

LOCAL REVIEW BODY

7 SEPTEMBER 2022

PLANNING APPLICATION FOR REVIEW

MR JOSEPH WHITE

**PROPOSED PLOT FOR NEW DETACHED DWELLINGHOUSE (IN PRINCIPLE)
WOODLANDS, WEST GLEN ROAD, KILMACOLM (21/0210/IC)**

Contents

- 1. Planning Application dated 12 July 2021 together with Location and Site Plans**
- 2. Planning Application Design Statement**
- 3. Planning Application - Tree (Habitat) Assessment Report, Tree Survey Report and Topographical Survey.**
- 4. Appointed Officer's Report of Handling dated 31 March 2022**
- 5. Inverclyde Local Development Plan 2019 Policy Extracts**

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

- 6. Inverclyde Local Development Plan 2019 Map Extracts**
- 7. Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts**
- 8. Scottish Planning Policy**
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- 10. Decision Notice dated 3 May 2022 issued by Head of Regeneration & Planning**
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- 12. Suggested Conditions should Planning Permission be Granted on Review**

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 12 JULY 2021
TOGETHER WITH LOCATION AND SITE PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100445180-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed plot for new detached dwellinghouse (application in principle).

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Custom House
Last Name: *	Nicholson	Building Number:	1-01
Telephone Number: *	01475 325025	Address 1 (Street): *	Custom House Place
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Greenock
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	PA15 1EQ
Email Address: *	consents@nicholsonmcshane.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Woodlands
First Name: *	Joseph	Building Number:	1
Last Name: *	White	Address 1 (Street): *	The Avenue
Company/Organisation	<input type="text"/>	Address 2:	West Glen Road
Telephone Number: *	<input type="text"/>	Town/City: *	Kilmacolm
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	PA13 4PW
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

WOODLANDS

Address 2:

WEST GLEN ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KILMACOLM

Post Code:

PA13 4PW

Please identify/describe the location of the site or sites

Northing

670332

Easting

236364

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1258.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant ground adjacent to curtilage of detached dwellinghouse.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Mr Joseph White

Date: 12/07/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Photo realistic images.

Provide copies of the following documents if applicable:

- | | | |
|----------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

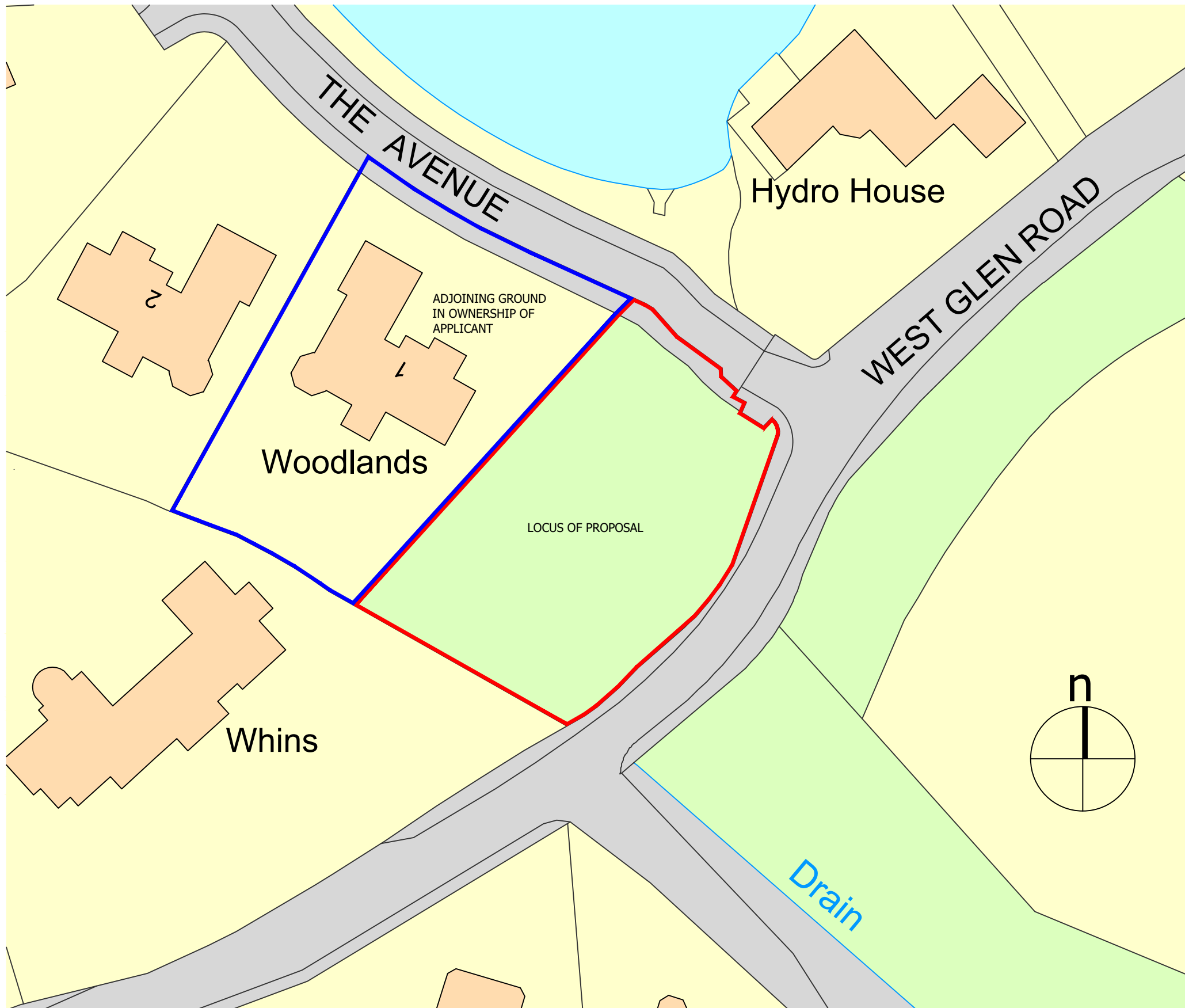
Declaration Name: Mr Douglas Nicholson

Declaration Date: 12/07/2021

Payment Details

Cheque: Nicholson McShane Architects, 0000

Created: 12/07/2021 12:59



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REVISION	DESCRIPTION	DATE
-	-	-
-		



SUITE 1-01, CUSTOM HOUSE,
CUSTOM HOUSE PLACE,
GREENOCK, PA15 1EQ

e info@nicholsonmcshane.co.uk
t 01475 325025
w nicholsonmcshane.co.uk

CLIENT	Mr and Mrs J White
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PROJECT TITLE	Proposed new dwellinghouse
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PROJECT ADDRESS	Woodlands, West Glen Road, Kilmacolm
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DRAWING TITLE	Location Plan
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DRAWING STATUS	PLANNING	PAPER SIZE	A3
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DRAWING NUMBER	20062_LP	REVISION	-
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SCALE	DATE	DRAWN BY	CHECKED BY
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A	Additional information added	31-01-22
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SUITE 1-01, CUSTOM HOUSE,
 CUSTOM HOUSE PLACE,
 GREENOCK, PA15 1EQ
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT
 Mr and Mrs J White

PROJECT TITLE
 Proposed new dwellinghouse

PROJECT ADDRESS
 Woodlands, West Glen Rd, Kilmacollm

DRAWING TITLE
 Site plans as existing and proposed

DRAWING STATUS
 INFORMATION ONLY

PAPER SIZE
 A1

DRAWING NUMBER
 20062_D.001

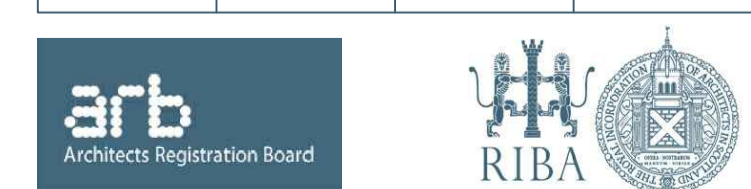
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2. PLANNING APPLICATION DESIGN STATEMENT

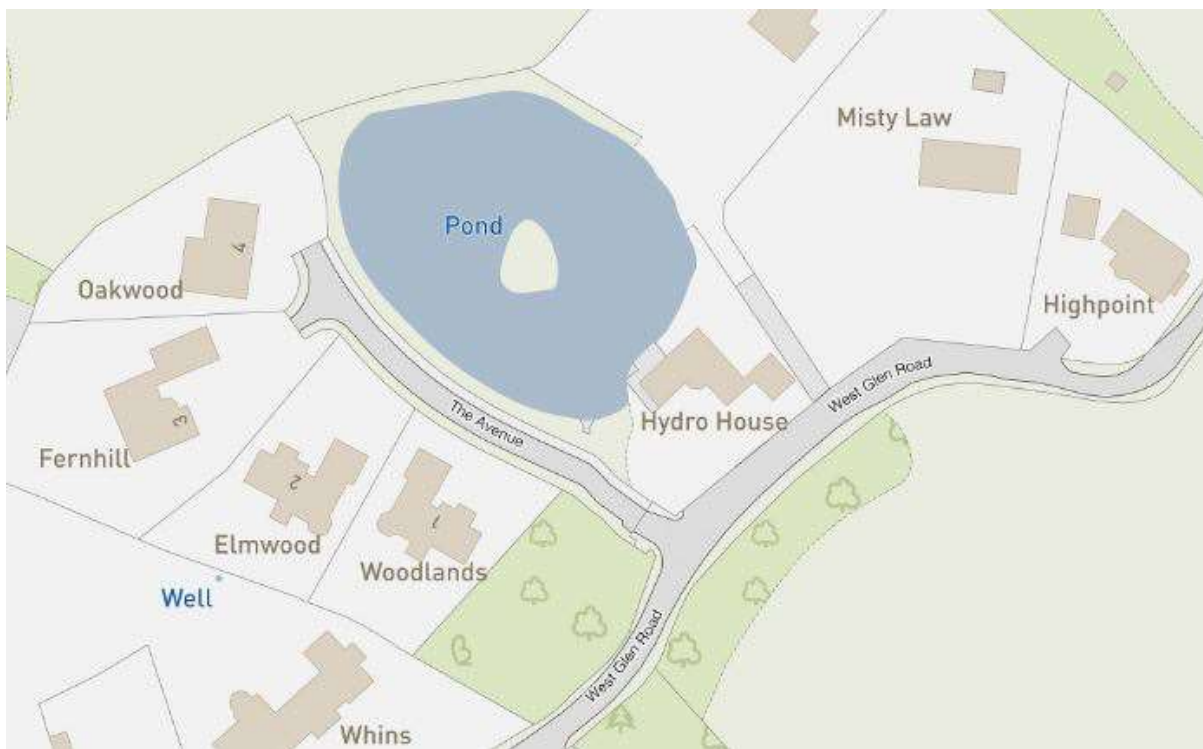


Proposed New Dwellinghouse adjacent to “Woodlands”, The Avenue, West Glen Road, Kilmacolm

Planning Application Design Statement

Introduction and Description

The applicants are the owners of “Woodlands”, a two storey detached dwellinghouse on The Avenue, West Glen Road, Kilmacolm. This is part of a small development originally constructed and marketed by Manor Kingdom in the early 2000s. The Woodlands plot encompasses an area of ground to the east of the main house plot; this is wooded and forms the south west corner of the junction of The Avenue and West Glen Road.



The ground is bounded by a mixture of low traditional stone walling to the north and east, and by post and wire fencing to the west and south. The ground area is gently sloping in nature, falling from a high point on the north boundary to the southern edge. Historically, the ground formed the bank of a small reservoir which was subsequently partially infilled as part of the Manor

Kingdom development of the site. The application site has a wooded character with a belt of trees to the west boundary and several groups of trees occupying the middle of the ground. The ground is private and currently has no public amenity value.



Planning Designations and History

The site is located in the general developed area of Kilmacolm and will be required to contribute positively to the criteria defining a “Successful Place”(Policy 1).

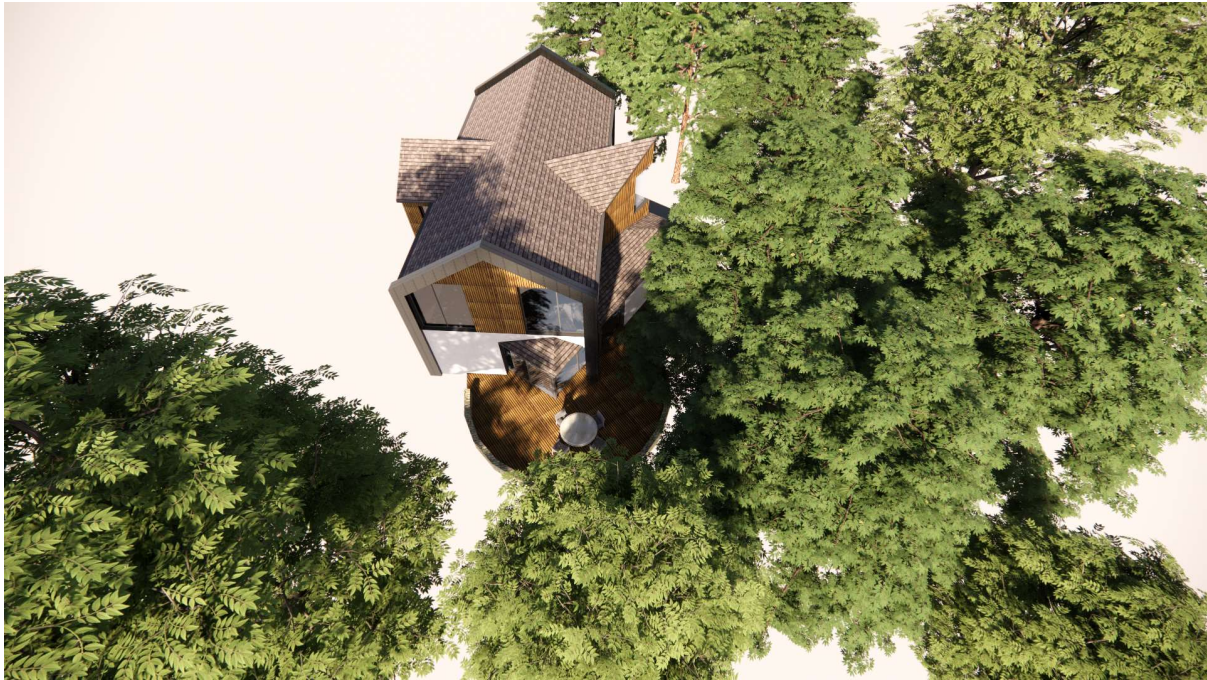
In addition, Policy 6 impinges on the development of new buildings in relation to their energy performance and use of renewable technologies.

Policy 10 sets out requirements in relation to sustainable and active travel.

Additionally, the ground is located within a designated Tree Preservation Order zone and will thus be subject to assessment under Policy 34.

Proposal

The applicants wish to put this ground within the Kilmacolm boundary to beneficial use in a manner sympathetic to the woodland setting, the high visual quality of the surrounding area, and the natural environment.



The application is for an “in principle” consent with further details of the proposed dwellinghouse to be agreed at a further date. Nonetheless, an indicative proposal is included for information purposes.

When assessed against the factors contributing to successful places (Policy 1), it is intended that the development will contribute:

- A **Distinctive**, high quality detached dwelling responding visually to its woodland setting and sitting comfortably and discretely in relation to its neighbours. Native species will be used to reinforce and repair the woodland boundary of the site and enhance the visual experience from West Glen Road.
- An **Adaptable** building, with high levels of accessibility and interior flexibility to respond to new living and working patterns.
- A **Resource Efficient** building with high levels of insulation and use of renewables (in line with the requirements of Policy 6) and built using a high proportion of sustainable materials
- A dwelling that is **Easy to Move Around**, and is connected to the local public footpath and transport networks.

- A **Safe and Pleasant** house fully in keeping with its immediate and wider neighbours and avoiding conflict or nuisance to neighbours.
- A **Welcoming** house with a sense of arrival and contributing to an attractive neighbourhood.



Landscape Character

It is recognised that the landscape character of the site is substantially derived from the presence of woodland on the site. Recognising the importance of this, a report was commissioned from specialist, Chris Calvey P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons. to determine the species, age, condition and suitability for retention of the trees in accordance with *BS 5837:2012 Trees in Relation to Design, Demolition and Construction*. A copy of this report is included with the application for Planning Permission.

It is recognised that Policy 34 (Trees, Woodland and Forestry) will apply to our proposal, as will the “trees” section of Planning Application Advice Note no. 2. The development will:

- require several trees to be removed.
- benefit the public as an existing piece of essentially unmanaged woodland will become garden ground and will be subject to proper upkeep and maintenance,
- Planting will be reinforced with native species to enhance the visual quality of the site.

It is intended that majority of trees on site are retained including all of the trees on the West Glen Road and The Avenue boundaries. The principle of development is as follows:



The removal of a limited number of trees in the central part of the site to create a house plot.

The retention of the wooded edges to the east and north of the site (i.e. those most visible from public view).

The supplementation of the planted edge with native species planted in a semi-mature state.

