

**LOCAL REVIEW BODY**

**7 JUNE 2017**

**CONTINUED PLANNING APPLICATION FOR REVIEW**

**CONSIDER A REQUEST FOR REVIEW OF REFUSAL OF PLANNING PERMISSION WHICH THE LOCAL REVIEW BODY AT THE MEETING HELD ON 5 APRIL 2017 DECIDED TO CONTINUE TO THE FIRST MEETING OF THE LOCAL REVIEW BODY FOLLOWING THE LOCAL GOVERNMENT ELECTIONS ON 4 MAY 2017**

**MR J JAMIESON**

**ALTERATIONS TO AND CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS, TOGETHER WITH ASSOCIATED WORKS TO CREATE SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED CURTILAGE:  
MIGDALE, FINLAYSTONE ROAD, KILMACOLM (16/0227/IC)**

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- 8. Decision Notice dated 8 December 2016 issued by Head of Regeneration & Planning**
- 9. Notice of Review Form dated 2 March 2017 together with supporting documentation**

**MEMBERS ARE ASKED TO NOTE:-**

- (i) The Statement of Review document includes text highlighted in colour which can be viewed on the Council's website at [www.inverclyde.gov.uk/meetings](http://www.inverclyde.gov.uk/meetings)**
  - (ii) The animations of the proposals referred to in the Statement of Review will be available for Members to view at the meeting**
- 10. Email dated 13 March 2017 from applicant's agent withdrawing request for Hearing Session and Site Inspection**
  - 11. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION AND PLANS DATED  
13 OCTOBER 2016**

Head of Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY



**FOR OFFICIAL USE ONLY**

Reference No. 16/0227/1C  
Date of Receipt 25/8/16  
Fee Paid £401  
Date Fee Received 25/8/16  
Date Valid .....  
Receipt No. 2930

**PLANNING APPLICATION**

Town & Country Planning (Scotland) Acts

The undernoted applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>MR. JAMES JAMIESON</u>	Name <u>CANATA &amp; JEGGIE CHARTERED ARCHITECTS</u>
Address <u>MIGDALE, FINLAYSTONE RD, KILMACOLM</u> Postcode <u>PA13 4RZ</u>	Address <u>7 UNION STREET, GREENOCK</u> Postcode <u>PA16 8UH</u>
Telephone Number .. [REDACTED]	Telephone Number <u>01475 784517</u>
	Profession <u>ARCHITECTS</u>

see note 2

2. Description of Development

ALTERATIONS TO AND CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS, TOGETHER WITH ASSOCIATED WORKS, TO CREATE A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED CURTILAGE.

Site Location LAND AT MIGDALE, FINLAYSTONE RD, KILMACOLM, PA13 4RZ.

Site Area (hectares) 0.339 Ha Number of dwellinghouses proposed 1

New gross floorspace (sq. metres) 316.5

see note 3

3. Application Type (Tick appropriate box/es)

(a) Permission in Principle  (c) Detailed Permission

(b) Approval of Matters specified by conditions  (d) Change of Use of land/buildings

(e) Other (please specify) .....

see note 4

4. Applicants interest in site (Tick appropriate box)

(a) Owner  (c) Tenant

(b) Lessee  (d) Prospective Purchaser

(e) Other (please specify) .....

see note 5

**5. Existing Uses**

(a) Please state the existing use(s) of the land/buildings: .....

(b) Was the original building erected before 1st July 1948? Yes / **No**

Has the original building been altered or extended Yes / **No**

If yes, please indicate nature of alteration / extension and if possible approximate dates.....

If the land / buildings are vacant, please state last known use..... **AGRICULTURAL**

see note 6

**6. Access Arrangements and Parking** (Tick appropriate box/es)

(a) Not Applicable  (e) Number of existing on site parking places

(b) New vehicular access proposed  (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved  (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

**7. Drainage Arrangements** (Tick appropriate box/es)

(a) Not Applicable  (c) Connection to existing public sewer

(b) Public Sewer  (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc)..... **SOAKAWAY**

see note 8

**8. Water Supply** (Tick appropriate box/es)

(a) Not Applicable  (c) Existing private supply

(b) Public Main  (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

**9. Building Materials** (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material..... **TIMBER**  
Colour..... **NATURAL, TREATED**

(c) Roof Covering Material..... **METAL, ALUMINIUM OR ZINC (TBC)**  
Colour..... **GREY**

(d) Windows Material..... **TIMBER / ALUMINIUM (COMPOSITE)**  
Colour..... **GREY**

(e) Boundary Treatment Material..... **SHRUBS / FENCING**  
Colour..... **NATURAL**

see note 10

**10. Landscaping**

Is a landscaping/tree planting scheme proposed?

Yes  No

Are any trees/shrubs to be cleared on site?

Yes  No

If yes, please show details of scheme on a SITE PLAN

see note 11

**11. Costings**

What is the estimated costs of any works to be carried out?

£ NOT KNOWN TBC

see note 12

**12. Confirmation**

Signature of applicant/agent

[Redacted Signature] (CANATA & SEGGIE)

on behalf of CANATA & SEGGIE CHARTERED ARCHITECTS Date 24/08/16

see note 13

**CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008**

Either certificate A, B or C must be completed together with certificate D

**CERTIFICATE A** (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than \* myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

~~**CERTIFICATE B** (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)~~

~~I further certify that:~~

~~\* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than \* myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.~~

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
.....	.....	.....
.....	.....	.....
.....	.....	.....

\* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

**CERTIFICATE C (To be completed in EVERY CASE)**

I further certify that:

\* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

\* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are: Name(s)	Address(es)	Date of Service of Notice(s)
.....	.....	.....
.....	.....	.....
.....	.....	.....

**CERTIFICATE D**

I confirm that I have been unable to notify all parties under Certificates A, B and C

\* Delete whichever is inappropriate

Signature of Applicant/Agent [REDACTED] (CANATA & SEGGIE).....

On behalf of CANATA & SEGGIE CHARTERED ARCHITECTS.....

Date 13/10/2016.....

see note 15

**CHECKLIST - The following documentation should be submitted:**

please tick all boxes

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> TWO APPLICATION FORMS   | <input type="checkbox"/> DESIGN & ACCESS STATEMENT<br>(National and Major applications only)           |
| <input checked="" type="checkbox"/> TWO SETS OF PLANS       | <input type="checkbox"/> PRE-APPLICATION CONSULTATION REPORT<br>(National and Major applications only) |
| <input checked="" type="checkbox"/> FEE (Where appropriate) |  |

**WARNING**

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revision 'A' - November 2008  
Revision 'B' - December 2008  
Revision 'C' - July 2009  
Revision 'D' - October 2009  
Revision 'E' - October 2011

**2. APPOINTED OFFICER'S SITE LOCATION PLAN  
AND PHOTOGRAPHS**

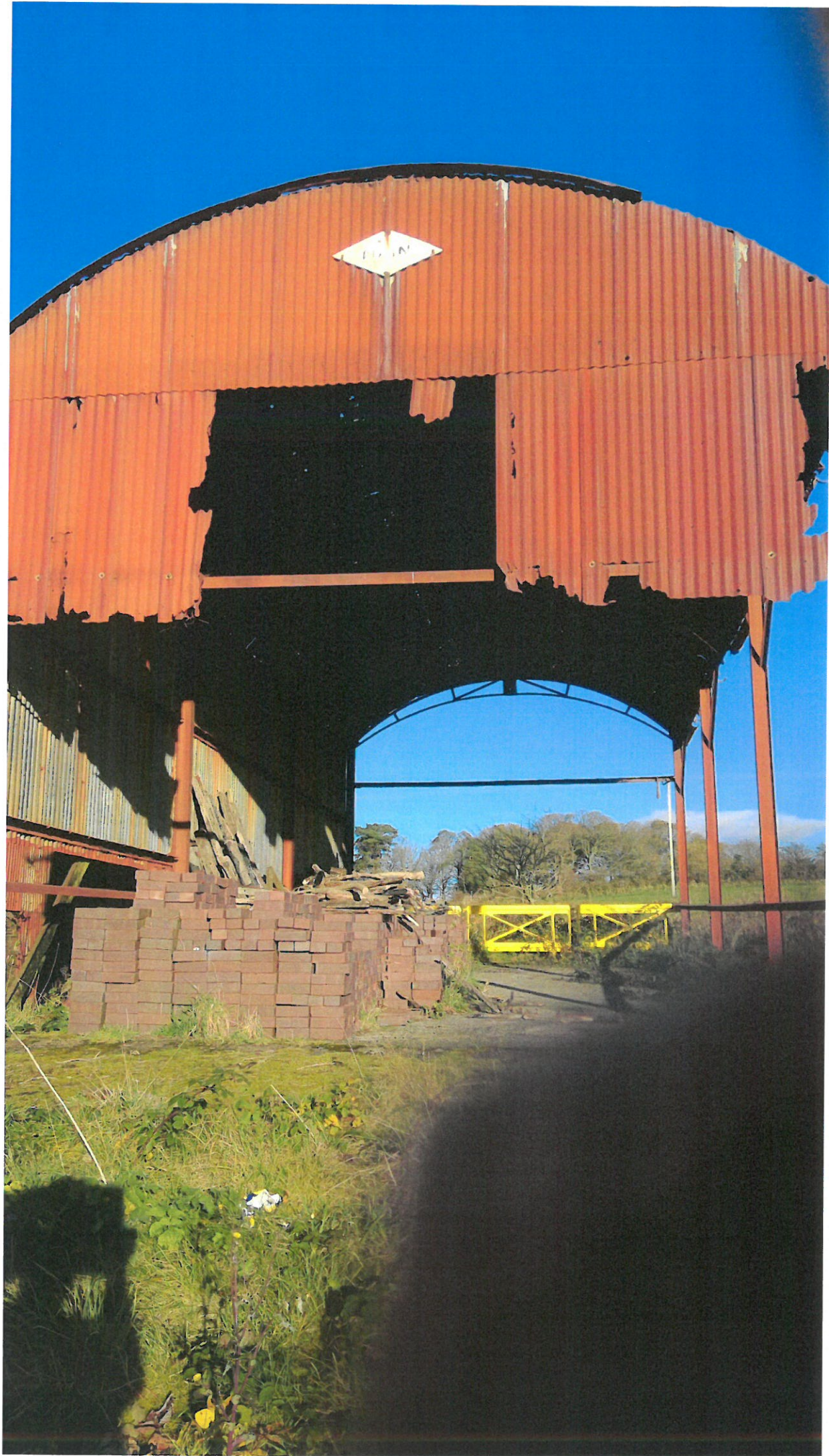


**Location Plan**  
Scale 1:1250

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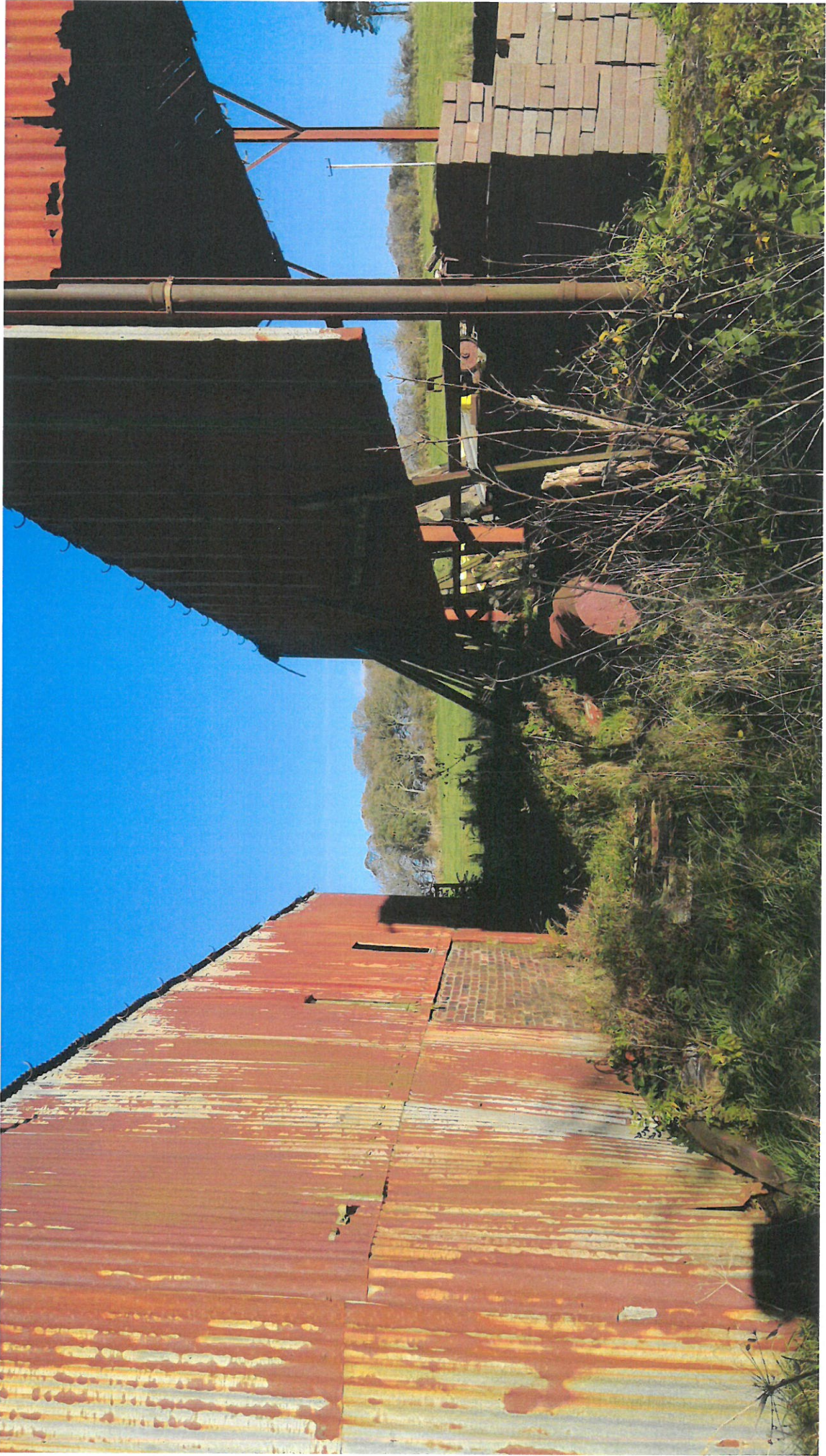












**3. APPOINTED OFFICER'S REPORT OF  
HANDLING DATED 8 DECEMBER 2016**



## REPORT OF HANDLING

Report By: David Ashman

Report No: 16/0227/IC

Local Application  
Development

Contact  
Officer: 01475 712416

Date: 8th December 2016

Subject: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage at Migdale, Finlaystone Road, Kilmacolm

## SITE DESCRIPTION

The application site comprises an approximately 0.34 hectare area of ground forming part of Migdale Farm on Finlaystone Road and slightly less than one quarter of a mile to the north of Kilmacolm. The site includes two agricultural buildings constructed largely of corrugated steel cladding on a steel framework (with some brick wall panels) which appear to no longer be in active agricultural use. In some areas the sheeting has either been removed or has fallen off as a result of corrosion over time. The larger of the two buildings is a former cattle shed/byre with a lean-to extension on its northern elevation. The smaller building, located to the south of the former cattle shed/byre, was used for hay and the storage of agricultural equipment. Both buildings have concrete slab floors with steps and a partially raised level inside the cattle shed/byre.

The application site is located to the south of the dwellings of Migdale and Creachann and is bound to the east and south by an agricultural field with another field to the west beyond Finlaystone Road. A mix of low level wire and wooden fencing creates the boundary with the fields beyond.

The site connects to Finlaystone Road via an existing gated access. There is also a grass track which connects the site to the curtilage associated with the Migdale steading. The track is formed on ground to the rear of Creachann. The site is partly screened, more particularly during the summer months, by a line of mature trees along the road frontage which, together with a boundary hedge, continues along part of the adjacent field frontage.

## PROPOSAL

The applicant seeks planning permission for alterations to and the conversion of the agricultural buildings, together with associated works within the curtilage, to create a two storey dwellinghouse. The floor plans indicate that the dwelling will feature 4 bedrooms, two lounges and a kitchen/diner. The works will include the taking down of the lean-to element and construction of a single storey link between the two barns to allow the site to be used as a single dwelling.

The proposal involves a substantial element of alteration to the barns with removal of the existing corrugated sheet walls and roofs and rebuilding with new external materials, consisting of grey, metallic standing seam profiled roofing on the two "barn" elements, replicating the current barrel vault type roof of the buildings, with a "Sarnafil" or equal single ply membrane roof on the flat roofed "link" element between. The external walls will consist of a blue proprietary facing brick

base, with mainly cedar hardwood timber cladding panels and rainscreen cladding above on the barn elements with rock panel, Marley eternity or Cedral weatherboard on the link element between. Aluminium clad doors and fenestration will also be introduced. Two toughened glass balustrades are to be constructed at the upper floor level south-west and north-east elevations.

The resultant dwelling will reflect the form of the two barns, with the exception of the new build element between them and the removed lean-to extension. Nothing of the existing buildings' external walls and roof will be used on the completed dwelling, with only the structural framework and possibly part of the concrete bases incorporated into in the construction. Visually, it will appear to have two main barrel-vaulted elements to it, connected by the lower flat roof, new build section. The plans also show the creation of hardstanding around the dwelling. Full landscape and boundary treatments have not been provided as part of the application.

The application has been supported by a planning statement and a structural survey. The planning statement sets out the applicant's case, including his policy analysis, in support of the application. The structural survey, based only on a visual non-disruptive inspection of the property, noted corrosion typical of the age and exposure of the buildings and recommends investigation of all connections, including welds as to their suitability for long term stability, but nevertheless also considers that the buildings are for the most part intact. The report also considers that with treatment of the surface corrosion, some localised repairs and removal/replacement of the sheeting, the existing steel frame structure is capable of being utilised for conversion to a dwellinghouse. It also notes that the steel frame can be supplemented where required to form suitable outer walling consisting of either built-in timber frame or using brick or block cladding.

## **DEVELOPMENT PLAN POLICIES**

### **Policy SDS5 Development within the Urban Area**

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

### **Policy SDS8 - Green Belt and the Countryside**

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

### **Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside**

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and

- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

**Policy RES7: Residential Development in the Green Belt and Countryside**

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or
- (d) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or
- (e) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes.

Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** – The driveway should cater for a minimum of 3 cars, should be a minimum of 4.8 metres wide to allow 2 vehicles to pass and should be paved for a minimum distance of 2 metres from the edge of the carriageway to prevent loose material being carried onto the road. Its gradient should not exceed 10%. The applicant should demonstrate that vehicles can enter the site, turn and exit in forward gear. The minimum radius access should be 4 metres. All surface water must be contained within the site. Drainage arrangements should be submitted to demonstrate how this will be achieved. The applicant should provide a minimum visibility splay of 2.4 metres by 160 metres by 1.05 metres high due to the 60mph speed limit.

**Head of Safer and Inclusive Communities** - No objections, subject a condition in respect of external lighting and advisory notes in respect of site drainage, vermin and gull control, Construction (Design and Management) Regulations, surface water and septic tanks.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 21st October 2016 as it is contrary to the development plan.

## **SITE NOTICES**

The nature of the proposal did not require a site notice.

