

Scottish Natural Heritage

# Planning Performance Framework Annual Report

Period: 1 April 2017 to 31 March 2018



# Planning Performance Framework Annual Report

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## 1. Introduction

This is a report to the Scottish Government on our performance within the Planning System during the period 1 April 2017 to 31 March 2018. It reports against a series of performance markers covering different elements of our engagement in the Planning System, and identifies priorities for improvement during the next reporting period 1 April 2018 to 31 March 2019. It follows a template agreed with other Key Agencies and the Scottish Government.

## 2. Description of our service

Our planning service, which includes advice and associated capacity building and guidance, supports implementation of the Third National Planning Framework. It accords with Scottish Planning Policy and the Scottish Regulators' Strategic Code of Practice, and aims to achieve the right development in the right place. We promote a plan-led approach and engage early to provide certainty for investment in good development as soon as possible.

By enabling good development in the right places, we delivered multiple benefits that contributed to a range of corporate priorities in 2017/18 to promote sustainable economic growth, lead the delivery of the Scottish Biodiversity Strategy, address climate change, improve health, address inequalities, and deliver a high-quality public service. This enhances the quality of people's lives by maximising the benefits from natural capital; provides social and economic competitive advantage through a Scottish brand framed by natural capital; and minimises adverse impacts on nature. It supports the Scottish Government's commitment to a transition to a low-carbon economy.

The way we do this in practice is set out in our *Planning for Development Service Statement* (attached as Appendix A). In summary, we:

- build greater capacity amongst planning authorities and developers to achieve sustainable use of our natural assets - our guidance and training helps maximise the opportunities and competitive advantage from our natural resources;
- influence national strategic development policies and plans and associated Strategic Environmental Assessment (SEA);
- influence regional and local spatial plans; we are an active partner in Development and Marine Planning, master plans and action programmes;
- provide early, pre-application advice on development proposals, including mitigation;
- advise decision-makers on potential impacts of proposals on the natural heritage;
- monitor the impact of development on the natural heritage.

### *Organisational structure*

The strategic direction of our engagement in the Planning System is provided by our Board and Senior Leadership Team. Our Board considered a paper in August 2017 on the role of the Planning System in our work <https://www.nature.scot/snh-board-meeting-17-august-2017>.

Implementation of this direction is guided by Programme Management. Three *Activities* coordinated delivery of different aspects of our planning-related work in 2017/18: *Supporting Good Development* – including onshore and offshore development advice, development planning work and leadership for the upstream aspects of the Planning System; *Creating Better Places* – including placemaking and green infrastructure advice and engagement with community planning; and *Coastal & Marine Management* – including marine planning advice.

Management of our planning service was led and supported by our *Planning and Renewables Unit* and delivered locally across the country by seven Operations Units (*Northern Isles & North Highland, South Highland, Argyll & Outer Hebrides, Strathclyde & Ayrshire, Tayside & Grampian, Forth and Southern Scotland*).

## Resources

The service is funded through our Scottish Government grant in aid. Given the multiple benefits it achieves, we continued to invest a significant proportion of the funding in our planning service. In 2017/18, this approximated to £5.8 million (12% of our £46.8 million grant in aid) and was made up of staff costs of £4.4 million (88 full-time equivalents) and research project costs of £1.4 million.

## 3. Performance markers

### 3.1 Placemaking

#### a. Strategic planning

We contributed to strategic planning through our advice on a range of strategic policies and plans, associated SEA and development of plans for projects that are part of the National Planning Framework. Our contribution in 2017/18 included:

- Responding to *People, Places and Planning: A consultation on the future of the Scottish Planning System*, and other **Scottish Government consultations**, including Environmental Impact Assessment (EIA) Circular 1/2017, EIA Planning Advice Note, Permitted Development Rights for Telecommunications, and Energy Strategy/Onshore Wind Policy. We advised on the National Marine Plan, championing the integration of marine planning processes with land use planning and the associated responsibilities of local authorities.
- Advising on 229 **SEA consultations**, from pre-screening to Environmental Reports (Appendix B, Table 1). These covered a wide range of policies and plans eg. Scottish Government plans for Marine Proposed Special Protection Areas, Cairngorms National Park Authority (CNPA) Forest Strategy, Scottish Water National Sludge Strategy, East Lothian Council Local Transport Strategy and Fife Council Zero Waste Strategy.
- Progressing the development of a position statement on a **National Ecological Network** for Scotland. This included holding a workshop with a range of key stakeholders to discuss the draft statement and action plan.