Access

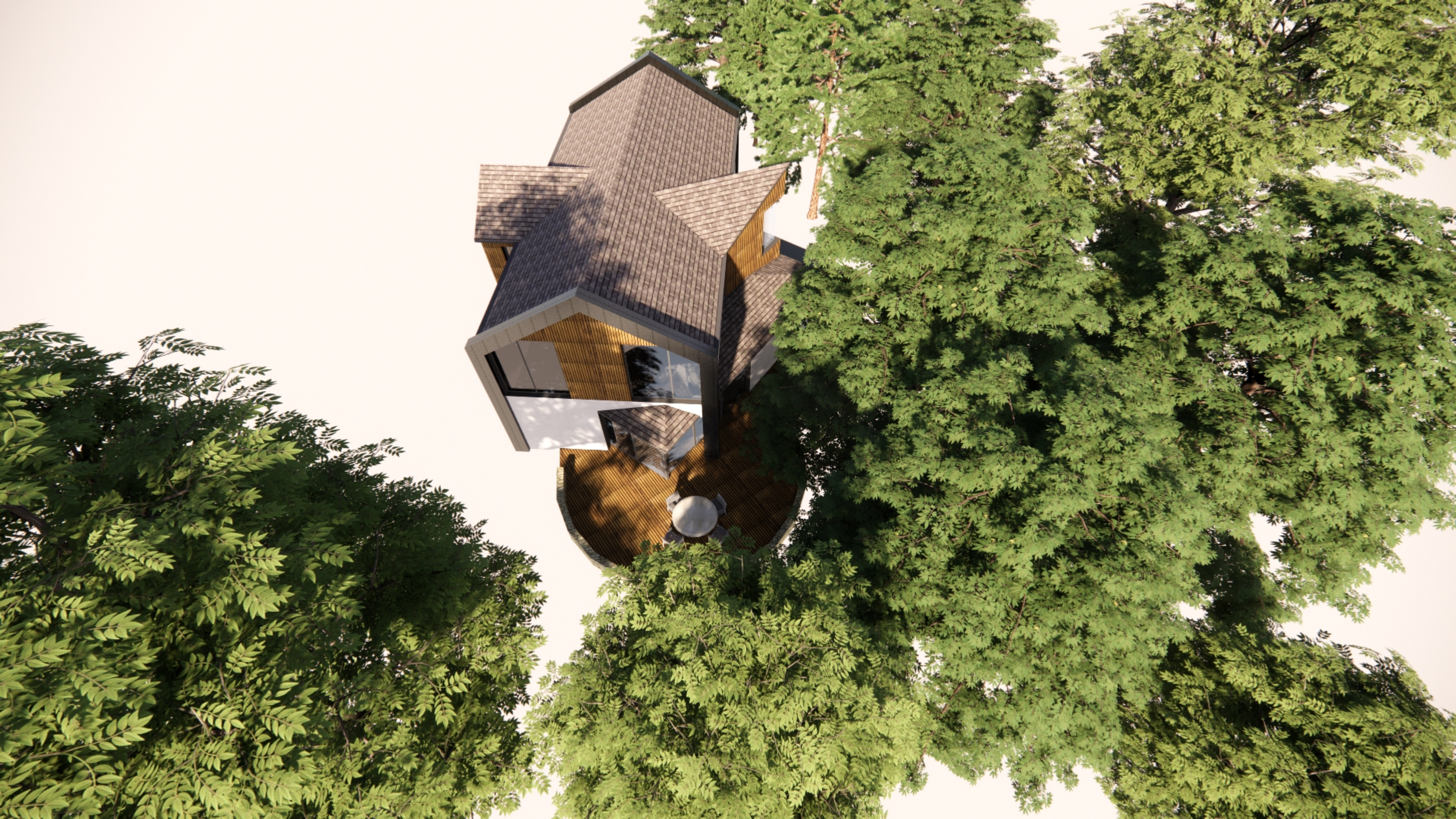
Vehicular and pedestrian access will be by way of a new footway crossover from The Avenue leading to a new private driveway within the application site.

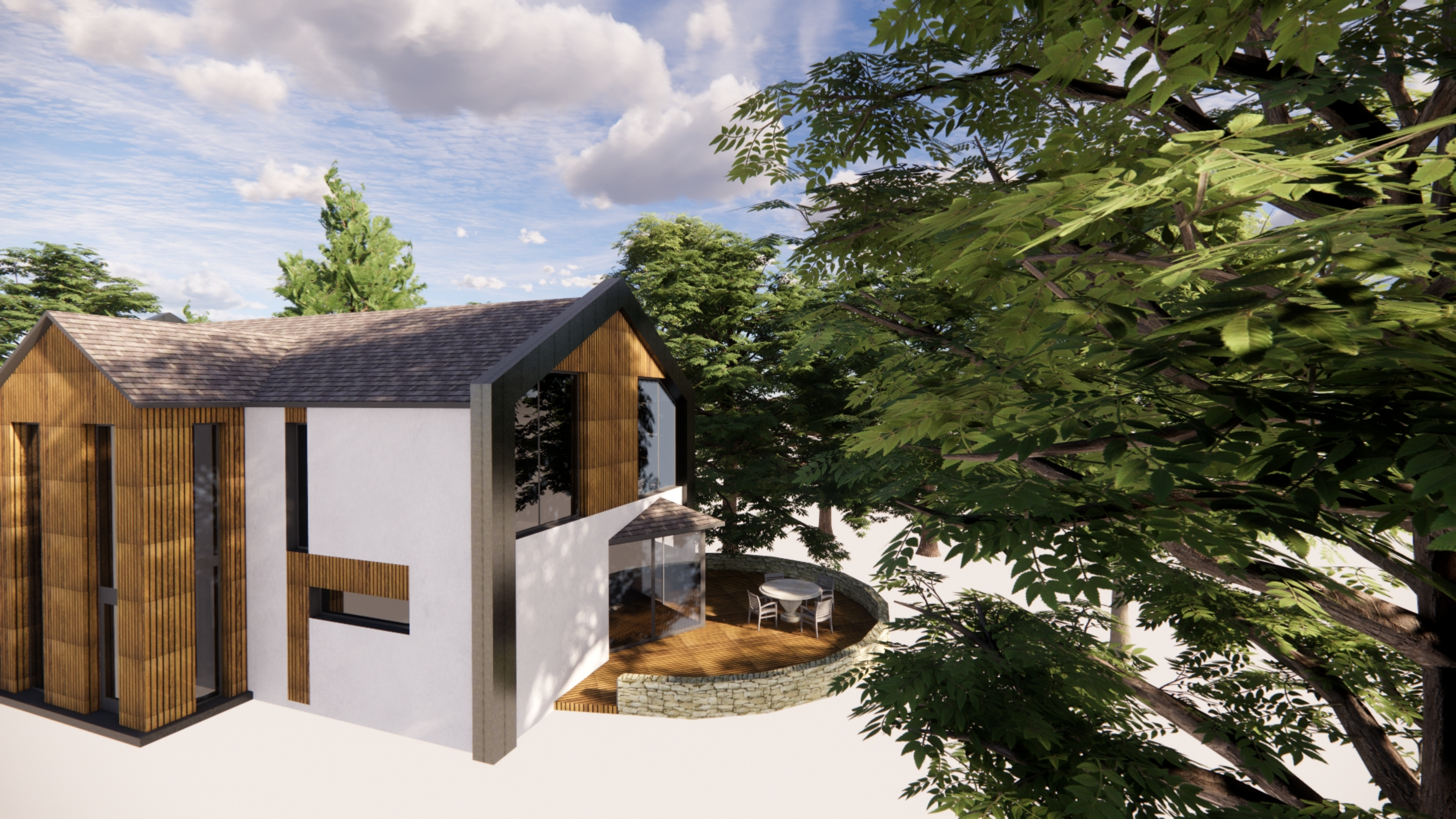
Nicholson McShane Architects

June 2021









**3. PLANNING APPLICATION – TREE (HABITAT)
ASSESSMENT REPORT, TREE SURVEY REPORT
AND TOPOGRAPHICAL SURVEY**

Tree Assessment Report

15th December 2021

1 The Avenue
West Glen Road
Kilmacolm PA13 4PW



Executive Summary

A survey of trees for bat roosts was carried out on 15th December 2021. *At the time of the survey no holes, gaps or cracks were found that could support bats. No indication of use by bats was found. The work proposed to remove the trees necessary for this development will have no direct impact on any bat roosts.*

Introduction

A survey of the trees on the site for bats was carried out on behalf of the property owner Mr J White. The site is an area of wooded garden approximately 20m wide and 40m long, with a number of mature trees, both conifer and broadleaved, and smaller trees and bushes. It is proposed to build on the site, and some of the trees would need to be removed for that to happen. In addition, any tree and building works could cause disturbance to any roosts in the remaining trees, if roosts are present.

Trees were surveyed by licensed bat surveyor Catriona Scriven of Nocturne Environmental Surveyors Ltd. Nature Scot bat roost licence number 196617.

Architects: Douglas Nicholson, Nicolson McShane Suite 1-01, Custom House Place, Greenock PA15 1EQ . email: info@nicolsonmcshane.co.uk

Methodology

The survey was carried out in good weather conditions, and at an appropriate time of year i.e. during the winter months when the leaves are off the trees and the trunks and branches can be seen more easily from the ground. The trees were examined for presence of potential roost features (PRFs) and classified according to Table 1 below.

The trees were viewed using 7x42 binoculars, with the aid of a high-power torch (1m candlepower). A ladder and an endoscope were used to view any holes within ladder height.

Table 1: Bat Roost and Potential Roost Categories (adapted from Collins, 2016)

Main Category	Sub Category	Category Description (Trees)	Category Description (Structures)	Indicator
1 (Roost)	a	Trees with evidence of current or historic use by bats.	Buildings/man-made structures with evidence of current or historic use by bats.	Sighting/sound of bats (including emergence /swarming). Presence of fresh or old droppings, staining, smoothing and lack of cobwebs.
	b	Trees with anecdotal evidence of current or historical use by bats.	Buildings/man-made structures with anecdotal evidence of current or historical use by bats.	Roosts identified by personal communication from reliable source (e.g., property owner) or unconfirmed roost identified during field surveys.
2 (Potential Roost)	a	Trees with high potential for use as roost.	Buildings/man-made structures with high potential for use as roost.	Structure or tree with one or more potential roost sites that are obviously suitable for larger numbers of bats on a more regular basis or for longer periods of time. In trees, the presence of cracks, splits, knot holes, loose bark, woodpecker holes, snag ends and other hollows is indicative of this category. Site close to known roosts.
	b	Trees with moderate potential for use as roost.	Buildings/man-made structures with some potential for use as roost.	Structure or tree with one or more potential roost sites that could be used by multiple bats. Unlikely to support a roost of high conservation status. In trees, the presence of dense ivy cover, dead wood or other features with lower potential as roost sites is indicative of this category.
3 (Limited potential)		Trees with low potential for use as roost.	Buildings/man-made structures with low potential for use as roost.	One or more potential roost sites that could be used opportunistically by individual bats. Isolated from foraging or commuting routes.
4 (Negligible potential)		Negligible habitat features on site likely to be used by roosting bats.		

Results

At the time of the survey no holes , gaps or cracks were found that could support bats. No indication of use by bats was found.

Most of the trees are too small to provide any roosting features i.e. less than 20cm circumference. The area is on the rural edge of the village. The lane and immediate area have mature trees and open fields. The total

number of trees surveyed was 29. The trees are numbered and the tree survey report by Chris Calvey, The Tree Inspector (Scotland), was referred to. In the table below only the trees that could have potential features that could support bats are listed.

Nos	Tree ref	species	Feature	Comments/ recommendations. Category
1	311	Lime	1 large knot hole.	Blind. Category 4
2	316	Rowan	Small hole on the southside	Hole approximately 4cm deep. Category 3
3	329	Horse Chestnut	Cavity on the east side.	The cavity is too wet to provide a roost for bats. Category 4

National Biodiversity Network Gateway: Atlas Data Search Grid Ref NS 363 703 145m a.s.l.

A search was made of occurrence records held in the National Biodiversity Network Atlas website (<http://www.nbnatlas.org>) accessed 29 Dec 2021) for the 1 km square within which the Plot at the Avenue, Kilmacolm is situated (NS 3670) and its surrounding area. The purpose of the search is to establish a context of local records within which the field survey results can be assessed. The core sustenance zones (CSZ) for the bats are included in the table to give an indication of the distances foraged by bats from a colony. It represents the area around a roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.

The way these publicly available datasets may be used is governed by 4 Categories of NBN Data licenses:

License	License conditions https://docs.nbnatlas.org/nbn-atlas-terms-of-use/
OGL	Open Government License
CC0	Creative Commons No rights reserved
CC-BY	Creative Commons with Attribution
CC-BY-NC	Creative Commons with attribution non-commercial (<i>data cannot be used for commercial purpose and thus cannot be used in this report</i>)

Results of Atlas Data search

Species	CSZ km	1km Grid Ref	Location	Distance km	Direction	No. of records	Data license	Dataset source
Common Pipistrelle 45kHz	2	NS3569	Kilmacolm	<0.5	-	2	CC-BY	WS
		NS3569	Kilmacolm	<0.5		1	CC-BY	NSL
Soprano Pipistrelle 55kHz	3	NS3569	Kilmacolm	<0.5	-	1	OGL	NS CW
		NS3569	Kilmacolm	<0.5	-	1	CC-BY	NSL
		NS3669	Glen Moss	<0.5	-	2	OGL	NS CW
		NS3570	Planetreeyetts	<0.5	-	1	OGL	NS CW
		NS3570	Planetreeyetts	<0.5	-	1	CC-BY	BCT RMS
Nathusius Pipistrelle	3	x	x	X	x	x	X	x
Daubenton's Bat	2	NS3669	Glen Moss	<0.5	SE	1	CC-BY	SWT
		NS3467	Stepends Br.	3	SW	2	CC-BY	BCT WS
		NS4170	W. Glenshinnock	4.5	E	1	OGL	NS CW
Leisler's Bat	3					x		
Natterer's Bat	4					None*		
Noctule	4					x		

Brown Long-eared Bat	3	NS3670 NS3673	Kilmacolm NE Finlaystone	0 3	- N	1 39	OGL CC-BY	SNH CW BCT RC
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x = no records

None* = no usable records within 5km

Dataset Source Attributions

SNH CW	NatureScot (Scottish Natural Heritage) - Bat Casework Records
BCT WS	Bat Conservation Trust – Waterways Survey
BCT RMS	Bat Conservation Trust – Roadside Mammal Survey
NSL	Nocturne Surveyors Ltd
WS	Wild Surveys
SWT	Scottish Wildlife Trust

This data search shows that there 4 species of bat found within a kilometre of the site and well within the core sustenance zones for these species, suggesting that it would be very likely that these species would be found crossing the site, and roosting in suitable structures nearby.



Tree number 316 Hole feature that has a low possibility to be used by bats or birds, no indication of use at the time of the survey



Area of trees surveyed

Conclusions and Recommendations

The work proposed to remove the trees necessary for this development will have no direct impact on any bat roosts.

However, the area of trees is adjacent to suitable wider countryside and it is recommended that the perimeter trees (where safe) are retained, as no doubt, bats will forage in the immediate area and use the features to commute. Bats prefer continuous features and will avoid gaps. Bats are a mobile species and should there be no changes to the site trees in the next year a further bat survey is advised in case features have appeared that could provide roost opportunities for bats.

Bats and the Law.

All bat species in Scotland are given protection under the [Conservation \(Natural Habitats, &c.\) Regulations 1994 \(as amended\)](#) as [European Protected Species](#).

The Act and Regulations include provisions it illegal to:

- Kill, injure, catch or keep bats.
- Damage, destroy or obstruct bat roosts.
- Disturb bats whilst they are roosting, for example by entering known roosts or hibernation sites.
- Sell, barter or exchange bats live or dead.

It is a legal requirement to consult NatureScot (Formerly SNH) before you do anything that may affect bats and their roosts. This may include:

- Blocking, filling or installing grilles over old mines or tunnels
- Building, alteration or maintenance work.
- Getting rid of unwanted bat colonies
- Removing hollow or dead /dying trees.
- Re- roofing.
- Remedial timber treatment.
- Rewiring or plumbing in roofs.
- Treatment of wasps, bees or cluster flies.

Remember that because bats can potentially return to the same roost every year, bat roosts are protected even if there are not bats there all the year round.

The law allows you to tend disabled bats, kill seriously injured bats and disturb bats if they are in the living space of a house.

Activities such as catching, ringing or photographing bats, or disturb them whilst roosting, can be licensed by SNH provided they are for scientific, educational or conservation purposes.

These laws are not designed to prevent work but to minimise its impact on the long- term survival of bats.

For further details see sections 9-11, 16-27, and 69 of the WACA 1981.

If Bats are found:

If bats are uninjured, allow them to fly away.

If bats are injured or sluggish remove to a dry, empty, dark box. **(Wearing protective gloves)** Keep the box cool and still. Do not give food or drink. Call for assistance.

In all cases where bats are found to occupy trees or buildings, inform NatureScot (formerly known as Scottish Natural Heritage) or the Bat Conservation Trust (BCT) if NatureScot is not available.

Contact: NatureScot: Great Glen House Inverness. Licencing 01463 725364

BCT: Bat Helpline 0345 1300 228 (charged at local call rate)

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection/>

Contact: Catriona Scriven Nocturne Environmental Surveyors Ltd 14 Taylor Avenue Kilbarchan PA10 2LS.
Mobile: 07887 905 605. Email: info@nocturne.org.uk.

