

Issue:	028: Managing TAYplan's Assets	
Development plan reference:	Policy 9, Maps 9a and 9b and supporting text, Pages 52 to 56	Reporter: [DPEA Use only]
Body or person(s) submitting a representation raising the issue representation reference:		
Seeking a change Cairngorms National Park Authority (910266) Comrie Development Trust (910287) RSPB Scotland (328507) RSPB Scotland (910180) Scottish Government (910172) UNESCO UK MAB (909284) Wallace Planning for National Grid/Scotia Gas Network (763366)	Supporting as written Breedon Aggregates Scotland Limited (909803) Friends of the Earth Tayside (845935) Scottish Environment Protection Agency (835401) Scottish Natural Heritage (869435) Scottish Water (762198) Thomas Wallace (910151)	
Provision of the development plan to which the issue relates:		
This Policy sets out the approach to limit the range of land uses or to limit the circumstances in which development can take place in sensitive areas. This is to safeguard assets that are considered of social, economic and/or environmental importance to the future of the TAYplan area.		
Planning Authority's summary of the representation(s):		
<p>Summary of Representations Seeking a change</p> <p><u>COASTLINE</u></p> <p>Scottish Government (910172) PLAN2015_335 considers that recognition of an integrated approach to coastal planning should be made in Policy 9D highlighting the need for Local Development Plans to align with marine planning policy and development proposals.</p> <p><u>FINITE RESOURCES</u></p> <p>RSPB Scotland (328507) PLAN2015_292 is supportive of the proposals but recommends an additional policy regarding mineral extraction sites to ensure that they do not impact on deep peat. The respondent would like to see a clear commitment to peat land restoration and opportunities for better coastal management.</p> <p>Wallace Planning for National Grid/Scotia Gas Network (763366) PLAN2015_262 considers that brownfield sites require particular encouragement to bring about their treatment and expensive remediation in the interests of sustainability and to accord with Scottish Planning Policy (Doc84). This respondent is promoting a brownfield site.</p> <p>Scottish Government (910172) PLAN2015_333 considers an additional point is necessary in Policy 9A to protect lesser land that is important locally. This will reflect paragraph 80 of the Scottish Planning Policy 2014 (Doc84).</p> <p>RSPB Scotland (910180) PLAN2015_367 considers an additional point is required regarding a clear commitment to peat land restoration adding the sentence "The presence of deep peat is a significant constraint on development and minerals extraction".</p> <p><u>NATURAL AND HISTORIC ASSETS</u></p> <p>Comrie Development Trust (910287) PLAN2015_397 considers that Policy 9 C predominantly focusses on the natural heritage. The respondent believes that by adding further information about specific important historic assets would stress the importance of this aspect too. They consider that it would also assist those responsible for preserving and enhancing those assets when seeking funding and support for enabling development.</p>		

Scottish Government (910172) PLAN2015_334 considers that no distinction is made between the level of protection required of the natural and historic assets. The Scottish Planning Policy 2014 is clear in paragraph 196 (Doc84) that the level of protection afforded to local designations should not be as high as that given to international or national designations. The Scottish Planning Policy 2014 (Doc84) details the level of protection afforded to different natural and historic assets. 9 (C) (i) should be amended to make clear that the level of protection varies (often quite considerably) across the range of assets that are referred to.

Cairngorms National Park Authority (910266) PLAN2015_390 considers the need to acknowledge cross boundary implications for natural heritage assets and ensure appropriate protection of Natura sites and Wild Land.

UNESCO NOMINATION

UNESCO UK MAB (909284) PLAN2015_246 would like to see the plan and action programme nominate the Lower Tay as a UNESCO Biosphere Reserve (they do not define the geographic location of this). They believe this would "significantly" extend its reach by embracing a coastal and marine area which they consider to be "intimately linked" to the long-term economic and environmental sustainability of the region, its competitiveness and quality of life, and the effects of a changing climate. They also argue this would provide opportunity for the four local authorities to work together as well as highlight the region on an international stage. The respondent states a biosphere reserve would provide support for the implementation of a number of the TAYplan policies. (Biosphere Reserves are non-statutory designations made by UNESCO under its 'Man and the Biosphere' programme).

Summary of Representations Supporting as written

FINITE RESOURCES

Breedon Aggregates Scotland Limited (909803) PLAN2015_259 supports the protection of mineral resources and maintaining a land bank for construction aggregate in accordance with Scottish Planning Policy (2014) (Doc84).

Mr Thomas Wallace (910151) PLAN2015_318 supports Policy 9A as it promotes environmentally sustainable economic growth.

NATURAL AND HISTORIC ASSETS

Scottish Natural Heritage (869435) PLAN2015_191 is supportive of Policy 9, particularly in terms of wild land, National Scenic Areas and carbon rich soils as assets rather than development constraints.

