



**APRS**  
The Association for the  
Protection of Rural Scotland

## **Response to Places, People and Planning Position Statement**

### **Introduction**

Overall, the Position Statement fails to address the changes to Scotland's planning system required for it to play a full part in supporting the Scottish Government's commitment to sustainable development. It makes insufficient reference to the significance of Scotland's natural and built environments, including Scotland's rural landscapes which are the primary focus of the work of APRS. It is far too pro-development in tone, and appears to take very little notice of any of the positive suggestions made by APRS and other environmental organisations at earlier stages of the Planning Review.

### **Green Belts**

It is quite remarkable that a Position Statement on planning in Scotland makes no reference to Scotland's eleven Green Belts, a precious resource of national importance. They protect and enhance the landscape setting of the towns and cities they surround, facilitate access to open space for urban residents and direct growth into appropriate locations within settlements. The designation 'Green Belt' is well-understood and popular with the general public. However, the integrity of our Green Belts is threatened more seriously than ever, primarily for housing development, encouraged by the Scottish Government's drive for economic growth. The Scottish Government and local Councils should therefore give stronger protection to Green Belts and should promote their positive management for landscape and recreation.

For many years national Green Belt policy has guided development to the most appropriate locations, whilst protecting the rural character of the landscape settings of towns and preventing their coalescence. However, the Scottish Government's strong promotion of growth, including through the National Planning Framework, increasingly cascades down through the planning system, to the detriment in many places of both the environment and the quality of life of local communities. Community groups in and around Scotland's Green Belts report serious concerns about significant losses to Green Belts and the need for their stronger protection in the planning system. For example, in Edinburgh's Green Belt, over 4,000 acres has been lost since its proposal in 1949, and over 8,000 acres of land has suffered severe detrimental visual impacts from unsightly developments such as pylons, roads, railways and buildings. As well as around Edinburgh, substantial developments are also proposed within Green Belts around Glasgow, Perth, St Andrews and Stirling.

Green Belts provide many important benefits to the quality of life and health and well-being of society in addition to their planning purposes. They can also encompass many important designations for the protection of landscape, nature conservation, informal outdoor recreation and cultural heritage as well as containing significant areas of prime agricultural land, needed for home-grown food production. Green Belt is a well-known 'brand name' and its purposes and benefits are clearly understood by most people. The purposes of Green Belts remain as valid now as in the past; they are an important quality of life investment for future generations and deserve stronger protection,

especially in important or sensitive areas that include several layers of other natural and cultural heritage designations. In such areas there should be a strong presumption against development for a long period of time.

### **Equal Right of Appeal**

The single most important step which the Scottish Government could take to achieve a fair and open planning system that works well for local communities would be to introduce an equal right of appeal for communities. The planning system is the principal means by which communities can promote the protection of landscapes they value. However, developers have the right to appeal against the refusal of planning permission, whereas communities affected by a development have no such right to appeal against its approval.

This creates a fundamentally unfair system biased in favour of developers. This has regular adverse consequences for valued landscapes and leads to disillusionment by the local communities involved. Such an equal right of appeal could be limited in various ways in order to discourage excessive use. For example it could be limited to recognised national or local groups, to objectors to the original application and to proposals contrary to the local development plan. We therefore continue to support the introduction of an equal right of appeal in the planning system, which would improve decision-making by substantially increasing public confidence in the system and would support the Scottish Government's aspiration to achieve a Fairer Scotland. It is most regrettable therefore that the Position Statement so lightly dismisses (p09) the widespread public support for such an improvement. We call on the Scottish Government to reconsider its position on this significant issue.