Disclaimer

This report has been prepared for the exclusive use of the named client and their agents. No other party may use, make use of, or rely on the contents of the report without the consent of the client. No liability is accepted by Nocturne Environmental Surveyors Ltd for any use of this report, other than for the purpose for which it has been written. The information and opinions provided in this report have been developed from the expertise of Nocturne Environmental Surveyors Ltd using due diligence, skill, care, and attention to detail in its preparation and production. It should be noted, however, that no independent verification of any of the information supplied to Nocturne Environmental Surveyors Ltd has been made, unless expressly stated otherwise.

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Tree Survey Report

BS 5837:2012 *Trees in Relation to Design,
Demolition and Construction-Recommendations*

Garden Plot
1 The Avenue
West Glen Road
KILMACOLM

28th March 2021



Prepared for
Nicholson McShane Chartered Architects Ltd

Prepared by
C. A. Calvey, P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons.
THE TREE INSPECTOR (SCOTLAND)

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Introduction

This Arboricultural report instructed by Nicholson McShane Chartered Architects Ltd was conducted on 26th March 2021 and trees were assessed in accordance with BS 5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*. Christopher Calvey is an independent arboriculturist and the report presents an impartial assessment of the tree stock.

Survey Findings

'Woodlands', 1 The Avenue, West Glen Road, Kilmacolm, PA13 4PW is within a residential area at the north east periphery of Kilmacolm, bounded to the east by West Glen road and to the north by The Avenue.

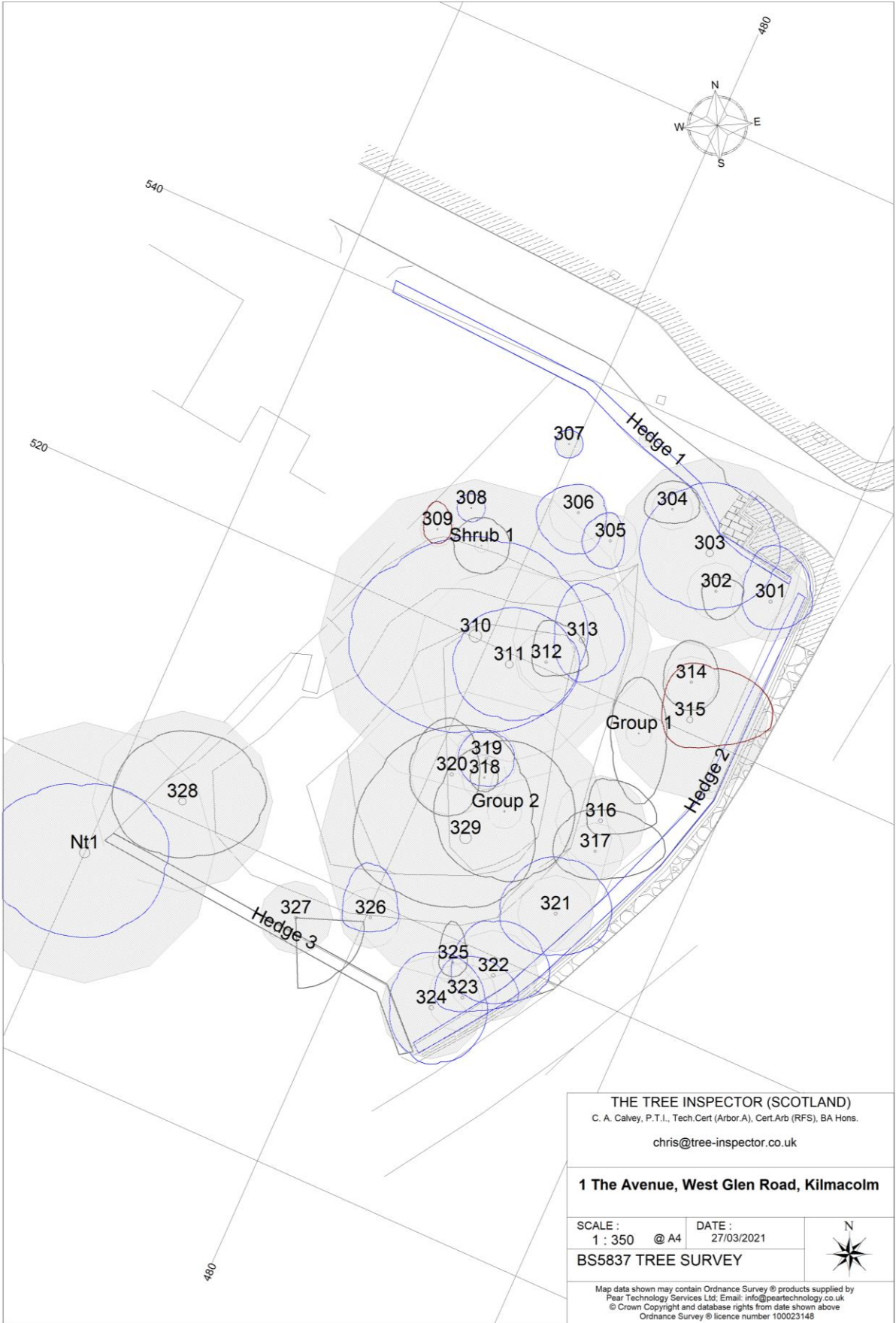
The survey area extends to 0.295 acres of formerly open ground with 8 mature trees and natural young tree regeneration, complimented with amenity tree planting. The plot is screened with hedges to the north, east and south.

Tree composition comprises of 15 'B' moderate quality and 15 'C' low quality trees. There are no 'A' high quality trees and a mature larch classified as 'U' unsuitable for retention with basal decay. Neighbouring Tree NT1 was included to calculate the extent of the root system encroaching the plot.

Using the Report

Trees are identified by a numbered metal tree tag attached to the tree which corresponds to the site plan and tree schedule. Tree maps show the position of trees, crown spread and maximum rooting zone illustrated by grey dodecagons. The crown spread of a tree is identified by a coloured circle and illustrates:

1. Green for 'A' (High quality trees) – *not applicable*
2. **Mid blue for 'B'** (Moderate quality trees)
3. **Grey for 'C'** (Low quality trees)
4. **Dark Red for 'U'** (trees 'Unsuitable' for retention in the current land use).

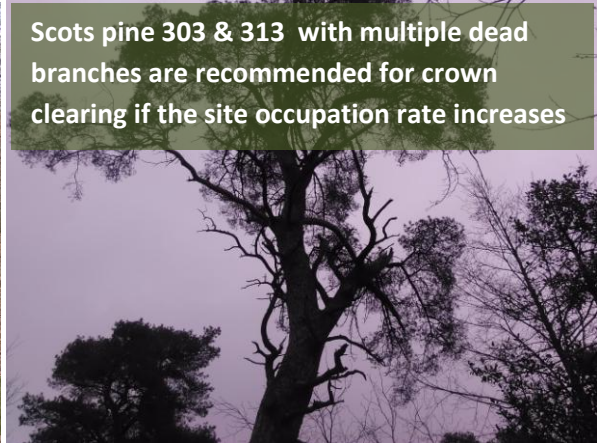


THE TREE INSPECTOR (SCOTLAND)
C. A. Calvey, P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons.
chris@tree-inspector.co.uk

1 The Avenue, West Glen Road, Kilmacolm

SCALE : 1 : 350 @ A4	DATE : 27/03/2021	
BS5837 TREE SURVEY		

Map data shown may contain Ordnance Survey © products supplied by
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© Crown Copyright and database rights from data shown above
Ordnance Survey © licence number 100023148



Easting Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread - S (m)	Spread W (m)	Life Expectancy	Cond. Cat.	BS5837 Sub. Cat.	BS5837 Quality
236397 670334.1	Hedge 1	Common Beech <i>Fagus sylvatica</i> <i>Hedge north boundary in good condition</i>	Semi-mature	2			40			1	6	1	6	20 to 40 yrs	Good	2	B
236406.1 670323.6	301	Common Lime <i>Tilia europaea</i>	Semi-mature	9	3	1	230			4	3	2	2	20 to 40 yrs	Good	1	B
236404.9 670317.5	Hedge 2	Beech <i>Fagus sylvatica</i> <i>Planted in preparation for further management;</i>	Semi-mature	4			50			2	2	2	2	20 to 40 yrs	Good	2	B
236402.3 670324.4	302	Common Holly <i>Ilex aquifolium</i> <i>Leaning slightly east with kinked stem.</i>	Semi-mature	7	2	1	165			1	2	2	1	10 to 20 yrs	Fair	1	C
236401.9 670326.9	303	Scots Pine <i>Pinus sylvestris</i> <i>Multiple large dead branches lower to mid crown typical of species, recommended for clearing crown if occupation rate increases</i>	Mature	16	8	1	550			5	5	4	5	20 to 40 yrs	Fair	1	B
236399.3 670330.2	304	Downy Birch <i>Betula pubescens</i> <i>Lower quality with co-dominant primary branches.</i>	Young	5	0.5	1	120			2	2	1	2	10 to 20 yrs	Fair	1	C
236394.9 670328	305	Small-Leafed Lime <i>Tilia cordata</i> <i>Heavy standard with planting stake still present.</i>	Young	7	0.2	1	160			2	1	2	2	20 to 40 yrs	Good	1	B

Eastings Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread - S (m)	Spread W (m)	Life Expectancy	Cond. Cat.	BS5837 Sub. Cat.	BS5837 Quality
236392.7 670329.9	306	Horse Chestnut <i>Aesculus hippocastanum</i> <i>Young planted tree</i>	Young	6	2	1	170			2	2	3	3	20 to 40 yrs	Good	1	B
236392 670334.8	307	Horse Chestnut <i>Aesculus hippocastanum</i> <i>Planting stake present.</i>	Newly Planted	4	2	1	70			1	1	1	1	20 to 40 yrs	Good	1	B
236385.8 670327.6	Shrub 1	Cherry laurel <i>Prunus rotundii</i>	Young	3	0.1	2	40	50		2	2	2	2	10 to 20 yrs	Good	1	C
236385.1 670330.3	308	Manna Ash <i>Fraxinus ornus</i> <i>Planting stake still present.</i>	Newly Planted	5	2	1	85			1	1	1	1	20 to 40 yrs	Good	1	B
236382.7 670328.8	309	Atlas Cedar <i>Cedrus atlantica 'Glauca'</i> <i>Young dead tree.</i>	Young	5	2	1	100			2	1	1	1		Dead	1	U
236385.6 670321	310	Horse Chestnut <i>Aesculus hippocastanum</i> <i>Structurally weak with compression forks and included bark at 1.5m. Dbh measurement taken near base.</i> <i>Crown reduction of 25% recommended if occupation rate increases.</i>	Mature	17	4	1	900			7	8	7	9	20 to 40 yrs	Fair	1	B
236387.7 670318.9	311	Lime <i>Tilia europaea</i> <i>Some crown damage from storm event. Large dead hanging at 10m east for removal.</i>	Mature	21		1	560			4	5	4	4	20 to 40 yrs	Fair	1	B

Eastings Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread - S (m)	Spread W (m)	Life Expectancy	Cond. Cat.	BS5837 Sub. Cat.	BS5837 Quality
236390.4 670319.4	312	European Larch <i>Larix decidua</i> <i>Suppressed under mature trees.</i>	Young	8	3	1	175			3	3	1	1	10 to 20 yrs	Fair	1	C
236393 670321.2	313	Scots Pine <i>Pinus sylvestris</i> <i>Tall thin specimen with small high crown multiple large dead branches lower crown typical of species. Primary scaffold north dead. Crown clear and and remove dead scaffold if occupation rate increases.</i>	Early-mature	20	15	1	400			4	3	3	2	20 to 40 yrs	Fair	2	B
236400.6 670318	314	Common Ash <i>Fraxinus excelsior</i>	Young	7	2	1	150			3	2	2	2	10 to 20 yrs	Fair	1	C
236400.8 670315.3	315	European Larch <i>Larix decidua</i> <i>Extensive internal decay west lower bole with buttress root fully decayed. Apical dieback. Crown heavily weighted east over road. Young downy birch growing from base and branches entangled. Recommended for removal within three months.</i>	Mature	23	6	1	450			4	6	2	2	<10 yrs	Poor	2	U
236396.9 670314.4	Group 1	A Group <i>Group of 5 young willow regeneration with young 1 Ash and 1 young birch of low arboricultural value.</i>	Young	5	2		75			4	2	5	2	10 to 20 yrs	Fair	1	C
236394.2 670308.2	316	Rowan <i>Sorbus aucuparia</i>	Mature	7	4	1	260			3	4	1	1	10 to 20 yrs	Poor	1	C
236393.8 670306.1	317	Rowan <i>Sorbus aucuparia</i> <i>Basal decay and mild vascular dysfunction.</i>	Mature	6	2	3	165	160	170	3	5	2	3	10 to 20 yrs	Fair	1	C

Eastings Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread - S (m)	Spread W (m)	Life Expectancy	Cond. Cat.	BS5837 Sub. Cat.	BS5837 Quality
236387.4 670308.9	Group 2	A Group <i>Group of goat willow, regeneration - 8 young trees of low arboricultural value.</i>	Young	7			100			5	5	5	5	10 to 20 yrs	Fair	1	C
236386.7 670313.5	318	European Larch <i>Larix decidua</i>	Young	12	8	1	130			1	1	1	1	10 to 20 yrs	Fair	1	C
236387.1 670314.8	319	European Larch <i>Larix decidua</i>	Young	13	7	1	180			2	2	2	2	20 to 40 yrs	Good	1	B
236384.1 670314.7	320	Highclere Holly <i>Ilex x altaclarensis</i> <i>Co-dominant stems arising from a compression fork.</i>	Mature	6	2	2	240	230		4	2	3	3	10 to 20 yrs	Fair	1	C
236391.1 670301.6	321	Lime <i>Tilia europaea</i>	Semi-mature	13	3	1	220			4	4	3	4	20 to 40 yrs	Good	1	B
236386.8 670297.3	322	Lime <i>Tilia europaea</i>	Semi-mature	12	2	1	260			4	4	2	3	20 to 40 yrs	Good	1	B
236384.4 670295.7	323	Lime <i>Tilia europaea</i>	Semi-mature	13	3	1	200			3	4	1	2	10 to 20 yrs	Good	1	B
236382.2 670295.2	324	Lime <i>Tilia europaea</i>	Semi-mature	15	2	1	295			4	4	4	3	20 to 40 yrs	Good	1	B

Eastings Northing	Tree ID	Common Name <i>Scientific Name</i>	Age Class	Height (m)	Crown Height (m)	Nos. of Stems	Stem Diam. (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread N (m)	Spread E (m)	Spread - S (m)	Spread W (m)	Life Expectancy	Cond. Cat.	BS5837 Sub. Cat.	BS5837 Quality
236371.6 670298.6	Hedge 3	White Cedar <i>Thuja occidentalis</i> <i>New hedge planted</i>	Newly Planted	3	0.1		30			2	2	2	2	10 to 20 yrs	Good	1	C
236383.8 670298.2	325	Cherry <i>Prunus avium</i> <i>Leaning slightly north with sparse crown.</i>	Young	9	5	1	120			3	1	1	1	10 to 20 yrs	Good	1	C
236381 670299.2	326	Grey Alder <i>Alnus incana</i> <i>Sparse crown.</i>	Young	10	5	1	175			4	2	1	2	20 to 40 yrs	Fair	1	B
236377.5 670299.4	327	Grey Alder <i>Alnus incana</i> <i>Crown entirely weighted south east.</i>	Semi-mature	13	8	1	210			0	5	5	0	10 to 20 yrs	Fair	1	C
236364.7 670309.4	328	Common Ash <i>Fraxinus excelsior</i> <i>Lower bole leaning east with exposed decay cavity from ground level to 1.5m.</i>	Mature	19	8	1	520			5	6	4	5	10 to 20 yrs	Poor	1	C
236384.3 670307.3	329	Horse Chestnut <i>Aesculus hippocastanum</i> <i>Leaning heavily west with cavity east.</i>	Mature	20	4	1	840			8	5	5	8	10 to 20 yrs	Fair	2	C
236357.7 670306	Nt1	Sycamore <i>Acer pseudoplatanus</i> <i>Neighbour tree in private garden- measurement estimated.</i>	Mature	21	5	1	750			5	6	6	7	20 to 40 yrs	Fair	2	B

Tree Survey Assessment Criteria

The tree survey is undertaken in accordance with a range of criteria listed in BS 5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*.

Quality Category

Category A: (HIGH quality, trees with particular merit with an estimated remaining life expectancy of at least 40 years).

Category B: (MODERATE quality with an estimated remaining life expectancy of at least 20 years).

Category C: (LOW quality with an estimated remaining life expectancy of at least 10 years).

Category U: (UNSUITABLE quality, in such condition that they cannot realistically be retained as living trees in the context of the current land use. Life expectancy less than 10 years).

Sub Categories: The BS 5837 subcategories: 1 - mainly Arboricultural Qualities, 2 - mainly landscape qualities, 3 - Cultural qualities.

