Scottish Planning Policy Consultation
Directorate for the Built Environment
Scottish Executive
2-H Victoria Quay
EDINBURGH
EH6 6QQ        23 June 2009

Dear Sir/Madam

SCOTTISH PLANNING POLICY CONSULTATION

The main function of the Scottish Rights of Way and Access Society (ScotWays) is to safeguard and promote public access, whether on rights of way or under the new statutory right of access. We also act to protect amenity, especially where enjoyment of the outdoors is involved. Through these functions, we engage with the planning system, mainly by commenting on development proposals that affect our interests. Given Scotways’ purposes, we are selective in our response to this wide-ranging document, but we also offer some comments on some of the more general issues. Not all of our points coincide with your questions.

The new approach Q1

You first ask about the merits of the new approach to the presentation of national planning policy. There is always an argument for making public policy statements more concise, but we are not entirely convinced with the revised approach: arguments for the existing system are that:

- it allows for a more rounded approach to each theme, and for a more focussed and meaningful consultation – the scale of the ground covered in the new scheme is just too large for most commentators to be able to address in depth;

- through concentration of the text, matters that concern ScotWays (and members of the public who enjoy open-air recreation) are at risk of being more marginalised as ‘also-ran’ issues, against what planners and politicians might see as the chunky issues of the day (economics, transport, housing);

- concise statements allow for a simpler presentation, but at the cost of losing subtlety through the advice being generalised, or in omitting useful background information or important detail.

The difficulty that people have had in addressing the full document is demonstrated, in our own field, by the fact that many people have expressed concern that para 112 does not specify that access rights and core paths are material considerations in determining planning applications (unlike para 22 of SPP11). They do not appear to have set this paragraph in the context of the general principle, set out in para 38, that subject planning policies can be a material consideration. On the other hand, is it clear enough from the wording in para 38 that these policies are material considerations?
Compression of the general policy advice highlights the importance of the PAN series in providing detailed guidance on individual themes, and we commend that this series is maintained and strengthened. It is also of importance for external interests and for the standing of the document that it does not drift too far towards becoming political policy rather than wide-ranging professional advice.

**Community engagement Q4** Better community engagement in the planning system is always to be welcomed. However, we think that it is important to recognise that the community of interest for some issues will extend beyond local residents. In advising Councils and developers, national policy should recognise and endorse this need to look wider in the public interest. This is particularly so where cases raise regional or national issues, as often happens for the recreation and conservation interests that concern ScotWays.

**Sustainable development Q5** Debate (or guidance) on sustainability can hardly be done in a couple of paragraphs. It is, we hope, not unfair to comment that advice on sustainability has over the years acquired a wrapping of social and economic injunctions (as done in para 37) and the ‘sustainable’ word used in ways (say, the combination sustainable places used in para 39) that don’t have any clear meaning. This produces a soft and politically acceptable language, which masks the original basic principle that the use of natural resources should be done in ways that do not unduly deplete or damage their value to society. It would be better to go back to that barer and basic message. In this sense, sustainable use of resources becomes a straight-forward material issue to be balanced against the other social goals that development serves.

**Climate change Q6** The answer to this question can only be a qualified ‘yes’; in some sections, the approach is helpful, elsewhere there is too much in the document that is about ‘business as usual’. A simple example of this comes in the response below to Q8.

**Town Centres and retailing Q8** Given concern about the impacts of motorised transport, polluting emissions, and the poor amenity of many town centres caused by too many vehicles, should the policy statement at paras 48-49 not be much bolder in giving priority to better access for walking, cycling, as well as provision for public transport – the approach later in the draft for housing and for transport (at para 124) takes a better line. This may be an example of the document needing greater consistency across its subject sections. Given the present concern about the way we use resources in travel, the national planning policy statement should be giving a stronger lead towards minimising the use of cars in towns.

**Historic environment Q14** At para 88, there is reference to sites, monuments and areas that do not have formal statutory protection. The recent SPP 23 on this theme did include the word ‘routes’ at this point in the text (at para 19): could we ask that it is re-instated. While ScotWays has a particular interest in heritage paths, we think it only logical, in setting a framework for care of the historic features, that the linear features stand alongside the areal and the very localised features of interest.

**Landscape and natural heritage Qns15/16** The text here says the right sort of things in para 92 about the importance of caring for Scotland’s outstanding natural beauty, and we welcome the reference to the European Landscape Convention and its reference to the need to consider landscape in all settings. This is a topic of importance to ScotWays, because enjoyment of the outdoors is greatly dependent on the quality of the settings within
which open-air recreation is taken. We have a number of general points to make on the subsequent text.