## **PUBLIC PARTICIPATION**

Five representations have been submitted, including one from the Kilmacolm Civic Trust, all in support of the application. The points of support may be summarised as follows:

1. It is an imaginative and exciting conversion of a stand-alone utilitarian agricultural feature of which there are very few in the local area.
2. The current buildings are disused and an eyesore and their development would enhance the site.
3. It is similar to conversions elsewhere and will retain the rural profile making good use of a redundant building.
4. The conversion is sympathetic to the existing structure.
5. A new family home will be of benefit to the community and help stem the decline in the rural population.
6. It will help to relieve a housing shortage.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Development Plan, Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside", the Scottish Planning Policy, the consultation replies, the representations and the applicant's supporting information.

The application site is located within the Green Belt around Kilmacolm, as defined by the Local Development Plan proposals map. I note that policy SDS8 addresses the Green Belt and Countryside and states that there will be a presumption against the spread of the built-up area into the designated Green Belt. Located approximately one quarter of a mile from the edge of the village I would not regard the proposal as spreading the built-up area into the designated Green Belt. Policy ENV2, however, states that development in the Green Belt will only be considered

favourably in exceptional or mitigating circumstances. In order to establish whether any such circumstances apply, referral first requires to be made to policy RES7.

The origins of policy RES7 are established by the narrative in paragraph 6.49 of the Local Development Plan which states that "while there is a general presumption against residential development in the Green Belt and Countryside, there are a number of circumstances where it is beneficial to encourage the re-use of otherwise habitable buildings". The buildings as they exist cannot be occupied as a single dwellinghouse. Policy RES7 states that the development of new dwellings will be supported only if the proposal is for a single or small group of dwellings not adjoining the urban area; or the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding. In this instance the conversion of redundant barns is proposed.

Referral is made by the applicant to the Shimizu (U.K.) Ltd vs Westminster City Council case where it was decided that, in summary, works which do not involve the total demolition of a building should not be regarded as demolition but as alterations. Whilst I note this position, policy RES7 is not only in respect of demolition but also rebuilding. It is the case that the buildings as they exist at the present time are not capable of conversion to residential use without a substantial element of removal and rebuilding, in view of the applicant's stated intention to remove the existing walls, where they still exist, and the roofs. New external walls and roofs would be formed. They are also not capable of occupation as a single dwellinghouse without the construction of the new build element linking them together. All that would remain of the existing structures, prior to the formation of the new walls and roofs, would be the structural framework and the concrete bases.

Referring to the additional supporting information from the applicant, I note the content of the structural survey (and the applicant's interpretation of it) indicating that the existing structural framework and foundations can be "utilised" with these being substantially in current "form" allowing the proposals to replicate the existing shape of the two main buildings. I consider that a reasonable attempt has been made reproduce the form of the two main buildings (if the removal of the cattle shed/byre lean-to extension and the new build element between are not considered) but the mimicking of the existing structures will not be achieved without recourse to a substantial element of removal and rebuilding. In its finished form the observer would not note this as a converted agricultural building, in view of the removal of all the present external walls and roofs, but as a new building seeking to hint towards the appearance of the original constructions. The removal of the existing walls and roofs satisfies me that the buildings are not capable of conversion to a single dwellinghouse without the rebuilding of the barns taking place, together with construction of the linking new build element. The applicant has, in his submission, gone on to consider criterion (c) of policy RES7 but I regard such analysis as irrelevant since the proposal does not satisfy the initial qualifying criteria.

Policy SDS5 of the Local Development Plan requires that there be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements. The applicant considers that support should be given for the proposal as a "brownfield" development but as the proposal would be contrary policy RES7, it would be more appropriate for new build residential development to be located on brownfield land within the urban settlement.

I therefore conclude that the proposal would be contrary to policies SDS5 and RES7, and would conflict with the associated supplementary guidance provided in PAAN8.

The applicant considers that there are other material considerations which apply in support of the application. Referral is made to the Scottish Planning Policy (SPP) and, in particular, that it introduces "a presumption in favour of development that contributes to sustainable development" and I note his view that his proposal makes "efficient use of existing capacities of land, buildings and infrastructure". The central policy principle of the SPP however, is that planning should direct the right development to the right place. It sets guiding principles for decision making including "making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities" and "supporting delivery of accessible housing...". The

proposal, being remote from the existing settlement and outwith the preferred brownfield development site opportunities within Kilmacolm, identified by the Local Development Plan, would be contrary to these key principles. The re-use of a brownfield site alone does not make a proposed development sustainable. Furthermore, the SPP notes that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making."

The applicant also considers the current appearance of the site as a visual eyesore to be a material consideration and that the approval of a modern well designed building would align with the principle in the SPP of "supporting good design" as well as supporting one of the key recommendations on the recent independent review of the Scottish planning system for "the delivery of more high quality homes." Whilst I note the applicant's considerations in this respect and don't dispute that the proposed development appears to be a quality home of good design, my earlier conclusions that this is not the right development in the right place carry greater weight. Furthermore, the site is partly screened from Finlaystone Road as noted above and the impact of its appearance is therefore softened from the public domain. However, should the condition of the barns continue to deteriorate to the point that they are considered to be significantly detrimental to amenity the Town and Country Planning (Scotland) Act 1997 provides the Council with powers to take steps to have those with an interest in the land address the issue. The approval of dwellings or other buildings on the site of existing structures on the grounds that the current structure is detrimental to amenity could encourage neglect of other such existing structures with the prospect of securing approval for further dwellings elsewhere and set an extremely unfortunate precedent for sporadic development across the Green Belt and Countryside.

With respect to the other material considerations, I note the consultation replies and the points in support of the proposal submitted by those who made representations but, in summary and with respect to the other material considerations, I determine that none of these carry sufficient weight for me to conclude that planning permission should be granted notwithstanding my conclusions in respect of policies RES7 and SDS5 and the guidance in PAAN8. I therefore conclude that there are no other material considerations which suggest that there are exceptional or mitigating circumstances that apply in this instance and, therefore, the proposal would also be contrary to policy ENV2.

I am therefore satisfied that a departure from the Local Development Plan cannot be justified in this instance and that planning permission should be therefore be refused.

#### **RECOMMENDATION**

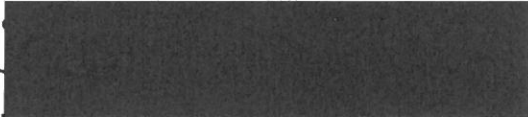
That the application be refused for the following reasons:

1. The proposal is contrary to policy SDS5 in that it would conflict with the policy preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements;
2. The proposal is contrary to policy ENV2 in that there are no exceptional or mitigating circumstances that would justify this development in the Green Belt;
3. The proposal is contrary to policy RES7 as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding;
4. The proposal is contrary to the guidance in Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding.

Signed:



Case Officer: David Ashman



Stuart Jamieson  
Head of Regeneration and Planning

**4. PLANNING APPLICATION ADVICE NOTE NO. 8  
ON SITING AND DESIGN OF NEW HOUSES IN  
THE COUNTRYSIDE REFERRED TO IN REPORT  
OF HANDLING**



## Planning Application Advice Note No. 8

### SITING and DESIGN of NEW HOUSES in the COUNTRYSIDE

Inverclyde's countryside is a valuable resource. Much of it is within the Clyde Muirshiel Regional Park and, in general, development is sparse. It is important that the character of the countryside is retained and that where development occurs it merges into the landscape. Where policies permit the development of new houses, the following design principles apply.

#### Siting of New Housing

- Prominent positions on skylines, ridgelines and hill tops and, where in silhouette the buildings will break the landform, are inappropriate.
- Buildings should be set into the landform with excavation or infill minimised.
- Sites adjacent to or within groups of other buildings will be favoured.
- Tree belts and wooded areas can be used as a backdrop to a house to minimise the visual impact.

#### Design of New Housing

##### EXTERNAL WALL FINISH

- Natural stone or wet dash render are traditional to the Inverclyde countryside and should be used.

#### BASECOURSES

- Where a traditional wet dash finish is used, it is expected that this will be applied down to ground level.
- Where a basecourse is used, this should be minimal and finished in a smooth cement render.

#### UNDERBUILDING

- Excessive underbuilding should be avoided.

#### WINDOWS AND DOORS

- All windows should have a vertical emphasis and be surrounded by a smooth cement margin.
- Doors should similarly be surrounded by a cement margin.

#### ROOF

- A minimum pitch of 35 degrees should be achieved.
- The roof should be finished in natural slate or a synthetic slate look-a-like tile which reflects the size, colour and edge detail of a natural slate.

#### EAVES / SKEWS

- Boxed eaves, with large fascia boards and barge boards should be avoided.

#### ROOFLIGHTS

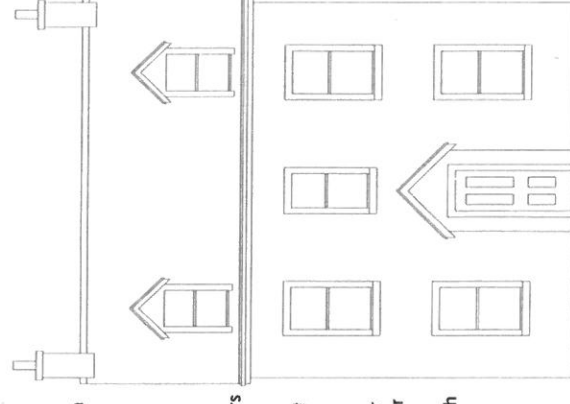
- When required, they should be located at the rear roof plane, have a vertical emphasis and be flush fitted with secret guttering.

#### DORMERS

- The design of dormer windows should accord with the design guidance contained in **Planning Application Advice Note No. 6** on dormer windows. They should be positioned on the roof to vertically line with windows and / or doors on the facade below and be symmetrical.

#### PORCHES

- If required, these should be designed as an integral part of the building.
- Wall finishes, windows, roofs and eaves / skews should reflect the remainder of the building.



**Roof minimum 35 degree pitch**

**Dormer lines up with windows below**

**Windows & doors with vertical emphasis and smooth cement margins**

**Natural stone or wet dash render**

**Traditional porch**

**No doorstep**

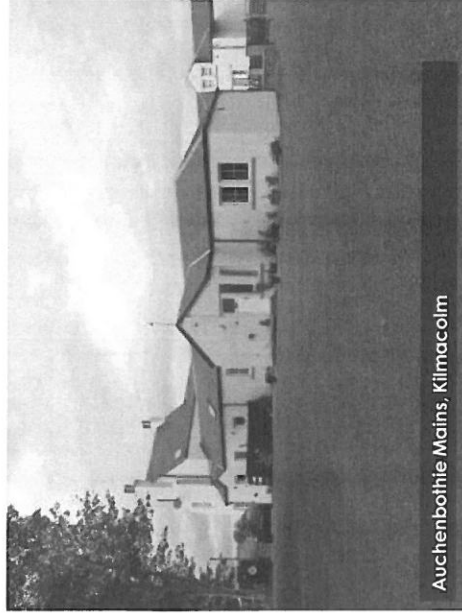
**No basecourse**

# PLANNING APPLICATION ADVICE NOTES

## Converting Buildings to Residential Use

The conversion or re-use of existing buildings in the countryside for residential use will be acceptable subject to the following :

- The building should be structurally sound, largely intact and capable of conversion without substantial demolition and rebuild.
- A structural survey of the property may require to be submitted to accompany any planning application.
- The original scale, character, proportion and architectural integrity of the building shall remain intact and any extension shall require, at all times, to be subsidiary to the original building.
- Where a traditional building, the detail of design shall follow the criteria specified previously under the heading "Design of New Housing".



Auchinbothie Mains, Kilmacolm

## Extending Existing Residential Buildings

Residential buildings are of a variety of shapes and sizes and it is important that alterations to such buildings ensure that their original character is maintained. In this respect, any extension to an existing residential building shall require the following:

- To be subsidiary in scale and position to the original dwellinghouse
- To follow the design details specified in the "Design of New Housing" in the case of traditional buildings.

**5. SCOTTISH PLANNING POLICY REFERRED TO  
IN REPORT OF HANDLING**



# Scottish Planning Policy

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# Scottish Planning Policy

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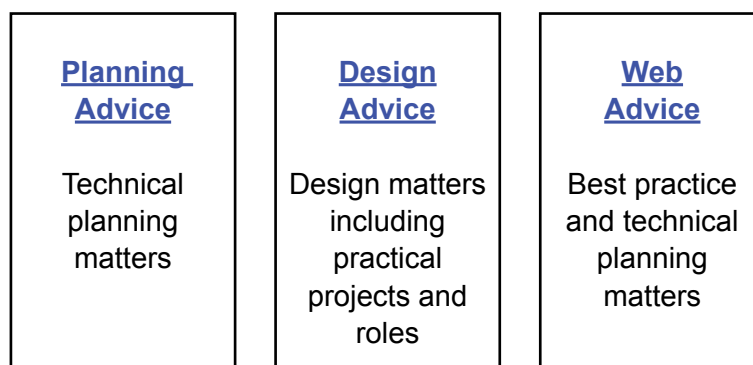
# Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

## Planning and Architecture Policy



## Planning and Design Advice and Guidance



Further information is available at: [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory



# Scottish Planning Policy (SPP)

## Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development<sup>1</sup> and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

## Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

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<sup>1</sup> The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

**iv.** The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)<sup>2</sup>, which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)<sup>3</sup>, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)<sup>4</sup>, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)<sup>5</sup>, which contain policy on the implementation of legislation or procedures.

**v.** The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

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2 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

3 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

4 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

5 [www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars](http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars)

# Introduction

## The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)<sup>6</sup>. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)<sup>7</sup>.

## Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
  - focus on outcomes, maximising benefits and balancing competing interests;
  - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
  - be plan-led, with plans being up-to-date and relevant;
  - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
  - be inclusive, engaging all interests as early and effectively as possible;
  - be proportionate, only imposing conditions and obligations where necessary; and
  - uphold the law and enforce the terms of decisions made.

## People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

<sup>6</sup> [www.scotland.gov.uk/Topics/built-environment/planning](http://www.scotland.gov.uk/Topics/built-environment/planning)

<sup>7</sup> [www.scotland.gov.uk/Publications/2009/08/11133705/0](http://www.scotland.gov.uk/Publications/2009/08/11133705/0)

**6.** Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

**7.** Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

**8.** Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)<sup>8</sup> as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)<sup>9</sup>
- [Circular 3/2013: Development Management Procedures](#)<sup>10</sup>
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)<sup>11</sup>
- [Planning Advice Note 3/2010: Community Engagement](#)<sup>12</sup>
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)<sup>13</sup>

## Outcomes: How Planning Makes a Difference

**9.** The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

**10.** The Scottish Government's [16 national outcomes](#)<sup>14</sup> articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

8 [www.legislation.gov.uk/ukpga/1997/8/contents](http://www.legislation.gov.uk/ukpga/1997/8/contents)

9 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

10 [www.scotland.gov.uk/Publications/2013/12/9882/0](http://www.scotland.gov.uk/Publications/2013/12/9882/0)

11 [www.standardscommissionscotland.org.uk/webfm\\_send/279](http://www.standardscommissionscotland.org.uk/webfm_send/279)

12 [www.scotland.gov.uk/Publications/2010/08/30094454/0](http://www.scotland.gov.uk/Publications/2010/08/30094454/0)

13 [www.scotland.gov.uk/Publications/2009/03/10154116/0](http://www.scotland.gov.uk/Publications/2009/03/10154116/0)

14 [www.scotland.gov.uk/About/Performance/scotPerforms/outcome](http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome)

**11.** NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

**12.** At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)<sup>15</sup>, through their shared focus on ‘place’. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)<sup>16</sup>.

**13.** The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

**Outcome 1: A successful, sustainable place** – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

**14.** NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

**15.** The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

**16.** Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

**Outcome 2: A low carbon place** – reducing our carbon emissions and adapting to climate change.

<sup>15</sup> [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012)

<sup>16</sup> [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP)

**17.** NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate **adaptation** to climate change.

**18.** The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government’s climate change adaptation programme; and
- in a way that it considers is most sustainable.

**19.** The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people’s choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

**Outcome 3: A natural, resilient place** – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

**20.** NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

**21.** The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland’s existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

**Outcome 4: A more connected place** – supporting better transport and digital connectivity.

**22.** NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

**23.** The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.

<b>SG Purpose</b>	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.											
<b>SG National Outcomes</b>	The planning system and service contribute to all 16 National Outcomes											
<b>SG National Plans, Policies &amp; Strategies</b>	<b>Government Economic Strategy</b>											
	Infrastructure Investment Plan											
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy	
<b>Planning Vision</b>	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.											
<b>Planning Outcomes</b>	Planning makes Scotland <b>a successful, sustainable place</b> – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland <b>a low carbon place</b> – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland <b>a natural, resilient place</b> – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland <b>a connected place</b> – supporting better transport and digital connectivity.		
<b>National Planning</b>	<b>Scottish Planning Policy (SPP)</b>											
	Principal Policies											
	Sustainability											
	Placemaking											
	Subject Policies											
	Town Centres	Heat and Electricity	Natural Environment	Green Infrastructure	Travel	Zero Waste	Aquacultural	Minerals	Flooding & Drainage	Digital Connectivity	National Planning Framework (NPF)	
	Rural Development											
	Homes											
	Business & Employment	Zero Waste		Digital Connectivity		Cities and Towns		Rural Areas		Coast and Islands		
	Historic Environment	Zero Waste		Digital Connectivity		National Developments						
	<b>COMMUNITY PLANNING</b>											
<b>Strategic</b>	Strategic Development Plans											
<b>Local</b>	Local Development Plans											
<b>Site</b>	Master Plans											

# Principal Policies

## Sustainability

### NPF and wider policy context

**24.** The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

**25.** The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

**26.** The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

**27.** The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

### Policy Principles

**This SPP introduces a presumption in favour of development that contributes to sustainable development.**

**28.** The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

**29.** This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;



- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## Key Documents

- [National Planning Framework](#)<sup>17</sup>
- [Government Economic Strategy](#)<sup>18</sup>
- [Planning Reform: Next Steps](#)<sup>19</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>20</sup>
- [UK’s Shared Framework for Sustainable Development](#)<sup>21</sup>

## Delivery

### Development Planning

#### 30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

<sup>17</sup> [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

<sup>18</sup> [www.scotland.gov.uk/Publications/2011/09/13091128/0](http://www.scotland.gov.uk/Publications/2011/09/13091128/0)

<sup>19</sup> [www.scotland.gov.uk/Publications/2012/03/3467](http://www.scotland.gov.uk/Publications/2012/03/3467)

<sup>20</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

<sup>21</sup> <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

**31.** Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

## **Development Management**

**32.** The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

**33.** Where relevant policies in a development plan are out-of-date<sup>22</sup> or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

**34.** Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

**35.** To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

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<sup>22</sup> Development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of this SPP. However, the policies in the SPP will be a material consideration which should be taken into account when determining applications.