Tree Condition

Defects or diseases and relevant observations have been recorded under condition of Crown, Stem, Basal area and Physiological condition. It is important to appreciate that in BS5837 criteria only basic condition categories are recorded and the inspection process does not constitute a tree safety survey.

The overall condition of a tree has been referred to as one of the following:

- Good: A sound tree needing little if any attention at the time of survey.
- Fair: A tree with minor but rectifiable defects or in the early stages of stress, from which it may recover. The tree may have structural weaknesses which might result in failure.
- Poor: A tree with clear and obvious major structural and or physiological defects or stressed such that it would be expensive to retain and necessarily requires to be inspected on a regular basis for safety purposes.
- Decline: Irreversible with death inevitable in the short term.
- Dead. To be removed unless stated to the contrary.

Age Class

Age Class and Life Expectancy are clearly related but the distinction is necessary due to the variation among tree species. Knowledge of the longevity of individual species has been applied to determine the relative age and life expectancy categories in which trees are placed.

Age class is classified as:

- Y: Young trees up to 15 years of age.
- SM: Semi-mature trees less than $\frac{1}{3}$ rd life expectancy.
- EM: Early Mature trees between $\frac{1}{3}$ rd and $\frac{1}{2}$ of life expectancy.
- M: Mature trees between $\frac{1}{2}$ and $\frac{2}{3}$ rd of life expectancy.
- LM: Late mature - A senescent or moribund specimen with a limited safe useful life expectancy.
- V: Veteran status – a tree of significant age and character such that even in poor condition the tree has a value for retention for arboricultural or ecological reasons.

Safe Useful Life Expectancy (SULE)

The survey schedule identifies a Safe Useful Life Expectancy (SULE) for each tree. This is a subjective assessment of the number of years that the tree can be expected to survive without deteriorating to the extent that safety is compromised. The estimated remaining contribution is given in ranges of years (<10, 10 to 20, 20 to 40, >40).

It is important to note that SULE does not in any way suggest that regular inspection and remedial work can be ignored. SULE does not take into account routine management that will be required to deal with minor structural or cultural problems, or damage that may arise from climatic or other physical intervention. The SULE value given for each tree reflects the following opinion based on current tree condition and environmental considerations:

<10 years. The tree has very limited prospects, due to terminal decline or major structural problems. Its removal should be planned within the next 10 years, unless immediate removal is recommended for safety reasons.

10-20 years. The tree has obvious structural or physiological problems that cannot be rectified, and decline is likely to continue. Removal or major tree surgery work may be necessary, or the species is approaching its normal life expectancy and decline due to senescence can be expected within this timeframe.

20-40 years. Relatively minor defects may exist that are likely to increase safety risks or general tree health over a longer period of time. At this stage it is not possible to fully predict the impact of such defects. Or the species is approaching its normal life expectancy and due to senescence decline can be expected within this timeframe.

>40. There is currently no health or structural problems evident and the tree can be expected to survive safely for 40 or more years.

Report limitations

1. The survey is only concerned with the arboriculture aspects of the site.
2. The report is based on visual inspections conducted from ground level with the purpose of categorising trees in relation to design, demolition and construction and does not provide reliable data on tree safety. This report is not, nor should it be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site, and therefore it is recommended that detailed tree inspections of retained trees are undertaken on a regular basis with the express purpose of complying with the land owner's duty of care and satisfying health and safety requirements.
3. The statements made in this report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire.
4. The authority of this report ceases within one year from the date of the survey or when any site conditions change, soil levels are altered near trees, tree work undertaken, or following severe weather occurrences which supersede the current validity of the report.
5. The validity, accuracy and findings of this report will be directly related to the accuracy of the information made available prior to and during the inspection process. No checking of independent third party data will be undertaken.
6. Any observations that are made in regard to the condition of built structures and hydrology are from a laypersons view. The legal property on which the trees stand is not assessed.
7. The report contains Visual Tree Inspections undertaken from ground level. Visual inspections relate only to those parts of the tree which are visible. Roots are not inspected and during summer when trees are in leaf parts of the canopy may not be visible. Where a tree or parts of a tree could not be inspected due to epicormic growth, ivy or restricted access, liability is not accepted. Only the visible pathogens are recorded; this does not confirm the absence of other pathogens but that no fungal fruiting bodies, or other signs, were visible at the time of the survey.

The Tree Inspector (Scotland) cannot accept any liability in connection with the following:

- I. A tree which has not been subject to a full and thorough inspection.
- II. For any part of a tree that is not visible from the ground near the tree.
- III. Where excavations have taken place within the rooting area of a tree.
- IV. Branch or limb failure resulting from conditions associated with Summer Branch Drop.
- V. The effect of extreme weather events, climate, vandalism or accident, whether physical, chemical or fire.

- VI. Where tree surgery work is not carried out in accordance with current good practice
8. Felling licenses are the responsibility of the tree owner. The Forestry Commission controls tree felling by issuing felling licences. In any calendar quarter, you may fell up to 5 cubic metres without a licence as long as no more than two cubic metres are sold. Timber volumes are not assessed.
 9. Planning restrictions applying to tree works remain the responsibility of the tree owners.
 10. No failsafe guarantees can be given regarding tree safety because the lightweight construction principles of nature dictate a natural failure rate of intact trees. Trees are living organisms and can decline in health rapidly due to biotic and abiotic influences. Therefore failure of intact trees can never be ruled out due to the laws and forces of nature.
 11. This report has been prepared exclusively by the Tree Inspector (Scotland) for the 'Client' and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk.



Christopher Calvey - THE TREE INSPECTOR (SCOTLAND)

Appendix 1: Project Contact Details

Applicant

Joseph White,
Woodlands,
West Glen Road,
Kilmacolm,
PA13 4PW

Email: joseph@wbigroup.co.uk

Project Arboriculturalist

Christopher Calvey,
The Tree Inspector (Scotland)
North Hourat Farm,
Kilbirnie, Ayrshire
KA25 7LJ

Tel. 0141 297 1010

Mobile: Mo. 07920 763132

E-mail: chris@tree-inspector.co.uk

Nicholson McShane Chartered Architects Ltd

Douglas Nicholson B.Arch (Hons) M.Arch RIBA RIAS ARB
Chartered Architect, Director
Suite 1 – 01 Custom House
Custom House Place
Greenock, PA15 1EQ

Email: douglas@nicholsonmcshane.co.uk

Inverclyde Council

Regeneration & Planning

Tel. 01475 717171

Appendix 2: References

British Standards Institute. (2012). *Trees in Relation to Design, Demolition and Construction – Recommendations BS5837:2012BSI*, London.

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SHIGO A.L. (1991), Modern Arboriculture, Shigo and Trees Associates

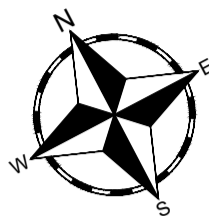
Hazards from Trees – A General Guide ISBN 0-85538-514-6

Tree Felling – Getting Permission. Forestry Commission and free to download from their website www.forestry.gov.uk

Trees and the Law ISBN 0-900978-15-5 Published by the Arboricultural Association Tel: 01794 68717

Institute of Chartered Foresters Tel: 0121 225 2705

REVISION	DESCRIPTION	DATE
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1, THE AVENUE,
 PITCH 1 22.099m,
 PITCH 2 20.461m,
 EAVES 1 & 2 17.910m,
 PITCH 3 19.388m,
 EAVES 3 14.985m.



SUITE 1-01, CUSTOM HOUSE,
 CUSTOM HOUSE PLACE,
 GREENOCK, PA15 1EQ
 e info@nicholsonmcshane.co.uk
 t 01475 325025
 w nicholsonmcshane.co.uk

CLIENT
 Mr and Mrs J White

PROJECT TITLE
 Proposed new dwellinghouse

PROJECT ADDRESS
 Woodlands, West Glen Rd, Kilmacolm

DRAWING TITLE
 Topographical survey

DRAWING STATUS
 PLANNING

PAPER SIZE
 A1

DRAWING NUMBER
 20062_C.001

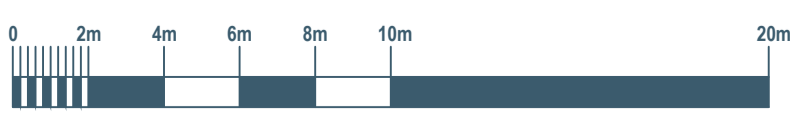
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**4. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 31 MARCH 2022**

REPORT OF HANDLING

Report By: Sean Mc Daid

Report No: 21/0210/IC

**Contact
Officer:** 01475 712412

Date: 31st March 2022

Subject: Proposed plot for new detached dwellinghouse (planning permission in principle) at Woodlands, West Glen Road, Kilmacolm

SITE DESCRIPTION

The application site is 1258 square metres in area and is located on the north-west side of West Glen Road, Kilmacolm at the junction with The Avenue. To the north-west there is a cul-de-sac containing four two storey detached dwellinghouses which were constructed in the early 2000's.

The application site sits below the ground floor level of the house at 1 The Avenue (known as "Woodlands"). There are steps located approximately half way along the boundary of 1 The Avenue that lead down into the application site. There is a low stone wall along part of the north-east boundary with The Avenue and along the entire south-east boundary of the site with West Glen Road. The ground levels across the site vary with the highest part located towards the north-west corner adjacent to The Avenue and the lowest part towards the south-west side of the site. There is a difference of approximately 2m between the highest and lowest parts of the site.

To the north-east and opposite the site there is a two storey detached dwellinghouse (known as Hydro House) with the former Hydro pond adjacent to it. This part of Kilmacolm is at the edge of the settlement and there is open land to the south-east on the opposite side of West Glen Road.

The site is part of the Kilmacolm Hydro Tree Preservation Order (REN 34) that was designated in February 1969. This Tree Preservation Order also encompasses Hydro House. There are a variety of tree species and other vegetation on site. There is a hedge planted behind the wall on both The Avenue and West Glen Road boundaries.

PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse on the site. The plan accompanying the application indicates that the vehicular access/driveway is to be formed from The Avenue towards the west side of the site. The plan also indicates the proposed detached dwellinghouse is to have a footprint of 300 square metres and is to be positioned parallel and in close proximity to the boundary with the property known as Woodlands. An image in the Design Statement suggests the proposed dwellinghouse is to be two storeys. A detached double garage is indicated to the south-east side of the proposed dwellinghouse and sitting partially forward of it closer to The Avenue. It has not been indicated what change in levels are to occur in the site to accommodate the development.

In order to accommodate the proposed development a number of trees will have to be removed and the submitted plans indicate trees are to be planted elsewhere on site.

A Design Statement, Tree Survey Report and a Bat Habitat Survey Report have been submitted in support of the proposal.

DEVELOPMENT PLAN POLICIES

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic environment

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

Policy 10 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Policy 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

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

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if 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.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

Planning Application Advice Note (PAAN) 2 on "Single Plot Residential Development" and **Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development" apply.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic or natural environment.

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 10 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means

other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

Policy 12 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 18 - Land for Housing

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 20 - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 33 - Biodiversity and Geodiversity

European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals

will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

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

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if 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.

Protected Species

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 35 - Trees, Woodland and Forestry

The Council supports the retention of trees, including ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal; or
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region

Draft Planning Application Advice Note (PAAN) 2 on "Single Plot Residential Development" and **Draft Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development" apply.

CONSULTATIONS

Head of Service - Roads and Transportation - advises the following:

- Parking should be provided in accordance with the National Guidelines.
- Each space on the driveway shall be a minimum of 3.0m by 5.5m.
- For the garage to be counted as 2 parking spaces, it must be a minimum of 6.0m by 7.0m. The applicant should demonstrate that this is achievable. The applicant should also demonstrate the dimensions of the driveway (length and width).
- The driveway access should be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.0m x 20.0m x 1.05m. This shall be agreed with Roads Service.
- All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.
- A Section 56 Agreement is required for the footway crossovers to the driveway.

Ecology Advisor - advises the survey of the trees that will be impacted by the development was conducted to the correct standard and at an optimum time of year. It covered all trees within the development site, not just those directly impacted by removal for development. Recommends that any planning permission granted should include the recommendations made in the submitted report regarding the legal status of bats and the possible requirement for additional survey work should there be a delay in completing any tree works. The inclusion of biodiversity enhancements into the design would be a welcome addition and help mitigate loss of habitat through construction of the property. Tree felling operations, if carried out during the bird nesting season (as a minimum, March to August inclusive) should have a pre-work inspection by a suitably experienced ecologist (an ornithologist with nest finding experience) as mature gardens such as this can be attractive to many species, not all of which depend on holes and similar features for nesting. It is however strongly recommended that all ground clearance takes place outside the nesting season as there may number of nests present, some of which will be very difficult to find.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th July 2021 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was subject to neighbour notification and two representations objecting to the proposal have been received. The grounds of objection relate to:

- The application submission does not include any detailed design proposals.
- It was a requirement of the original planning permission for the development of the 4 houses at this location for this site to remain undeveloped.
- The site is covered by a Tree Preservation Order.
- Tree removal will impact on the natural environment.

- Privacy implications may occur.
- The new owner of any house will likely remove further trees from what would otherwise be a dark plot.
- The character of the area will be adversely impacted upon.

The Kilmacolm Civic Trust has no objections in principle. However they consider the proposed house is too close to the boundary with 1 The Avenue and comment that additional trees should be removed to move the footprint of the house towards West Glen Road.

ASSESSMENT

The material considerations in the assessment of this application are national planning policy inclusive of Scottish Planning Policy (SPP); the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Notes (PAAN) 2 and 3 on "Single Plot Residential Development" and "Private and Public Open Space Provision in New Residential Development" respectively; the visual impact; the impact on residential amenity; the impact on the integrity of the Tree Preservation Order; and consultation responses.

Scottish Planning Policy (SPP) introduces a presumption in favour of sustainable development and indicates that 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 but not to allow development at any cost. Planning policies and decisions should support sustainable development. Paragraph 29 of the SPP sets out 13 policy principles in this regard. Both Strategic and Local Development Plan policies are required to follow national policy. The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas.

The site is located within the existing settlement boundary of Kilmacolm and is identified under Policy 20 of the proposed Local Development Plan as being in an existing residential area. Policy 20 requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area. The development of this site for a single dwellinghouse in a residential area would in very general terms be considered to be compatible with the surrounding area and be at a sustainable location as well as according with the Spatial Development Strategy of both the adopted and proposed Local Development Plans.

It is important to note at the outset the planning history of this site. The application site previously formed part of a larger application site which involved the infilling of part of the Hydro pond. Following earlier refusals of planning applications submitted in 1989 and 1991 respectively, outline planning permission for the erection of five dwellinghouses was granted on appeal in June 1999. In considering the appeal, the appointed Reporter set out the benefit of the retention of the woodland covered by the Tree Preservation Order and enhancement with additional planting and considered the destruction of this tree belt would be unacceptable. A further application for planning permission for the erection of four dwellinghouses was granted on appeal in 2002. In determining the appeal the appointed Reporter noted that the woodland adjacent to West Glen Road would remain largely in place and this could be safeguarded by a condition.

In the Design Statement it is set out that the plot of Woodlands, 1 The Avenue, Kilmacolm includes the wooded area of ground to the east of the main house plot. It is also described on the application form as vacant ground. However a review of the planning permission granted on appeal in 2002 confirms that the area of woodland forming this application site is not part of the plot of the adjacent house. It is however the case that the long term maintenance responsibility of this area of woodland, which forms part of the Kilmacolm Hydro TPO, falls to the owner of Plot 1 of the development (now Woodlands, 1 The Avenue).

Scottish Planning Policy, the Spatial Development Strategy of both the adopted and proposed Local Development Plans as well as Policy 20 of the proposed Local Development Plan may give general support for this proposal. However the principle of developing this site for a house also needs to be considered with reference to the other relevant development plan policies as follows.

Policy 1 of both the adopted and proposed Local Development Plans requires all development to have regard to the six qualities of successful places. The relevant factors in respect of this development contributing to the qualities of successful places are being "Distinctive" in reflecting local architecture and urban form (expanded to "respect landscape setting and character, and urban form" and "reflect local vernacular/architecture and materials" in the proposed Local Development Plan) and being "Safe and Pleasant" in avoiding conflict with adjacent uses in respect of overshadowing and privacy. Policy 18 of the proposed Local Development Plan supports new housing development on sites identified in Schedule 3 and on other appropriate sites within residential areas. The site however is not identified in Schedule 3.

Turning to the specific site as well as the possible position and design of the proposed house there are other policies and advice that are relevant to this proposal. Both the adopted and draft PAAN2 and PAAN3 advise on plot sizes for residential development and on private garden ground respectively. Both of these PAANs refer to the plot and garden sizes reflecting those in the locality as well as according with established density and pattern of development. The distance to garden boundaries should also reflect the immediate locality, together with the established street front building line. Height, roof design, use of materials and colours should reflect the immediate locality.

With regard to the plot size, it is appropriate to consider this in the context of the adjacent plots within the development at the Hydro Dam site. In this respect the plot size is largely comparable with the first two plots within this development. The identified plot/site size is 1258 square metres and the indicated footprint of the proposed house, at 300 square metres, occupies approximately 24% of the site area. Even when including the indicated proposed driveway and proposed detached garage the proposal does not represent overdevelopment of the site and it is considered there will be a sufficient amount of ground associated with the proposed house.

