36.

Changing circumstances

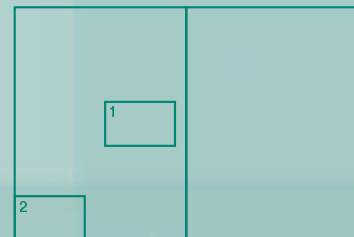
One of the most significant changes in rural areas has been a rise in the number of people wishing to live in the accessible parts of the countryside while continuing to work in towns and cities within commuting distance. Others wish to live and work in the countryside. These trends derive from lifestyle choices and technological changes which allow working from home. More people are now also buying second or holiday homes. In addition, leisure and tourism businesses have been increasingly active, for example through timeshare and chalet developments. It is for planning authorities to assess these demands and decide how, and where, to accommodate them.



a rise in the number of people wishing to

live

in the countryside



1: Self catering units, near Auchterarder, Perth & Kinross
2: Contemporary artist's studio and home, Perth & Kinross

Opportunities

Some landscapes will probably have to accommodate considerable change in the coming years. This change needs to be planned and managed so that the effects are positive. Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.

Examples of the main opportunities include:

conversion or rehabilitation

The revival of rural buildings to provide comfortable modern homes has become increasingly popular. It not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.



7

small-scale infill

Small-scale infill in existing small communities can bring economic and social benefits by supporting existing services such as schools and shops. Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.



new groups of houses

Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.



single houses

There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.



Some landscape considerations

Location within the landscape – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.



Woodlands – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.



New planting – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.



Boundary treatments – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.