#### Case Study: Implementation of Marine Planning in Scotland

We supported the implementation of Marine Planning in Scotland in order to help manage the growing demands on the marine environment, assist marine industries and ensure that environmental protection is incorporated into decision making. We provided advice on the contribution of the National Marine Plan to protection of Priority Marine Features outside protected areas. We actively supported the roll out of regional Marine Planning Partnerships, such as for Shetland and Clyde, by advising on SEA and leading stakeholder discussions on tourism, recreation and leisure, and on mobile species. We continued to support the remaining voluntary Local Coastal Partnerships as they prepare for regional marine planning around the rest of Scotland.

#### b. Development Plan engagement

We continued to be an active partner in Development Planning in 2017/18, supporting our commitment to a plan-led approach to development. This is reflected in the additional time contributing to Main Issues Reports (MIR) discussions and consultations (see Appendix B, Table 3). Through engagement in the plan-making process, we helped to balance competing interests and guide development to the right places. Our contribution included advising on development frameworks, briefs and master plans, supplementary guidance, action programmes, SEA and Habitats Regulations Appraisal (HRA).

We responded positively to opportunities to engage early in the pre-MIR plan preparation process. The extent of these opportunities was dependent on our potential partners seeking our input and the stage the development plans were at. For example, we worked pre-MIR with CNPA, Clackmannanshire Council and Scottish Borders Council. This work included contributing to calls for issues and providing advice on sites received in their call for sites. For Scottish Borders Council this formed part of an iterative process that also involved discussions around its site assessment tables and the approach to SEA of the emerging Local Development Plan (LDP).

Appendix B, Table 1 shows the number of development planning consultations received in 2017/18. We received a total of 84 statutory and non-statutory plan consultations in 2017/18. This is fewer than in previous years, but reflects the stage we are at in plan cycles.

Examples that demonstrate the added value we have brought to Development Planning in 2017/18 include:

- leading the development of the placemaking and natural heritage briefing for the **Stirling and Clackmannanshire Council City Region Deal**, and input to project development;
- giving input to development of a pilot scheme for **Dumfries and Galloway Council Simplified Planning Zone**, raising the profile of green infrastructure and highlighting issues around the landscape settings of major allocations;
- supporting **Argyll and Bute Council's review of its approach to local wildlife sites** and developing an approach based on 'access to nature' as a driver for designation of sites;
- participating in the planning review pilot for gate-checking and revising the format of **Moray LDP**, and facilitating an **Environmental Information for Planning Workshop** to support the delivery of LDPs;
- advising on **Site Briefs for housing development in East Dunbartonshire** to set out requirements to protect and enhance the natural heritage interests;
- assisting the preparation of **Strategic Green Network Supplementary Guidance** for Glasgow and SESplan;
- helping to draw up Local Outcome Improvement Priorities for **Community Planning Partnerships**, and providing support in taking forward key environmental actions, e.g. chairing the Environment Priority group for the Inverclyde Community Partnership, where one of the key actions is supporting the delivery of a strategic habitat network.

### **Case Study: Stirling and Clackmannanshire Council City Region Deal**

We helped to conceptualise the development of a Stirling River Park, which is a key part of this City Deal. It seeks to regenerate the Stirling waterfront and reconnect the city and the local communities along a naturalised and accessible river edge. We are co-funding the masterplanning work, and continuing to work with Stirling Council to assist in detailed project development and delivery. The project will provide an improved habitat network and help to successfully integrate flood alleviation measures. New paths and bridges will connect local attractions and communities, encouraging walking and cycling and making journeys more enjoyable and convenient. Waymarking will help people navigate to and around the river park, and interpretation will describe the historic and natural assets within the park area.

