

Review of the Scottish Planning System – Planning Bill

Strategic Environmental Assessment
Environmental Report – Non Technical Summary

Report prepared by:



Scottish Government
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Introduction

The Planning system is used to make decisions about future development and the use of land. It considers where development should happen, where it should not, and how development affects its surroundings. The system aims to balance different interests so that land is used and developed in a way that creates high quality, sustainable places.

Following an independent review of the Planning system, the Scottish Government intends to introduce a Planning Bill around the end of 2017. The Bill will make a range of – mainly procedural – changes intended to support sustainable economic development and inclusive growth, through a more responsive and flexible approach to planning in Scotland.

What will be in the Planning Bill?

Places, People and Planning: A Consultation on the Future of the Scottish Planning System invited views on 20 proposals for improving Scotland's planning system, in light of recommendations from an independent review which reported in May 2016.

Following that consultation, the 'Position Statement' published alongside this SEA, provides an update on progress and sets out an integrated package of proposed improvements to the planning system. Not all of the package will require legislative change, and this SEA is concerned with those aspects of the proposals that would require changes to primary legislation, through a Planning Bill. No decisions on the content of the Planning Bill have been made at this stage. Where further changes emerge from the review process, we will continue to screen them for their environmental effects, and where these effects are considered to be significant, we will update the Environmental Report as required. Broadly, the proposals set out in the Consultation, and in the Position Statement, focus on four key areas of change:

- i. Making plans for the future - proposals to improve development planning, from the national to local level.
- ii. People make the system work - Empowering people to decide the future of their places and involving a wider range of people in the planning system.
- iii. Building more homes and delivering infrastructure - Enabling planning to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest.
- iv. Stronger leadership and smarter resourcing - streamlining processes and improving skills and resources so that Scotland's planning system can focus on creating great places.

What is Strategic Environmental Assessment (SEA)?

Strategic Environmental Assessment (SEA) is a means of systematically assessing the likely impact of a public plan on the environment and to seek ways to avoid, or minimise where possible adverse effects, if likely to be significant. SEA provides an opportunity for the public to consider this information and to use it to inform their views on the emerging proposals.

This Environmental Report sets out the findings of the assessment of the proposals for change that may form part of the future Planning Bill. The Environmental Report has been published alongside the Scottish Government's Position Statement setting out the changes that Scottish Ministers are considering taking forward through the Bill, secondary legislation under existing powers, and other, non-statutory approaches.

The Environmental Report has been prepared in accordance with the Environmental Assessment (Scotland) Act 2005. Views are invited on both the Environmental Report and the Position Statement.

What is the current state of the environment?

Scotland's environment is rich in natural and cultural heritage. Its network of European protected sites supports many important and rare plants, birds and animals. Many biodiversity features are in good condition, but continuing efforts are needed to avoid the further decline of some species and habitats.

Scotland's air, soil and water are generally in good condition, but there are concentrations of pollution in some parts of the country. Some of this is historic, but there are also on-going challenges, including diffuse pollution from urban and rural areas. Current trends suggest that with continuing action, pollution will continue to reduce over time; but there will still be a need for behavioural change to achieve more significant progress in the long term.

Scotland has high quality landscapes, with many iconic views and scenic areas. Our National Scenic Areas (NSAs) and National Parks require special attention to ensure development does not erode their special qualities. Scotland's wild land areas are set out in the Scottish Natural Heritage (SNH) 2014 map of wild land. Many areas are recognised as being of regional and/or local importance; forming the backdrop for our settlements and attractive areas for recreation and tourism. Our historic environment includes World Heritage Sites, listed buildings, conservation areas, gardens and designed landscapes and archaeology (including scheduled monuments), with each seen as important relics of our history and past patterns of settlement. Many further archaeological resources remain undiscovered.

Scotland has many natural resources and material assets, not least its high quality agricultural land, and extensive areas of forestry and woodland. Scotland's transport infrastructure is also a key asset in connecting our urban and more remote rural areas, and supporting future growth.

It is widely held that climate change is one of the most serious threats facing the world today. It is already having an impact on weather patterns, increasing air and sea temperatures, and impacting on Scotland's unique biodiversity. Further changes in levels and timing of rainfall, temperatures, and more extreme weather events are expected; all of which have the potential to affect other aspects of the environment. Whilst progress is being made to reduce emissions that cause climate change, action continues with the preparation of the Climate Change Plan and Energy Strategy on-going at this time.

What are the likely environmental effects arising from changes to the planning system?

A future Planning Bill is expected to make largely procedural changes and is unlikely to have significant direct environmental effects. Within the planning system, a range of existing statutory and non-statutory measures are in place to assess the likely environmental impacts arising from development proposals at plan and project level, and these will continue to operate. Future legislative change would not approve development or infrastructure. Rather, it would define the structure of planning and decision-making; streamlining the system and giving communities more influence in plans and decisions.

There is potential for indirect positive effects arising from the proposed changes, particularly those that aim to increase transparency and community engagement in planning. Aspects of the proposed changes intended to improve resources, grow skills and increase expertise for planning authorities, as well as the introduction of a 'Gatecheck' as part of the examination of local development plans, also have the potential to help to strengthen environmental consideration at the plan and project level.