The indicated position of the proposed house in close proximity to the boundary with Woodlands is at variance with the pattern of development in the surrounding area where houses are generally positioned in a central position within their respective plots. The image in the Design Statement suggests the proposed house may have a different design to the neighbouring houses and the proposed external materials have not been specified. There is nothing to suggest that a dwellinghouse which reflects the plot coverage of neighbouring properties together with design, building height and use of materials could not, in principle, be achieved. However this is likely to require additional tree removal from that currently proposed. How the position and design of the house as well as the external materials reflect the character of the neighbouring houses will be considered in greater detail in any subsequent application should planning permission in principle be granted. Similarly any potential impacts in terms of overshadowing and privacy will be considered in greater detail in any subsequent application once the specific design of the house is known.

In considering whether this is an appropriate site for a dwellinghouse, Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan set out the Council's support for the retention of trees covered by Tree Preservation Orders. These Policies go on to set out the criteria for assessing development proposals affecting Tree Preservation Orders. In the submitted Design Statement it is stated the site currently has no public amenity value. This assertion is disputed. The application site is located in a prominent position adjacent to West Glen Road and provides a setting for not only the neighbouring residential development at The Avenue but also as part of the setting of Kilmacolm when entering the settlement along West Glen Road. Retention of the character of the village is always a key consideration when assessing development proposals in Kilmacolm. This site, together with its trees, is viewed in conjunction with the trees located on the opposite side of West Glen Road and provides a visual softening at this entrance to Kilmacolm.

The Design Statement indicates that the house will respond visually to its woodland setting however seven tagged trees will be felled to accommodate the development. The submitted Tree Survey Report identifies that the overall site comprises category B and C trees with only two Category U trees that are indicated as being unsuitable for retention. Although it is often the case that trees are in poor health and removal may be the correct course of action, should there not be a proposal for the site, the need for felling or removal would be minimal. It should be noted that additional planting to enhance this area was a requirement of previous planning permissions.

The seven tagged trees identified for removal are identified in the Tree Survey Report as being category B (tags 308, 310, 311 and 313), category C (tags 312 and 320) and category U (tag 309). The category B and C trees are identified as being in fair to good condition whereas the category U tree is dead. Tree tag 309 is a young Cedar tree located adjacent to the boundary with Woodlands. Based on the Tree Survey Report the removal of the category B and C trees to accommodate the development is not justified. It is also not clear how the position of the house, garage and driveway may affect the condition of the remaining trees. Any proposed changes to ground levels in the site could also affect the growth habit and future condition of the trees.

In addition to this the trees at this site will restrict sunlight into the new development and create a shaded garden. This could result in pressure from future occupations to request further tree removal to improve for example both daylight and maximise the views beyond the site. This is of concern and there is precedent supporting this position within Kilmacolm. These concerns were raised in the assessment, and subsequent refusal, of a planning application for a dwellinghouse within a wooded site on Houston Road, Kilmacolm. The concern was recognised by the Scottish Government Reporter who, in dismissing the subsequent appeal, noted that in his experience there would be such a strong desire to remove further trees and he could not ignore the potential.

It is considered that the development could not proceed without the removal of trees (criterion (a) of Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan) and compensatory planting could be provided elsewhere within the plot (criterion (c) of Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan). The Design Statement refers to the applicant wanting to put the site to beneficial use. The site already has benefits in providing the setting for the adjacent development on the Hydro Dam site and also in forming an important part of the setting of the settlement on this approach into Kilmacolm. The tree removal is to accommodate the development rather than integrate the development with the existing trees. The tree removal will erode the integrity of the Tree Preservation Order as will the built development on the site. There are no overriding policy reasons why the proposal has to be at this site, or a specific locational requirement for the development. It is not considered that there are any public benefits resulting from the development which outweigh the loss of trees at this location. Accordingly the proposal fails in respect of Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan.

Policy 33 of both the adopted and proposed Local Development Plans requires consideration of the impacts of development on habitats and protected species. The impact on bats as a protected species are considered by the applicant in the submitted Bat Habitat Survey Report. Based on the advice from the Council's ecology advisor restricting site clearance works to outwith the bird breeding season can be addressed by a condition if required and the additional survey works can also be addressed by a condition. If the proposal is otherwise acceptable the inclusion of these conditions would mean there will be no conflict with Policy 33 of both the adopted and proposed Local Development Plans.

Turning to other policies that are relevant to the consideration of this application, Policy 6 of both the adopted and proposed Local Development Plans seeks to ensure that all new buildings are energy efficient and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 20% by the end of 2022 and 25% by the end of 2025 respectively) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. If planning permission in principle is granted the requirement for low and zero carbon generating technologies can be addressed by a planning condition with the details submitted for

further approval. The provision of electric vehicle charging facilities, which would be one trickle charging point in this instance, can also be addressed by a planning condition in order to comply with the terms of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan.

Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan require that where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system or where such a connection is not feasible, a temporary wastewater drainage system can be supported if, i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contribution, and ii) the design of, and maintenance arrangements for the temporary system meets the requirements of SEPA, Scottish Water and Inverclyde Council as appropriate. It is also the case that private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively. The specified details of the proposed drainage have not been submitted. Notwithstanding, it is expected that the development will require appropriate drainage. If planning permission in principle is granted the drainage proposals can be addressed by a planning condition with the details being submitted for further approval.

The number of bedrooms in the house has not been indicated with the application. If planning permission in principle is granted a condition can be attached to outline the required parking in accordance with the National Roads Development Guide. Based on what is indicated on the proposed site plan it is considered at this time that there is sufficient space within the site to provide the requisite off-street parking. This will however be assessed in greater detail in a subsequent detailed application in order to accord with the terms of Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan. The proposal is also within the settlement boundary and local services/facilities can be accessed. There are no significant implications with respect to Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan.

The advice from the Head of Service - Roads and Transportation regarding a minimum of 2m of the driveway being paved, the gradient of the driveway and the required visibility splays onto the road can be addressed by planning conditions if planning permission in principle is granted. The applicant will have to comply separately with any requirements of Scottish Water to connect to their infrastructure. The requirement for a Section 56 Agreement for any new footway crossover is a matter to be addressed via separate legislation.

With regard to the objections that have been received and not already considered above, the following comments are made. As this is an application for planning permission in principle the only plans that are required are to identify the site boundaries and where the access into the site is to be located. If approved the subsequent detailed/approval of matters application will consider the detail of the proposed development.

In conclusion, whilst the proposal may be at a site within the settlement boundary and derives general support from some development plan policies, the loss of the trees to accommodate the proposal is not considered to be justified in this instance, erodes the integrity of the Tree Preservation Order and in turn will have an unacceptable visual impact on the setting of the settlement on this approach into Kilmacolm. The proposal cannot be supported against Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan. There are no material considerations that are considered to outweigh the loss of the trees at this location in order to approve the application.

RECOMMENDATION

That the application be refused for the following reasons:

1. The proposal cannot be supported against Policy 34 of the adopted Inverclyde Local Development Plan and Policy 35 of the proposed Inverclyde Local Development Plan as: the removal of the trees to accommodate the development will erode the integrity of the Tree Preservation Order; the removal of the trees will have an adverse visual impact on the setting of this part of Kilmacolm and on this approach into the settlement; the condition of the trees, except tree tag 309, is such that that their removal for arboricultural reasons has not been justified.
2. The proposal cannot be supported against Policy 1 of both the adopted and proposed Inverclyde Local Development Plans as the indicated position of the proposed house in close proximity to the boundary with Woodlands is at variance with the pattern of development in the surrounding area where houses are generally positioned in a central position within their respective plots, and in turn does not accord with the quality of being 'Distinctive' by reflecting the existing urban form.

Signed:



Sean Mc Daid
Case Officer



Stuart W Jamieson
Interim Director
Environment and Regeneration

**5. INVERCLYDE LOCAL DEVELOPMENT 2019
POLICY EXTRACTS**

3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

POLICY 1 – CREATING SUCCESSFUL PLACES

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.



Wemyss Bay Railway Station

4.6 Wind turbines are a means of generating electricity from a renewable resource. The Council's Supplementary Guidance on Energy will set out a spatial framework and other criteria to guide and assess proposals for wind turbines and wind farms, as well as guidance for other renewable energy technologies.

POLICY 4 – SUPPLYING ENERGY

Proposals for infrastructure for the generation, storage or distribution of heat and electricity will be supported in principle where they contribute to a reduction in greenhouse gas production. Proposals will be assessed with regard to impact on:

- a) the green network (including landscape), and historic buildings and places;
- b) the amenity and operations of existing and adjacent uses;
- c) tourism and recreational resources;
- d) air quality;
- e) aviation and defence interests;
- f) telecommunication and broadcasting interests; and
- g) traffic and pedestrian safety

Relevant proposals are required to accord with the Council's Supplementary Guidance on Energy.



Heat Networks

4.7 Heat networks offer the opportunity for a more efficient and sustainable means of generating and delivering heat by removing the generation of heat from within individual properties to a communal facility. Heat networks, which are also referred to as district heating, are part of the step-change required towards a more sustainable future and less reliance on gas, and other carbon fuels, as a heat source.

POLICY 5 – HEAT NETWORKS

Major Development applications will be required to include an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

Low and Zero Carbon Generating Technology

4.8 The Plan is obliged by the Climate Change (Scotland) Act 2009 to include a policy requiring all new buildings to avoid greenhouse gas emissions through the installation of low and zero carbon generating technologies.

POLICY 6 – LOW AND ZERO CARBON GENERATING TECHNOLOGY

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero-carbon generating technologies. This percentage will increase to at least 20% by the end of 2022. Other solutions will be considered where:

- (a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- (b) there is likely to be an adverse impact on the historic environment.

**This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.*

POLICY 8 – MANAGING FLOOD RISK

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- a) be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- b) increase the level of flood risk elsewhere; and
- c) reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.



Surface and Waste Water Drainage

4.16 Surface water is a significant cause of flooding in Inverclyde, and can also impact on water quality by carrying pollutants into local burns and rivers. To address these issues, many new developments now require to include Sustainable Drainage Systems (SuDS). These systems can also provide an opportunity for

enhancing local biodiversity by creating ponds and wetlands, which slow water flow and filter out pollutants. It is also important that waste water (effluent) from new development is appropriately drained and treated in order to protect public health, amenity and environmental resources. In the majority of cases new development will be required to connect to the public sewer.

4.17 The Council's 'Flood Risk Assessment and Drainage Impact Assessment – Planning Guidance for Developers', sets out when Drainage Impact Assessments will be required and the issues they require to cover.

POLICY 9 – SURFACE AND WASTE WATER DRAINAGE

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

5.0 CONNECTING PEOPLE AND PLACES

Introduction

5.1 Inverclyde has excellent transport connections; the A8 and A78 trunk roads run through the area and it has two train lines with fourteen stations, all of which connect Inverclyde with the rest of the Glasgow city-region and beyond. A number of bus companies also operate across Inverclyde, while four ferry services provide connections to various locations in Argyll and Bute. Inverclyde is also connected by a comprehensive core path network and National Cycle Network routes NCN75 and NCN753, which provide active travel connections to Renfrewshire, Glasgow and Ayrshire.

5.2 Transport is critical to the prosperity and sustainability of our communities. Economic activity and growth relies on a transport network that enables people and goods to move efficiently around Inverclyde, Scotland and to international markets. At the same time, the need to tackle climate change by cutting transport emissions requires an approach which reduces the need to travel by car and prioritises sustainable travel modes.

5.3 Planning can improve connectivity and promote sustainable travel by locating new development near active travel and public transport networks, thereby giving people the choice of walking, cycling or using public transport. It is also important to identify where additional transport infrastructure is needed to support new development and ensure that developers contribute toward its provision. Supporting new transport technologies, including the provision of charging points for electric vehicles, will also help reduce carbon emissions.

5.4 Good digital connectivity allows businesses to reach their markets, and people to keep in touch and work flexibly, wherever they are.

Promoting Sustainable and Active Travel

5.5 The Council aims to ensure that new housing, business and industry, retail, and other commercial and community development is easily accessible, in line with the sustainable travel hierarchy: walking, cycling, public transport and cars. It will seek to achieve this by requiring all such development, proportionate to their scale and proposed use, to make the site accessible by walking and cycling, both internally and, where practicable, through links to the external path and footway network. For larger developments, where sufficient passenger numbers might be

generated, the road network will be required to be accessible by public transport, although it is recognised that the provision of services will be a commercial decision for operators. The installation of electric vehicle charging points will be encouraged in new build development, and required in larger developments.

5.6 At the Main Issues Report stage, suggestions of improvements to transport infrastructure were received including the need for additional car parking in Kilmacolm village centre, the identification of gaps in the cycle/path network, and the need for an alternative route through Inverclyde for when there is reduced capacity on the A8 trunk road. Future developments of the transport network are to be investigated and included if required in the Local Transport Strategy and Active Travel Strategy. These strategies will identify improvements to the transport network in order to make it more efficient and promote sustainable travel. Included projects will be supported in principle, subject to consideration and mitigation of the impact of the schemes on the development opportunities and places protected by this Plan.

POLICY 10 – PROMOTING SUSTAINABLE AND ACTIVE TRAVEL

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Managing the Impact of Development on the Transport Network

5.7 Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. In order to identify any potential capacity issues on the strategic road network (i.e. A8 & A78), the Council consulted Transport Scotland on the development opportunities identified in the Plan. The Council subsequently completed a high level impact appraisal of several large scale development proposals along the A78 in consultation with Transport Scotland, which concluded there will not be a significant cumulative impact on the trunk road network as a result of the Plan's proposals. Mitigation measures may still be required, including for the rail network, as a result of individual developments coming forward and these can be determined through the Transport Assessment process.

5.8 To ensure that the road network continues to operate efficiently, the Council has standards in place for road development and parking, which new development is expected to comply with. This may require additional improvements to the transport network outwith the actual development site. Where this is the case, developers will be required to meet these costs.

POLICY 11 – MANAGING IMPACT OF DEVELOPMENT ON THE TRANSPORT NETWORK

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Air Quality

5.9 As at 2018, Inverclyde does not have any Air Quality Management Areas or an air pollution reduction strategy. It does have busy transport corridors that can occasionally be congested where air quality is monitored. Some developments can directly affect air quality or change travel patterns in such a way that air quality is affected. In these instances the Council will expect an Air Quality Assessment to be undertaken and mitigation measures to be implemented.

POLICY 12 – AIR QUALITY

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Communications Infrastructure

5.10 Inverclyde has good digital connectivity, with 4G mobile and superfast broadband coverage available across the majority of the area. This is of benefit to the economy and social networks and contributes towards it being an attractive place to live and invest.

POLICY 13 – COMMUNICATIONS INFRASTRUCTURE

The Council will support new digital communication infrastructure where it is sited to avoid adverse impact on: the streetscape; the amenity and operations of existing and adjacent uses; our natural and open spaces; and historic buildings and places.



Western Ferry, Gourock

POLICY 33 – BIODIVERSITY AND GEODIVERSITY

NATURA 2000 SITES

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

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

In such cases, the Scottish Ministers must be notified.

SITES OF SPECIAL SCIENTIFIC INTEREST

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if 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.

PROTECTED SPECIES

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

LOCAL NATURE CONSERVATION SITES

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

LOCAL LANDSCAPE AREAS

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment

NON-DESIGNATED SITES

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.



Trees, Woodland and Forestry

11.10 Trees, woodland and forestry make a significant contribution to Inverclyde's landscape and streetscape. There are approximately 2000 hectares of woodland within Inverclyde, of which approximately 500 hectares is native woodland. There are 141 hectares of ancient woodland, around 50% of which is native. There are also 33 Tree Preservation Orders in effect (January 2018), covering individual trees, groups of trees and areas of woodland within our towns and villages, and other trees which are integral to the character of areas designated for their natural and built heritage importance, for example in conservation areas.

11.11 The Scottish Government's policy on Control of Woodland Removal sets out a strong presumption against the loss of ancient semi-natural woodland and woodland integral to the value of natural and built heritage sites of national and international importance.

11.12 As well as contributing to the character of Inverclyde, trees and woodlands are an economic resource, providing employment and income to landowners. They also contribute to sustainable water management, climate change mitigation and adaptation, biodiversity, and make our parks and countryside more attractive places to visit.

11.13 It is often the case that development sites contain trees which will be impacted by the development process. To minimise and mitigate these impacts, the Council will produce Supplementary Guidance for development affecting trees. This will set out how development affecting existing trees will be assessed, how trees are to be protected during the construction phase of a development, re-planting requirements, and how existing and new trees are to be managed once a development is complete.

11.14 Inverclyde also has a number of commercial plantations. Occasionally, Inverclyde Council is consulted by Scottish Forestry on new woodland and forestry proposals and on redesign or felling of existing woodlands and afforested areas. Whilst this process sits outwith the planning system, new and amended forest and woodland proposals can have a significant effect, positive and negative, on the green network. The matters the Council will consider when consulted on proposals are set out in the UK Forestry Standard. In addition, regard will be given to any Supplementary Guidance produced in association with the Clydeplan Strategic Development Plan, while reference will also be made to other relevant policies set out in this Plan.