### *c. Development Management*

We provided advice on over 600 development proposals. We advised developers, local authorities and agencies on the impact of development proposals on natural heritage interests, including advice on mitigation. This has enabled the delivery of development priorities across a range of industrial sectors including housing, renewable energy, manufacturing, transport and telecommunications.

In some of the rare cases where we objected to development proposals, we submitted advice to public local inquiries. In 2017/18, we participated in the following inquiries:

- Dulater Hill wind farm: submitting advice on impacts on a National Scenic Area (NSA);
- West Garty wind farm: submitting advice on wider countryside landscape and visual impacts;
- Caplich wind farm: submitting advice on impacts on an NSA;
- Limekiln wind farm: submitting advice on impacts on wild land;
- Upper Sonachan wind farm: submitting advice on wider countryside landscape and visual impacts.

### *Pre-application engagement*

Our early pre-application engagement made for a more efficient planning system. It allowed issues to be identified, and the time to try and resolve them, ahead of applications being submitted.

Examples of pre-application engagement and collaboration with other key agencies in 2017/18 include:

- working with Transport Scotland and other statutory consultees (Scottish Environment Protection Agency (SEPA), Historic Environment Scotland (HES), CNPA and Perth & Kinross Council) to support the environmental assessment process for the **A9 dualling**. This helped to overcome difficult Natura issues and to initiate a 'co-creative process' involving the local community in the development of route options and road design;
- assisting the Home Office and the Scottish Government with the roll-out of the **Emergency Services Network**, a new mobile telecommunications system for the police, fire and ambulance services. This minimised natural heritage impacts;
- joint-working with SEPA to assist **Liberty Aluminium** with their planning application for an alloy wheel factory in Lochaber. This resolved issues regarding the impact of air emissions on Ben Nevis Special Area of Conservation and enabled challenging timescales to be met;
- advising CNPA on the **An Camas Mor housing development**. This established mitigation measures and assisted preparation of a Recreation Management Plan to overcome issues affecting Natura sites;
- helping to clarify a joint approach to cumulative impact assessment for the **Forth and Tay offshore wind farms** to take account of the complexity of existing consented schemes and revised applications.

### **Case Study: Supporting roll out of Emergency Services Network**

We took a proactive approach to supporting the Home Office and the Scottish Government in the roll out of a new mobile telecommunications system for the police, fire and ambulance services, known as the Emergency Services Network. There are significant public benefits from this ambitious project, and at the same time potential to affect high-value nature and landscapes. Working closely with the main partner, EE, we identified sensitivities at an early stage and worked through issues ahead of planning applications for over 150 new telecom masts. This avoided unnecessary delays at the consenting stage. Examples of where issues have been overcome with practical solutions include avoidance of impacts on wildlife such as great crested newts and freshwater pearl mussels and on important upland habitats, and minimising visual impacts on popular tourist routes within National Scenic Areas, such as those through Glencoe and Glen Etive.

Our focus on Development Management cases with potentially significant impacts on the natural heritage led to a significant reduction in the number of applications we were consulted on in 2015/16 (Appendix B, Table 2). The number of consultations we receive

appears to have levelled out now, with between 600 and 700 cases per year in each of the last three years meeting our service statement criteria. The proportion of application consultations subject to EIA has remained fairly constant at 17-22%.

The success of our pre-application engagement and advice to improve the outcome of development is reflected in the continuing low number of consultations resulting in an outright objection (Appendix B, Table 2). Our success is reflected in the very low number of outright objections to planning applications in each of the last three years (fewer than 1% of all planning applications we advised on). The outright objections to planning applications in 2017/18 related to impacts on European sites (one case), SSSIs (two); peatland habitat (two); and wild land (one). The data in Table 2 refer to applications to planning authorities only. There were an additional three outright objections to Section 36 applications in relation to wild land (one) and other landscape and visual impacts (two).

