

Response ID ANON-2CP9-RFQT-U

Submitted to Local development planning - regulations and guidance: consultation
Submitted on 2022-03-31 10:19:54

PART A – Introduction

1 Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

No View

Please explain why you agree or disagree::

2. i) Do you have any views on the content of the interim assessments?

No

Please explain your views::

2. ii) Do you have or can you direct us to any information that would assist in finalising these assessments?

No

Please provide or direct us to the information::

You can upload a file here::

No file uploaded

3. i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?

No

Please explain your views::

3. ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

Please put down your suggestions here::

PART B – Proposals for Development Planning Regulations

4 Do you agree with the proposals for regulations relating to the form and content of Local Development Plans?

No View

Please explain why you agree or disagree::

5 Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

No View

Please explain why you agree or disagree::

6 Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

No View

Please explain your views::

7 Do you agree with the proposals for regulations relating to the Evidence Report?

No View

Please explain why you agree or disagree::

8 Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

No View

Please explain why you agree or disagree::

9 Do you agree with the proposals for regulations relating to the examination of the LDP?

No View

Please explain why you agree or disagree::

10 Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

Yes

Please explain your view::

The thematic guidance in part C quite rightly makes clear that Green Belt boundaries should only be amended during the LDP review process. If however for some exceptional reason a development proposal is approved on a designated Green Belt site, it presumably therefore follows that there should be some process for the LDP to be amended at that point, so the regulations should allow for this.

11 Do you agree with the proposals for regulations relating to Development Plan Schemes?

No View

Please explain why you agree or disagree::

12 Do you agree with the proposals for regulations relating to Delivery Programmes?

No View

Please explain why you agree or disagree::

13 Do you agree with the proposals for regulations relating to the meaning of 'key agency'?

No View

Please explain why you agree or disagree::

14 Do you agree with the proposals for regulations relating to transitional provisions?

No View

Please explain why you agree or disagree::

PART C – Draft Guidance on Local Development Planning

15 Do you agree with the general guidance on Local Development Plans?

No

Please explain why you agree or disagree::

We and other NGOs have found the timescale for this consultation very difficult to manage, given the size and scope of the NPF4 consultation which is running simultaneously. The Scottish Government has made it clear that the NPF4 will change after consultation, so the LDP guidance will inevitably also be required to change. A further related difficulty is that the delivery programmes for both consultations have only been partially developed, which makes it difficult to comment on some aspects of the guidance. We therefore propose that there should be a further opportunity to consider a later draft of the guidance.

16 Do you agree with the guidance on Development Plan Schemes?

No View

Please explain why you agree or disagree::

17 Do you agree with the guidance on the Delivery Programme?

No View

Please explain why you agree or disagree::

18 Do you agree with the guidance on Local Place Plans?

No View

Please explain why you agree or disagree::

19 Do you agree with the guidance on the Evidence Report?

No View

Please explain why you agree or disagree::

20 Do you agree with the guidance on the Gate Check?

No View

Please explain why you agree or disagree::

21 Do you agree with the guidance on the Proposed Plan?

No View

Please explain why you agree or disagree::

22 Do you agree with the guidance on Local Development Plan Examinations?

No View

Please explain why you agree or disagree::

23 Do you agree with the guidance on Adoption and Delivery?

No View

Please explain why you agree or disagree::

24 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240–247)?

No View

Please explain why you agree or disagree::

25 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)?

No

Please explain why you agree or disagree::

We would like to see some of the wording strengthened to ensure that the spatial principles and universal policies are carried through into the guidance. There are many instances where 'should' is used instead of 'must', the implication being that the guidance does not have to be followed. For example para 275 should read "The Evidence Report must be informed by up-to-date blue and green infrastructure audits ..." and "The audit must identify ..." and so on.

In para 260 we note that the HLR can exceed the MATHLR when evidence for greater need is presented. It seems illogical that this wording rules out the possibility that the figure for an area can be reduced where evidence indicates a lower level of need. This potentially pushes the national MATHLR figure unnecessarily high, as lower levels of migration or household formation cannot be reflected in it.

26 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)?

Not Answered

Please explain why you agree or disagree::

27 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)?

No

Please explain why you agree or disagree::

We would like to see the wording of the second sentence of para 301 changed to:
"This must consider the need for any new Green Belt ..."

28 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?

No

Please explain why you agree or disagree::

We agree with much of the basis of this approach, eg the six spatial principles and tackling the twin crises of nature and climate, but have concerns about some of the details.

We are pleased to see the following wording in para 320: "The Spatial Strategy should be based on an understanding of the emissions that are likely to be generated by the proposals of the plan. The Spatial Strategy must seek to minimise new greenhouse gas emissions and maximise emissions reduction." However, we are concerned that very little guidance is given about how local authorities can apply this to new housing. The emissions related to construction should not be overlooked in the guidance. At the moment it is not made clear how this is to be taken account of in terms of new housing. The guidance must make clear what local planning authorities are required to do in this respect.

We are concerned that in much of the guidance relating to biodiversity 'should' rather than 'must' is used where a firm requirement for action needs to be indicated.

Para 324 on the nature crisis is inadequate as it does not give strategic guidance on nature networks. Para 325 seems a strange outright ban on buffer zones, which might in some circumstances function as part of a connecting network. We suggest that more explanation is required here.

29 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?

No

Please explain why you agree or disagree::

Para 354 again illustrates our concerns about the inconsistent use of 'should' and 'must'. It uses 'should' for "land allocated should be free of constraints" but then immediately states "However, where constraints exist, sites can be regarded as deliverable ...". We do not oppose this usage here, but it illustrates clearly that where 'should' is used elsewhere in the guidance for implementing policies it is not as strong as 'must' or 'required'.

Paras 346 & 347 on the housing land pipeline leave uncertainty as to how a local authority might control the pipeline. How will it ensure the most sustainable locations are brought forward in timely order rather than those easiest and most profitable for developers?

30 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?

No View

Please explain why you agree or disagree::

31 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?

No

Please explain why you agree or disagree::

In Figure 14 under Approach, we would like to see the fifth bullet changed to:

"any changes to the boundary of the Green Belt should only be considered during plan preparation, whether land releases to accommodate planned growth, or to extend, or change the area covered as Green Belt".

We support most of the wording relating to Green Belts and the Urban Edge in paras 442-446. However, in para 446, we have concerns that the third bullet, regarding establishing clearly identifiable visual boundary markers based on landscape features, could undermine the importance of Green Belts for local communities to take access and healthy exercise in designated Green Belt areas. The ease of having clear boundaries on a map is obvious, but on the ground main roads and railway lines as boundary markers can act as solid or impermeable landscape features which reduce the benefits of green space for wellbeing and access rights.

32 Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)?

Not Answered

Please explain why you agree or disagree::

About you

What is your name?

Name:

John Mayhew

What is your email address?

Email:

john@aprs.scot

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

The Association for the Protection of Rural Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

It is very odd that details of name and organisation responding are only requested at the end of the process rather than at the beginning!