

## **Statutory Guidance on Sustainable Development.**

### **Comments from Falkirk Council. (Gordon Laird Development Services.)**

#### **General**

In general, statutory guidance on this topic is welcomed. Much of the content of the document is regarded as current good practice, and much of this is already being applied in development plans and related local transport strategies. This is true in the case of Falkirk Council, where sustainable development is actively promoted and this policy/action area is closely linked with the development plan.

The advice, perhaps inevitably, focusses on the environmental aspects while briefly acknowledging that there are also social and economic elements which are strongly influenced by the development plan. Perhaps more advice should be included on how to address the difficult balance between economic social and environmental factors given that there is a tendency to recognise environmental impacts from development but to accept or justify these on the basis that there are overriding economic and social benefits. It is acknowledged that definitive guidance on this issue will be difficult.

The National Planning Framework prepared on a statutory basis is regarded as a positive step in promoting sustainable development in Scotland. The associated SEA can be used to set an example of good practice for development plan SEA at the local level.

The advice on collaborative working with building standards is regarded as welcome and appropriate. Experience in Falkirk Council indicates however that there are barriers to progress in this area. These arise from the fact that building standards are regarded as minimum standards which must be met in built development. In contrast, development plan policies tend to be more aspirational seeking to encourage developments which are innovative and go beyond minimum standards. Some authorities and notably Edinburgh Council appear to be making progress in such collaborative working and it might be appropriate to include some examples of good practice in this respect.

The guidance does not adequately clarify the scope of planning in relation to design and construction and the overlap between building standards and planning. These are areas not currently in the mainstream of planning and there is continuing doubt as to whether they are valid planning matters. For example, in a policy encouraging energy conservation by restricting emissions ( as proposed by Edinburgh City ), is it appropriate or possible to seek to enforce standards which exceed those in the building regulations?

#### **Planning and Sustainable Development. General Principles.**

The emphasis on the links between planning and transport is entirely appropriate but this provides little assistance in determining how to decide whether a proposal is sustainable. Are there circumstances in which a development proposal might be refused consent on the basis that the location is not sustainable or would be associated

with unsustainable transport modes? Again, actual examples of good practice might be given here.

#### Living Within Environmental Limits.

This section appears to provide a list of issues to be considered in good development planning rather than clear advice on how to apply the concept of environmental limits.

#### Ensuring a Strong Healthy and Just Society.

This should perhaps also make reference to the concept of 'environmental justice' as outlined in 'Choosing Our Future'. This approach might prioritise action in areas most severely affected by deprivation and poor local environments within urban and rural situations.

#### Achieving a Sustainable Economy.

This section stresses the role that planning can play in creating a quality environment which in turn can help to promote economic development. However there should also be a strong policy emphasis on the promotion of economic development in a way which supports the sustainable development agenda. To be more specific, developments should make provision for green travel options, energy conservation including renewables, waste minimisation, minimising construction waste, sustainable drainage options etc. These elements often become subsidiary to the priority of new economic development.

#### **Planning's Contribution.**

It is considered that this section describes what is already good practice in development plan policy and much of this advice is already being applied by this Council in policy development.

It is encouraging to note that the paragraphs on design and layout stress that well designed buildings and spaces should also take account of factors such as resource efficiency, flexibility and community issues. There is a tendency in some of the current advice to regard design as being about aesthetics and the sustainable design element is often separate or neglected. In addition, reference to the importance of appropriate operation and maintenance in determining the performance of new developments is welcomed. Experience has shown developments which look impressive on paper do not necessarily live up to expectations in practice.

#### **Key Mechanisms for Delivering Sustainable Development.**

This is considered to be the critical section of the advice. The preparation of the national planning framework should be seen as an opportunity to raise the profile of sustainable development and identify the critical factors at a strategic level. The greater emphasis on implementation and action programmes in para 44 is also considered to be appropriate. The advice has recognised that policies which promote sustainable development do not necessarily guarantee good results on the ground.

The experience here in promoting sustainable development indicates that the key to success is ensuring effective implementation of policy through the development management process and perhaps also better collaboration with building standards.

There are still major barriers to progress in this respect. There is still a gap between the aspirations of development plan policy and what many planners and Councils believe can be applied successfully in planning decisions. The difficulties in collaborative working with building standards have also been noted.

Further guidance could be included on sustainability standards under the reference to SPGs. Would it not be appropriate to seek to develop a set of national standards rather than expect each authority to independently develop standards. There should at least be reference to possible standards and codes which could be applied by planning authorities ( such as BREEAM and the Code for Sustainable Homes ). A further option might be joint working between authorities and the development industry in establishing standards or model approaches.

This Council is seeking to prepare supplementary guidance on sustainable design and construction but perhaps also to apply the principles involved to a major new development which can then be used as an exemplar for future developments. Success in this respect will depend in part on the cooperation of a willing developer. Consideration has been given to the development of a model brief, based on sustainable development principles that can be applied, with modification, to all major developments. The Council has also initiated a programme of training for staff in the development function to raise awareness of sustainable design principles.

In relation to Knowledge and Skills, it is considered that a lack of awareness/skills in the development industry, particularly among smaller companies, is inhibiting progress. Councils should have a role in working with the industry to address such issues.

The draft advice seems to suggest that issues such as those described above and sustainability checklists are more applicable to development management and therefore not appropriate for inclusion. The advice would be more effective if these issues are more fully addressed. There must be a greater confidence that sustainable design criteria can be used in the determination of planning applications either as conditions on approval or reasons to refuse consent. In this respect, examples of good practice would be beneficial.