### *Consenting*

Examples of where our advice helped to improve development outcomes in 2017/18 include:

- **Langhope Rig Biodiversity Offset Conservation Projects:** we worked in partnership with SSE and Borders Council to help reduce flood risk in the River Tweed catchment through the enhancement of riparian woodlands and creation of wetlands, with funding secured as part of the Langhope Rig wind farm development [http://www.tweedforum.org/projects/current-projects/langhope\\_rig](http://www.tweedforum.org/projects/current-projects/langhope_rig).
- **Kincardine Offshore Floating Wind Project:** we worked closely with the developer and Marine Scotland to resolve issues of turbine supply and the delivery of the project to enable drawdown on Renewables Obligation Certificates.
- **Monadhliath Golden Eagle Project:** we continued to work with Scottish & Southern Energy to improve the conservation status of golden eagles, through a project established as part of the planning conditions for Dumnaglass Wind Farm.
- **Grangemouth NPF3 Investment Zone:** we contributed to delivery of the Action Programme, including advice on the creation of a flood defence scheme and impacts on the Firth of Forth Special Protection Area, and on placemaking and consideration of funding opportunities.

### **Case Study: Monadhliath Golden Eagle Project**

We provided advice and support to SSE in delivering this project to help mitigate the impacts of the Dumnaglass Wind Farm on the regional population of golden eagles. An Eagle Conservation Management Plan was prepared, and a fund set up to assist land managers to enhance the conservation of golden eagles. Our engagement with the wind farm industry and the land management community has led to a marked improvement in the breeding success of golden eagles. Working closely with local estates has resulted in an upturn in the number of golden eagle territories occupied, and an improvement in overall breeding success; some territories are now occupied after a 40-year absence. We will be working with Highland Council and others to develop some wider public engagement around this success.

### *Delivery of development*

We led the delivery of national infrastructure projects that provided opportunities for active travel, improving health and helping communities to grow economic activity and employment:

- **Green Infrastructure Strategic Intervention:** we led Phase 1 of the fund, approving over £15 million worth of projects to improve greenspace in urban areas by 2019 <https://www.greeninfrastructurescotland.scot/>.
- **National Cycling & Walking Network:** in collaboration with local authorities we provided 120km of new walking and cycling routes in 2017/18, encouraging non-carbon means of travel <https://www.nature.scot/enjoying-outdoors/places-visit/routes-explore/national-walking-and-cycling-network>.

## 3.2 Capacity building

Our programme of capacity building is integral to our commitment to upstream engagement in the Planning System. It includes training and guidance to support planners and developers, helping them to understand and take account of the natural heritage in designing proposals and decision-making.

### *d. Sharing good practice, skills and knowledge*

We developed and shared good practice to help generate good development proposals. This included:

- A programme of **capacity building within local authorities** helping planning officers to consider natural heritage issues early on in their decision-making. This included Natura and landscape training for Shetland Islands Council, and natural heritage training with Western Isles Council and the West of Scotland Benchmark Group of local authority planners.
- **SEA/EIA training for Scottish Government and Key Agencies**, including SEPA, HES and Forestry Commission Scotland (FCS).
- A workshop on green infrastructure at the **Scottish Federation of Housing Associations Development Conference**.
- A joint training event with Marine Scotland to raise awareness of issues around **seascape, landscape and visual impact assessment**.
- A programme of lectures and workshops in **College and University planning and engineering courses**.
- The development of a training workshop on **flooding and sustainable drainage solutions** to establish a shared understanding of key considerations, in partnership with SEPA and Aberdeen City Council.
- A **Sharing Good Practice Programme** that included events covering the integration of multi-functional green infrastructure into urban design, and making the most of Local Landscape Areas.