POLICY 34 – TREES, WOODLAND AND FORESTRY

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal;
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

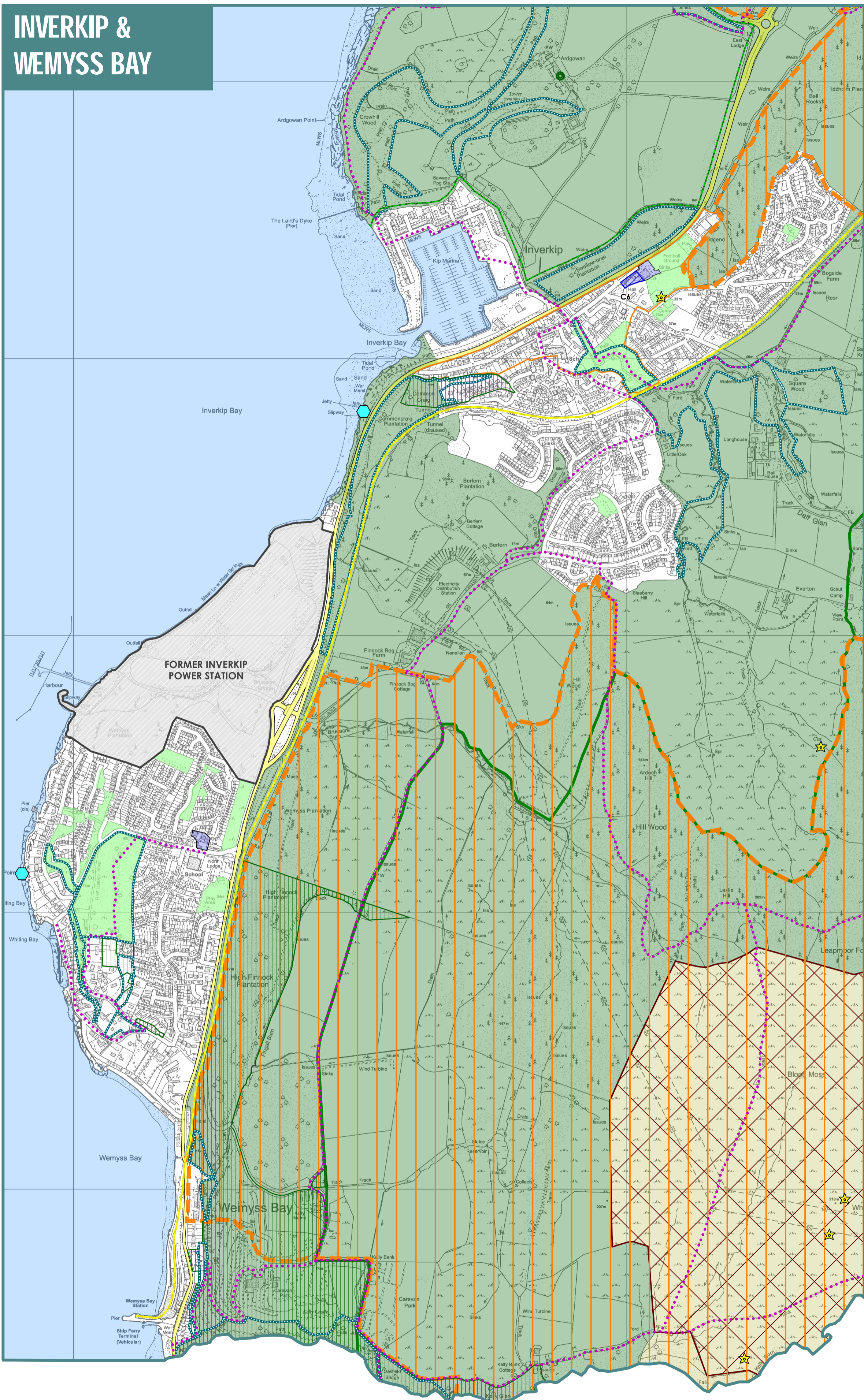
Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

Open Spaces and Outdoor Sports Facilities

11.15 Open spaces and playing fields contribute to the attractiveness, wellbeing and biodiversity of Inverclyde. Inverclyde has a network of large public parks including Battery Park in Greenock, Darroch Park in Gourrock, Coronation Park in Port Glasgow and Birkmyre Park in Kilmacolm. These large formal parks are complemented by a network of more local parks and open spaces, including Lyle Hill and Greenock cemetery, which make a significant contribution to the character and history of the area. Although not 'green', civic spaces like Cathcart Square and the Esplanade in Greenock are an important part of the open space network. While amenity open spaces in our business and residential areas, and play areas in the latter, are smaller in scale they serve an important purpose and make Inverclyde an attractive place to live and work. These spaces are often integral to the good design of a development and are protected by **Policy 35**.

6. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACTS

INVERKIP & WEMYSS BAY



KEY

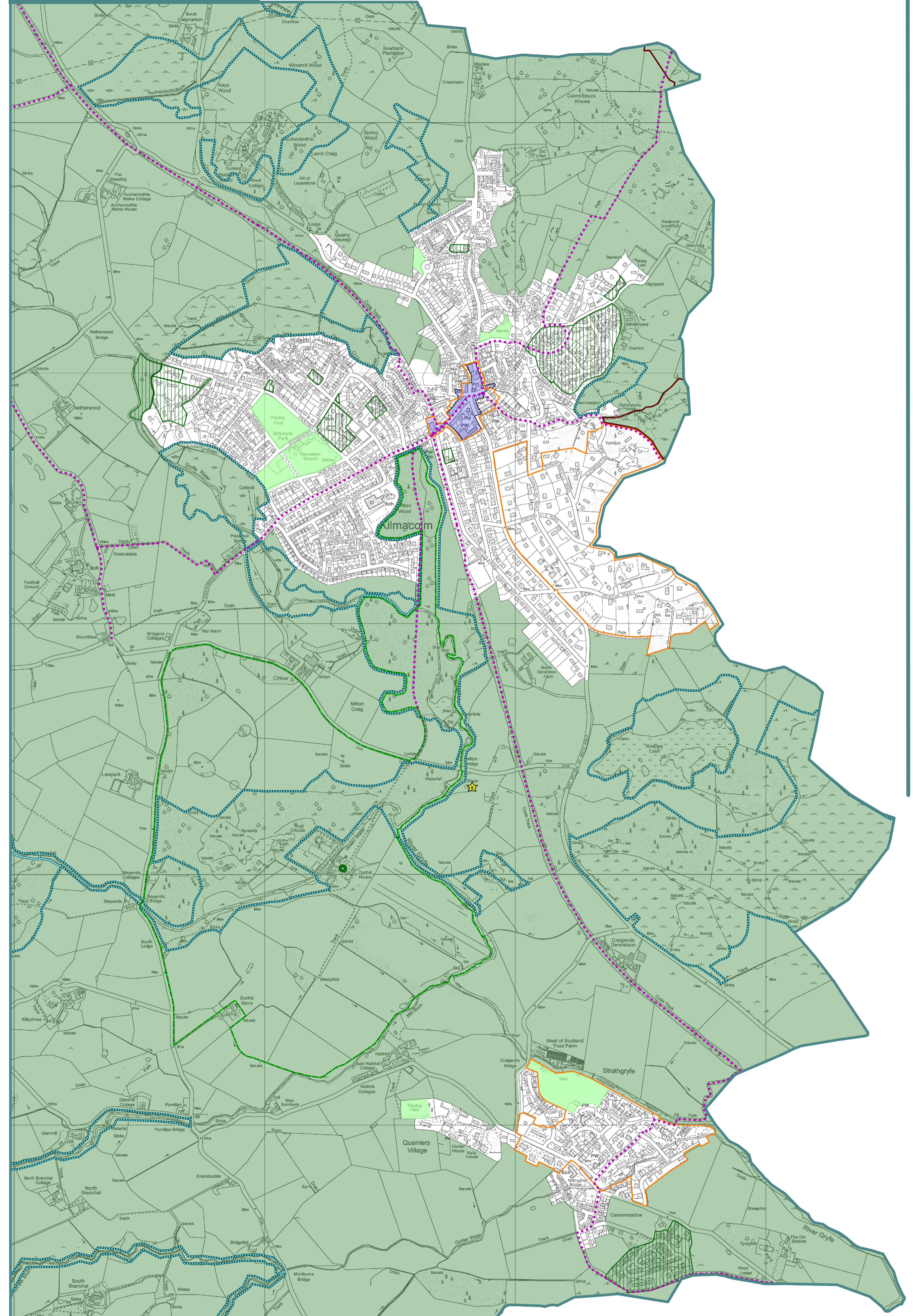
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|-----------------------------------------------|--|------------------|
| SUSTAINABLE DEVELOPMENT STRATEGY | | |
| Priority Place | | POLICY 3 |
| CONNECTING PEOPLE AND PLACES | | |
| Trunk Road | | POLICY 11 |
| Railway | | POLICY 11 |
| SPATIAL DEVELOPMENT STRATEGY | | |
| Green Belt | | POLICIES 14 & 19 |
| Countryside | | POLICIES 14 & 19 |
| OUR TOWN AND LOCAL CENTRES | | |
| Town Centre / Local Centre | | POLICY 22 |
| Network of Centres Opportunity | | POLICY 22 |
| OUR JOBS AND BUSINESSES | | |
| Business & Industrial Area | | POLICY 25 |
| Business & Industrial Development Opportunity | | POLICY 26 |
| OUR HISTORIC BUILDINGS AND PLACES | | |
| Conservation Area | | POLICY 28 |
| Scheduled Monument | | POLICY 31 |
| Gardens & Designed Landscapes | | POLICY 32 |
| OUR NATURAL AND OPEN SPACES | | |
| Special Protection Area / Ramsar Site | | POLICY 33 |
| Site of Special Scientific Interest | | POLICY 33 |
| Local Nature Conservation Site | | POLICY 33 |
| Local Nature Conservation Site (Geological) | | POLICY 33 |
| West Renfrew Hills Local Landscape Area | | POLICY 33 |
| Tree Preservation Order | | POLICY 34 |
| Open Space | | POLICY 35 |
| Clyde Muirshiel Regional Park | | POLICY 37 |
| Core Path | | POLICY 38 |
| River Clyde / Firth of Clyde | | |

Inverclyde council SCALE 1:10,000

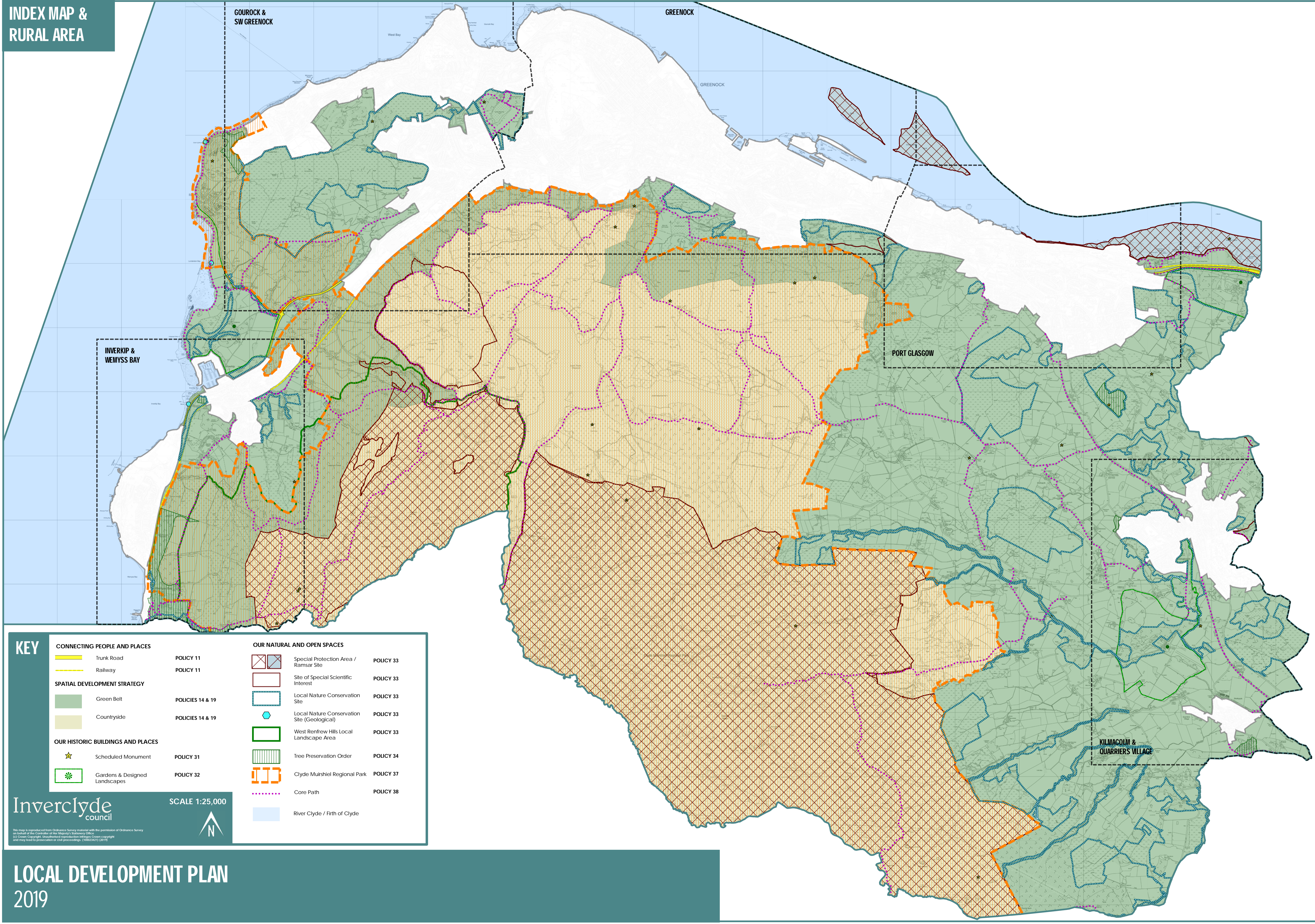
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KILMACOLM & QUARRIERS VILLAGE



INDEX MAP & RURAL AREA



KEY

CONNECTING PEOPLE AND PLACES		OUR NATURAL AND OPEN SPACES	
	Trunk Road		Special Protection Area / Ramsar Site
	Railway		Site of Special Scientific Interest
SPATIAL DEVELOPMENT STRATEGY			Local Nature Conservation Site
	Green Belt		Local Nature Conservation Site (Geological)
	Countryside		West Renfrew Hills Local Landscape Area
OUR HISTORIC BUILDINGS AND PLACES			Tree Preservation Order
	Scheduled Monument		Clyde Muirshiel Regional Park
	Gardens & Designed Landscapes		Core Path
POLICY 11			River Clyde / Firth of Clyde
POLICY 11		POLICY 33	
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		POLICY 38	

Inverclyde council SCALE 1:25,000

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LOCAL DEVELOPMENT PLAN 2019

**7. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019
SUPPLEMENTARY GUIDANCE ON PLANNING
APPLICATION ADVICE NOTES POLICY EXTRACTS**

Planning Application Advice Note No. 2

SINGLE PLOT RESIDENTIAL DEVELOPMENT

There is a constant demand to erect single houses, often within the grounds of large private gardens and occasionally on small derelict or undeveloped areas of ground. These developments are often beneficial, providing additional housing in sustainable locations and removing derelict and untidy sites from the streetscene.

This Advice Note provides guidance on the issues that are considered in determining planning applications for this type of development.

Infill plots will be considered with reference to the following:

- The plot size should reflect those in the locality.
- The proportion of the built ground to garden ground should reflect that in the locality.
- The distance of the building to garden boundaries should reflect that in the locality.
- The established street front building line should be followed.
- The proposed building height, roof design, use of materials and colours should reflect those in the locality.

- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable.

- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.

- The level of on site car parking should accord with the National Roads Development Guide, should be comparable with the established pattern in the street and be capable of being implemented without detriment to road safety.

Applications in Conservation Areas

The Greenock West End and Kilmacolm Conservation Areas are characterised by substantial villas set in large gardens. Understandably, there has been pressure for infill residential development in these areas. Historic Environment Scotland's Policy for Scotland explains the Government's position. The Scottish Government requires the historic environment to be cared for, protected and enhanced. Development which does not respect the scale, design and detailing of existing buildings will not generally be supported.

Applications in the grounds of listed buildings

New development within the grounds of listed buildings must have regard to the following:

- The listed building should be maintained as the visually prominent building.
- The principal elevations of the listed building should remain visible from all key viewpoints. New building should not breach any close formal relationship between the listed building and traditional outbuildings.
- Formal gardens should not be affected.
- Developments in front gardens which damage buildings to street relationships will not be supported.
- If a listed building is proposed to be upgraded as part of any development, work requires to be implemented to the listed building as the first stage or as part of an agreed phasing scheme.

Trees

Some infill sites require tree felling to enable development. The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010 deem that in all but exceptional circumstances, the consent of the Council is required to fell or lop any tree covered by a TPO (Tree Preservation Order) or within a Conservation Area. The promotion of TPOs is an ongoing process and, in assessing applications for development, the

Council has a duty to consider the visual impact which would result if tree felling is required.

Window intervisibility

The table to the right details acceptable levels of window to window intervisibility. The distances are taken from the shortest point between the windows.