# Placemaking

## NPF and wider policy context

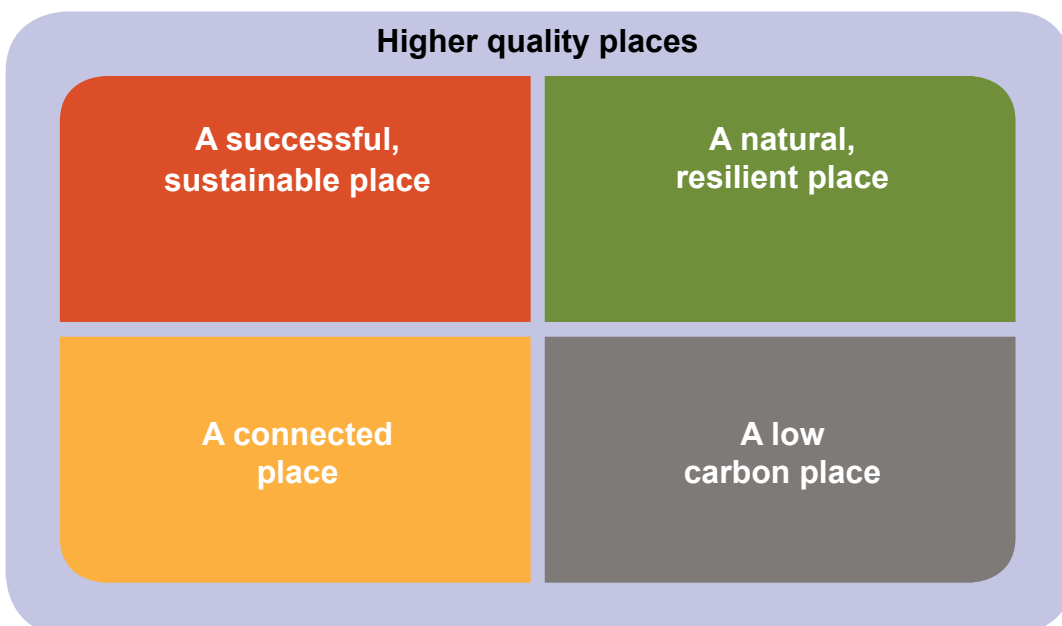
**36.** Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

**37.** The Government’s policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland’s communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland’s distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

## Policy Principles

**Planning should take every opportunity to create high quality places by taking a design-led approach.**

**38.** This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



**39.** The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

**Planning should direct the right development to the right place.**

**40.** This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

**Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.**

- ***Distinctive***

**41.** This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

**42.** This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

**43.** This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

**44.** This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

**45.** This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

**46.** This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

## Key Documents

- [National Planning Framework](#)<sup>23</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>24</sup>
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)<sup>25</sup>
- [Designing Streets](#)<sup>26</sup>
- [Planning Advice Note 77: Designing Safer Places](#)<sup>27</sup>
- [Green Infrastructure: Design and Placemaking](#)<sup>28</sup>

23 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

24 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

25 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

26 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

27 [www.scotland.gov.uk/Publications/2006/03/08094923/0](http://www.scotland.gov.uk/Publications/2006/03/08094923/0)

28 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

## Delivery

**47.** Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

## Development Planning

**48.** Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)<sup>29</sup> where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

**49.** For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

**50.** In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

**51.** The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads<sup>30</sup>. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

**52.** Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

<sup>29</sup> [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

<sup>30</sup> Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.

- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

**53.** The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

**54.** Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

**55.** Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:

- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

## **Development Management**

**56.** Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

## **Tools for Making Better Places**

**57.** Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.





# Subject Policies

## A Successful, Sustainable Place

### Promoting Town Centres

#### NPF and wider context

**58.** NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

**59.** The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

#### Policy Principles

**60.** Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy<sup>33</sup> when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

#### Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)<sup>34</sup>
- [Town Centre Action Plan – the Scottish Government response](#)<sup>35</sup>
- [Planning Advice Note 59: Improving Town Centres](#)<sup>36</sup>
- [Planning Advice Note 52: Planning and Small Towns](#)<sup>37</sup>

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 [www.scotland.gov.uk/Resource/0042/00426972.pdf](http://www.scotland.gov.uk/Resource/0042/00426972.pdf)

35 [www.scotland.gov.uk/Publications/2013/11/6415](http://www.scotland.gov.uk/Publications/2013/11/6415)

36 [www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59](http://www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59)

37 [www.scotland.gov.uk/Publications/1997/04/pan52](http://www.scotland.gov.uk/Publications/1997/04/pan52)

- [Town Centres Masterplanning Toolkit](#)<sup>38</sup>

## Development Plans

**61.** Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

**62.** Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

**63.** Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

**64.** Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

**65.** Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

**66.** The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

**67.** There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

<sup>38</sup> <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

**68.** Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

**69.** Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

## Development Management

**70.** Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

**71.** Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

**72.** This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

**73.** Out-of-centre locations should only be considered for uses which generate significant footfall<sup>39</sup> where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

<sup>39</sup> As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

**74.** NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

**75.** The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

**76.** In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

**77.** In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

**78.** In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

<sup>40</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

**79.** Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

**80.** Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

**81.** In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

**82.** In some most pressured areas, the designation of green belts may be appropriate.

**83.** In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing<sup>41</sup> and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

## National Parks

**84.** National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

**85.** These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

**86.** Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

## Coastal Planning

**87.** The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

## Development Plans

**88.** Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

<sup>41</sup> including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

**89.** Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

**90.** Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

**91.** Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

## Supporting Business and Employment

### NPF Context

**92.** NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### Policy Principles

**93.** The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

### Key Documents

- [Government Economic Strategy](#)<sup>42</sup>

<sup>42</sup> [www.scotland.gov.uk/Topics/Economy/EconomicStrategy](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy)

- [Tourism Development Framework for Scotland](#)<sup>43</sup>
- [A Guide to Development Viability](#)<sup>44</sup>

## Delivery

### Development Planning

**94.** Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

**95.** Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

**96.** Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

**97.** Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

**98.** Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)<sup>45</sup>, [Enterprise Areas](#)<sup>46</sup>, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

**99.** Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009<sup>47</sup> to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

**100.** Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

43 [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

44 [www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf](http://www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf)

45 [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

46 [www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas)

47 These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.



**101.** Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

**102.** Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

**103.** New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

**104.** Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

**105.** Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

## Development Management

**106.** Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

**107.** Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

**108.** Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

## Enabling Delivery of New Homes

### NPF Context

**109.** NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

### Policy Principles

**110.** The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

### Key Documents

- [The Housing \(Scotland\) Act 2001](#)<sup>48</sup> requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)<sup>49</sup>

### Delivery

**111.** Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

**112.** Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

48 [www.legislation.gov.uk/asp/2001/10/contents](http://www.legislation.gov.uk/asp/2001/10/contents)

49 [www.scotland.gov.uk/Publications/2010/08/31111624/0](http://www.scotland.gov.uk/Publications/2010/08/31111624/0)

## Development Planning

**113.** Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government’s HNDA Guidance<sup>50</sup>. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

**114.** The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

**115.** Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority’s housing supply target should also be reflected in the local housing strategy.

**116.** Within the overall housing supply target<sup>51</sup>, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

**117.** The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

**118.** Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

<sup>50</sup> [www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda](http://www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda)

<sup>51</sup> Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

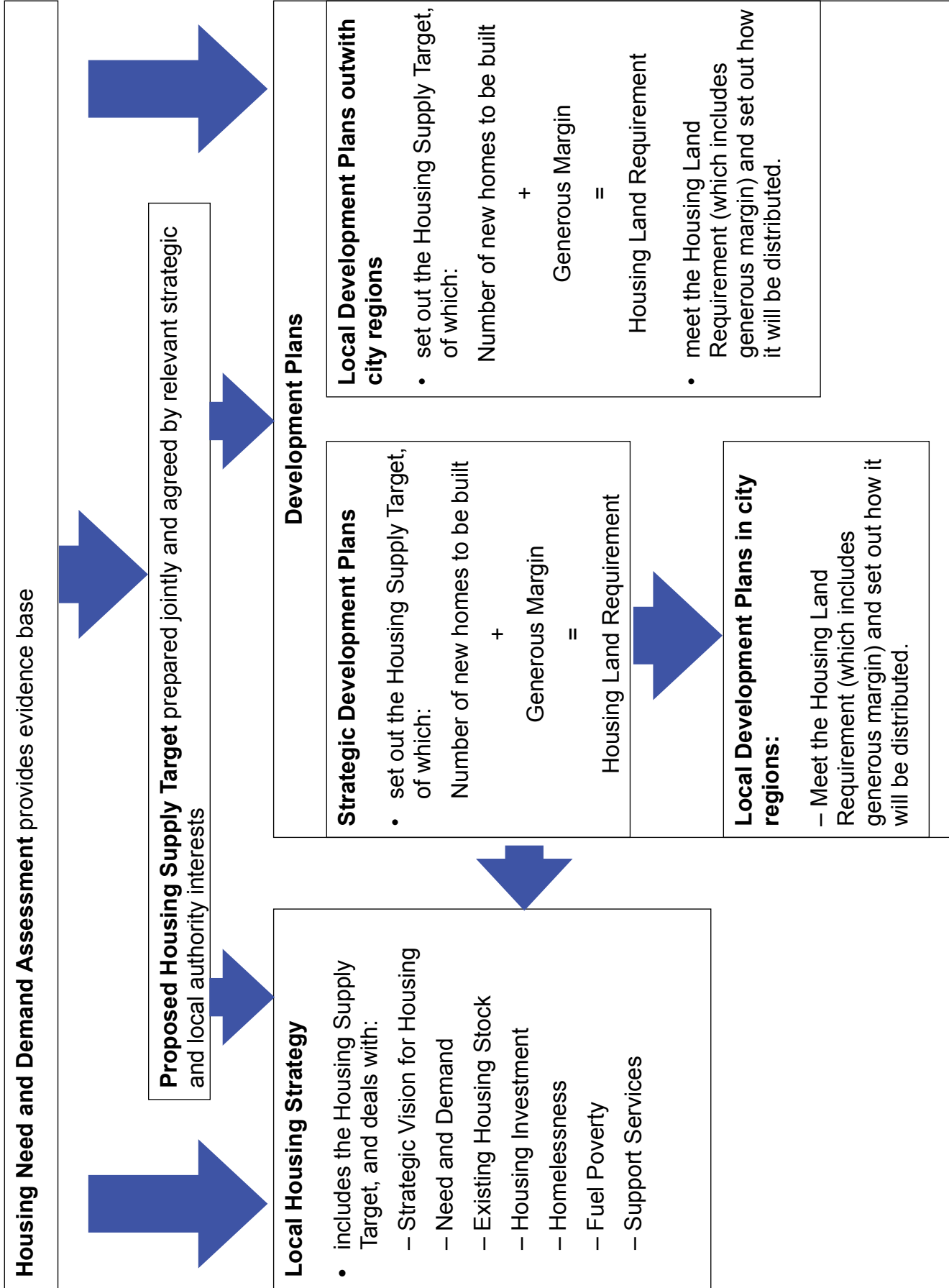
**119.** Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

**120.** Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

**121.** In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

**122.** Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

**Diagram 1: Housing Land, Development Planning and the Local Housing Strategy**



## Maintaining a 5-year Effective Land Supply

**123.** Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints<sup>52</sup> and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

**124.** The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

**125.** Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

## Affordable Housing

**126.** Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

**127.** Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

**128.** Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

**129.** Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

<sup>52</sup> Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites [www.scotland.gov.uk/Publications/2010/08/31111624/5](http://www.scotland.gov.uk/Publications/2010/08/31111624/5)

**130.** Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

**131.** Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

### **Specialist Housing Provision and Other Specific Needs**

**132.** As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

**133.** HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

**134.** Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation<sup>53</sup>. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

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<sup>53</sup> [www.scotland.gov.uk/Publications/2012/06/4191](http://www.scotland.gov.uk/Publications/2012/06/4191)

## Valuing the Historic Environment

### NPF and wider policy context

**135.** NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

**136.** The [historic environment](#) is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

### Policy Principles

**137.** The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

### Key Documents

- [Scottish Historic Environment Policy](#)<sup>54</sup>
- [Historic Environment Strategy for Scotland](#)<sup>55</sup>
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)<sup>56</sup>
- [Planning Advice Note 2/2011: Planning and Archaeology](#)<sup>57</sup>
- [Planning Advice Note 71: Conservation Area Management](#)<sup>58</sup>
- [Scottish Historic Environment Databases](#)<sup>59</sup>

<sup>54</sup> [www.historic-scotland.gov.uk/index/heritage/policy/shep.htm](http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm)

<sup>55</sup> [www.scotland.gov.uk/Publications/2014/03/8522](http://www.scotland.gov.uk/Publications/2014/03/8522)

<sup>56</sup> [www.historic-scotland.gov.uk/managingchange](http://www.historic-scotland.gov.uk/managingchange)

<sup>57</sup> [www.scotland.gov.uk/Publications/2011/08/04132003/0](http://www.scotland.gov.uk/Publications/2011/08/04132003/0)

<sup>58</sup> [www.scotland.gov.uk/Publications/2004/12/20450/49052](http://www.scotland.gov.uk/Publications/2004/12/20450/49052)

<sup>59</sup> <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>



## Delivery

### Development Planning

**138.** Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

**139.** Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

### Development Management

**140.** The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

### Listed Buildings

**141.** Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

**142.** Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

### Conservation Areas

**143.** Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

**144.** Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders<sup>60</sup> can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

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<sup>60</sup> [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

## Scheduled Monuments

**145.** Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

## Historic Marine Protected Areas

**146.** Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

## World Heritage Sites

**147.** World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

## Gardens and Designed Landscapes

**148.** Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

## Battlefields

**149.** Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

## Archaeology and Other Historic Environment Assets

**150.** Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

**151.** There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

# A Low Carbon Place

## Delivering Heat and Electricity

### NPF Context

**152.** NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)<sup>61</sup>. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

**153.** Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)<sup>62</sup>. Communities can also gain new opportunities from increased local ownership and associated benefits.

### Policy Principles

**154.** The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets<sup>63</sup>, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - 11% of heat demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  - Energy efficiency;
  - Heat recovery;
  - Efficient energy supply and storage;

61 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

62 [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

63 Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

## Key Documents

- [Electricity Generation Policy Statement](#)<sup>64</sup>
- [2020 Routemap for Renewable Energy in Scotland](#)<sup>65</sup>
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)<sup>66</sup>
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)<sup>67</sup>

## Delivery

### Development Planning

**155.** Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

**156.** Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

**157.** Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

### Heat

**158.** Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

**159.** Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 [www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain](http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain)

65 [www.scotland.gov.uk/Publications/2011/08/04110353/0](http://www.scotland.gov.uk/Publications/2011/08/04110353/0)

66 [www.scotland.gov.uk/Publications/2014/03/2778](http://www.scotland.gov.uk/Publications/2014/03/2778)

67 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

**160.** Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

## Onshore Wind

**161.** Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale<sup>68</sup> of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

**162.** Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

**163.** The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

**164.** Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

**165.** Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

**166.** Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

<sup>68</sup> For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

## Table 1: Spatial Frameworks

<p><b>Group 1: Areas where wind farms will not be acceptable:</b></p> <p>National Parks and National Scenic Areas.</p>		
<p><b>Group 2: Areas of significant protection:</b></p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p><b>National and international designations:</b></p> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p><b>Other nationally important mapped environmental interests:</b></p> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p><b>Community separation for consideration of visual impact:</b></p> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p><b>Group 3: Areas with potential for wind farm development:</b></p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

## Other Renewable Electricity Generating Technologies and Storage

**167.** Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

**168.** Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

## Development Management

**169.** Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

**170.** Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

**171.** Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

**172.** Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

### Community Benefit

**173.** Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)<sup>69</sup>.

### Existing Wind Farm Sites

**174.** Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

## Planning for Zero Waste

### NPF and Wider Context

**175.** NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

### Policy Principles

**176.** The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 [www.scotland.gov.uk/Publications/2013/11/8279](http://www.scotland.gov.uk/Publications/2013/11/8279)



## Key Documents

- [EU revised Waste Framework Directive](#)<sup>70</sup> (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)<sup>71</sup>: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)<sup>72</sup> and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)<sup>73</sup>;
- SEPA waste data sources: including [Waste Data Digests](#)<sup>74</sup> and [Waste Infrastructure Maps](#)<sup>75</sup>;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)<sup>76</sup>;
- [Waste capacity tables](#)<sup>77</sup> (formerly Zero Waste Plan Annex B capacity tables)

## Delivery

**177.** Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

## Development Planning

**178.** Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

**179.** For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

**180.** Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

**181.** Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

70 <http://ec.europa.eu/environment/waste/framework/revision.htm>

71 [www.legislation.gov.uk/sdsi/2012/9780111016657/contents](http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents)

72 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy)

73 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

74 [www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_digest.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx)

75 [www.sepa.org.uk/waste/waste\\_infrastructure\\_maps.aspx](http://www.sepa.org.uk/waste/waste_infrastructure_maps.aspx)

76 [www.sepa.org.uk/waste/waste\\_regulation/energy\\_from\\_waste.aspx](http://www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx)

77 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb)

**182.** The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

**183.** Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

**184.** Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

**185.** Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

**186.** Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

**187.** Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

## **Development Management**

**188.** In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

**189.** SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

**190.** All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

**191.** Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

**192.** Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

# A Natural, Resilient Place

## Valuing the Natural Environment

### NPF Context

**193.** The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

### Policy Principles

**194.** The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for **biodiversity** from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

### Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>78</sup>
- [The 2020 Challenge for Scotland’s Biodiversity](#)<sup>79</sup>
- [European Landscape Convention](#)<sup>80</sup>
- [Nature Conservation \(Scotland\) Act 2004](#)<sup>81</sup>
- [The Conservation \(Natural Habitats etc\) Regulations](#)<sup>82</sup>
- [The Wildlife and Countryside Act 1981](#)<sup>83</sup>

<sup>78</sup> [www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy](http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy)

<sup>79</sup> [www.scotland.gov.uk/Publications/2013/06/5538](http://www.scotland.gov.uk/Publications/2013/06/5538)

<sup>80</sup> [www.coe.int/t/dg4/cultureheritage/heritage/landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp)

<sup>81</sup> [www.legislation.gov.uk/asp/2004/6/contents](http://www.legislation.gov.uk/asp/2004/6/contents)

<sup>82</sup> [www.legislation.gov.uk/uksi/1994/2716/contents/made](http://www.legislation.gov.uk/uksi/1994/2716/contents/made)

<sup>83</sup> [www.legislation.gov.uk/ukpga/1981/69](http://www.legislation.gov.uk/ukpga/1981/69)

- [EU Birds Directive – 2009/147/EC](#)<sup>84</sup>
- [EU Habitats Directive – 92/43/EEC](#)<sup>85</sup>
- [Ramsar Convention on Wetlands of International Importance](#)<sup>86</sup>
- [National Parks \(Scotland\) Act 2000](#)<sup>87</sup>
- [River Basin Management Plans](#)<sup>88</sup>

## Delivery

**195.** Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

## Development Plans

**196.** International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

**197.** Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
  - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
  - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
  - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
  - species diversity, species or habitat rarity, naturalness and extent of habitat;
  - contribution to national and local **biodiversity** objectives;
  - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
  - potential to facilitate enjoyment and understanding of natural heritage.

84 [ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

85 [ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

86 [www.ramsar.org/cda/en/ramsar-home/main/ramsar/1\\_4000\\_0](http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0)

87 [www.legislation.gov.uk/asp/2000/10/contents](http://www.legislation.gov.uk/asp/2000/10/contents)

88 [www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)

**198.** Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

**199.** Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

**200.** Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

**201.** Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)<sup>89</sup> provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)<sup>90</sup>.