OVERALL POLICY

Scottish Water (762198) PLAN2015_274 is supportive of this policy.

Scottish Environment Protection Agency (835401) PLAN2015_199 supports Policy 9 for the following reasons: the recognition that the natural environment, specifically the water environment along with soils; the identification within policy 9iv and within the supporting text that Local Development Plans should ensure responsible management of TAYplans assets by protecting prime agricultural land, new and existing forestry areas, and carbon rich soils; the strong direction within policy 9, page 56 that development should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment; Policy 9 accords with the requirements and objectives set out in paragraphs 205 & 244 of Scottish Planning Policy (Doc84) which identifies carbon rich soils as a nationally important asset; Map 9a which shows carbon rich soils, rivers and lochs as well prime agricultural land in the

TAYplan area, this provides a good visualisation of such assets in the TAYplan area.

Friends of the Earth Tayside (845935) PLAN2015_429 is supportive of Policy 9.

Modifications sought by those submitting representations:

COASTLINE

Scottish Government (910172) PLAN2015_335

- Proposes that Policy 9D should make reference to the need to align Development Plans with the national marine plan and forthcoming marine spatial plans (also see Scottish Government (910172) PLAN2015_329).

FINITE RESOURCES

RSPB Scotland (328507) PLAN2015_292

- Proposes the inclusion of a policy to ensure that development proposals, including mineral extraction sites are sited to avoid impacts on deep peat (over 0.5m).
- Proposes this being mapped as constraint to inform development and mineral extraction applications.
- Proposes that clear commitments to peat land restoration should be made in the TAYplan and constituent Local Development Plans.

Wallace Planning for National Grid/Scotia Gas Network (763366) PLAN2015_262

- Proposes the insertion of "(v) promote the remediation and redevelopment of brownfield sites especially those requiring substantial investment."

RSPB Scotland (910180) PLAN2015_367

- Proposes adding, after 4th paragraph: "The presence of deep peat is a significant constraint on development and minerals extraction".

Scottish Government (910172) PLAN2015_333

- Proposes adding the words to Policy 9A (iv): "protect prime agricultural land or land of lesser quality that is locally important, new and existing forestry areas, and carbon rich soils where the advantages of development do not outweigh the loss of this land."

NATURAL AND HISTORIC ASSETS

Cairngorms National Park Authority (910266) PLAN2015_390

- Proposes that cross boundary implications should be considered to ensure appropriate protection of Natura sites and Wild Land.

Comrie Development Trust (910287) PLAN2015_397

- Considers the need to add further information about specific important historic assets.

Scottish Government (910172) PLAN2015_334

- Proposes that a distinction is made between the level of protection required of the natural and historic assets.

UNESCO NOMINATION

UNESCO UK MAB (909284) PLAN2015_246

- Proposes that the Proposed Plan and Action Programme nominate the Lower Tay as a UNESCO Biosphere Reserve (they do not define the geographic location of this).

Summary of responses (including reasons) by Planning Authority:

Context

Proposed Plan (2015) (Doc80) Policy 9 is a direct continuation of the approach set out in approved TAYplan (2012) (Doc16) Policy 3. However, only those elements of approved TAYplan (2012) (Doc16) Policy 3 that have a relationship with 'resilience' are presented in Proposed Plan (2015) (Doc80) Policy 9. This is because the Proposed Plan (2015) (Doc80) follows the structure of National Planning Framework 3 (2014) (Doc60) and Scottish Planning Policy (2014) (Doc84).

As such, some elements of Approved TAYplan (2012) (Doc16) Policy 3 were considered to be most relevant to the 'successful and sustainable places' section, some to the 'resilient places' section and others to the 'connected places' section of the document. Thus approved TAYplan (2012) (Doc16) Policy 3 was split between Policies 3, 9 and 10 in the new Proposed Plan (2015) (Doc80). Otherwise, there have been minor changes to the structure and layout of these elements within the new Proposed Plan (2015) (Doc80) Policy 9.

Proposed Plan (2015) (Doc80) Policy 9 part A covers the finite resources element of approved TAYplan (2012) (Doc16) Policy 3. Proposed Plan (2015) (Doc80) Policy 9 Part A iv remains the same as the equivalent part of approved TAYplan (2012) (Doc16) Policy 3.

Proposed Plan (2015) (Doc80) Policy 9 parts A i to iii have been amended compared with Approved TAYplan (2012) (Doc16) Policy 3, although the emphasis remains the same.