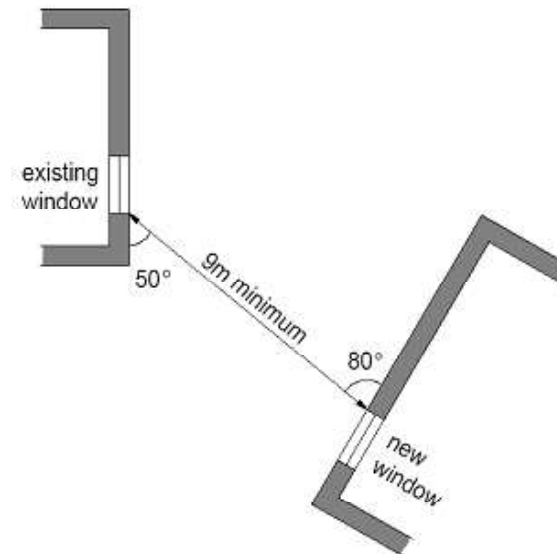


Brisbane Street, Greenock

Minimum Window to Window Distances (metres)

Angle at window of house/extension etc. to be erected not more than:

Angle at window of any other house not more than:	Angle at window of house/extension etc. to be erected not more than:									
	90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°	18	18	18	18	13	9	6	4	3	2
80°	18	18	18	13	9	6	4	3	2	-
70°	18	18	13	9	6	4	3	2	-	-
60°	18	13	9	6	4	3	2	-	-	-
50°	13	9	6	4	3	2	-	-	-	-
40°	9	6	4	3	2	-	-	-	-	-
30°	6	4	3	2	-	-	-	-	-	-
20°	4	3	2	-	-	-	-	-	-	-
10°	3	2	-	-	-	-	-	-	-	-
0°	2	-	-	-	-	-	-	-	-	-



Planning Application Advice Note No. 3

PRIVATE and PUBLIC OPEN SPACE PROVISION in NEW RESIDENTIAL DEVELOPMENT

Open space provides two important functions; it contributes to “Placemaking”, providing space around and setting for buildings helping to establish the impression of an area, and it can be used to provide areas for outdoor leisure.

This Advice Note provides guidance on the required levels of public open space and private garden ground that should be included in new residential developments.

Types of development

No two sites are the same and residential development can range from the single house to sites in excess of 100 units. The standards required vary depending upon the scale of the development. The following definitions apply:

SMALL SCALE INFILL, INCLUDING SINGLE PLOTS

- 10 houses or fewer in a vacant / redevelopment site within a built up area.

LARGE SCALE INFILL

- more than 10 houses in a vacant / redevelopment site within a built up area.

GREENFIELD / EDGE OF TOWN

- the development of a site on the edge of or outside a town or village.

FLATTED INFILL

- the development of flats, irrespective of number of units, on a vacant / redevelopment site within a built up area.

FLATTED DEVELOPMENT WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF TOWN SITE

- the development of flats, irrespective of number of units, as part of a larger infill development within a town or village, or on a greenfield / edge of town or village site.

Private Garden Ground

SMALL SCALE INFILL DEVELOPMENTS, INCLUDING SINGLE PLOTS

- new development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances below should be achieved.

FLATTED INFILL DEVELOPMENTS

- flats should reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off-street parking required.

LARGE SCALE (INFILL) OR GREENFIELD / EDGE OF SETTLEMENT SITE

- the following minimum sizes shall apply:
 - Rear / private garden depth - 9 metres, although where the rear garden does not back onto residential property or where dwellings in

neighbouring properties are significantly distant, this may be reduced if an area of screened side garden of size equivalent to a rear garden with a 9 metre depth can be provided.

- Front / public garden depth - 6 metres to the main wall.
- Distance from house to side boundary - 2 metres.
- Distance from house to side boundary when the house has an attached garage - 3 metres.

FLATTED WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF SETTLEMENT SITE

- 10 square metres per bedspace based upon an occupancy rate of two persons per double bedroom and one person per single bedroom.

Public Open Space

In developments other than small scale infill and flatted infill sites, public open space is required to be provided to achieve both an appropriate landscape setting for the development and play space.

In such circumstances the following criteria will apply:

- Public open space should be provided at the indicative ratio of 1.64 ha per 1000 population. Population estimates are based upon occupancy rates of two persons per double bedroom and one person per single bedroom.
- It will be the responsibility of the developer to equip the play areas. Children’s play areas and kickabout areas should comprise 0.32 ha per 1000 population.

Location of Play Areas

- Play areas should be located to ensure that they are overlooked, but at the same time must be positioned at least 10 metres distant from the boundary of the nearest residence.
- Where developments are located in close proximity to established parks or play areas, the Council may, in appropriate cases, consider as an alternative to on-site provision of play equipment the supplementing, at the expense of the developer, of existing play equipment in the nearby park or play area. This, however, will not absolve the developer of the requirement to provide amenity landscaped areas to enhance the setting of the development. Toddler play provision may not be required when the developer provides flat rear/private garden depths in excess of 9 metres.

Any new open space and play provision requirements, or changes to existing requirements, identified in a future Inverclyde Greenspace Strategy will supersede those identified above.



8. SCOTTISH PLANNING POLICY



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

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 development¹ 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.

¹ 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)², 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](#)³, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)⁴, 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](#)⁵, 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.

2 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

3 www.scotland.gov.uk/Publications/2013/06/9811/0

4 www.scotland.gov.uk/Publications/2010/03/22120652/0

5 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/planning⁶. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)⁷.

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.

⁶ www.scotland.gov.uk/Topics/built-environment/planning

⁷ 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](#)⁸ as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)⁹
- [Circular 3/2013: Development Management Procedures](#)¹⁰
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)¹¹
- [Planning Advice Note 3/2010: Community Engagement](#)¹²
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)¹³

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](#)¹⁴ 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

9 www.scotland.gov.uk/Publications/2013/12/9924/0

10 www.scotland.gov.uk/Publications/2013/12/9882/0

11 www.standardscommissionscotland.org.uk/webfm_send/279

12 www.scotland.gov.uk/Publications/2010/08/30094454/0

13 www.scotland.gov.uk/Publications/2009/03/10154116/0

14 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](#)¹⁵, 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](#)¹⁶.

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.

¹⁵ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012

¹⁶ 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.

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.													
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes													
SG National Plans, Policies & Strategies	Government Economic Strategy													
	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			
Planning Vision	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.													
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.				
National Planning	Scottish Planning Policy (SPP)													
	Principal Policies													
	Sustainability													
	Subject Policies													
	Town Centres	Heat and Electricity	Natural Environment	Green Infrastructure	Travel	Aquacultural	Minerals	Flooding & Drainage	Digital Connectivity	Zero Waste	Cities and Towns	Rural Areas	Coast and Islands	National Developments
Rural Development														
Homes														
	Business & Employment	National Planning Framework (NPF)												
	Historic Environment	COMMUNITY PLANNING												
Strategic	Strategic Development Plans													
Local	Local Development Plans													
Site	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](#)¹⁷
- [Government Economic Strategy](#)¹⁸
- [Planning Reform: Next Steps](#)¹⁹
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁰
- [UK’s Shared Framework for Sustainable Development](#)²¹

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.

¹⁷ www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

¹⁸ www.scotland.gov.uk/Publications/2011/09/13091128/0

¹⁹ www.scotland.gov.uk/Publications/2012/03/3467

²⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

²¹ <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-date²² 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.

²² 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

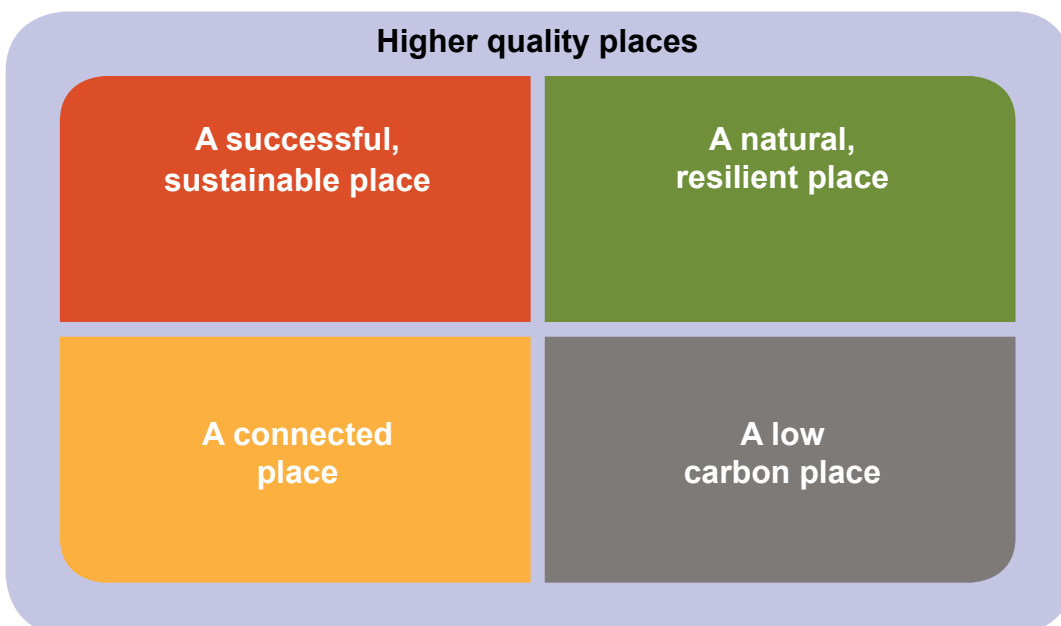
36. Planning’s purpose is to create better **places**. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The 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](#)²³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁴
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)²⁵
- [Designing Streets](#)²⁶
- [Planning Advice Note 77: Designing Safer Places](#)²⁷
- [Green Infrastructure: Design and Placemaking](#)²⁸

23 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

24 www.scotland.gov.uk/Publications/2011/03/17091927/0

25 www.scotland.gov.uk/Publications/2013/06/9811/0

26 www.scotland.gov.uk/Publications/2010/03/22120652/0

27 www.scotland.gov.uk/Publications/2006/03/08094923/0

28 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](#)²⁹ 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 roads³⁰. 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;

²⁹ www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

³⁰ 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 policy³³ 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](#)³⁴
- [Town Centre Action Plan – the Scottish Government response](#)³⁵
- [Planning Advice Note 59: Improving Town Centres](#)³⁶
- [Planning Advice Note 52: Planning and Small Towns](#)³⁷

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

35 www.scotland.gov.uk/Publications/2013/11/6415

36 www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59

37 www.scotland.gov.uk/Publications/1997/04/pan52

- [Town Centres Masterplanning Toolkit](#)³⁸

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.

³⁸ <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 2,500m² 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 2,500m² 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 footfall³⁹ where:

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

³⁹ 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](#)⁴⁰
- 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

⁴⁰ 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 housing⁴¹ 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

⁴¹ 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](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

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

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](#)⁴⁵, [Enterprise Areas](#)⁴⁶, 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 2009⁴⁷ 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

44 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

46 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](#)⁴⁸ 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](#)⁴⁹

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

49 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 Guidance⁵⁰. 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 target⁵¹, 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.

⁵⁰ www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda

⁵¹ 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.

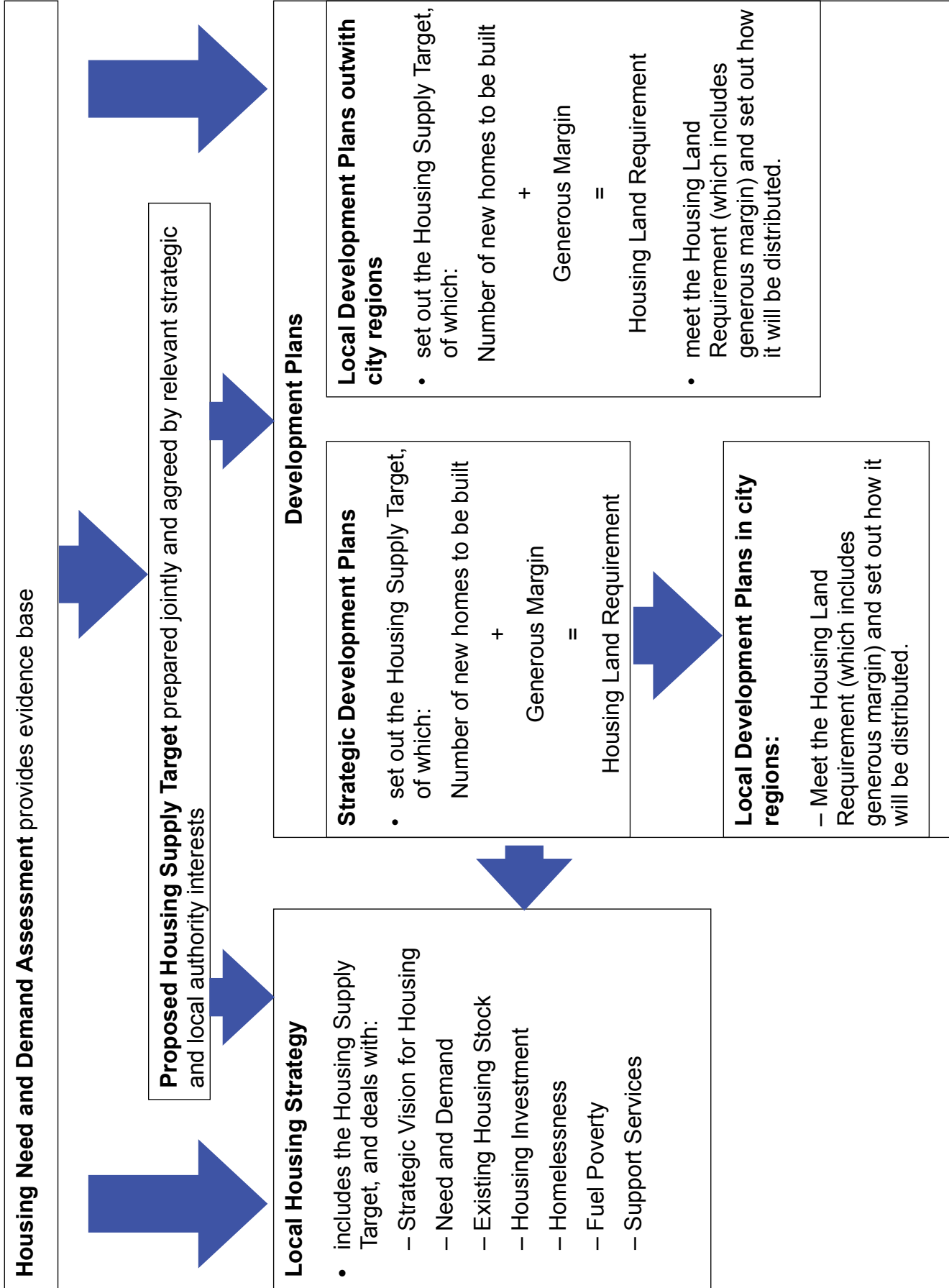
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum 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 constraints⁵² 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.

⁵² 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

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 Occupation⁵³. 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.

⁵³ 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](#)⁵⁴
- [Historic Environment Strategy for Scotland](#)⁵⁵
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)⁵⁶
- [Planning Advice Note 2/2011: Planning and Archaeology](#)⁵⁷
- [Planning Advice Note 71: Conservation Area Management](#)⁵⁸
- [Scottish Historic Environment Databases](#)⁵⁹

⁵⁴ www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

⁵⁵ www.scotland.gov.uk/Publications/2014/03/8522

⁵⁶ www.historic-scotland.gov.uk/managingchange

⁵⁷ www.scotland.gov.uk/Publications/2011/08/04132003/0

⁵⁸ www.scotland.gov.uk/Publications/2004/12/20450/49052

⁵⁹ <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 Orders⁶⁰ can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

⁶⁰ 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](#)⁶¹. 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](#)⁶². 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 targets⁶³, 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

62 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](#)⁶⁴
- [2020 Routemap for Renewable Energy in Scotland](#)⁶⁵
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)⁶⁶
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)⁶⁷

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

65 www.scotland.gov.uk/Publications/2011/08/04110353/0

66 www.scotland.gov.uk/Publications/2014/03/2778

67 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 scale⁶⁸ 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.

⁶⁸ 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>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</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>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • 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.
<p>Group 3: Areas with potential for wind farm development:</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](#)⁶⁹.

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

Key Documents

- [EU revised Waste Framework Directive](#)⁷⁰ (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)⁷¹: 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](#)⁷² 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](#)⁷³;
- SEPA waste data sources: including [Waste Data Digests](#)⁷⁴ and [Waste Infrastructure Maps](#)⁷⁵;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)⁷⁶;
- [Waste capacity tables](#)⁷⁷ (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

72 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy

73 www.scotland.gov.uk/Publications/2013/12/9924/0

74 www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx

75 www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

76 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

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](#)⁷⁸
- [The 2020 Challenge for Scotland’s Biodiversity](#)⁷⁹
- [European Landscape Convention](#)⁸⁰
- [Nature Conservation \(Scotland\) Act 2004](#)⁸¹
- [The Conservation \(Natural Habitats etc\) Regulations](#)⁸²
- [The Wildlife and Countryside Act 1981](#)⁸³

78 www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy

79 www.scotland.gov.uk/Publications/2013/06/5538

80 www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

81 www.legislation.gov.uk/asp/2004/6/contents

82 www.legislation.gov.uk/uksi/1994/2716/contents/made

83 www.legislation.gov.uk/ukpga/1981/69

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

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

85 ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

86 www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

87 www.legislation.gov.uk/asp/2000/10/contents

88 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](#)⁸⁹ 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](#)⁹⁰.