## Development Management

**202.** The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

**203.** Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

**204.** Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

**205.** Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release.

89 [www.forestry.gov.uk/nwss](http://www.forestry.gov.uk/nwss)

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

**206.** Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

## International Designations

### Natura 2000 Sites

**207.** Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

**208.** A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

**209.** If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

**210.** Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

### Ramsar Sites

**211.** All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

## National Designations

**212.** Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

**213.** Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

## Protected Species

**214.** The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

## Areas of Wild Land

**215.** In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

## Woodland

**216.** Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)<sup>91</sup> can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

**217.** Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

**218.** The Scottish Government's [Control of Woodland Removal Policy](#)<sup>92</sup> includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

92 [www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf)



# Maximising the Benefits of Green Infrastructure

## NPF Context

**219.** NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

## Policy Principles

**220.** Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

**221.** The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

## Key Documents

- [Green Infrastructure: Design and Placemaking](#)<sup>93</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>94</sup>
- [Planning Advice Note 65: Planning and Open Space](#)<sup>95</sup>
- [Reaching Higher – Scotland’s National Strategy for Sport](#)<sup>96</sup>
- [The Play Strategy for Scotland and Action Plan](#)<sup>97</sup>
- [Let’s Get Scotland Walking: The National Walking Strategy](#)<sup>98</sup>

## Delivery

### Development Planning

**222.** Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

94 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

95 [www.scotland.gov.uk/Publications/2008/05/30100623/0](http://www.scotland.gov.uk/Publications/2008/05/30100623/0)

96 [www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21](http://www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21)

97 [www.scotland.gov.uk/Publications/2013/10/9424](http://www.scotland.gov.uk/Publications/2013/10/9424)

98 [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

Plans should promote consistency with these and reflect their priorities and spatial implications.

**223.** Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

**224.** Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

**225.** Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

**226.** Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. [Outdoor sports facilities](#) should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

**227.** Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

**228.** Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

**229.** Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

## Development Management

**230.** Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

**231.** Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

**232.** In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

**233.** Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

## Promoting Responsible Extraction of Resources

### NPF Context

**234.** Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

### Policy Principles

**235.** The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

## Key Documents

- [Electricity Generation Policy Statement](#)<sup>99</sup>
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)<sup>100</sup>
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)<sup>101</sup>
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)<sup>102</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)<sup>103</sup>
- [Circular 34/1996: Environment Act 1995 Section 96](#)<sup>104</sup>

## Delivery

### Development Planning

**236.** Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

**237.** Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

**238.** Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

99 [www.scotland.gov.uk/Publications/2013/06/5757](http://www.scotland.gov.uk/Publications/2013/06/5757)

100 [www.legislation.gov.uk/ssi/2010/60/contents/made](http://www.legislation.gov.uk/ssi/2010/60/contents/made)

101 [www.scotland.gov.uk/Publications/1996/10/17729/23424](http://www.scotland.gov.uk/Publications/1996/10/17729/23424)

102 [www.scotland.gov.uk/Publications/2003/01/16122/16256](http://www.scotland.gov.uk/Publications/2003/01/16122/16256)

103 [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

104 [www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance](http://www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance)

**239.** Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

**240.** For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

**241.** Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

## Development Management

**242.** Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

**243.** Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

**244.** Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

**245.** To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

**246.** Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

**247.** The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

**248.** Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

## Supporting Aquaculture

### NPF Context

**249.** Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

### Policy Principles

**250.** The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

### Key Documents

- National Marine Plan

### Delivery

### Development Planning

**251.** Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

## Development Management

**252.** Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

**253.** Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

## Managing Flood Risk and Drainage

### NPF Context

**254.** NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

### Policy Principles

**255.** The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

**256.** To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

**257.** Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.



## Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)<sup>105</sup>
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)<sup>106</sup> (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)<sup>107</sup> (Scottish Government, 2013).

## Delivery

**258.** Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

**259.** Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

## Development Planning

**260.** Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

**261.** Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

**262.** Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

**263.** Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
  - No constraints due to coastal or watercourse flooding.

<sup>105</sup> [www.legislation.gov.uk/asp/2009/6/contents](http://www.legislation.gov.uk/asp/2009/6/contents)

<sup>106</sup> [www.scotland.gov.uk/Publications/2011/06/15150211/0](http://www.scotland.gov.uk/Publications/2011/06/15150211/0)

<sup>107</sup> <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
  - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
  - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
  - May be suitable for:
    - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
    - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
    - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
    - job-related accommodation, e.g. for caretakers or operational staff.
  - Generally not suitable for:
    - civil infrastructure and the most vulnerable uses;
    - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
    - new caravan and camping sites.
  - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
  - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

## Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

## Development Management

**264.** It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

**265.** Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

**266.** The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

**267.** Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

**268.** Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

# A Connected Place

## Promoting Sustainable Transport and Active Travel

### NPF Context

**269.** The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

### Policy Principles

**270.** The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

**271.** Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

### Key Documents

- [National Transport Strategy](#)<sup>108</sup>
- [Climate Change \(Scotland\) Act 2009](#)<sup>109</sup>
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)<sup>110</sup>
- [Infrastructure Investment Plan](#)<sup>111</sup>
- [Strategic Transport Projects Review](#)<sup>112</sup>
- [Transport Assessment Guidance](#)<sup>113</sup>
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)<sup>114</sup>
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)<sup>115</sup>

108 [www.scotland.gov.uk/Publications/2006/12/04104414/0](http://www.scotland.gov.uk/Publications/2006/12/04104414/0)

109 [www.legislation.gov.uk/asp/2009/12/contents](http://www.legislation.gov.uk/asp/2009/12/contents)

110 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

111 [www.scotland.gov.uk/Publications/2011/12/05141922/0](http://www.scotland.gov.uk/Publications/2011/12/05141922/0)

112 [www.transportscotland.gov.uk/strategic-transport-projects-review](http://www.transportscotland.gov.uk/strategic-transport-projects-review)

113 [www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning\\_Reform\\_-\\_DPMTAG\\_-\\_Development\\_Management\\_DPMTAG\\_Ref\\_17\\_-\\_Transport\\_Assessment\\_Guidance\\_FINAL\\_-\\_June\\_2012.pdf](http://www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf)

114 [www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag](http://www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag)

115 [www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf](http://www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf)

- [Design Manual for Roads and Bridges](#)<sup>116</sup>
- [Designing Streets](#)<sup>117</sup>
- [Roads for All](#)<sup>118</sup>
- [Cycling Action Plan in Scotland](#)<sup>119</sup> (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)<sup>120</sup>
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)<sup>121</sup>
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)<sup>122</sup>
- [Tourism Development Framework for Scotland](#)<sup>123</sup>

## Delivery

### Development Planning

**272.** Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

**273.** The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

**274.** In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

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116 [www.dft.gov.uk/ha/standards/dmr/index.htm](http://www.dft.gov.uk/ha/standards/dmr/index.htm)

117 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

118 <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

116 [www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013](http://www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013)

120 [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

121 [www.scotland.gov.uk/Publications/2014/02/8239/0](http://www.scotland.gov.uk/Publications/2014/02/8239/0)

122 [www.transportscotland.gov.uk/report/j272736-00.htm](http://www.transportscotland.gov.uk/report/j272736-00.htm)

123 [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

**275.** Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

**276.** Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

**277.** Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

**278.** While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

**279.** Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

**280.** Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

**281.** National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

**282.** When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

**283.** Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

**284.** Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

**285.** Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

## Development Management

**286.** Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

**287.** Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)<sup>124</sup>

<sup>124</sup> [www.scotland.gov.uk/Publications/2005/08/1792325/23264](http://www.scotland.gov.uk/Publications/2005/08/1792325/23264)

**288.** Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

**289.** Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

**290.** Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

**291.** Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

## Supporting Digital Connectivity

### NPF Context

**292.** NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

### Policy Principles

**293.** The planning system should support:

- development which helps deliver the Scottish Government’s commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

### Key Documents

- [Scotland’s Digital Future](#)<sup>125</sup> and associated [Infrastructure Action Plan](#)<sup>126</sup>
- [Scotland’s Cities: Delivering for Scotland](#)<sup>127</sup>
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)<sup>128</sup>

<sup>125</sup> [www.scotland.gov.uk/Resource/Doc/981/0114237.pdf](http://www.scotland.gov.uk/Resource/Doc/981/0114237.pdf)

<sup>126</sup> [www.scotland.gov.uk/Publications/2012/01/1487](http://www.scotland.gov.uk/Publications/2012/01/1487)

<sup>127</sup> [www.scotland.gov.uk/Publications/2012/01/05104741/0](http://www.scotland.gov.uk/Publications/2012/01/05104741/0)

<sup>128</sup> [www.scotland.gov.uk/Resource/0041/00411586.pdf](http://www.scotland.gov.uk/Resource/0041/00411586.pdf)



- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)<sup>129</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)<sup>130</sup>

## Delivery

### Development Planning

**294.** Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

**295.** Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

**296.** Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation<sup>131</sup>; and
- an assessment of visual impact, if relevant.

**297.** Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

<sup>129</sup> [www.scotland.gov.uk/Publications/2001/09/pan62/pan62-](http://www.scotland.gov.uk/Publications/2001/09/pan62/pan62-)

<sup>130</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

<sup>131</sup> The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

## Development Management

**298.** Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government’s World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

**299.** All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

**300.** Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

# Annex A – Town Centre Health Checks and Strategies

**Town centre health checks should cover a range of indicators, such as:**

## **Activities**

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

## **Physical environment**

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

## **Property**

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

## **Accessibility**

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

## **Community**

- attitudes, perceptions and aspirations.

## Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)<sup>132</sup>; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

<sup>132</sup> [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

## Annex B – Parking Policies and Standards

### **Parking Restraint Policy – National Maximum Parking Standards for New Development**

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 14m<sup>2</sup>;
- retail (non-food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 20m<sup>2</sup>;
- business (Use Class 4) 2500m<sup>2</sup> and above – up to 1 space per 30m<sup>2</sup>;
- cinemas (Use Class 11a) 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- conference facilities 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m<sup>2</sup> and above – up to 1 space per 22m<sup>2</sup>; and
- higher and further education (non-residential elements) 2500m<sup>2</sup> and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

### **Parking for Disabled People – Minimum Provision Standards for New Development**

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

# Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as ‘essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines’.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also ‘Functional flood plain’.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also ‘Washland’.
Green infrastructure	Includes the ‘green’ and ‘blue’ (water environment) features of the natural and built environments that can provide benefits without being connected.  Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens.  Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.

Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m <sup>2</sup> ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.  Detailed typologies of open space are included in PAN65.



<p>Outdoor sports facilities</p>	<p>Uses where <b>sportscotland</b> is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes ‘outdoor sports facilities’ as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
<p>Outstanding Universal Value (OUV)</p>	<p>The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.</p>
<p>PADHI</p>	<p>Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.</p>
<p>Prime agricultural land</p>	<p>Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).</p>
<p>Place</p>	<p>The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.</p>
<p>Pluvial flooding</p>	<p>Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).</p>
<p>Ramsar sites</p>	<p>Wetlands designated under the Ramsar Convention on Wetlands of International Importance.</p>
<p>Scheduled monument</p>	<p>Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.</p>
<p>Sensitive receptor</p>	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.  The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.



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[www.scotland.gov.uk](http://www.scotland.gov.uk)

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**w w w . s c o t l a n d . g o v . u k**

**6. CONSULTATION RESPONSES IN RELATION TO  
PLANNING APPLICATION**

Memorandum Safer Communities Planning Application Consultation Response	
To: <b>Planning Services</b> For the Attention of David Ashman	
From: <b>Safer and Inclusive Communities</b>	Date sent to Planning <b>18th Nov 2016</b>

Lead Officer: <b>Sharon Lindsay</b>	
Tel: <b>01475 714 205</b>	Email: <b>Sharon.lindsay@inverclyde.gov.uk</b>

Safer Communities Reference (optional):	
Planning Application Reference:	<b>16/0227/IC</b>
Planning Application Address:	Migdale Finlaystone Road Kilmacolm PA13 4RZ
Planning Application Proposal:	<b>Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage</b>

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	17/11/16 25/10/2016
Public Health & Housing	Janet Stitt / Jim Blair	27.10.16
Noise	Sharon Lindsay	17/11/16

*Amend table entries as appropriate and insert date when each officer review is completed.*



**Recommended Conditions:**

It is recommended that the undernoted conditions be placed on any consent the council may grant:

*Delete or amend as appropriate*

<b>Food &amp; Health</b>
<b>No Comments</b>
<b>Air Quality</b>
<b>No Comments</b>
<b>Contaminated Land</b>
<b>No Comments</b>

<b>Public Health &amp; Housing</b>
All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".  To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
<b>Noise</b>
<b>No Comments</b>

### *Recommended Advisory Notes*

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. **Rats, drains and sewers:** Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
- iii. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2015 (CDM 2015)** and its implications on client duties etc.
- iv. **Surface Water:** Any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property / land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
- v. **Septic Tanks:** Should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.
- vi. **Design and Construction of Buildings – Gulls:** It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

To: Head of Regeneration & Planning Your Ref: 16/0227/IC  
 From: Head of Environmental & Commercial Services Our Ref: EP/14/04/16/0227/IC  
 Contact: E Provan  
 Tel: (01475) 714814  
 Subject: Observations On Planning Application PA Ref: 16/0227/IC  
 Detail: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create a single residential dwelling with associated curtilage Dated: 17/10/2016  
 Received: 18/10/2016  
 Site: Migdale, Finlaystone Road, Kilmacolm, PA13 4RZ Applicant: Mrs James Jamieson  
 Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

1.	The minimum radius for the access should be 4m.						
2.	As the access is taken onto a public road the minimum visibility should be 2.4m by 160m by 1.05m high due to 60mph speed limit.						
3.	Parking should be provided in accordance with the National Guidelines: <table border="1"> <tr> <td>1 bedroom</td> <td>1 parking space</td> </tr> <tr> <td>2-3 bedrooms</td> <td>2 parking spaces</td> </tr> <tr> <td>4 bedrooms</td> <td>3 parking spaces</td> </tr> </table>	1 bedroom	1 parking space	2-3 bedrooms	2 parking spaces	4 bedrooms	3 parking spaces
1 bedroom	1 parking space						
2-3 bedrooms	2 parking spaces						
4 bedrooms	3 parking spaces						
4.	Driveway to cater for a minimum of 3 cars and should be a minimum of 4.8m wide to allow 2 vehicles to pass.						
5.	Driveway to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.						
6.	Driveway gradient should not exceed 10%.						
7.	The applicant should demonstrate that vehicles can enter the site, turn and exit in forward gear.						
8.	All surface water must be contained within the site. Drainage arrangements should be submitted to demonstrate how this will be achieved.						

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ <del>Required for all road works</del>
Road Bond (S17)*	Not Required/ <del>Required if building works are to be undertaken before roads are completed</del>
Road Opening Permit (S56)*	Not Required/ <del>Required for all works in the public road</del>
Other	Not Required/ xxxx

\*Relevant Section of the Roads (Scotland) Act 1984

Signed:  .....  
 Steven Walker, Service Manager (Roads)

Date: 30/11/2016 .....



**7. REPRESENTATIONS IN RELATION TO  
PLANNING APPLICATION**

Note all.

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**From:** Nicol Cameron [REDACTED]  
**Sent:** 11 November 2016 16:26  
**To:** Stuart Jamieson; Devcont Planning  
**Subject:** KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

**From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)**

**To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)**

Dear Mr Jamieson.

**KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS**

The Kilmacolm Civic Trust Executive Committee met for its monthly meeting on Thursday 10th November 2016.

In addition to other business we considered the following applications:

**16/0227/IC: Migdale, Finlaystone Rd. Kilmacolm.**                      **Comment: No Objection.**  
This is an imaginative and exciting conversion of a stand-alone utilitarian agricultural feature of which there are very few in the local area.

**16/0017TRE: The Grange, Quarriers Village.**                      **Comment: No Objection.**  
However it is important that Inverclyde Council insists on and ensures that the nature of the designed landscape is preserved by a tree planting plan in the general vicinity (but not in the identical location) of the trees that are removed.

With Kind Regards,

*Nicol Cameron*  
(Chairman Kilmacolm Civic Trust)

## Comments for Planning Application 16/0227/IC

### **Application Summary**

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

### **Customer Details**

Name: Dr John Bourke

Address: Old Hall Finlaystone Road Kilmacolm PA13 4RY

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer supports Planning Application

Comment Reasons: As neighbours we fully support this application

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mrs Alexandra MacMillan

Address: Langside Farm Finlaystone Road Kilmacolm

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am writing in support of this application at Migdale. The present farm buildings are in considerable disrepair and have not been in use for many years - they are a bit of an eyesore, I believe the conversion would enhance this brownfield site and provide housing for a family with young children thus bringing income to the village of Kilmacolm. There would be no problem with access onto the Finlaystone Road. Similar farm conversions have been acceptable at namely Castlehill Farm and Burnside Farm and I think this particular conversion is very sympathetic to the existing structures. I therefore strongly support this application as someone who drives past the site everyday and have NO objections whatsoever.

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mrs Heather Meikle

Address: PLANETREEYETTS farm FINLAYSTONE road Kilmacolm

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am an immediate neighbour to Migdale and wish to confirm my support of their application. The agricultural buildings have not been in use for several years and this appears to be putting them to an ideal use. The use of the existing buildings will retain their rural profile while giving the owners the opportunity to produce a very environmentally friendly building. The conversion of these brownfield site buildings to create a family size home close to the village can only be of benefit to the community long term. Hopefully the development will bring young children into the village to ensure the current facilities within the village can be maintained.

As there are no longer any residential properties on the neighbouring Knockmountain farm the conversion will not increase pressure on the local services but instead will help stem the decline in the rural population of the surrounding countryside.

I used Google to check if this type of conversion was well established, and was surprised by the number of high quality conversions which have already been achieved all over Britain. I note it is the same local architect responsible for the new builds on Lochwinnoch Road who is designing the conversion and I feel confident that together with the owners they will produce a property in keeping with both the village and its rural surroundings.

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mr Ronald McDermid

Address: Ramblers Gryffe Road Kilmacolm

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I write in support of the planning application. I think it is good to make use of derelict or semi derelict properties by converting and renovating them for residential use. It will also help in a small way to alleviate the current housing shortage and make a significant visual improvement to the area.

**8.           DECISION NOTICE DATED 8 DECEMBER 2016  
              ISSUED BY HEAD OF REGENERATION &  
              PLANNING**

# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

**Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY**

Planning Ref: 16/0227/IC

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013***

**Mr James Jamieson  
Migdale  
Finlaystone Road  
KILMACOLM  
PA13 4RZ**

**Canata And Seggie  
Chartered Architects  
7 Union Street  
GREENOCK  
PA16 8JH**

With reference to your application dated 25th August 2016 for planning permission under the above mentioned Act and Regulation for the following development:-

**Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage at**

**Migdale, Finlaystone Road, Kilmacolm**

**Category of Application: Local Application Development**

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposal is contrary to policy SDS5 in that it would conflict with the policy preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements;
2. The proposal is contrary to policy ENV2 in that there are no exceptional or mitigating circumstances that would justify this development in the Green Belt;
3. The proposal is contrary to policy RES7 as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding;
4. The proposal is contrary to the guidance in Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding.

The reason why the Council made this decision is explained in the attached Report of Handling.



Dated this 8th day of December 2016



**Head of Regeneration and Planning**

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.
  
- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

**Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>**

Drawing No:	Version:	Dated:
2459-D-001	Rev A	12.05.2016
2459-D-002	Rev B	20.06.2016
2459-D-003		20.06.2016
PHOTO		

**9. NOTICE OF REVIEW FORM DATED 2 MARCH  
2017 TOGETHER WITH SUPPORTING  
DOCUMENTATION**

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

A hearing session is considered necessary as the applicant wishes to discuss in detail the Planning Officers Report of Handling and explain why this has incorrectly considered the proposals to be contrary to the development plan and why they have misinterpreted the wording of policy RES7 of the Local Plan. There is also a new material consideration that has arisen since the determination of the application as referred to later in this form. The supporting information also includes 2 computerised animations that would be best shown and discussed at a hearing session.

A site inspection is considered necessary because the visual appearance of the current buildings is a key material consideration when comparing the proposals submitted in the application.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? Yes  No

2 Is it possible for the site to be accessed safely, and without barriers to entry?

Notice of Review

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Site subject of this Review cannot be fully seen from the public highway and the access is gated off for security purposes. The applicant is happy to open the access the gate to allow LRB to fully view the site at their convenience.

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see Statement of Review to Local Review Body document (with appendices) submitted with this Notice of Review.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Reference in the Statement of Review will be made to the Report the Environment and Regeneration Committee of 2<sup>nd</sup> March 2017. This Report has been produced by the Corporate Director, Environment, Regeneration and Resources in relation to the Inverclyde Local Development Plan Main Issues Report. This Report was not in the public domain at the time the application was submitted to the Council or the date at which the application was determined.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

In addition to the Statement of Review referred to above, the other documents which we wish to refer to are the documents and plans submitted with the application which the Council already has in its possession.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

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**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

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**Declaration**

**I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

T L Williams [REDACTED]

Date 2 March 2017

# *Statement of Review to Local Review Body*

## **1.0 INTRODUCTION**

- 1.1 This Statement of Review relates to a planning application submitted by James Jamieson of Migdale Farm, Finlaystone Road, Kilmacolm who applied to Inverclyde Council for planning consent for full planning permission, including a change of use. This relates to buildings and land at his Migdale Farm property. The description of the development being applied for is as follows: *Alterations to and conversion of redundant agricultural buildings, together with associated works, to create a single residential dwelling with associated curtilage*. Hereafter, this description is referred to as ‘the proposals’ in this Statement.
- 1.2 The planning application was submitted on the 25<sup>th</sup> August 2016, validated on the 13<sup>th</sup> October 2016 and given the reference number 16/0227/IC. The application was considered under delegated authority powers, with the Case Officer (David Ashman) submitting a Report of Handling on the application to the Head of Regeneration and Planning on the 8<sup>th</sup> December 2016. This recommended refusal of the planning application on 4 grounds which was duly accepted, resulting in a formal Decision Notice refusing permission on the same date.
- 1.3 This Statement of Review accompanies the Notice of Review form completed and submitted by the applicant to the Local Review Body (LRB). As set out in the letter from the Chief Planner to Planning Authorities dated 29 July 2011, such Reviews should be conducted by means of a full consideration of the application afresh (the ‘De Novo’ approach). Notwithstanding this, it appears that the Agenda papers for such Reviews

include both the Report of Handling and Decision Notice and so provide relevant background to the Review. As a result of these documents being part of the Agenda papers the applicant in this Statement is wishing to “set the record straight” on the basis that the Report of Handling has come to the wrong recommendation and the reasons for refusal in the Decision Notice are incorrect. As with their original submission, the applicant comes to the conclusion that in fact the proposals submitted should instead be approved by the LRB. This being on the basis that the proposals comply with the relevant Local Plan policy relating to this type of development in the Green Belt, together with other material considerations that have been identified. This Statement sets out all matters it is considered are required to be taken into account by the LRB in determining the Review, in particular by critically reviewing the Report of Handling which led to the refusal of the application as well as a new material consideration that has arisen since the determination of the application.



## 2.0 THE SITE AND PROPOSALS SUBJECT OT THIS REVIEW

- 2.1 The 'Site' subject of the planning application is highlighted in red on the **Location Plan** submitted. The Site area is 0.339 of a hectare and forms part of the applicant's wider ownership that includes Migdale Farm as outlined in blue on the same Plan. The Site is located to the north of the village of Kilmacolm and is connected to it via Finlaystone Road. The edge of the village is 250 metres to the south with the centre of the village being 1,200 metres away.
- 2.2 Within the Site there are 2 redundant agricultural buildings that were once used when Migdale Farm was a much larger farm before various fields were sold to other farmers. The larger of the 2 buildings comprised a cattle shed/byre with a lean-to on the northern elevation that was used as a calving enclosure. The other building was used for hay and the storage of agricultural equipment. **Existing elevations and floor plans** of both buildings were submitted with the planning application.
- 2.3 The Site has its own gated access direct off Finlaystone Road and this is still currently in use for vehicles to reach and work the remaining fields at Migdale Farm.
- 2.4 With regard to surrounding uses, to the north of the Site is a single storey residential property called Creachann and beyond that Migdale Farm. To the east and south are agricultural fields forming part of Migdale Farm. To the west is Finlaystone Road running north to south and west of this is another field in the ownership of the applicant.
- 2.5 The application as submitted to the Council proposes alterations to and the conversion of the redundant agricultural buildings, together with associated works, to create a single residential dwelling with associated curtilage. Whilst the buildings are redundant a **Structural Survey** commissioned by the applicant (which was submitted with the

application) has confirmed that the buildings are substantially intact and are capable of conversion for residential use. The architect led design solution submitted considered how to provide the best level of accommodation as a new residential dwelling and this involves linking the 2 buildings together so that they can both be used as a single building. Whilst the conversion is based around the retention and reuse of the existing structural steelwork and concrete base, the external facade where present (predominantly in the form of corrugated sheeting) will be carefully removed and replaced with new external materials including relevant doors and fenestration to allow the building to function adequately as a residential dwelling. The other alteration to the buildings involves removing the lean-to element of the north building.

2.6 The design of building as described above is illustrated on the **Site Plan** and **Elevation Plans** and **3D Visualisations** submitted with the planning application. In addition, the applicant has provided **2 computerised animations** showing images of the buildings in their current condition which then turn into the proposals as submitted. The conversion of the buildings would result in a single residential property with 4 bedrooms on 2 floors either side of the single storey connecting link and would provide a 313.7m<sup>2</sup> of accommodation. The northern part of the building would be for bedrooms and bathrooms whilst the southern building would contain kitchen, dining, lounge and snug/family room.

2.7 The access to the property would be improved with a gate set away from the road to allow for a car to park off the public highway whilst waiting for the gate to open or close. Final landscaping and boundary treatment details have not been submitted at this stage and can be subject to consideration via details to be submitted in accordance with an appropriate planning condition on such matters. The curtilage of the building allows sufficient space for car parking both in terms of numbers and the ability to enter and

leave the Site in forward gear. There is sufficient space around the proposed dwelling for garden and amenity area.

- 2.8 Accompanying the application was a **Planning Statement of Support**. This assessed in detail the proposals with regards to relevant policies within the adopted Inverclyde Local Plan as well as other relevant material considerations. This concludes that the proposals can be supported and permission can be granted.

### **3.0 NEW MATERIAL PLANNING CONSIDERATION RELEVANT TO THE PROPOSALS**

3.1 The applicant has become aware of a Report to the Council's Environment and Regeneration Committee on the 2<sup>nd</sup> March 2017. This Report has been produced by the Corporate Director, Environment, Regeneration and Resources in relation to the Inverclyde Local Development Plan Main Issues Report. The Main Issues Report is part of the process in preparing a replacement plan to the current Inverclyde Local Plan that was adopted in August 2014. This Report was not in the public domain at the time the application was submitted to the Council or the date at which the application was determined by the Case Officer.

3.2 A total of 26 'Issues' are identified in the Main Issues Report. There is one Issue (Issue 10) that is extremely relevant to the proposals subject of this Review, this concerns Housing Land Supply in Kilmacolm and Quarriers Village. The relevant extract from the Main Issues Report on this Issue is reproduced as Appendix 1 to this Statement and its relevance to the proposals will be referred to at various points in this Statement.

3.3 In summary, Issue 10 describes that the Housing Need and Demand Assessment undertaken for the Clydeplan Strategic Development Plan identifies a Housing Land Requirement in the Kilmacolm/ Quarriers Village area for 130 new houses in the period 2012-2024. There were 3 housing completions in the period 2012-2016 (on sites with a capacity for 4 or more houses), leaving a requirement for 127 houses in the period to 2024. The Council's 2016 Housing Land Audit predicts 75 houses to be delivered on land already identified for housing in the period to 2024. This indicates a potential shortfall of housing land for 52 houses. In the Main Issues Report the 'preferred option' for addressing this shortfall is the further investigation of the capacity, suitability and

effectiveness of a greenfield site outside of the current settlement boundary of the village site to the west of Quarry Drive in Kilmacolm. Like the Site subject of the proposals this is currently designated as Green Belt land in the current Local Plan.

- 3.4 It is clear therefore that there is a need of additional housing in the Kilmacolm/Quarriers Village area above that already allocated in the current version of the Inverclyde Local Plan.

## **4.0 CONSIDERATION OF THE CASE OFFICER'S REPORT OF HANDLING AND RECOMMENDATION TO THE HEAD OF REGENERATION AND PLANNING**

4.1 As mentioned in paragraph 1.2 above, the Case Officer's Report of Handling (ROH) was finalised on the 8<sup>th</sup> December 2016. Somewhat unhelpfully the ROH does not include any numbering of Sections or paragraphs of the written content, thus making it difficult to readily cross reference it in this Section of this Statement. In order to overcome this issue this Statement includes a copy of the ROH as Appendix 2, with the Sections and paragraphs having been numbered by hand in a logical manner. Thereby enabling the LRB to understand which parts of the ROH are being critically reviewed in this Section of this Statement.

4.2 ROH 'SITE DESCRIPTION' Section → Appendix 2 -> Section 1.0 - (paragraphs 1.1 to 1.3)

4.2.1 This Section of the ROH accurately describes the Site subject to this Review in the 3 paragraphs set out.

4.3 ROH 'PROPOSALS' Section → Appendix 2 -> Section 2.0 (paragraphs 2.1 to 2.4)

4.3.1 This Section of the ROH accurately describes the proposals subject to this Review in the 4 paragraphs set out and this includes, in paragraph 2.4, reference to the **Structural Survey** and its findings.

4.4 ROH 'DEVELOPMENT PLAN' Section → Appendix 2 -> Section 3.0 (paragraphs 3.1 to 3.5)

4.4.1 This Section of the ROH summarises relevant policies in the adopted Local Plan and associated Supplementary Guidance that the Case Officer considers the application

should be judged against. Whilst agreeing with the policies and guidance highlighted in paragraphs 3.2 to 3.5, the applicant strongly disagrees with paragraph 3.1 that Local Plan policy SDS5 (Development within the Urban Area) is relevant to the determination of the application. The reason for this is discussed in paragraph 4.9.9 of this Statement below.

#### 4.5 ROH 'CONSULTATIONS' Section → Appendix 2 -> 4.0 Section (paragraphs 4.1 to 4.2)

4.5.1 This Section of the ROH provides a summary of responses received on the application from internal Inverclyde Officers, in this case the Head of Environmental and Commercial Services (paragraph 4.1) and the Head of Safer and Inclusive Communities (paragraph 4.2). Whilst having no issue with the content of those paragraphs the applicant is unclear as to why the contents of a Memorandum made by the Council's Planning Policy section of 27<sup>th</sup> October 2016 to the Case Officer (and reproduced as Appendix 3 of this Statement) was *not* included in this Section of the ROH. The Memorandum from the Planning Policy section only came to light following a request being made by the applicant under Freedom of Information legislation after the application had been refused. The content of this Memorandum will be referred to below in this Statement.

#### 4.6 ROH 'PUBLICITY' Section → Appendix 2 -> Section 5.0 (paragraph 5.1)

4.6.1 Paragraph 5.1 states that the application was advertised in the Greenock Telegraph as being contrary to the development plan. A letter from the Council to the applicant (a copy of which is reproduced as Appendix 4) states that such publicity is required under Regulation 20(1) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

4.6.2 The applicant completely refutes the Case Officer's position in relation to this matter. The wording of Regulation 20(1) does not even refer to the phrase "*contrary to the*

*development plan*". The correct wording of the relevant part of Regulation 20(1), as highlighted in Appendix 5, states that publicity should only occur if "*the application relates to development which does not accord with the provisions of the development plan*". Therefore, to claim and to advertise the application as being contrary to the development plan is simple incorrect in this context. Even if the Case Officer had correctly interpreted Regulation 20(1) the development proposed in the application would not be caught by the correct definition. The proposals are for the alteration and conversion of redundant agricultural buildings in the Green Belt to create a residential dwelling. The development plan makes "*provisions*" for this type of development through the wording in policy RES7 (Residential Development in the Green Belt and Countryside) and so in principle does "*accord*" with the development plan given that such provisions exist as matter of fact. To illustrate this point further, examples of development that would *not* accord with the provisions of the development plan would be a new nuclear power station, airport, or an urban extension to Kilmacolm.

4.6.3 Notwithstanding the Case Officers incorrect interpretation of Regulation 20(1), nowhere in the text of the ROH has he explained or justified why he considers the application to be contrary to the development plan in the first instance, he has only stated that is was his opinion. It is also noted in this regard that the Memorandum from the Planning Policy section as referred to in paragraph 4.5.1 above does *not* state that the application is contrary to the development plan. It is therefore concluded that the Case Officer's starting point on this application that it is contrary to the development plan is completely incorrect. This being the case this raises the question as to whether this position has effectively 'pre-determined' the Case Officer's assessment of the application.

4.7 ROH 'SITE NOTICES' Section → Appendix 2 -> Section 6.0 (paragraph 6.1)



- 4.7.1 Paragraph 6.1 notes that the nature of the proposals did not require a site notice and this is a matter of fact and not disputed.
  
- 4.8 ROH 'PUBLIC PARTICIPATION' Section → Appendix 2 -> Section 7.0 (paragraph 7.1)
  
- 4.8.1 This Section summarises the 5 representations that have been received in support of the application, including those from properties neighbouring the Site. Full copies of these representations are reproduced to this Statement as Appendix 6 in order that the LRB can view their full content.
  
- 4.9 ROH 'ASSESSMENT' Section → Appendix 2 -> Section 8.0 (paragraphs 8.1 to 8.11)
  
- 4.9.1 This Section of the ROH forms the substantive content of the Case Officer's report and as such this Statement reviews each paragraph of this Section individually.
  
- 4.9.2 Paragraph 8.1 – the applicant agrees with the material considerations described in this paragraph.
  
- 4.9.3 Paragraph 8.2 - the applicant agrees with the interpretation provided in relation to policy SDS8 and also that policy RES7 provides the basis for considering whether there are any exceptional or mitigating circumstances that would allow development to be considered favourably against policy ENV2.
  
- 4.9.4 Paragraph 8.3 – the applicant agrees with the content of this paragraph, albeit it is considered that paragraph of 6.48 of the Local Development Plan should also be read in understanding the origins of Policy RES7 (Residential Development in the Green Belt and Countryside).

4.9.5 Paragraph 8.4 – makes reference to the applicant’s argument contained within the **Planning Statement of Support** as regards the first part of policy RES7, with particular reference to the meaning of the word ‘demolition’ in the context of planning case law contained within the judgement given in the Shimizu (U.K.) Ltd. v. Westminster City Council. This judgment is useful as nowhere in Planning Legislation (either primary or subordinate) is ‘demolition’ actually defined. Essentially, this judgment clarified the difference between works that can be considered as ‘alterations’ and those that amount to ‘demolition’ and made it clear these are mutually exclusive concepts. Demolition when used in reference to a building means to pull the building down — in other words, to destroy it completely and break it up, which is not the case with the proposals as the structural elements of the buildings are to be retained and utilised as the basis for their conversion. The Case Officer appears to accept that this case law is clear and that the alterations proposed in this application should not be construed as ‘demolition’ operations. However, the Case Officer notes that policy RES7 also requires that conversion proposals must be capable of conversion for residential use without recourse to substantial “*rebuilding*” and argues that the alterations proposed in this application constitute rebuilding. Quite how one rebuilds something that has not been “*demolished*” but is instead being altered is a debatable point, but even if this were the case, this stance neglects the fact the actual wording of Policy RES7 requires consideration against a sequential act of “*substantial demolition AND rebuilding*” (my emphasis), not just rebuilding. As the Case Officer has accepted in this paragraph of the ROH, the alterations proposed do not constitute “demolition” and therefore interpreting the policy in this way the Case Officer has incorrectly come to the conclusion that the application fails the first part of Policy RES7.

4.9.6 The Case Officer further attempts to justify his position on this matter in paragraph 8.5 of the ROH, despite acknowledging that the **Structural Survey** confirms that the buildings can be utilised for conversion in their current form. As in paragraph 8.4 the Case Officer,

refers to the word “removal” as a substitute for the word “demolition” as highlighted yellow in these paragraphs in Appendix 2. As discussed above the proposed alterations involved do not constitute demolition works. What the Case Officer appears to be doing (in order to justify his position) is to introduce new wording into the Policy RES7 which simply does not exist. Case law establishes that Local Plan policies must be interpreted objectively in accordance with the language used; otherwise it is open to legal challenge.

4.9.7 Likewise, the Case Officer appears to suggest that because the conversion would result in a new building that only hints towards the appearance of the original construction then it is unacceptable. Nowhere in policy RES7 or its supporting text is it stated or suggested that the appearance of the converted building has to reflect its original appearance, only that it should be “*substantially in its current form*”. As the LRB can clearly see this is indeed the case with the proposed conversion, whereby the proposals are contained within the existing shape of the two main buildings, including their distinctive curved roofs.

4.9.8 For the reasons above it is considered that the proposals in the application comply with the first part of policy RES7. Because the Case Officer did not accept this he did not consider the second part of the policy in his ROH, which in this case is criterion (c). In the **Planning Statement of Support** document submitted with the application, paragraphs 4.6 to 4.9 explain how the proposals fully comply with the requirements of this criterion. Therefore, it is concluded that the proposals fully comply in respect of both parts of policy RES7, in contrast to the Case Officer’s assessment. The supporting text to policy RES7 outlines that the assessment of development proposals for small, domestic scale properties (including individual dwelling houses) in the Green Belt can be appropriate and that these constitute “*exceptional circumstances*” referred to in policy ENV2 (Assessing Development Proposals in the Green Belt and the Countryside) where development in the Green Belt can be considered favourably. Thereby in complying with the requirements of

both parts of policy RES7 the proposals satisfy the “*exceptional circumstances*” referred to in policy ENV2.

4.9.9 Paragraph 8.6 - This paragraph discusses the relevance of policy SDS5 to the application. It is the applicant’s view that this policy is simply not relevant given that, as the title of the policy states, it concerns itself with “*Development within the Urban Area*”, whereas the proposals are located within the countryside. Even then, the applicant considers it somewhat perverse that the Case Officer argues that as a brownfield site the proposals would be more appropriate within the urban settlement. This being on the basis that within the Kilmacolm area, outside of the settlement boundary, the Council has allocated in its Local Plan and given planning permission for residential development on brownfield sites in the countryside (former ARP site on Lochwinnoch Road and at the former Balrossie School). On this matter the applicant also wishes to point out to the LRB that this policy was not mentioned by the Planning Policy section in their Memorandum response (Appendix 3) as being a policy relevant to this application. In addition, as Section 3 of this Statement refers to, the Council has recently prepared a Main Issues Report for the replacement Local Plan and this indicates the need for further housing provision in the Kilmacolm area. In response to this matter the Report’s preferred option is to allocate a greenfield site for some 50 houses outside of the settlement boundary in the Green Belt. It is therefore put to the LRB that policy SDS5 has no relevance to the proposals subject to this Review.