We have continued to update and expand our range of guidance to support high quality development, including:

- working jointly with HES we updated our **Environmental Impact Assessment Handbook**, including Historic Impact Assessment;
- publishing guidance on **Habitat Regulations Appraisal for the Moray Firth**; facilitating a consistent and proportionate approach to HRA;
- producing a visual best practice guide for **construction in upland environments**.
- consulting on draft guidance to help developers undertaking **wild land assessments**;
- preparing guidance to help the aquaculture industry to produce the quality of visualisations required for **environmental assessment of fish farm proposals**;
- collaborating with HES to consult on an updated version of our **joint guidance on local landscape designations**, refreshing the role of Local Landscape Areas in the Planning System to maximise the benefits they can provide;
- producing a series of **protected species advice notes for developers**, bringing together all the information and advice that developers need to progress planning proposals, from legal protection and licensing details to survey methods and mitigation measures;
- creating a set of **good practice key cards for hydro development**, providing a quick and simple reference for construction workers on site to help minimise impacts on the natural heritage.

### Case Study: Habitat Regulations Appraisal for Moray Firth

To support our advice to developers and regulators on the implications of the Habitats Regulations Appraisal in the Moray Firth, we collated information and advice about the ecology of the Firth. This connected sites, helped consideration of cumulative impacts, and made expert knowledge on Natura interests more accessible to developers and competent authorities. The new guidance helped to:

- support a coordinated approach to planning and development in the Moray Firth.
- achieve greater efficiency and consistency by enabling regulators to carry out regulatory functions in a manner which is transparent, accountable, proportionate, consistent and targeted.
- support the delivery of NPF3 by helping development go hand in hand with continuing protection of the very special environments of the Firths.

### e. Evidence and data-sharing

Our programme of research increased knowledge and understanding of development issues, helped to solve problems and improved the quality of development proposals. Examples in 2017/18 include:

- Leading further development of the **Offshore Renewables Research Strategy**, working with the Scottish Offshore Renewables Research Framework (SpORRAn) to produce prioritised lists of research requirements to reduce consenting risk across all EIA topic areas; and as a member of a research panel for the European Offshore Wind Deployment Centre, which has commissioned research of benefit to future offshore wind projects.
- Working with the Scottish Federation of Housing Associations (SFHA), Architecture & Design Scotland, the Scottish Government and others to explore the opportunities for delivering better quality **green infrastructure in social housing developments**.
- Providing ongoing financial support and staff input to the **Scottish Aquaculture Research Forum (SARF)**, a key plank of the Scottish Government's Framework for Aquaculture to encourage and facilitate, through research, a sustainable industry.
- Testing **3D visualisation software** to update our guidance on wind farm visualisations. New technology has the potential to reduce the costs to developers and improve the usefulness of visualisations to developers and decision makers.
- Supporting the **Marine Scotland seabird research programme** to improve understanding of the scale and significance of impacts on seabirds from offshore renewables, a key constraint on the Scottish Government's ambitions for the sector.
- Publishing research results informing key issues for the **delivery of offshore renewables projects**, including a study of underwater monitoring of tidal turbines and analysis of wildlife observations at the European Marine Energy Centre.
- Commissioning a **review of effectiveness of SEA in Scotland** with the Scottish Government, SEPA and HES. The results will be published in 2018/19.
- Leading a study tour and workshop in Falkirk as part of our **Innovation in Open Space Maintenance** project, which provided an opportunity for planning authority colleagues to explore innovative approaches to greenspace management in a 'real-world' setting.

### Case Study: Maximising the benefits of green infrastructure in social housing

This research looked for opportunities to deliver multiple benefits through the good design and maintenance of green infrastructure (GI) associated with new and existing social housing in Scotland. It was in partnership with the Scottish Federation of Housing Associations, Architecture & Design Scotland, the Scottish Government's Planning & Architecture Division, Central Scotland Green Network Trust and the Glasgow and Clyde Valley Green Network. Key findings included a general lack of awareness of GI, its costs and

its benefits among social housing providers, and that integrating well-designed GI into development is a good example of preventative spend for other parts of the Scottish public sector. The research identified recommendations, including the need to design-in GI more explicitly at the start of the housing delivery process and to develop a stronger business case for GI <https://www.nature.scot/snh-research-report-1046-maximising-benefits-green-infrastructure-social-housing>.