### **Purpose of the Planning System**

The Position Statement rightly says (p02) that "we must keep in view the core purpose of planning", but then fails to state clearly what this purpose is. The Planning Review should take the opportunity to undertake a fundamental reassessment of what Scotland's planning system is actually for. In our view its overarching purpose should be to achieve sustainable development, ie development which promotes environmental protection, social justice and economic stability on an equal footing. The purpose of the planning system should certainly not be 'increasing sustainable economic growth', as this often comes at the expense of the environment and society. At present only the National Planning Framework and development planning have a duty to achieve sustainable development, whereas development management and enforcement do not. The proposed Planning Bill should extend the full definition of this duty to all elements of the planning system, so that it is clear that the entire system has the same overarching purpose.

### **Cairngorms National Park Authority**

The CNPA currently has full development planning powers but only a call-in procedure in relation to development management. This is confusing for all concerned including local authorities, developers, local communities and the CNPA itself. This anomaly should be corrected to bring the CNPA into line with the Loch Lomond and the Trossachs National Park Authority.

### **National Planning Framework**

Experience with the first three NPFs has demonstrated that the 60 day 'period for Parliamentary consideration' is too short to allow the necessary level of scrutiny of such an important document by the Scottish Parliament, including by the several Committees whose remits are affected by the proposals within it. This is particularly the case given that the NPF gives a significant measure of approval to National Developments. This period should therefore be extended to at least 90 days.

## **Permitted Development Rights for Private Vehicle Tracks**

Many private vehicle tracks (often referred to as 'hill tracks') can be important for some farmers and crofters, who sometimes have a legitimate need to construct and maintain tracks for land management purposes. However, inadequate regulation of hill tracks through permitted development rights (PDR) has allowed their increased development, including for deer stalking and grouse shooting purposes, which has resulted in widespread harmful impacts on the rural landscape. Poor routing, design, overuse and erosion of hill tracks have caused further damage in some places. Widespread concern has developed about the increasing number of constructed hill tracks damaging the landscape, particularly in areas of high wild land quality.

Currently, the construction of hill tracks does not require planning permission as long as they are claimed to be for agricultural or forestry purposes. In 2015 the Scottish Government introduced as an unsatisfactory compromise a system of 'prior notification' to local planning authorities; it is not yet clear whether this is proving effective in tackling the problems summarised above. The uncontrolled expansion of badly-designed and built hill tracks has been one of the principal causes of damage to Scotland's upland landscapes for many years. It is anomalous that the construction of several miles of new vehicle track to serve for example a wind farm or housing development requires planning permission and environmental assessment, whereas the construction of an identical track with identical impacts, but claimed to be for agricultural or forestry purposes, only requires prior notification.

New tracks built under PDR are currently not required to be designed and constructed so that their impacts are mitigated or to comply with any particular standards, leading to variable construction quality. Existing footpaths are often 'upgraded', 'improved' or 'repaired' for vehicular use, sometimes destroying important heritage paths in the process, without being properly assessed or evaluated through the planning system. Designated sites such as National Parks or National Scenic Areas have some protection from damage by hill tracks, but locally designated or non-designated sites such as those on the Inventory of Gardens and Designed Landscapes or the Battlefield Inventory remain vulnerable to such damage.

The simplest and most practical solution to address these impacts would be to remove all PDR from the construction, alteration, repair, maintenance and improvement of all 'private roads and ways'. Any other solution would be more complex to define or administer and would inevitably be open to challenge or avoidance. Maintenance operations should be restricted to within existing track boundaries, to ensure that the intention behind the removal of is not circumvented by existing tracks being widened under the guise of 'maintenance'. The removal of PDR would not prevent the development of all hill tracks. If a land manager or developer could prove that a track is necessary and would cause no unacceptable adverse impacts, it could be given planning permission and go ahead in the same way as any other development. A sliding scale of charges could be adopted, proportionate to the scale of proposed development, to reduce the financial burden for relatively small-scale applications. Any planning permission should only be granted on condition that construction follows Scottish Natural Heritage's good practice guidance.

## **The Association for the Protection of Rural Scotland**

APRS is the charity which promotes the care of **all** of Scotland's rural landscapes. We campaign with others for better national landscape and planning policies. We advise our members and others how best to protect the local landscapes which they value as the settings for their lives.

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