4.9.10 Paragraph 8.7 – This reinstates the Case Officer’s opinion that the proposals would be contrary to policies SDS5 and RES7, which this Statement has considered in the paragraphs above. It also states without any qualification or explanation that the proposals would conflict with the associated supplementary guidance provided in PAAN8 concerning the ‘Siting and Design of New Homes in the Countryside’. Having reviewed this guidance, in particular the section on ‘Converting Buildings to Residential Use’, this is

very similar to the criteria in policy RES7 and includes that the buildings should be capable of conversion without substantial demolition and rebuild. As discussed in paragraph 4.9.5 of this Statement, the proposals adhere to this as the alterations proposed do not constitute demolition operations. It also noted in paragraph 8.9 of the ROH that the Case Officer does not *“dispute that the proposed development appears to be a quality home of good design”*. Also relevant in this regard is the response of the Kilmacolm Civic Trust to the proposals (see Appendix 6) who comment that *“This is an imaginative and exciting conversion of a stand-alone utilitarian agricultural feature of which there are very few in the local area.”* In light of the above it is considered that the proposals do not conflict with the guidance in PAA8.

4.9.11 Paragraph 8.8 – This paragraph and the ones following it set out the Case Officer’s view on the material planning considerations relevant to the determination of the proposals as highlighted in the applicant’s **Planning Statement of Support**. Whilst acknowledging that the proposals comply with Scottish Planning Policy in so far that they would make efficient use of existing capacities of land, buildings and infrastructure, the Case Officer notes that further guiding principles include supporting regeneration and also the delivery of accessible housing.

4.9.12 The Case Officer then goes on to state that the proposals are contrary to these key principles because they are *“remote from the existing settlement and outwith the preferred brownfield development site opportunities within Kilmacolm”*. With regard to the description of the Site being *“remote”* from the existing settlement, the applicant finds this assertion hard to fathom. Even by the Case Officer’s own omission in paragraph 1.1 of the ROH report the Site is *“slightly less than one quarter of a mile to the north of Kilmacolm”*. Therefore, to describe the Site as remote as a means of trying to justify that it is not accessible defies common sense. The Site is close to the edge of the village and the centre of it is within walking distance. Furthermore, even if the Case Officer’s

position was to be taken seriously the applicant would question why the Council has allocated in the Local Plan (and subsequently granted consent for 40 new dwellings) at Balrossie School and Grounds, given this site is further away from the edge of Kilmacolm.

4.9.13 With regards to the Case Officers second point, whilst it is accepted that the Site is outwith the brownfield opportunities in Kilmacolm this point requires further consideration. The applicant has reviewed the Council's 2016 Housing Land Supply document (Appendix 7) and notes that there is only one fully brownfield site within the village, this being site 476 (Lochwinnoch Road/Former Kilmacolm Institute). Planning permission for 13 units was acquired in 2014 and it is anticipated to be built in 2017-18. There are two other sites that are a mixture of brownfield and greenfield land, these being sites 430 and 430A at Smithy Brae for 12 and 30 houses respectively, both of which have obtained detailed planning consent. Therefore there is no danger, as the Case Officer implies, that the proposals will be contrary to the principle of supporting regeneration of brownfield sites within Kilmacolm, as these sites already have planning consent. In any event the applicant considers hard to understand the Case Officer's position that the creation of 1 single dwelling via the conversion of buildings on a brownfield site would have any discernible impact on the regeneration of Kilmacolm, given that this settlement is not one where regeneration is a major issue. This last point is reinforced by the fact that the Council's preferred option in their Main Issues report (as referred to in Section 3 of this Statement) considers the release of a greenfield site outside of the settlement boundary on Green Belt land for around 50 houses.

4.9.14 The above demonstrates that upon closer examination of the facts the Case Officer's position that the proposals are contrary to the national principles of accessible housing and supporting regeneration do not stand up to scrutiny and are therefore the LRB can discount them.

- 4.9.15 Paragraph 8.9 considers the applicant's position that the current appearance of the buildings at Migdale is a visual eyesore amounting to a material consideration and that the approval of a modern well designed building accords with existing and proposed national guidance. Whilst accepting that that the "*proposed development appears to be a quality home of good design*" the Case Officer nevertheless attaches little weight to this on the basis that the development is not the right development in the right place, an issue debunked in the above in paragraphs 4.9.11 to 4.9.14 above.
- 4.9.16 The Case Officer then goes on to say that the Site is partly screened from Finalystone Road and therefore its appearance is softened from the public domain. Whilst this is correct it is important for the LRB to understand that the screening along the road is not continuous and where it is present consists of a thin band of deciduous trees, which affords little screening effect for around half the year.
- 4.9.17 The Case Officer then states that should the condition of the buildings continue to deteriorate to the point that they are considered to be significantly detrimental to amenity, then the Council has powers at its disposal to make those with an interest in the land to take steps to address the issues. Such powers are given under Section 179 (Notice requiring proper maintenance of land) of the 1997 Planning Act. Whilst these powers are not disputed their extent and likelihood of use need to be considered by the LRB. Any Notice served by the Council can be appealed by the landowner to the Secretary of State under Section 180 on a number of grounds as reproduced in Appendix 8 of this Statement. Such grounds include "*that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land*" which is very much the case with the buildings subject to the proposals. The condition of the buildings is a result of ordinary course of events given its age; nevertheless it is still functionally intact, as confirmed by the **Structural Survey** report submitted by the applicant.

4.9.18 So in light of the above, it is by no means certain that the Case Officer's suggested remedy to this issue would be successful given this right of Appeal. Even if the Notice was upheld by the Secretary of State the relevant legislation cannot force an owner to comply. The only remedy for the Council if they wished to pursue the matter would be to take direct action under Section 135, which in itself brings with it added legal complexities and costs. For these reasons this may well explain why, despite the current unsightly appearance of the buildings, these powers have not been used by the Council, even though they are now aware of the condition of the buildings through this application. The conclusion the applicant comes to (which they believe the LRB should accept) is that the only realistic way for this current eyesore to be removed from the landscape is via the proposals advanced in the application subject of the Review. That is, by utilising the buildings as the basis of a conversion for the creation of a new dwelling. This is best illustrated for the benefit of the LRB via the **2 computerised animations** showing images of the buildings in their current condition which then turn into the proposals as submitted.

4.9.19 The Case Officer's final sentence in paragraph 8.9 of the ROH sets out his view that allowing the proposals on the basis that it being an eyesore "*could*" encourage neglect of similar buildings and that this would set an unfortunate precedent for sporadic development across the Green Belt. The applicant does not agree with this analysis. Firstly, it is a well understood principle in planning that planning authorities are *not* obliged to follow their previous decisions on similar applications. Whilst creating an unwanted precedent can be a material consideration in decision making, relevant case law on this matter has established that where such an approach is taken, mere fear and generalised concern is not enough. There must be evidence in one form or another for the reliance on precedent as a material consideration. In this respect the Case Officer offers no evidence, only that this "*could*" encourage neglect. In respect of the buildings subject of this Review, their current condition has only come about over a number of



decades since the applicant discontinued livestock farming. To suggest that active farmers would wilfully neglect operational buildings on the off chance that many years down the line that this may make them suitable for housing is not based on any facts. It should be noted that Policy RES7 already provides a robust basis for considering conversions in the Green Belt, going well beyond the physical condition of the buildings concerned, this being part of criterion (c) whereby *“the proposal requires to be supported by proof of the building’s redundancy to demonstrate that it no longer meets its original purpose”*. With respect of the proposals subject to this Review such proof is set out in paragraph 2.2 and 4.7 of the **Planning Statement of Support** submitted with the planning application. It is therefore put to the LRB that on this basis the Case Officer’s concern that the granting permission for the proposals might create an unfortunate precedent is incorrect and can be discounted.

4.9.20 Paragraph 8.10 of the ROH outlines other material considerations raised by those in support of the proposals as outlined in paragraph 4.8.1 of this Statement. Full copies of these representations are reproduced to this Statement as Appendix 6 in order that the LRB can view their full content. The Case Officer affords little weight to these in his decision and so concludes that there are no other material considerations which suggest that there are exceptional or mitigating circumstances that apply in this instance and as such the proposals would be contrary to policy ENV2. As set out in paragraphs 4.9.11 to 4.9.19 of this Statement the applicant believes the Case Officer has incorrectly considered the relevance of the material considerations put forward in support of the application that are advanced as mitigating circumstances.

4.9.21 Paragraph 8.11 is the Case Officers concluding remark and view that planning permission should be refused. Reference is again made to the application being a departure from the Local Development Plan, something that is refuted by the applicant for the reasons set out in this Statement (paragraphs 4.6.1 to 4.6.3).

4.10 ROH 'RECOMMENDATION' Section → Appendix 2 → Section 9.0 (paragraph 9.1)

4.10.1 This Section of the ROH sets out the 4 reasons on which the Case Officer considers the application be refused, these being based on the 'Assessment' in Section 8 as analysed in paragraphs 4.9.1 to 4.9.21 of this Statement.

## 5.0 DECISION NOTICE OF REFUSAL AND THE REASONS GIVEN

- 5.1.1 The first reason given is that the proposal is contrary to policy SDS5 (Development within the Urban Area) on the basis it would conflict with the preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements.
- 5.1.2 The justification as to why the applicant considers this first reason is incorrect and not a valid reason for refusal is contained within paragraphs 4.9.9 of this Statement. As this paragraph highlights to the LRB, policy SDS5 concerning 'Development within the Urban Area' simply has no relevance to the proposals subject to this Review.
- 5.2.1 The second reason given is that the proposal is contrary to policy ENV2 (Assessing Development Proposals in the Green Belt and the Countryside) on the basis that there are no exceptional or mitigating circumstances that would justify this development in the Green Belt.
- 5.2.2 The justification as to why the applicant considers this is incorrect and not a valid reason for refusal is because there are both exceptional and mitigating circumstances that would justify this development in the Green Belt. The exceptional circumstances arise because policy RES7 (Residential Development in the Green Belt and the Countryside) provides a basis for the assessment of development proposals for small, domestic scale properties (including individual dwelling houses) in the Green Belt. The assessment of the proposals in relation to policy RES7 is considered in paragraphs 5.3.1 and 5.3.3 below given that this policy is also referred to as a reason for refusal. However, as these paragraphs highlight, the proposals in fact comply with policy RES7 and therefore the "*exceptional circumstances*" test required by policy ENV2 has been met.

- 5.2.3 Whilst meeting the exceptional circumstances test alone is sufficient to meet the requirements of policy ENV2, the applicant has put forward other material considerations that could also be considered as *“mitigating circumstances”*. These are outlined in the paragraphs 4.10 and 4.11 of the applicant’s **Planning Statement of Support** and are essentially two-fold. Firstly, on the basis that the proposals support national policy in meeting the key principle of *“making efficient use of existing capacities of land, buildings and infrastructure”*, in this instance because the Site comprises a redundant brownfield site. Sustainable development is emphasised by promoting regeneration and renewal through the reuse of previously developed (brownfield) land thus avoiding the need for the development of a greenfield site. Secondly, that the buildings in their current appearance can be considered a visual eyesore not becoming of their setting, in effect they have a positively negative impact in this location. The proposal as submitted would alter this appearance to one of a modern well designed building of outstanding architectural merit whilst still reflecting the form of its previous use.
- 5.2.4 Despite acknowledging these material considerations the Case Officer in his Report of Handling has not accepted them as being *“mitigating circumstances”*, citing alternative matters as being relevant. However, the Case Officer’s position on these matters requires much closer scrutiny as to their validity and this has been undertaken as highlighted in paragraphs 4.9.11 to 4.9.19 of this Statement. This scrutiny by the applicant demonstrates that the Case Officer has incorrectly evaluated the material considerations put forward in support of the application. As a result the applicant’s view is that the material considerations put forward in the application and that which has subsequently arisen as a product of the Main Issues Report for the replacement Local Plan, can appropriately be considered by the LRB as *“mitigating circumstances”*.
- 5.2.5 In Summary, policy ENV2 states that: *“Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances”*. As highlighted in the

paragraphs above the applicant has demonstrated that there are both exceptional and mitigating circumstances arising in the consideration the proposals subject to this Review.

- 5.3.1 The third reason given is that the proposal is contrary to policy RES7 (Residential Development in the Green Belt and the Countryside) on the basis that the conversion of the buildings to a single dwelling house cannot be achieved without rebuilding.
- 5.3.2 The reason why the applicant considers this is incorrect and not a valid reason for refusal is contained within paragraphs 4.9.5 to 4.9.8 of this Statement. As these paragraphs highlight to the LRB, the Case Officer has incorrectly interpreted the first part of policy RES7 in relation to the alterations proposed constituting rebuilding operations given that case law determines that these do not constitute demolition operations in the first instance. Even if the Case Officer was correct, the precise wording of policy RES7 requires a sequential act of “*demolition AND rebuilding*” (my emphasis) and in this respect the Case Officer has accepted that planning case law has established that the proposals do not involve “demolition”. Despite this the Case Officer has further attempted to justify their position by referring to the word “*removal*” when assessing the proposals against policy RES7 instead of “*demolition*”. The word “*removal*” simply does not exist anywhere in policy RES7 or its supporting text and cannot be substituted to simply to fit the Case Officers own thinking.
- 5.3.3 As the Case Officer did not accept the proposals complied with the first part of policy RES7 he did not consider the second part of the policy in the ROH, which in this case criterion (c). In the **Planning Statement of Support** document submitted with the application paragraphs 4.6 to 4.9 explain how the proposals fully comply with the requirements of this criterion. Therefore, it is concluded that the proposals fully comply in respect of both parts of policy RES7, in contrast to this reason for refusal.

- 5.4.1 The fourth and final reason given is that the proposal is contrary to the guidance within Planning Application Advice Note (PAAN8) on the 'Siting and Design of New Houses in the Countryside' on the basis that the conversion of the buildings to a single dwelling house cannot be achieved without rebuilding.
- 5.4.2 The reason why the applicant considers this is incorrect and not a valid reason for refusal is contained within paragraph 4.9.10 of this Statement. Here once again reference is made to the fact that the Case Officer has incorrectly interpreted the wording of the guidance in respect of "*demolition and rebuild*" as referred to in paragraph 5.3.2 above.

## 6.0 CONCLUSIONS

- 6.1 Section 1 of this Statement introduces the planning application subject of this Review that is put before the Local Review Body (LRB) for their consideration. As set out in the letter from the Chief Planner to Planning Authorities dated 29 July 2011, such Reviews should be conducted by means of a full consideration of the application afresh (the 'De Novo' approach). Notwithstanding this, it appears that the Agenda papers for such Reviews include both the Report of Handling and Decision Notice and so provide relevant background to the Review. As a result of these documents being part of the Agenda papers the applicant in this Statement wishes to "set the record straight" on the basis that the Report of Handling has come to the wrong recommendation and the reasons for refusal in the Decision Notice are incorrect. As with their original submission, the applicant comes to the conclusion that in fact the proposals submitted should instead be approved by the LRB. This being on the basis that the proposals comply with the relevant Local Plan policy relating to this type of development in the Green Belt, together with other material considerations that have been identified. This Statement has set out in forensic like detail all matters it is considered are required to be taken into account by the LRB in determining the Review, in particular by critically reviewing the Report of Handling which led to the refusal of the application, as well as a new material consideration that has arisen since the determination of the application.
- 6.2 Section 2 of this Statement describes the Site subject to the planning application. It also describes the proposed alterations to and the conversion of the redundant agricultural buildings, together with associated works, which when implemented would create a single residential dwelling with associated curtilage. It also highlights the relevant plans and supporting details that were submitted with the application.
- 6.3 Section 3 of this Statement highlights the new material consideration that has arisen since the determination of the application, this being the Main Issues Report to the

replacement Local Plan with regard to housing supply in Kilmacolm and the need for additional housing.

6.3 Section 4 forms the substantive bulk of this Statement and sets out all matters the applicant considers are required to be taken into account by the LRB in determining the Review, in particular by critically reviewing the Case Officer's Report of Handling which led to his 'Recommendation' to the Head of Regeneration and Planning.

6.4 Section 5 considers the Decision Notice of Refusal dated 8<sup>th</sup> December 2016 and the 4 reasons given for the decision. This demonstrates to the LRB that the 4 reasons stated in the 'Recommendation' reached by the Case Officer in his Report of Handling and accepted by the Head of Regeneration and Planning as the basis for the refusal is the wrong decision and in fact the proposals submitted should instead be approved by the LRB. This being on the basis that the proposals comply with the relevant Local Plan policy (RES7) relating to this type of development in the Green Belt and that together with other material considerations that have been identified they provide both exceptional and mitigating circumstances to allow the proposals to be considered favourably in accordance with policy ENV2 of the Local Plan.



## List of Appendices:

- Appendix 1: Extract from Inverclyde Main Issues Report to Environment and Regeneration Committee of 2<sup>nd</sup> March 2017 on Housing Land Supply in Kilmacolm and Quarriers Village.
- Appendix 2: Case Officer's Report of Handling with Sections and paragraphs numbered.
- Appendix 3: Memorandum from Inverclyde Planning Policy to Case Officer dated 27<sup>th</sup> October 2016.
- Appendix 4: Copy of letter to applicant stating that the planning application is contrary to the development plan.
- Appendix 5: Reproduction of Regulation 20(1) of The Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008.
- Appendix 6: Copies of representations following public participation to the planning application.
- Appendix 7: Extracts from Inverclyde Council's 2016 Housing Land Supply document.
- Appendix 8: Reproduction of Section 180 of the 1997 Town and Country (Scotland) Act 1997 – Appeal against notice under section 179.

# APPENDIX 1

**Inverclyde**  
council

AGENDA ITEM NO. 5

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**Report To: Environment and Regeneration Committee Date: 2 March 2017**

**Report By: Corporate Director, Environment,  
Regeneration and Resources**

**Report No: E&R/2017/03-  
no rpt/ SJ/AW**

**Contact Officer: Alan Williamson  
Planning Policy Team Leader**

**Contact No: 01475 712491**

**Subject: Inverclyde Local Development Plan Main Issues Report**

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval of the Inverclyde Local Development Plan Main Issues Report.

## 2.0 SUMMARY

- 2.1 Preparation of a new Local Development Plan for Inverclyde has commenced, and in line with the approved Development Plan Scheme, a Main Issues Report has been prepared for publication in March 2017. The new Plan is scheduled to be adopted by Spring 2019.
- 2.2 A review of the existing Plan and new national and regional planning policy, the call-for-sites process, and pre Main Issues Report engagement with other Council sections, Key Agencies and landowners/developers has led to the identification 26 main issues, including a review of existing and proposed development sites.
- 2.3 The Main Issues Report is to be published for consultation, and will be accompanied by a Strategic Environmental Assessment, a Monitoring Statement and other accompanying documents and background reports. Consultation will run from 31 March to 31 May 2017. Thereafter, the responses to the consultation exercise will help to shape the Proposed Local Development Plan, which will be brought to Committee for approval ahead of its scheduled publication date of March 2018.

## 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Inverclyde Local Development Plan Main Issues Report is approved for public consultation.