We also made additional efforts to share our data and make information more accessible to stakeholders by:

- Maintaining the online **Air Pollution Information System (APIS)**, an essential tool for developers and planners in assessing air emission impacts on protected areas from development proposals such as combustion plants and intensive livestock units.
- Hosting a workshop on **Environmental Data for Local Development Plan Delivery**, a national charrette between key agencies, research bodies, and local and national government, exploring new approaches to collaboration and sharing environmental evidence.
- Launching our new **nature.scot** website. This followed widespread engagement to ensure that user needs were taken into account in the design and structure to enable easy access to information <https://www.nature.scot/>.

### Case study: Air Pollution Information System

APIS is maintained in collaboration with the other country agencies, the Joint Nature Conservation Committee, SEPA, Environment Agency and the Centre for Ecology & Hydrology. It provides planners and developers with online access to site specific air pollution data. This is essential for the assessment of the impacts of air emissions on protected areas, and for the progression of planning proposals such as intensive livestock units, energy from waste, biomass plants and fossil fuel power plants. The system has helped to promote a common understanding of air pollution impacts on protected area features and to ensure a consistent approach to the assessment of air pollution impacts across the UK.

## 3.3 Service

We aimed to provide an efficient service that kept plans and applications on track to meet timescales and key deadlines.

### *f. Decision-making timescales*

We continued to perform well in 2017/18 in terms of response times, with 98% of responses to SEA provided by the required date, and 95% of responses to planning consultations within agreed service timescales (Appendix B, Table 3).

### *g. Joint working arrangements*

We continued to work closely with the other Key Agencies to provide integrated services wherever possible. In 2017/18, we chaired the Key Agencies Group (KAG) and supported its work, for example:

- discussing with Scottish Government's Planning & Architecture Division how we can best support the implementation of the new planning system;
- preparing an agreed KAG Pre-Application Statement;
- developing a KAG twitter account;
- forming a KAG sub-group to consider data provision as part of the SEA of LDPs.

Our joint working was supported by new agreements with:

- **Cairngorms National Park Authority:** we agreed new staff guidance on how SNH and CNPA can work together to provide advice on the landscape impacts of development proposals. The guidance builds on the principles set out in the existing agreement on roles in advisory casework.
- **Forestry Commission Scotland:** we drew up a new concordat as a part of the implementation of the Mackinnon Review. This provides a basis for improved consultation processes, and a more efficient and effective working relationship.
- **Marine Scotland:** we continued to work on the implementation of an agreed working protocol and specific standing advice/pre-prepared guidance on identified areas of joint working. This included standing advice on aquaculture and well boats, and on moorings and pontoons for renewables projects.

#### *h. Engagement with service users*

We commissioned Why Research to undertake our fourth annual customer satisfaction survey to gather evidence to support our commitment to continuous improvement. The main findings from the **2018 Customer Survey** provided positive feedback on our performance:

- Overall satisfaction with the service received from SNH remains high.
- Most customers agree that SNH's approach to advice and guidance is enabling.
- Awareness of the SNH Service Statement is increasing.
- Views on the guidance produced by SNH are positive.

The main areas where respondents would like to see improvements are in consistency of advice within SNH and in clarity and conciseness of guidance.

Our **complaints procedure** provides a further opportunity for customers to contact us over any issues. We received four planning-related complaints in 2017/18, all from individual members of the public. Two of the complaints related to policy or our remit, and were not upheld. The other two were about our advice in development management cases, and were both partially upheld. We acknowledged in the first case that we could have provided clearer advice on survey requirements at the scoping stage, and in the second that there was some incorrect wording in our advice at the application stage. Subsequent actions taken included lessons learned procedures with staff and a review of internal guidance.