There may be positive and negative indirect /secondary effects from proposals that are aiming to improve the delivery of development and infrastructure.

Where improvements to infrastructure planning are achieved, there are opportunities for environmental benefits if increased delivery of green infrastructure is recognised as a priority. There may be indirect, localised positive impacts from earlier identification of infrastructure requirements and support for infrastructure delivery.

Infrastructure can provide multiple benefits across a range of topic areas. For example, having the appropriate digital infrastructure in place could help to change travel behaviours and patterns, helping in turn to reduce greenhouse gas emissions and improve human health and wellbeing, through greater connectivity. Similarly, the provision of well-designed and sited green infrastructure can help to promote active travel and improve health and wellbeing, reduce emissions, assist in flood management, and enhance biodiversity.

The second stage assessment identified the potential for increased development to have indirect, localised adverse environmental effects on most of the SEA topic areas. Examples of negative indirect / secondary effects could include greater competition for land and increased pressures on existing land uses. Examples of impacts associated

with construction activities and development work include increased levels of noise, dust and vibration; disturbance from construction traffic; temporary visual impacts; sealing and loss of soil; increased sedimentation and soil erosion; potential for increased flooding and water pollution; and fragmentation or and loss of habitats, amongst others. However, there are existing mechanisms in place within Scotland's planning system to identify and manage the potential for adverse environmental impacts arising from proposed development, and the siting and design of development proposals will continue to be crucial in avoiding or mitigating many adverse effects; particularly on biodiversity features and the potential for impacts on landscape and setting.

How have reasonable alternatives been considered?

The SEA does not assess individual changes or proposals, since they will not in themselves deliver the overarching objectives and many are inherently linked. Instead, two clear options are identified and considered in the SEA:

- Option 1: No change to the current planning system. This option has been considered in the assessment as a 'reasonable alternative' and represents the evolution of the baseline in the absence of the package of proposals.
- Option 2: To bring forward a programme of change through a future Planning Bill. This is considered in the assessment as the 'preferred option'.

How can potential environmental effects be effectively managed, mitigated or enhanced and what proposals for monitoring have been identified?

The planning system will continue to play a crucial role in managing the impacts of development, and future legislative change is not expected to change that. Many of the potential secondary / indirect effects arising from the proposals for change will be addressed in development plans and through the development management process. Future iterations of the National Planning Framework, Scottish Planning Policy, and development plans will continue to be considered under the Environmental Assessment (Scotland) Act 2005 and subject to Habitats Regulations Appraisal. There is an opportunity for this package of proposals to build in stronger mitigation and enhancement. For example, increased community involvement in planning, as well as improved resources, skills and expertise within planning authorities could strengthen environmental consideration at the plan and project level.

The High Level Group on Planning Performance¹ has been tasked with investigating how performance of the planning system should be monitored. Performance of the planning system will be one of the key ways the implementation of the proposals is monitored. Monitoring of planning performance will be in addition to the raft of existing

¹ The High Level Group on Performance is co-chaired by COSLA and the Minister for Housing and Local Government.

monitoring programmes targeting specific environmental topics (e.g. water quality through River Basin Management Planning, air quality at the local level, condition monitoring of biodiversity features). It is expected that further information on monitoring proposals will be set out in the Post Adoption SEA Statement.

What does the SEA conclude?

The SEA concludes that there are no likely significant direct effects arising from the proposed changes to the planning system. There may however be some positive and negative indirect / secondary effects where legislative change leads to increased development and infrastructure delivery. Further positive indirect effects may also arise linked to increased resources, skills, and capacity within planning authorities, and from increased community engagement.

The SEA makes a number of important recommendations, including that consideration be given to the future alignment between SEA and Habitats Regulations Appraisal procedures and a revised development plan preparation process to ensure that their full benefits continue to be realised. It is also recommended that specific guidance be prepared on the application of SEA and Habitats Regulations Appraisal to local place plans, and that community groups are given sufficient guidance and information to support this.

Next Steps

When can I respond?

Respondents are asked to submit responses on this Environmental Report directly to the Scottish Government by **11 August 2017**.

How can I respond?

- Online:

You can respond online using the Scottish Government's consultation platform, Citizen Space.

- By Email or Post:

Responses can be submitted by email to Planningreview@gov.scot or by mail to The Planning Review, Planning and Architecture Division, The Scottish Government, Area 2-H (South), Victoria Quay, Edinburgh EH6 6QQ.

Suggested Questions for responses on this Environmental Report

Consultees may find the following questions helpful to provide a focus for their responses on the Environmental Report. Please note that responses do not need to be confined to these questions, and more general comments on the Environmental Report are also invited.

1. What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report? (Please give details of additional relevant sources)
2. What are your views on the predicted environmental effects as set out in the Environmental Report?
3. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?

How will responses be considered?

Following the conclusion of the consultation period, the responses received on the proposals and this Environmental Report will be analysed and reported. Key messages from respondents will be highlighted and the findings of the analysis will be taken into account as the proposals are taken forward; either in the development of a Planning Bill, through secondary legislation or where possible, directly implemented within the current planning system.

A Post-adoption SEA Statement will be prepared and published following implementation of the proposals. This will reflect on the findings of the SEA assessment and views expressed in the consultation, and will explain how the issues raised have been considered and addressed in the preparation of the finalised documents.