**Scott Allan, Corporate Director  
Environment, Regeneration and Resources**

## Issue 10 Housing Land Supply - Kilmacolm & Quarriers Village

The Housing Need and Demand Assessment undertaken for the Clydeplan Strategic Development Plan identifies a Housing Land Requirement in the Kilmacolm/ Quarriers Village area for 130 new houses in the period 2012-2024. There were 3 housing completions in the period 2012-2016 (on sites with a capacity for 4 or more houses), leaving a requirement for 127 houses in the period to 2024. The Council's 2016 Housing Land Audit predicts 75 houses to be delivered on land already identified for housing in the period to 2024. This indicates a potential shortfall of housing land for 52 houses.

Table 1: Kilmacolm & Quarriers Village Housing Land Requirement

(a) Housing Land Requirement 2012-2024 (from Clydeplan Strategic Development Plan)	130
(b) Actual housing completions 2012-2016	3
(c) Housing Land Requirement 2016-2024 (a-b)	127
(d) Estimated housing completions 2016-2024 (based on 2016 Housing Land Audit)	75
(e) Shortfall in effective housing land for private housing 2016-2024 (c-d)	52

As part of the Main Issues Report preparation process, a Call for Sites exercise was undertaken. This resulted in a number of suggestions to the Council of land with potential for housing development in and around the Kilmacolm/ Quarriers Village area. These suggestions have been assessed as part of the Strategic Environmental Assessment of the Main Issues Report and a summary of this and an assessment of other planning factors is included in the Call for Sites Assessment background report. Based on this assessment, the Main Issues Report sets out options for addressing the housing land requirement in Kilmacolm/ Quarriers Village. The preferred option is the identification of land at Quarry Drive in Kilmacolm as a housing development opportunity, with the identification of land at Planetreeyetts as an alternative option. The other sites suggested to the Council as suitable for housing development are listed in Table 2, and comments on these sites are also invited.

The Council recognises the distinctive qualities of Kilmacolm and Quarriers Villages as places to live, and how the countryside character and setting contributes to this. As such, should the need for a release of land for housing be confirmed, the Council will bring forward a development brief to ensure that any impact on the character of the village is minimised and that important characteristics of the identified site are protected.

### Options

<b>Option 1 (Preferred)</b> Further investigation of the capacity, suitability and deliverability of land to the west of Quarry Drive in Kilmacolm for new housing development.	<b>Reason</b> Of the greenfield sites suggested for housing in the Kilmacolm area, development of the land to the west of Quarry Drive is considered likely to have least impact on the character and setting
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	of Kilmacolm. If developed, it is also considered to offer the opportunity to create a robust green belt boundary in order to prevent further incursion of development into the green belt.
<b>Option 2</b> Further investigation of the capacity, suitability and deliverability of land at Planetreeyetts, Kilmacolm to the west of Quarry Drive in Kilmacolm for new housing development.	<b>Reason</b> Partial development of the land suggested for housing development at Planetreeyetts in Kilmacolm may minimise the impact on the character and setting of the village. However, development of this site would extend the village in a northerly direction and could lead to pressure for further expansion.
<b>Option 3</b> Identify sites from Table 2 as housing development opportunities.	<b>Reason</b> This option is not preferred as some of these options would: (1) have an unacceptable adverse impact on the character and /or setting of Kilmacolm or Quarriers Village (2) provide for more housing land than is required or lead to pressure for additional housing land release (3) not address the housing land requirement owing to being too small or having deliverability issues.

**Issue 10: Which of the listed options do you support for addressing housing land supply issues in Kilmacolm and Quarriers Village, or do you have an alternative approach to suggest? Please give reasons.**

Table 2 – Other Sites Suggested for Housing Development in Kilmacolm & Quarriers Village

Call for Sites Reference	Site
001	Carsemeadow, Quarriers Village
002	North Denniston, Kilmacolm
003	Knapps Loch, Kilmacolm
008	Tathieknowe, West Glen Road, Kilmacolm
009	Police Station Field, Kilmacolm
010	ARP Field, Kilmacolm
011	West Glen Road, Kilmacolm
012	Migdale, Finlaystone Road, Kilmacolm
013	Port Glasgow Road, Kilmacolm
016	Stables Wood, Kilmacolm
017	Craigmarloch 1, nr Kilmacolm
018	Craigmarloch 2, nr Kilmacolm
047	Misty Law, West Glen Road, Kilmacolm

# APPENDIX 2

Inverclyde  
council

## REPORT OF HANDLING

Report By: David Ashman

Report No: 16/0227/IC

Local Application  
Development

Contact  
Officer: 01475 712416

Date: 8th December 2016

Subject: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage at Migdale, Finlaystone Road, Kilmacolm

## 1.0 SITE DESCRIPTION

- 1.1 The application site comprises an approximately 0.34 hectare area of ground forming part of Migdale Farm on Finlaystone Road and slightly less than one quarter of a mile to the north of Kilmacolm. The site includes two agricultural buildings constructed largely of corrugated steel cladding on a steel framework (with some brick wall panels) which appear to no longer be in active agricultural use. In some areas the sheeting has either been removed or has fallen off as a result of corrosion over time. The larger of the two buildings is a former cattle shed/byre with a lean-to extension on its northern elevation. The smaller building, located to the south of the former cattle shed/byre, was used for hay and the storage of agricultural equipment. Both buildings have concrete slab floors with steps and a partially raised level inside the cattle shed/byre.
- 1.2 The application site is located to the south of the dwellings of Migdale and Creachann and is bound to the east and south by an agricultural field with another field to the west beyond Finlaystone Road. A mix of low level wire and wooden fencing creates the boundary with the fields beyond.
- 1.3 The site connects to Finlaystone Road via an existing gated access. There is also a grass track which connects the site to the curtilage associated with the Migdale steading. The track is formed on ground to the rear of Creachann. The site is partly screened, more particularly during the summer months, by a line of mature trees along the road frontage which, together with a boundary hedge, continues along part of the adjacent field frontage.

## 2.0 PROPOSAL

- 2.1 The applicant seeks planning permission for alterations to and the conversion of the agricultural buildings, together with associated works within the curtilage, to create a two storey dwellinghouse. The floor plans indicate that the dwelling will feature 4 bedrooms, two lounges and a kitchen/diner. The works will include the taking down of the lean-to element and construction of a single storey link between the two barns to allow the site to be used as a single dwelling.
- 2.2 The proposal involves a substantial element of alteration to the barns with removal of the existing corrugated sheet walls and roofs and rebuilding with new external materials, consisting of grey, metallic standing seam profiled roofing on the two "barn" elements, replicating the current barrel vault type roof of the buildings, with a "Sarnafil" or equal single ply membrane roof on the flat roofed "link" element between. The external walls will consist of a blue proprietary facing brick

base, with mainly cedar hardwood timber cladding panels and rainscreen cladding above on the barn elements with rock panel, Marley eternity or Cedral weatherboard on the link element between. Aluminium clad doors and fenestration will also be introduced. Two toughened glass balustrades are to be constructed at the upper floor level south-west and north-east elevations.

2.3 The resultant dwelling will reflect the form of the two barns, with the exception of the new build element between them and the removed lean-to extension. Nothing of the existing buildings' external walls and roof will be used on the completed dwelling, with only the structural framework and possibly part of the concrete bases incorporated into the construction. Visually, it will appear to have two main barrel-vaulted elements to it, connected by the lower flat roof, new build section. The plans also show the creation of hardstanding around the dwelling. Full landscape and boundary treatments have not been provided as part of the application.

2.4 The application has been supported by a planning statement and a structural survey. The planning statement sets out the applicant's case, including his policy analysis, in support of the application. The structural survey, based only on a visual non-disruptive inspection of the property, noted corrosion typical of the age and exposure of the buildings and recommends investigation of all connections, including welds as to their suitability for long term stability, but nevertheless also considers that the buildings are for the most part intact. The report also considers that with treatment of the surface corrosion, some localised repairs and removal/replacement of the sheeting, the existing steel frame structure is capable of being utilised for conversion to a dwellinghouse. It also notes that the steel frame can be supplemented where required to form suitable outer walling consisting of either built-in timber frame or using brick or block cladding.

### 3.0 DEVELOPMENT PLAN POLICIES

#### 3.1 Policy SDS5 Development within the Urban Area

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

#### 3.2 Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

#### 3.3 Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy REST7); and

- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

### 3.4 Policy RES7: Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In additional, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or
- (d) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or
- (e) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

### 3.5 Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes.

Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" applies.

#### **4.0 CONSULTATIONS**

- 4.1 Head of Environmental and Commercial Services** – The driveway should cater for a minimum of 3 cars, should be a minimum of 4.8 metres wide to allow 2 vehicles to pass and should be paved for a minimum distance of 2 metres from the edge of the carriageway to prevent loose material being carried onto the road. Its gradient should not exceed 10%. The applicant should demonstrate that vehicles can enter the site, turn and exit in forward gear. The minimum radius access should be 4 metres. All surface water must be contained within the site. Drainage arrangements should be submitted to demonstrate how this will be achieved. The applicant should provide a minimum visibility splay of 2.4 metres by 160 metres by 1.05 metres high due to the 60mph speed limit.
- 4.2 Head of Safer and Inclusive Communities** - No objections, subject a condition in respect of external lighting and advisory notes in respect of site drainage, vermin and gull control, Construction (Design and Management) Regulations, surface water and septic tanks.

#### **5.0 PUBLICITY**

- 5.1** The application was advertised in the Greenock Telegraph on 21st October 2016 as it is contrary to the development plan.

#### **6.0 SITE NOTICES**

- 6.1** The nature of the proposal did not require a site notice.

#### **7.0 PUBLIC PARTICIPATION**

- 7.1** Five representations have been submitted, including one from the Kilmacolm Civic Trust, all in support of the application. The points of support may be summarised as follows:
1. It is an imaginative and exciting conversion of a stand-alone utilitarian agricultural feature of which there are very few in the local area.
  2. The current buildings are disused and an eyesore and their development would enhance the site.
  3. It is similar to conversions elsewhere and will retain the rural profile making good use of a redundant building.
  4. The conversion is sympathetic to the existing structure.
  5. A new family home will be of benefit to the community and help stem the decline in the rural population.
  6. It will help to relieve a housing shortage.

#### **8.0 ASSESSMENT**

- 8.1** The material considerations in determination of this application are the Inverclyde Local Development Plan, Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside", the Scottish Planning Policy, the consultation replies, the representations and the applicant's supporting information.
- 8.2** The application site is located within the Green Belt around Kilmacolm, as defined by the Local Development Plan proposals map. I note that policy SDS8 addresses the Green Belt and Countryside and states that there will be a presumption against the spread of the built-up area into the designated Green Belt. Located approximately one quarter of a mile from the edge of the village I would not regard the proposal as spreading the built-up area into the designated Green Belt. Policy ENV2, however, states that development in the Green Belt will only be considered



favourably in exceptional or mitigating circumstances. In order to establish whether any such circumstances apply, referral first requires to be made to policy RES7.

- 8.3 The origins of policy RES7 are established by the narrative in paragraph 6.49 of the Local Development Plan which states that "while there is a general presumption against residential development in the Green Belt and Countryside, there are a number of circumstances where it is beneficial to encourage the re-use of otherwise habitable buildings". The buildings as they exist cannot be occupied as a single dwellinghouse. Policy RES7 states that the development of new dwellings will be supported only if the proposal is for a single or small group of dwellings not adjoining the urban area; or the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding. In this instance the conversion of redundant barns is proposed.
- 8.4 Referral is made by the applicant to the Shimizu (U.K.) Ltd vs Westminster City Council case where it was decided that, in summary, works which do not involve the total demolition of a building should not be regarded as demolition but as alterations. Whilst I note this position, policy RES7 is not only in respect of demolition but also rebuilding. It is the case that the buildings as they exist at the present time are not capable of conversion to residential use without a substantial element of removal and rebuilding, in view of the applicant's stated intention to remove the existing walls, where they still exist, and the roofs. New external walls and roofs would be formed. They are also not capable of occupation as a single dwellinghouse without the construction of the new build element linking them together. All that would remain of the existing structures, prior to the formation of the new walls and roofs, would be the structural framework and the concrete bases.
- 8.5 Referring to the additional supporting information from the applicant, I note the content of the structural survey (and the applicant's interpretation of it) indicating that the existing structural framework and foundations can be "utilised" with these being substantially in current "form" allowing the proposals to replicate the existing shape of the two main buildings. I consider that a reasonable attempt has been made reproduce the form of the two main buildings (if the removal of the cattle shed/byre lean-to extension and the new build element between are not considered) but the mimicking of the existing structures will not be achieved without recourse to a substantial element of removal and rebuilding. In its finished form the observer would not note this as a converted agricultural building, in view of the removal of all the present external walls and roofs, but as a new building seeking to hint towards the appearance of the original constructions. The removal of the existing walls and roofs satisfies me that the buildings are not capable of conversion to a single dwellinghouse without the rebuilding of the barns taking place, together with construction of the linking new build element. The applicant has, in his submission, gone on to consider criterion (c) of policy RES7 but I regard such analysis as irrelevant since the proposal does not satisfy the initial qualifying criteria.
- 8.6 Policy SDS5 of the Local Development Plan requires that there be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements. The applicant considers that support should be given for the proposal as a "brownfield" development but as the proposal would be contrary policy RES7, it would be more appropriate for new build residential development to be located on brownfield land within the urban settlement.
- 8.7 I therefore conclude that the proposal would be contrary to policies SDS5 and RES7, and would conflict with the associated supplementary guidance provided in PAAN8.
- 8.8 The applicant considers that there are other material considerations which apply in support of the application. Referral is made to the Scottish Planning Policy (SPP) and, in particular, that it introduces "a presumption in favour of development that contributes to sustainable development" and I note his view that his proposal makes "efficient use of existing capacities of land, buildings and infrastructure". The central policy principle of the SPP however, is that planning should direct the right development to the right place. It sets guiding principles for decision making including "making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities" and "supporting delivery of accessible housing...". The

proposal, being remote from the existing settlement and outwith the preferred brownfield development site opportunities within Kilmacolm, identified by the Local Development Plan, would be contrary to these key principles. The re-use of a brownfield site alone does not make a proposed development sustainable. Furthermore, the SPP notes that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making."

8.9 The applicant also considers the current appearance of the site as a visual eyesore to be a material consideration and that the approval of a modern well designed building would align with the principle in the SPP of "supporting good design" as well as supporting one of the key recommendations on the recent independent review of the Scottish planning system for "the delivery of more high quality homes." Whilst I note the applicant's considerations in this respect and don't dispute that the proposed development appears to be a quality home of good design, my earlier conclusions that this is not the right development in the right place carry greater weight. Furthermore, the site is partly screened from Finlaystone Road as noted above and the impact of its appearance is therefore softened from the public domain. However, should the condition of the barns continue to deteriorate to the point that they are considered to be significantly detrimental to amenity the Town and Country Planning (Scotland) Act 1997 provides the Council with powers to take steps to have those with an interest in the land address the issue. The approval of dwellings or other buildings on the site of existing structures on the grounds that the current structure is detrimental to amenity could encourage neglect of other such existing structures with the prospect of securing approval for further dwellings elsewhere and set an extremely unfortunate precedent for sporadic development across the Green Belt and Countryside.

8.10 With respect to the other material considerations, I note the consultation replies and the points in support of the proposal submitted by those who made representations but, in summary and with respect to the other material considerations, I determine that none of these carry sufficient weight for me to conclude that planning permission should be granted notwithstanding my conclusions in respect of policies RES7 and SDS5 and the guidance in PAAN8. I therefore conclude that there are no other material considerations which suggest that there are exceptional or mitigating circumstances that apply in this instance and, therefore, the proposal would also be contrary to policy ENV2.

8.11 I am therefore satisfied that a departure from the Local Development Plan cannot be justified in this instance and that planning permission should be therefore be refused.

## 9.0 RECOMMENDATION

9.1 That the application be refused for the following reasons:

1. The proposal is contrary to policy SDS5 in that it would conflict with the policy preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements;
2. The proposal is contrary to policy ENV2 in that there are no exceptional or mitigating circumstances that would justify this development in the Green Belt;
3. The proposal is contrary to policy RES7 as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding;
4. The proposal is contrary to the guidance in Planning Application Advice Note (PAAN) 8 on "Siting and Design of New Houses in the Countryside" as the conversion of the barns to a single dwellinghouse cannot be achieved without rebuilding.

Signed:



Case Officer: David Ashman



Stuart Jamieson  
Head of Regeneration and Planning

# APPENDIX 3

## MEMORANDUM

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To: David Ashman  
Development Management

Date: 27 October 2016

From: Planning Policy

Our Ref: C1.1/MP

☎ 01475 712493

Your Ref: 16/0227/IC

Subject: **Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage at Migdale, Finlaystone Road, Kilmacolm.**

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### Local Development Plan

The proposed development lies within the Green Belt and therefore requires to be assessed against:

- **Policies SDS8 – Green Belt and the Countryside** which states that there will be a presumption against the spread of the built-up area into the designated Green Belt;
- **ENV2 – Assessing Development Proposals in the Green Belt and the Countryside** which states that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances; and
- **RES7 – Residential Development in the Green Belt and Countryside**
  - (2) which states that the development of new dwellings in the Green Belt and Countryside will only be supported if the proposal is for the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without the recourse to substantial demolition and rebuilding and
  - (c) where the proposal falls within the category of conversion of redundant non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted.

**Note:** Looking at the before and after images submitted, this looks more like a new build than a conversion as described in Policy RES7 (2) (c). Was there a reason for making

the application for conversion rather than for a 'single or small group of dwellings not adjoining the urban area' as stated in Policy RES7 (1)?

# APPENDIX 4

Our Ref: 16/0227/IC  
Online Ref:  
Your Ref:  
Date: 26th October 2016

Inverclyde  
council

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY  
Tel: 01475 712764  
Fax: 01475 712731  
aubrey.fawcett@inverclyde.gov.uk

Canata And Seggie  
Chartered Architects  
7 Union Street  
GREENOCK  
PA16 8JH

Dear Sir/Madam

**Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006**  
**ADVERT FEE – Regulation 20(1) Is Contrary to the Development Plan**

**Application No:** 16/0227/IC  
**Finance Code:** 00615 000 80084  
**Applicant:** Mr James Jamieson  
**Proposals:** Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage  
**Site:** Migdale, Finlaystone Road, Kilmacolm, PA13 4RZ

Under the above legislation, the Council is required to advertise planning proposals.

The cost of this is then charged to the applicant under the Town and Country Planning (Charges for Publication of Notices)(Scotland) Regulations 2009.

Your application was advertised on 21st October 2016. The charge for this is £71.38 and must be paid within 21 days of the date of this letter.(Before 16th November 2016).

**How to Pay:**

**By Post to:** Chief Financial Officer, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.  
The cheque or postal order should be made payable to Inverclyde Council and crossed. Please write your name, address and the planning application number on the back of your cheque.

**In person at the Collecting Office:** Inverclyde Council, Customer Service Centre, Clyde Square, Greenock PA15 1LY. (Monday to Thursday 8.45 am – 4.30 pm, and Friday 8.45 am – 3.45 pm.  
Any changes to these opening hours will be published on the Council's website and the local press).

You may pay by cash, cheque or postal order made payable to Inverclyde Council and crossed. Please write your name, address and the planning application number on the back of your cheque. Please bring this letter when you come in to pay the charge.