- Surely the putting the food and drink industries first (and tourism last) in a list of ‘beneficiaries’ of the landscape resource is not quite right. Tourism is lightly treated in the whole document, yet Scotland’s great beauty is the prime attraction for rural tourism and we would like to see this message set out more strongly in this part of the text.

- The policy discussion focuses on landscape as it is categorised through landscape character and habitats (para 94) when the critical issue here is about aesthetics – the natural beauty of Scotland. There is a tendency for planning to shy away from the matter of aesthetics and to reach for perceived more tangible or objective ways of assessing landscape change. But landscape character or patterns of habitat are tools only to serve the care of scenic value: be bolder please, and address more directly what concerns most people about change to Scotland’s landscapes. Is it not the case that statutory planning had concern about amenity as one of its main starting points?

- Closely related to the above point, there is no reference to promoting and securing better standards of design of development and its location (and use of materials), notwithstanding good advisory work by Government over the past decade. Statutory care for Scotland’s great natural beauty falls far behind that provided for the care of nature, and stronger statements are needed in the national policy advice to help correct this imbalance.

- We do warmly welcome the statements at paras 104/5 on the care of Scotland’s wild land. These are special places that are too readily subject to attrition from development or land use ambitions, and the statement here provides a strong national lead on an issue that can have limited local resonance, notwithstanding that the quality and extent of our wild land – and hence its special recreational value – has significance beyond Scotland.

- We agree that local designations should be confined to one tier below the national/international level, although the question of whether this should be only in two categories is less clear, in that there might, no doubt, be views that the cultural heritage needs should fit in here. Also, some local designations do carry statutory force (say LNRs or AGLVs), which does seem to put them in a further tier or sub-tier.

- Most people in Scotland live in the central belt, often in settings where their local recreation space (as well as their amenity at home and work) is not of the best. There have been various efforts to ameliorate these poorish local settings, often through managing the local rural environment, for example, the greenspace projects mentioned in para 95. But it is evident that poor quality built development is often the main problem. The planning system has an important role in addressing this matter, and we think that the national policy statement should place as much emphasis on this as on the greening agenda. There is occasional mention of this theme, say at para 71, but a much bolder approach is desirable. The SEA statement is helpful in its assessment of this matter.

**Open space and physical activity** We welcome the statements in para 111 about the wider benefits to society of open-air recreation, and the relationship between enjoyment of the outdoors and the quality of the outdoors. The emphasis in this section does, however,
fall on open space in and adjacent to settlements, but the needs of in-town space (managed in the main by the local authorities) and the recreational use of the wider countryside and coast are different in kind and in their implementation. A broader-based approach is needed here. Some specific comments on this section are as follows.

- It would be helpful if the request, at para 113, for local authorities to set out their strategies for open space, were to be extended to cover provision for public access and recreation generally. For many authorities, the Core Path plan provides a basic framework for access planning and management in the wider countryside and this plan should (via such a strategy) be linked into the development plan. However, the core path plan is for linear access, and there is a need to consider the supply and range of destinations for recreation. For most Councils, the basic approach of providing for managed access close to settlements will continue to be the best way forward. However, in the more visited areas, a wider strategic approach to enhancing the enjoyment of visitors will be appropriate, and this is a matter for different sectors – private and public.

- There is a link here with the roadside provision proposals at para 136 because (with some notable exceptions) we are very poor in creating good quality stopping points for visitors along the main tourist arteries both for short stops, but also to provide better accessibility to adjacent countryside for the exercise of statutory rights.

- Linear routes in and close to settlements should normally serve different functions. There is an evident need for better coordination between actions for travel by foot and cycle, promoted as a transport issue, and provision for recreational needs. Planning should help in bringing these approaches together.

- On some minor points, Country Parks should be mentioned at para 112. Also at para 112, development proposals that affects the exercise of access rights to any extent or that is non-compliant with these rights should require mitigation.

**Coastal planning Q12** We regret that there is a bit of stepping back on coastal planning, but we welcome the positive statements about the role to society of the isolated coast, essentially a special case of the wild land statement. A main issue here is fish farming, which may seem like a benign and important activity for the local economy, but experience has shown that this industry is in effect about intensive factory farming with significant adverse effects. If fish farms are to become larger (as predicted in the draft) then great care is needed in their location to secure protection of what is special about the Scottish coast for recreational and conservation interests.

That concludes our comments on the draft revision of subject planning policies. Scotways has no objection to this letter being made publicly available.

Yours sincerely

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