Other examples of engagement with service users included:

- working closely with the **renewables** sector through our engagement with Scottish Renewables and through liaison meetings with individual developers;
- liaising with the **aquaculture** sector, including regular meetings with the Scottish Salmon Producers Organisation (SSPO), and our input to the Industry Leadership Group;
- developing good relations with the **Civil Engineering Contractors Association** (CECA). This has led to it creating an environmental forum for members;
- meeting regularly with a range of **non-governmental organisations** (NGOs) to discuss planning issues, both individually (e.g. Planning Aid Scotland, the RSPB, the Scottish Wildlife Trust, John Muir Trust) and collectively through Scottish Environment LINK;
- issuing our **Planning for Development e-Newsletter**, keeping developers, planners and other stakeholders informed of the work we are doing to address development issues and the publication of any new or updated guidance, as well as inviting feedback;
- engaging with an emerging **Rural Renewal Discussion Forum** being promoted by land-owning and community NGOs.

#### 4. Changes to meet this year's improvement priorities

We continued to make changes to improve our Planning for Development services. These improvements were guided by:

- **Feedback from customers:** In response to concerns raised in our customer survey about the consistency of our advice, both within SNH and between SNH and other organisations, we explored this issue further with representative groups, including Heads of Planning Scotland. Only one example of inconsistency was forthcoming. This was related to our process, with advice to a planning authority coming from two parts of SNH. However, the content of the advice was consistent.
- **Scottish Regulators' Strategic Code of Practice:** in December 2017, we produced a stocktake report for Roseanna Cunningham, Cabinet Secretary for the Environment, Climate Change and Land Reform. This demonstrated the range of work we are undertaking to fulfil our regulatory role, including our role in the Planning System. It outlined how we are working in a way that is embedding early engagement and an enabling approach to support business interests. The report confirmed our commitment to continuous improvement of our regulatory functions. For example, we will be building reference to the requirements of regulatory reform into our staff Planning Foundation course, and reviewing a sample of our development management advice on Natura matters.

We gave input to the **review of the Scottish Planning System**, including advice on the SEA of the *Places, People and Planning* position statement. We contributed to stakeholder discussions on the Planning Bill at a working group session in October 2017 and a conference led by the Local Government and Communities Committee in February 2017.

#### 5. Service improvements for 2018/19

**Connecting People and Nature**, our new Corporate Plan, has made a commitment to refresh and reposition our planning and development services, so that they are more widely recognised as making a positive contribution to inclusive and sustainable growth. This will focus on greater leadership for early and upstream engagement in the Planning System; stronger working with business interests; and clearer advice that demonstrates that we are alert to other interests. Key improvements planned for 2018/19 are:

- Launching of a new Planning for Development Service Statement to highlight our focus on: sharing knowledge about nature; helping developers invest in nature; supporting plan and place making; and providing advice to enable good development.
- Issuing a new approach to the application of our balancing duties that will focus on enabling behaviours as well as balancing processes to take account of wider socio-economic interests.
- Ongoing review and implementation of the Scottish Regulators' Strategic Code of Practice and delivery of our Action Plan.
- Implementation of Workforce Planning. The aim is to provide greater capacity in our staff to lead, engage and inspire in planning matters. We will develop our skills in 'bridging' (e.g. training in facilitation and placemaking) in order to help connect people and nature through the Planning System.
- Developing illustrated guidance, creating a library of good example case studies, identifying the key planners and place-makers within each planning authority with whom we need to establish stronger relationships, and agreeing a set of priorities with each planning authority.
- Engaging with Marine Scotland to further join up our regulatory roles. This includes advice on aquaculture, including well boat licences, and on European Protected Species issues.

## Appendix A: Service Statement





**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

# Planning for Development

## Our Service Statement

April 2015 Version 1



## Introduction

Marine and terrestrial planning processes help to deliver the Scottish Government's purpose of creating a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. Scotland's Economic Strategy recognises that investment in protecting and enhancing our natural assets is fundamental to a cohesive and resilient economy.

The purpose of this service statement is to outline how Scottish Natural Heritage (SNH) will engage in the planning system to support this objective. It applies to our involvement in the planning system and other regulatory systems relevant to development on land and at sea. This includes our advice on applications under the Electricity Act and licenses under the Marine (Scotland) Act.