**By BACS:** Where payment is made by BACS, the *planning application number* or *online planning reference number* must be noted on the BACS Remittance Advice which should be sent to Inverclyde Council, Cash and Banking Section, Finance Services, Municipal Buildings, Greenock PA15 1LY. Payment should be made to Sort Code 80-91-25, Account Number 00438747 at the Bank of Scotland, 64/66 West Blackhall Street, Greenock, PA15 1XG.

**Telephone Payments:** Using a credit or debit card, payments can be made by telephoning 01475 717171 during office hours. Please note that you will incur a charge when using a Credit Card.

The application cannot be determined until this charge is paid.

If you have a general enquiry regarding this charge, please contact David Ashman on 01475 712416.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

**Laura Graham**  
Clerical Assistant

Enquiries To: David Ashman  
Development Management, Municipal Buildings, Clyde Square, Greenock, PA15 1LY  
01475 712416

# APPENDIX 5

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## SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 432**

### **TOWN AND COUNTRY PLANNING**

#### **The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

*Made* - - - - - *22nd December 2008*

*Laid before the Scottish Parliament* *23rd December 2008*

*Coming into force in accordance with regulation 1(2) and (3)*

#### ARRANGEMENT OF REGULATIONS

##### PART 1

###### Introductory

1. Citation and commencement
2. Application
3. Interpretation

##### PART 2

###### Pre-application consultation

4. Pre-application consultation – classes of development
5. Content of pre-application screening notice
6. Content of proposal of application notice
7. Pre-application consultation

##### PART 3

###### Procedure on applications for planning permission

8. Applications for planning permission
9. Form and content of an application for planning permission
10. Application for planning permission in principle
11. Further applications
12. Application for approval of matters specified in conditions
13. Design and access statements
14. Validation date
15. Notices to owners and agricultural tenants under section 35 of the Act



- (b) state the name of the applicant and, where an agent is acting on behalf of the applicant, the name and address of such agent;
- (c) include the reference number given to the application by the planning authority;
- (d) include a description of the development to which the application relates;
- (e) include the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land;
- (f) state how the application, plans or drawings relating to it and other documents submitted in connection with it may be inspected;
- (g) state that representations may be made to the planning authority and include information as to how any representations may be made and by which date they must be made (being a date not earlier than 21 days after the date on which the notice is sent);
- (h) be accompanied by a plan showing the situation of the land to which the application relates in relation to neighbouring land;
- (i) include a statement as to how information explaining the manner in which applications for planning permission are handled and the procedures which are followed in relation to such applications can be obtained; and
- (j) where the development to which the application belongs is a class of development prescribed for the purposes of section 35A(1) of the Act, include a statement that notwithstanding that comments may have been made to the applicant prior to the application being made, persons wishing to make representations in respect of the application should do so to the planning authority in the manner indicated in the notice.

#### **Notification of minerals applications**

**19.**—(1) In the case of a minerals application the planning authority are to give notice of the application by affixing a notice to objects situated in such places in their district (not exceeding 5 in number).

(2) Notice under paragraph (1) is—

- (a) to be displayed so as to be easily visible to and legible by members of the public;
- (b) to be left in position for not less than 7 days;
- (c) to state that an application for planning permission has been made to the planning authority and give a brief description of the proposed development and its location; and
- (d) to provide information regarding both when and where a copy of the application, plans and other documents submitted may be inspected and how and within which period (being no less than a period of 14 days beginning with the date of the notice) representations may be made on the application to the planning authority

(3) The planning authority shall not be treated as having failed to satisfy the requirements of paragraph (1), if the notice is, without any fault or intention of the planning authority, removed, obscured or defaced before the period of 7 days has elapsed, if the planning authority have taken reasonable steps for its protection and, if need be, replacement.

#### **Publication of application by the planning authority**

**20.**—(1) Where—

- (a) it is not possible for the planning authority to carry out notification in terms of regulation 18 because there are no premises situated on the neighbouring land to which the notification can be sent;
- (b) the applicant has submitted with an application for planning permission under regulations 9 to 11 a certificate issued under regulation 15(2)(b)(iii);
- (c) the application relates to development of one or more of the classes of development specified in Schedule 3, or

- (d) the application relates to development which does not accord with the provisions of the development plan,

the planning authority must publish a notice in the form set out in Schedule 4 in a newspaper circulating in the locality in which the neighbouring land is situated.

(2) The planning authority are not required to publish a notice in accordance with paragraph (1) where a notice is required to be published by the planning authority in accordance with sections 60(2)(a) and 65(2)(a) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (publicity for applications affecting conservation areas).

(3) Where any of paragraphs (1)(a) to (d) apply but notice has already been published with respect to the application under paragraph (1) the planning authority are not required to publish a further notice.

### List of applications

~~21.—(1) The list of applications to be kept in accordance with section 36A of the Act is to be kept in two sections.~~

~~(2) The first section is—~~

- ~~(a) in relation to applications for planning permission made to the planning authority, to include the information specified in paragraph (4);~~
- ~~(b) in relation to applications referred to in regulation 12(1) made to the planning authority, to include the information specified in paragraph (4) and also a description of the matter in respect of which the application is made;~~
- ~~(c) in relation to applications made to the Scottish Ministers in respect of development in the district of the planning authority which have been notified to the planning authority—
  - ~~(i) to include the information specified in paragraph (4);~~
  - ~~(ii) to identify those applications as having been made to the Scottish Ministers under section 242A; and~~
  - ~~(iii) to include a statement that representations may be made to the Scottish Ministers and where any such representations should be sent.~~~~

~~(3) The second section must, in relation to proposal of application notices received by the planning authority, include the information specified in paragraphs (a), (b) and (d) of paragraph (4) and—~~

- ~~(a) details as to how the prospective applicant may be contacted;~~
- ~~(b) the earliest date on which an application for planning permission in respect of the development may be submitted to the planning authority; and~~
- ~~(c) where the planning authority give notice to the prospective applicant under section 35B(7) of the Act, specify any additional persons to whom a proposal of application notice is to be given and any additional consultation to be undertaken as regards the proposed development.~~

~~(4) The information is—~~

- ~~(a) the reference number given to the application by the planning authority, or as the case may be, the Scottish Ministers;~~
- ~~(b) the site location;~~
- ~~(c) the name of the applicant and, where an agent is acting for the applicant, the name and address of that agent;~~
- ~~(d) a description of the proposed development to which the application relates; and~~
- ~~(e) the date of expiry of the period mentioned in section 34(4)(a) (period within which application may not be determined) of the Act.~~

~~(5) The list of applications is also to contain a statement as to how further information in respect of an application may be obtained from the planning authority.~~

# APPENDIX 6

Note all.

**From:** Nicol Cameron [REDACTED]  
**Sent:** 11 November 2016 16:26  
**To:** Stuart Jamieson; Devcont Planning  
**Subject:** KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

**From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)**

**To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)**

Dear Mr Jamieson.

## KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

The Kilmacolm Civic Trust Executive Committee met for its monthly meeting on Thursday 10th November 2016.

In addition to other business we considered the following applications:

**16/0227/IC: Migdale, Finlaystone Rd. Kilmacolm.**

**Comment: No Objection.**

exciting conversion of a stand-alone utilitarian agricultural feature of which there are

This is an imaginative and very few in the local area.

**16/0017TRE: The Grange, Quarriers Village.**

**Comment: No Objection.**

However it is important that Inverclyde Council insists on and ensures that the nature of the designed landscape is preserved by a tree planting plan in the general vicinity (but not in the identical location) of the trees that are removed.

With Kind Regards,

*Nicol Cameron*  
(Chairman Kilmacolm Civic Trust)

## Comments for Planning Application 16/0227/IC

### **Application Summary**

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

### **Customer Details**

Name: Dr John Bourke

Address: Old Hall Finlaystone Road Kilmacolm PA13 4RY

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer supports Planning Application

Comment Reasons: As neighbours we fully support this application

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mrs Alexandra MacMillan

Address: Langside Farm Finlaystone Road Kilmacolm

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am writing in support of this application at Migdale. The present farm buildings are in considerable disrepair and have not been in use for many years - they are a bit of an eyesore, I believe the conversion would enhance this brownfield site and provide housing for a family with young children thus bringing income to the village of Kilmacolm. There would be no problem with access onto the Finlaystone Road. Similar farm conversions have been acceptable at namely Castlehill Farm and Burnside Farm and I think this particular conversion is very sympathetic to the existing structures. I therefore strongly support this application as someone who drives past the site everyday and have NO objections whatsoever.

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mrs Heather Meikle

Address: PLANETREEYETTS farm FINLAYSTONE road Kilmacolm

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am an immediate neighbour to Migdale and wish to confirm my support of their application. The agricultural buildings have not been in use for several years and this appears to be putting them to an ideal use. The use of the existing buildings will retain their rural profile while giving the owners the opportunity to produce a very environmentally friendly building. The conversion of these brownfield site buildings to create family size homes close to the village can only be of benefit to the community long term. Hopefully the development will bring young children into the village to ensure the current facilities within the village can be maintained.

As there are no longer any residential properties on the neighbouring Knockmountain farm the conversion will not increase pressure on the local services but instead will help stem the decline in the rural population of the surrounding countryside.

I used Google to check if this type of conversion was well established, and was surprised by the number of high quality conversions which have already been achieved all over Britain. I note it is the same local architect responsible for the new builds on Lochwinnoch Road who is designing the conversion and I feel confident that together with the owners they will produce a property in keeping with both the village and its rural surroundings.

# Comments for Planning Application 16/0227/IC

## Application Summary

Application Number: 16/0227/IC

Address: Migdale Finlaystone Road Kilmacolm PA13 4RZ

Proposal: Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated curtilage

Case Officer: David Ashman

## Customer Details

Name: Mr Ronald McDermid

Address: Ramblers Gryffe Road Kilmacolm

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I write in support of the planning application. I think it is good to make use of derelict or semi derelict properties by converting and renovating them for residential use. It will also help in a small way to alleviate the current housing shortage and make a significant visual improvement to the area.

# APPENDIX 7

# 2016 HOUSING LAND SUPPLY

Inverclyde  
council

Regeneration & Planning



430/430A



476



### INVERCLYDE COUNCIL - Private Sector Consents - 31st March 2016

SITE REF GRID MAP No	TOWN SITE BUILDER OWNER	SITE SIZE CAPACITY STATUS DEV. TYPE	ELS EFF CONSENT PRIVTEN	APPLICATION DETAILS APPLICATION NO DECISION DATE	PROGRAMMING								TOTAL POST			
					TOTAL BUILT	REM. CAP.	16-17	17-18	18-19	19-20	20-21	21-22	22-23	16-23	2023	
IC0435 235883666905 9	QUARRIERS WOODSIDE CARE HOME GROSVENOR INVESTMENTS LTD PRIV	0.18 ha 7 CONS CONV-U	2010 2010 DETL OO	IC/16/0034 GRANT 23/03/2016	0	7	0	0	0	4	0	0	0	4	3	
IC0459 224484676090 4	GOUROCK WEYMOUTH CRESCENT GRENVILLE LTD PRIV	0.29 ha 9 CONS NB-BU	2013 2013 DETL OO	IC/13/0197 GRANT 06/09/2013	0	9	0	9	0	0	0	0	0	9	0	
IC0475 132808674511 6	PORT GLASGOW 3 HIGHHOLM STREET PRIV	0.04 ha 12 CONS NB-BU	2015 2015 OUTL OO	IC/13/0110 GRANT 25/06/2014	0	12	0	12	0	0	0	0	0	12	0	
IC0476 235796669900 8	KILMACOLM LOCHWINNOCH ROAD, FMR K'COLM INSTITUTE TAYLOR GRANGE DEVELOPMENTS LT PRIV	0.05 ha 13 CONS NB-BU	2015 2015 DETL OO	IC/13/0379 GRANT 04/06/2014	0	13	0	13	0	0	0	0	0	13	0	
IC0477A 223523677235 3	GOUROCK ASHBURN GATE, FMR QUEENS RES. HOME PRIV	0.13 ha 7 CONS CONV-U	2015 DETL OO	IC/14/0188 GRANT 29/09/2014	0	7	0	0	0	0	0	0	0	0	7	
IC0477B 223523677235 3	GOUROCK ASHBURN GATE, FMR QUEENS RES. HOME EXTENSION PRIV	0.12 ha 6 CONS NB-BU	2015 DETL OO	IC/14/0188 GRANT 29/09/2014	0	6	0	0	0	0	0	0	0	0	6	
IC0478 225802677921 4	GREENOCK ELDON ST - FRM NAVAL BUILDINGS OGILVIE HOMES PRIV	2.13 ha 98 CONS NB-BU	2015 2015 DETL OO	IC/14/0302 GRANT 10/07/2015	0	98	0	24	24	24	26	0	0	98	0	
IC0482 3	GOUROCK COWAL VIEW PRIV	0.51 ha 15 CONS NB-GU	2016 2016 DETL OO	15/0150/IC GRANT 08/10/2015	0	15	0	7	8	0	0	0	0	15	0	
					REM.		TOTAL POST									
<b>TOTALS</b>					<b>CAP.</b>	<b>16-17</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	<b>20-21</b>	<b>21-22</b>	<b>22-23</b>	<b>16-23</b>	<b>2023</b>		
					859	23	137	79	40	37	7	0	323	536		



# APPENDIX 8

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning (Scotland) Act 1997. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*



## Town and Country Planning (Scotland) Act 1997

### 1997 CHAPTER 8

#### PART VII

#### SPECIAL CONTROLS

#### CHAPTER II

#### LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD

#### *Land adversely affecting other land*

#### 180 Appeal against notice under section 179.

- (1) A person on whom a notice under section 179 is served, or any other person having an interest in the land to which the notice relates, may at any time before the date specified in the notice as the date on which it is to take effect appeal to the Secretary of State against the notice, on any of the following grounds—
  - (a) that neither the amenity of any part of the planning authority's district nor that of any adjoining district has been adversely affected;
  - (b) that the steps required by the notice to be taken exceed what is necessary to remedy any such adverse effect;
  - (c) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
  - (d) that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon; or
  - (e) that the notice was served other than in accordance with section 179.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning (Scotland) Act 1997. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) The provisions of sections 130(3), 131(1) and (2) and 132(3) shall apply to appeals under this section as they apply to appeals under those sections.
- (4) On an appeal under this section the Secretary of State—
  - (a) may correct any informality, defect or technical error in the notice if he is satisfied that it is not material, and
  - (b) may disregard the failure of the planning authority to serve the notice upon a person upon whom it should have been served, if it appears to him that neither that person nor the appellant has been substantially prejudiced by that failure.
- (5) Where an appeal is brought under this section, the notice under section 179 shall be of no effect pending the final determination, or the withdrawal, of the appeal.
- (6) In determining an appeal under this section the Secretary of State shall give such directions as seem to him appropriate; and these may include directions for quashing the notice or for varying its terms in favour of the appellant.
- (7) Schedule 4 applies to appeals under this section.

## Web link to animations of proposals

Alterations to and conversion of redundant agricultural buildings, together with associated works, to create single residential dwelling with associated cartilage

Migdale, Finlaystone Road, Kilmacolm, PA13 4RZ.

Planning application reference 16/0227/IC

The following web link directs to 3 animations:

<https://drive.google.com/drive/folders/OBx0dAB6FgNDJd0tocmd3U1dhRE0?usp=sharing>

1 is a computer generated fly around of the proposals;

1 is a before and after photo realistic image of the proposals taken from the vicinity of the driveway in front of the buildings; and

1 is a before and after photo realistic image of the proposals taken from the south west of the buildings looking towards the north east.

**10. EMAIL DATED 13 MARCH 2017 FROM  
APPLICANT'S AGENT WITHDRAWING  
REQUEST FOR HEARING SESSION AND SITE  
INSPECTION**



## Rona McGhee

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**From:** tim.williams@tiscali.co.uk  
**Sent:** 13 March 2017 10:52  
**To:** Rona McGhee  
**Subject:** RE: Notice of Review to Local Review Body - Migdale

Hi Rona, further to our conversation on the phone this morning, I am writing to confirm that in respect of the Notice of Review form lodged in respect of Migdale I wish to withdraw the request for the LRB to consider the matter via a Hearing Session and also in respect of the LRB having first made a Site Inspection.

As discussed I would be grateful if you could keep us informed of progress on this matter and in particular when the consultation period to interested parties to comment is over in order that we can quickly consider any representations made (if indeed there are any) with the aim being we would like the LRB to consider the Review after the Planning Board on 5th April.

Kind regards

Tim

-----Original Message-----

From: [tim.williams@tiscali.co.uk](mailto:tim.williams@tiscali.co.uk)  
Date: 03/03/2017 16:30  
To: <[Rona.McGhee@inverclyde.gov.uk](mailto:Rona.McGhee@inverclyde.gov.uk)>  
Subj: RE: Notice of Review to Local Review Body

Rona, when I go on both links you said come up with error messages they work fine for me, so I'm at lost as to why they wont work, although as mentioned your colleagues also had difficulty in uploading the files to the webpage and was why we had to do the link to the animations in the first place. Can you forward the word doc with the link to some colleagues and see if they can get it to work.

I've split the Statement up into the main Report and the Appendices.

Hopefully you will be able to download these now.

Regards

Tim

**11. SUGGESTED CONDITIONS SHOULD PLANNING  
PERMISSION BE GRANTED ON REVIEW**

**ALTERATIONS TO AND CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS, TOGETHER WITH ASSOCIATED WORKS, TO CREATE SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED CURTILAGE MIGDALE, FINLAYSTONE ROAD, KILMACOLM (16/0227/IC)**

**Suggested condition should planning permission be granted on review**

**Conditions:-**

1. That samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use.
2. That a minimum visibility of 2.4 metres by 160 metres by 1.05 metres high shall be provided prior to the site being brought into use and shall be retained at all times thereafter.
3. That the minimum radius for the access shall be 4 metres.
4. That the driveway shall cater for a minimum of 3 cars and shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass.
5. That the driveway shall be paved or otherwise sealed with a hard surface for a minimum distance of 2 metres from the carriageway.
6. That the driveway gradient shall not exceed 10%.
7. That prior to the commencement of development the applicant shall demonstrate that vehicles can enter and exit the site in forward gear, to the satisfaction of the Planning Authority.
8. That all surface water must be contained within the site. Drainage arrangements showing how this will be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
9. That prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all boundary treatments, including any walls or fences to be erected, together with the timescale for implementation.
10. That prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all landscaping within the application site, together with the timescale for implementation.

**Reasons:-**

1. To control the appearance of the dwellinghouse in the interests of visual amenity.
2. In the interests of traffic safety.

3. To ensure the provision of a suitable connection to the road.
4. To avoid delayed entry from the road, in the interests of traffic safety on the road.
5. To prevent deleterious material being carried onto the carriageway.
6. To ensure the driveway can be used by future occupants.
7. In the interest of traffic safety.
8. In the interests of traffic safety.
9. To ensure boundary treatments are suitable to the location.
10. To ensure landscaping is suitable to the location.

### **Advisory Notes**

- i. Site drainage: suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during the construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. Rats, drains and sewers: prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
- iii. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.
- iv. Surface water: any SUDS appraisal must give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water to prevent flooding. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property/land nearby. It is also recommended that a long term maintenance plan should be developed prior to the commencement of the proposed development.
- v. Septic tanks: should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.
- vi. Design and construction of buildings – gulls: it is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

- vii All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”.