Parts i and ii clarify the need to identify as well as protect deposits of liquid, gas and solid minerals. It was considered necessary to 'identify' these before 'protection' could be carried out hence the addition of this wording. It was also felt that the approved TAYplan (2012) (Doc16) Policy 3 had a strong emphasis on aggregates and other forms of solid minerals. Therefore, the term liquid, solid and gas minerals was considered to more accurately describe all types of minerals, particularly given the growth of interest and debate regarding unconventional gas and shale oil. This description has also been used in Proposed Plan (2015) (Doc80) Policy 7. Although the approach was always intended to apply to all types of minerals this change makes it clear. Part ii continues the previous approach of maintaining a ten year supply of aggregates.

Part iii is entirely new and recognises the strategic significance of nationally important minerals that are defined in the British Geological Survey's 'Risk List' (028/Extract/1). TAYplan is aware that some of these minerals, such as barytes, are present in the TAYplan area. This approach received support at Main Issues Report stage during 2014 (Topic Paper 3: Assets, Resources and Infrastructure, page 43 (Doc105)).

Proposed Plan (2015) (Doc80) Policy 9 parts B, C and D separate out the approach previously contained in Approved TAYplan (2012) (Doc16) Policy 3 Natural and Historic Assets. This separation is considered to provide more clarity for the reader of plan. As a result, there have been a series of minor consequential changes. These provide clarity and ensure that the sentence structure makes sense whilst retaining the original meaning set out in Approved TAYplan (2012) (Doc16) Policy 3.

The first bullet from the Approved TAYplan (2012) (Doc16) Policy 3 part on Natural and Historic Assets covering Natura 2000 sites has become Proposed Plan (2015) (Doc80) Policy 9 Part B. The wording is identical with the exception of one small change where '*...requires to be identified...*' has been changed to '*...must be identified*'. This is considered to be clearer but does not alter the meaning or intention of what is stated.

The second bullet from the Approved TAYplan (2012) (Doc16) Policy 3 part on Natural and Historic Assets covering a listed range of assets has become Proposed Plan (2015) Policy 9 Part C. The wording remains the same with the exception of the following changes:

The first sentence now reads ‘...understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including...’ This utilises the introductory sentence from the approved TAYplan (2012) (Doc16) Policy 3 part on Natural and Historic Assets. This continues to have the same meaning and intent but is necessary to clearly structure the policy wording within its new format. The new words ‘the integrity of’ make clearer the link between development or activity and the role and importance of the asset rather than simply protecting the asset per se. Historic battlefields have been added to the list on the advice of Historic Scotland.

The Proposed Plan (2015) (Doc80) Policy 9 Part C ii is new and was added following discussions with Scottish Environment Protection Agency. A stronger approach to management of water was considered in the TAYplan Main Issues Report (2014) (Doc56) as part of Main Issue 1: How to become more resilient to a changing climate (pages 8 to 11). This was also considered to more explicitly integrate river basin management and broader water environment and management considerations with the intentions of the Policy. This elaborates on the water environment which is already considered in what is now Policy 9 Part C i. It also more clearly aligns with the resilience approach set out in Proposed Plan (2015) (Doc80) Policy 2 Part C.

The third bullet from the Approved TAYplan (2012) (Doc16) Policy 3 part on Natural and Historic Assets covering ‘undeveloped coast’ has now become Proposed Plan (2015) (Doc80) Policy 3 part D. The term ‘undeveloped coast’ has been replaced by the new term ‘unspoiled coast’ to reflect the changes in terminology in Scottish Planning Policy (2014) paragraph 89 (Doc84). A full stop has been added after ‘...that is unsuitable for development.’ This allows the following sentence to reflect the new structure of the policy by beginning ‘Local Development Plans should set out...’ This also continues the emphasis of the Approved TAYplan (2012) (Doc16) Policy 3 by making clear the role of Local Development Plans with regard to this. This is a structural change that does not alter the meaning of the Policy.

Authority’s Responses To Proposed Changes

COASTLINE

Scottish Government (910172) PLAN2015_335

Reference to the National Marine Plan is clearly made within the explanatory text that accompanies Policy 9. Reference to forthcoming marine spatial plans within the policy is not considered necessary. The Strategic Development Plan shouldn’t need to cross refer to a whole range of other national plans. In terms of the information available at the time of publication for this Proposed Plan, the most current data was acknowledged. Therefore, TAYplan does not consider any change to Policy 9 necessary.

FINITE RESOURCES

RSPB Scotland (328507) PLAN2015_292

Policy 9A iv) specifically references the protection of carbon rich soils as part of the TAYplan area’s finite resources. Therefore, TAYplan does not consider any change to Policy 9 necessary.

Wallace Planning for National Grid/Scotia Gas Network (763366) PLAN2015_262

The reuse of previously developed land and buildings is prioritised within Policy 1B

Sequential Approach as a key part of Location Priorities. This issue is therefore already adequately met by the Proposed Plan. Therefore, TAYplan does not consider any change to Policy 9 necessary.