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 (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

89 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](#)⁹¹ 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](#)⁹² 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

92 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](#)⁹³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁹⁴
- [Planning Advice Note 65: Planning and Open Space](#)⁹⁵
- [Reaching Higher – Scotland’s National Strategy for Sport](#)⁹⁶
- [The Play Strategy for Scotland and Action Plan](#)⁹⁷
- [Let’s Get Scotland Walking: The National Walking Strategy](#)⁹⁸

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

94 www.scotland.gov.uk/Publications/2011/03/17091927/0

95 www.scotland.gov.uk/Publications/2008/05/30100623/0

96 www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21

97 www.scotland.gov.uk/Publications/2013/10/9424

98 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](#)⁹⁹
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)¹⁰⁰
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)¹⁰¹
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)¹⁰²
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)¹⁰³
- [Circular 34/1996: Environment Act 1995 Section 96](#)¹⁰⁴

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

100 www.legislation.gov.uk/ssi/2010/60/contents/made

101 www.scotland.gov.uk/Publications/1996/10/17729/23424

102 www.scotland.gov.uk/Publications/2003/01/16122/16256

103 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

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](#)¹⁰⁵
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)¹⁰⁶ (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)¹⁰⁷ (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.

¹⁰⁵ www.legislation.gov.uk/asp/2009/6/contents

¹⁰⁶ www.scotland.gov.uk/Publications/2011/06/15150211/0

¹⁰⁷ <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](#)¹⁰⁸
- [Climate Change \(Scotland\) Act 2009](#)¹⁰⁹
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)¹¹⁰
- [Infrastructure Investment Plan](#)¹¹¹
- [Strategic Transport Projects Review](#)¹¹²
- [Transport Assessment Guidance](#)¹¹³
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)¹¹⁴
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)¹¹⁵

108 www.scotland.gov.uk/Publications/2006/12/04104414/0

109 www.legislation.gov.uk/asp/2009/12/contents

110 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

111 www.scotland.gov.uk/Publications/2011/12/05141922/0

112 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

114 www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag

115 www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf

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

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.

116 www.dft.gov.uk/ha/standards/dmr/index.htm

117 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

120 www.scotland.gov.uk/Publications/2014/06/5743

121 www.scotland.gov.uk/Publications/2014/02/8239/0

122 www.transportscotland.gov.uk/report/j272736-00.htm

123 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](#)¹²⁴

¹²⁴ 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](#)¹²⁵ and associated [Infrastructure Action Plan](#)¹²⁶
- [Scotland’s Cities: Delivering for Scotland](#)¹²⁷
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)¹²⁸

¹²⁵ www.scotland.gov.uk/Resource/Doc/981/0114237.pdf

¹²⁶ www.scotland.gov.uk/Publications/2012/01/1487

¹²⁷ www.scotland.gov.uk/Publications/2012/01/05104741/0

¹²⁸ www.scotland.gov.uk/Resource/0041/00411586.pdf

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

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 radiation¹³¹; 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.

¹²⁹ www.scotland.gov.uk/Publications/2001/09/pan62/pan62-

¹³⁰ www.scotland.gov.uk/Publications/2003/01/16204/17030

¹³¹ 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](#)¹³²; 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.

132 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) 1000m² and above – up to 1 space per 14m²;
- retail (non-food) (Use Class 1) 1000m² and above – up to 1 space per 20m²;
- business (Use Class 4) 2500m² and above – up to 1 space per 30m²;
- cinemas (Use Class 11a) 1000m² and above – up to 1 space per 5 seats;
- conference facilities 1000m² 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) 1000m² and above – up to 1 space per 22m²; and
- higher and further education (non-residential elements) 2500m² 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 ² ; 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 sportscotland 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

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The Scottish Government
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w w w . s c o t l a n d . g o v . u k

9. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 21/0210/IC

Application Summary

Application Number: 21/0210/IC

Address: Woodlands West Glen Road Kilmacolm PA13 4PW

Proposal: Proposed plot for new detached dwellinghouse (in principle)

Case Officer: James McColl

Customer Details

Name: Mrs Margaret-Jane McColl

Address: 11 Lodge Park Kilmacolm

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Stance - there is no box to tick for other.

There does not appear to be any details of the plan in principle?

Comments for Planning Application 21/0210/IC

Application Summary

Application Number: 21/0210/IC

Address: Woodlands West Glen Road Kilmacolm PA13 4PW

Proposal: Proposed plot for new detached dwellinghouse (in principle)

Case Officer: James McColl

Customer Details

Name: Mr Fraser Geddes

Address: 7 Overton Grove Kilmacolm

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: When planning permission was granted for the existing houses along The Avenue, it is believed that it was a condition of that consent that the application site remained undeveloped. If so, the purpose of that condition, and indeed the purpose of the existing TPO relating to the site, remains valid today. It protects the natural environment; the exclusive nature of the existing houses; and the privacy of neighbouring houses and gardens. The proposed house will adversely affect the character of the area, removing some of the woodland which screens the existing housing. It is highly likely that any new owner of a house built there will want to remove further trees to allow more natural light into what will otherwise be a dark plot. That will exacerbate the issue and lead to a further erosion of privacy for neighbouring properties, particularly in winter when the trees and hedges (which are largely deciduous) lose their leaves.

Laura Graham

From: David Ashman on behalf of dmplanning
Sent: 10 August 2021 13:04
To: Laura Graham
Subject: FW: (No Classification) Planning Application 21/0210/IC - KCT COMMENT

Classification: No Classification

From: Nicol Cameron [REDACTED]
Sent: 09 August 2021 20:48
To: Stuart Jamieson <Stuart.Jamieson@inverclyde.gov.uk>; dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Planning Application 21/0210/IC - KCT COMMENT

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:

APPLICATION 21/0210/IC (Woodlands, The Avenue, off West Glen Road, Kilmacolm)

The 15 members of the Kilmacolm Civic Trust Executive Committee have considered this application very carefully.

COMMENT

- We have **NO OBJECTION in principle.**

However

- **We have reservations about the positioning of the house and style. We shall address these fully when the detailed Planning Application emerges.**
- **From the drawings available in this PPIp Application**
 - We think the proposed house is too close to the boundary with the parent house (No 1 The Avenue).
 - More of the old trees should be taken out and the footprint of the proposed house moved towards West Glen Road.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron - Chairman Kilmacolm Civic Trust)

**10. DECISION NOTICE DATED 3 MAY 2022 ISSUED BY
HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Planning Permission in Principle- Refusal

Issued under Delegated Powers

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

Planning Ref: 21/0210/IC

Online Ref: 100445180-001

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

**Mr Joseph White
Woodlands
1 The Avenue
West Glen Road
KILMACOLM
PA13 4PW**

**Nicholson McShane Architects
Suite 1-01
Custom House
Custom House Place
GREENOCK
PA15 1EQ**

With reference to your application dated 12.07.2021 for planning permission under the abovementioned Act and Regulations for the following development:-

Proposed plot for new detached dwellinghouse (in principle) at

Woodlands, West Glen Road, Kilmacolm, PA13 4PW

Category of Application

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission in principle for the said development in accordance with the plan(s) docketted as relative hereto and the particulars given in the application subject however to the following reason(s):-

1. The proposal cannot be supported against Policy 34 of the adopted Inverclyde Local Development Plan and Policy 35 of the proposed Inverclyde Local Development Plan as: the removal of the trees to accommodate the development will erode the integrity of the Tree Preservation Order; the removal of the trees will have an adverse visual impact on the setting of this part of Kilmacolm and on this approach into the settlement; the condition of the trees, except tree tag 309, is such that that their removal for arboricultural reasons has not been justified.
2. The proposal cannot be supported against Policy 1 of both the adopted and proposed Inverclyde Local Development Plans as the indicated position of the proposed house in close proximity to the boundary with Woodlands is at variance with the pattern of development in the surrounding area where houses are generally positioned in a central position within their respective plots, and in turn does not accord with the quality of being 'Distinctive' by reflecting the existing urban form.

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

Dated this 3rd day of May 2022



**Mr Stuart W. Jamieson
Interim Director
Environment and Regeneration**

- 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 Democratic Services, 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:
20062-LP		
20062_D.001	Rev A	31.01.2022

**11. NOTICE OF REVIEW FORM DATED 2 AUGUST 2022
WITH SUPPORTING STATEMENT FROM
NICHOLSON MCSHANE ARCHITECTS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100445180-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Custom House
Last Name: *	Nicholson	Building Number:	1-01
Telephone Number: *	01475 325025	Address 1 (Street): *	Custom House Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA15 1EQ
Email Address: *	consents@nicholsonmcshane.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Woodlands"/>
First Name: *	<input type="text" value="Joseph"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="White"/>	Address 1 (Street): *	<input type="text" value="The Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="West Glen Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kilmacolm"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA13 4PW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WOODLANDS"/>
Address 2:	<input type="text" value="WEST GLEN ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILMACOLM"/>
Post Code:	<input type="text" value="PA13 4PW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670332"/>	Easting	<input type="text" value="236364"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed plot for new detached dwellinghouse (in principle)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to attached document "Statement of Appeal".

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Location Plan Drawing 20062_C001 Drawing 20062_D001 revision A Planning Application Design Statement Tree Survey Report
View from north east for information View from north for information View from south for information View from west for
information Tree Habitat Survey Statement of Appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/0210/IC

What date was the application submitted to the planning authority? *

12/07/2021

What date was the decision issued by the planning authority? *

03/05/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

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

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 02/08/2022



Statement of Appeal (To be read in conjunction with “Planning Application Design Statement”)

Refusal of Planning Application 21/0210/IC

Proposed plot for new detached dwelling house (Planning Permission in Principle) at Woodlands, West Glen Road, Kilmacolm



Description of Proposal

The applicant wishes to obtain Planning Permission in Principle for the beneficial use of the vacant ground adjacent to his house. His vision involves the construction of a high quality dwelling sympathetic to its woodland setting, retaining and improving the quality of tree cover to enhance public perception of the site from the adjacent West Glen Road.

Full reports from professional specialists on the existing trees on the site and on the presence of protected species were commissioned and provided as part of the application for Planning Permission, demonstrating our client’s recognition and appreciation of the importance of enhancing the natural qualities of the site post development.

Public Participation

The applicant notes that only 2 public objections to the proposal were received by the local authority, a low number for a proposal within the Kilmacolm site boundary and possibly indicative of the non-contentious nature of the proposal as far as members of the public are concerned. It is notable that Kilmacolm Civic Trust made representation but did not object in principle to the development.

Other Consultations

We note that neither the Head of Service of Inverclyde Council Roads and Transportation, nor the council's Ecology Advisor had overriding objections to the proposal and that the aspects of the development regulated by these professionals do not form part of the reasons for refusal.

Reasons for Refusal

The Planning Decision Notice lists two reasons for the refusal of the application. The first of these concerns the treatment of trees in this TPO zone and the second the positioning of the house on the plot.

We note that the application has been assessed against two versions of the Local Development Plan simultaneously (the adopted 2019 LDP and the proposed 2021 LDP). This effectively doubles the list of policies that the proposal, in the opinion of the Planning officer, does not comply with. The analysis of the reasons for refusal will point out where Policies from the respective LDPs differ.

Analysis of Reasons for Refusal

Reason 1 - non compliance with Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan.

- This reason for refusal contends that our proposal fails to comply with the policies concerning trees, woodland and forestry.

Policy 34 of the adopted Local Development Plan and Policy 35 of the Proposed Local Development Plan differ fundamentally although at first glance they look identical. This is due to the inclusion of the word "or" at the end of section a) of Policy 35 of the proposed plan.

As we have clearly demonstrated that the development cannot be achieved without the removal of some trees we are not, as part of the new policy, required to address the public benefit aspects of the loss of trees.

We presume that this fundamental update to the policy is deliberate and expresses the current views of the department and the authority.

In addition, in compliance with section c) of this policy, we have proposed that supplementary planting will be provided which will enhance, not detract from the public experience of the site principally by reinforcing the planted edge and “filling in” the visible gaps in tree cover. Presumably assessment of our detailed proposals for this aspect of the development could be handled by Planning as part of the application for reserved matters.

Neither policy (34 / 35) asked that the removal of trees requires to be justified “for arboricultural reasons” as is stated in the reason for refusal. We note that the supplementary guidance referred to in each of the policies is not yet available.

Thus we contend that our proposal is in full compliance with the up-to-date Policy 35 of the proposed Local Development Plan.

Reason 2 - non compliance with Policy 1 of the Policy 1 of the adopted Local Development Plan and Policy 1 of the proposed Local Development Plan.

- This reason for refusal is based on the positioning of the proposed house on the site in comparison to that of adjoining properties. In addition, the processing officer considers that our proposal fails to comply with the policy as it is not “distinctive”.

Our application is for Planning Permission in Principle. The proposal provided with the application is thus for illustrative and indicative purposes only. Detailed analysis of the positioning of the house on the plot is premature and could be addressed by Planning as part of the application for reserved matters.

The processing officer proposes that the supposed lack of consistency with houses on neighbouring plots also demonstrates that the proposal is not “distinctive”. From the point of view of the public observer, our indicative proposal demonstrates that the proposed dwelling can be positioned to be largely hidden by trees and its relationship to the adjoining “Woodlands” will be invisible. Thus there will no loss of “distinctiveness” in the immediate or wider locale.

Summary

This proposal is for a modestly scaled, sympathetic single dwelling house in a woodland setting within the Kilmacolm settlement boundary. We believe that this will be a positive addition to the village and that the improvements to management of the wooded site will lead to greater visual amenity for the public.

We believe that the refusal of application 21/0210/IC should be overturned by the Local Review Body to allow this small scale development to proceed.



NMA July 2022.

**12. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

21/0210/IC - Review - Suggested conditions

Should planning permission in principle be granted on review the following conditions are suggested.

1. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of the proposed dwellinghouse, the detached garage, means of access, parking areas and vehicular turning areas.

Thereafter the matters that are approved shall be implemented in their approved form.

2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of the proposed dwellinghouse and detached garage and shall show dimensions as well as the type and colour of all external materials.

Thereafter the matters that are approved shall be implemented in their approved form.

3. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials to be used on hardstanding areas.

Thereafter the matters that are approved shall be implemented in their approved form.

4. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels of the proposed dwellinghouse and detached garage in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point.

Thereafter the matters that are approved shall be implemented in their approved form.

5. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Urban Drainage Systems proposals. For the avoidance of doubt the surface water management shall be contained within the site.

Thereafter the matters that are approved shall be implemented in their approved form.

6. For the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following:

- i) Parking should be provided in accordance with the National Guidelines:

1 parking space for a 1 bedroom house;
2 parking spaces for a 2 or 3 bedroom house;
3 parking spaces for a 4 bedroom house.

Note - for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.

- ii) The minimum dimensions of the parking spaces shall be shall be 3m wide by 5.5m long.

- iii) The driveway shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
 - iv) Visibility splays 2.0m x 20.0m x 1.05m.
7. Development shall not commence until the trees that have been surveyed on site. This survey shall be displayed on a site layout plan and include an identification of existing tree species, an estimation of their height and spread of branches and their location within the site accurately plotted (any trees around the perimeter which overhangs into the site shall also be included). Those trees which are proposed to be felled or removed shall be separately identified. The survey shall be submitted to and approved in writing by the Planning Authority.
 8. Development shall not commence until details of replacement trees have been submitted to and approved in writing by the Planning Authority. The details to be submitted shall include the species and location of the replacement trees. The approved re-planting shall thereafter take place during the first planting season following removal of the Sycamore trees. Should the re-planting fail or not become established within 5 years of planting replacements shall be planted within the first planting season thereafter and shall be confirmed in writing with the Planning Authority.
 9. Development shall not commence, including any tree removal, until the site has been re-surveyed for the presence of bats. The re-survey including any mitigation measures shall be submitted to and approved in writing by the Planning Authority.
 10. For the avoidance of doubt no site clearance works shall occur on site from March through August (inclusive) unless otherwise agreed in writing with the Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to September (inclusive), a nesting bird survey shall be carried out by an experienced ecologist (an ornithologist with nest finding experience) and shall be submitted to and approved in writing by the Planning Authority before the clearance works commence. Once written approval has been given, the works themselves shall be carried out within a specified and agreed timescale.
 11. Prior to the commencement of development, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by the Planning Authority.
 12. For the avoidance of doubt the dwellinghouse shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022). Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouse. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse.
 13. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of the dwellinghouse.

Reasons:

1. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

2. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
3. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
4. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
5. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
6. To ensure that the required level of parking is provided in the site is acceptable.
7. To ensure the Planning Authority has the necessary information regarding tree removal.
8. To ensure appropriate tree re-planting is carried out.
9. To ensure that the up-to-date position is known and to ensure the appropriate protection of bats.
10. To ensure the protection of breeding birds.
11. To ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a satisfactory drainage regime.
12. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
13. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.