Scottish Government (910172) PLAN2015_333

Policy 9A iv) specifically references the protection of Prime Agricultural Land as part of the TAYplan area's finite resources. Therefore, TAYplan does not consider any change to Policy 9 necessary.

RSPB Scotland (910180) PLAN2015_367

The fourth paragraph in Policy 9 already acknowledges environmentally sensitive areas of which deep peat is one. It is therefore unnecessary to add an additional sentence. Furthermore, adding this sentence would place this environmental issue of greater importance than the many other aspects of environmental concern within the TAYplan area. Therefore, TAYplan does not consider any change to Policy 9 necessary.

NATURAL AND HISTORIC ASSETS

Comrie Development Trust (910287) PLAN2015_397

Policy 9C makes direct reference to the safeguarding of historic assets, including townscapes, archaeology, historic battlefields, historic buildings and monuments. It furthermore allows for development that does not adversely impact upon but preferably enhances these assets. This issue is thus already adequately met by the Proposed Plan. Therefore, TAYplan does not consider any change to Policy 5 necessary.

Scottish Government (910172) PLAN2015_334

Policy 9C is about safeguarding the integrity of natural and historic assets. It is all encompassing to ensure that each of the listed aspects is understood and respected. The degree to which level of protection each asset is afforded is already determined in Scottish Planning Policy 2014 (Doc84). Policy 9 is therefore an overarching policy to guide Local Development Plans as to ensuring the protection of the listed assets. It is for the Local Development Plans to provide more detailed policy on the individual aspects of natural and historic assets. Therefore, TAYplan does not consider any change to Policy 9 necessary.

Cairngorms National Park Authority (910266) PLAN2015_390

Map 9B clearly demonstrates the areas where natural heritage assets are to be protected from development. In terms of the Cairngorms National Park, the requirement of Scottish Planning Policy 2014 (Doc84) is to protect the landscape within the National Park. National planning policy does not endorse a buffer zone along the park's boundary. Nonetheless, a considerable range of the boundary for TAYplan and the Cairngorms National Park is protected by the identification of wild land, Natura 2000 sites and National Scenic Areas. Policy 9B & C promote the protection of these sites ensuring that their integrity remains intact. Therefore, TAYplan does not consider any change to Policy 9 necessary.

UNESCO NOMINATION

UNESCO UK MAB (909284) PLAN2015_246

The nomination of a biosphere reserve located in the Lower Tay region is an interesting and positive proposal. Its potential links with the long term economic and environmental sustainability of the area could be very positive for the TAYplan aims and objectives. Nonetheless, this is not a statutory designation in planning terms. To support this proposal, TAYplan will be required to undertake research to ensure its impact is beneficial to all the Plan's policies. As this proposal has come in at the Proposed Plan stage, TAYplan consider it too late to incorporate into this Plan and would like to carry out further work and consultation before any decision is made. This issue can more appropriately be considered in the preparation of the next Strategic Development Plan.

Therefore, TAYplan does not consider any change to Policy 9 necessary.

Authority's Responses To Supporting Representations

FINITE RESOURCES

Breedon Aggregates Scotland Limited (909803) PLAN2015_259, Mr Thomas Wallace (910151) PLAN2015_318

TAYplan notes this support.

NATURAL AND HISTORIC ASSETS

Scottish Natural Heritage (869435) PLAN2015_191

TAYplan notes this support.

OVERALL POLICY

Scottish Water (762198) PLAN2015_274, Scottish Environment Protection Agency (835401) PLAN2015_199, Friends of the Earth Tayside (845935) PLAN2015_429

TAYplan notes this support for Policy 9.

CONCLUSIONS

Policy 9 is about ensuring that new development is located appropriately whilst ensuring that the natural assets of the TAYplan area are adequately safeguarded. It works in conjunction with Policies 1, 3, 4, 5 and 7 as part of a framework that recognises the need to achieve good quality places without losing the those features that help define the identity of the area. Scottish Planning Policy (2014) is clear that development should not be allowed unless the nature and scale of it is acceptable within the natural environment (Paragraph 29) (Doc84). The Proposed Plan addresses these national principle policies through Policy 9. TAYplan is therefore satisfied that the approach set out in the Proposed Plan remains appropriate. The UNESCO proposal is one that can be considered in preparation of the next Strategic Development Plan, once research and consultation has been undertaken. The evidence provided by the respondents has not persuaded TAYplan that the approach set out in Policy 9 requires to be changed. Therefore TAYplan does not propose any changes to this Policy.

Therefore TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

DPEA use only

Reporter's recommendations:

DPEA use only