## Our role in the planning system

SNH is the leading organisation in Scotland that seeks to inspire, enthuse and influence others to manage our natural resources sustainably. In the context of the planning system, we do this by providing advice on the effects of plans, policies and development proposals on Scotland's natural heritage. This includes our landscape and seascape, biodiversity, geo-diversity and the public enjoyment of the outdoors.

We are a statutory consultee for some planning applications, all marine licence applications and for all environmental statements. We are also the licensing authority for certain protected species issues that may arise as a result of development proposals. As a key agency, we contribute to development plans and other national and regional spatial plans affecting land and sea.

We do not determine planning applications or other development consents. That is the role of planning authorities, Scottish Ministers and other regulators, hereinafter referred to as 'consenting authorities'. They take account of our advice, but it is for them to make decisions about development proposals on the basis of relevant plans and policies.

## Our vision and objectives

Our vision is that people value Scotland's natural assets because they generate benefits for all, sustaining us and improving our economy, health, lifestyles and culture. We engage with the planning system in order to get the most from nature and improve the public benefits generated by the sustainable use of Scotland's natural assets. To help achieve this we will:

- help decision makers understand the impacts of development on our natural assets;
- enable others to achieve the right development in the right place;
- support high-quality development which maximises benefits to people and nature;
- help deliver a faster, more efficient planning & consenting process;
- exercise our functions in a way that contributes to achieving sustainable economic growth.

In order to achieve these objectives we will:

- share our knowledge and skills to build the capacity of others to plan for development that minimises impacts on our natural heritage;
- engage upstream in strategic planning, Strategic Environmental Assessment and with individual development proposals at an early stage;
- target advice on plans and proposals that could have impacts on Scotland's natural heritage that raise issues of national interest;
- provide advice that is proportionate, enabling, clear and unambiguous;
- ensure that our advice complements the advice of other key agencies.

## Regulatory reform

Our service aligns with the principles of better regulation and the requirements of the [Scottish Regulators' Strategic Code of Practice](#). Our advice and guidance will be:

**Proportionate:** Our level of engagement and the scope and detail of our advice will be in proportion to the nature, scale and importance of the potential impacts a plan or proposal might have on the natural heritage.

**Consistent:** This service statement provides the basis for delivering a national service locally. Our advice will be evidence-based and our approach and level of service will be consistent across Scotland.

**Accountable:** We provide annual Planning Performance Reports to the Scottish Government detailing our contribution to the planning system. These are published on our website.

**Transparent:** The internal guidance that frames our advice, for example [Development Management & the Natural Heritage](#) and [Identifying Natural Heritage Issues of National Interest in Development Proposals](#) are published on our website. Our advice to planning authorities and the Scottish Government on specific plans and proposals is published on local authority and Scottish Government websites.

**Targeted:** We will target our efforts on plans and proposals that could have impacts on Scotland's natural heritage that raise issues of national interest.

## Building capacity to support sustainable use of our natural assets

Scotland's natural heritage is a shared resource and we all have a responsibility for its stewardship. All public bodies in Scotland have a statutory duty to further the conservation of biodiversity. Scottish Planning Policy and the National Marine Plan set out a range of policies relating to the sustainable use of environmental resources that decision-makers should take into account.

To help them do this, we publish a range of [research, guidance and good practice related to development and the natural heritage](#). We also engage with our key partners at the national and local level to provide opportunities for planners, developers, agencies and others to share knowledge and practice in dealing with natural heritage issues. This includes our series of [Sharing Good Practice events](#) and our contribution to joint initiatives such as the Environmental Impact Assessment (EIA) Forum.

## Spatial planning

We support the plan-led approach to development. By engaging early in the plan-making process we can help guide development to the right places and reduce the risk of problems or delays later.

### National plans

We will:

- help implement the current National Planning Framework (NPF) and provide advice and information to support the next NPF review;
- provide advice and information to support and help implement other national plans such as the National Marine Plan, the National Renewables Infrastructure Plan and the Tourism Development Framework for Scotland;
- have regard to national plans in contributing to regional/ local plans and advising on development management.

### Strategic & local development plans

We will:

- work as an active partner throughout the plan-making process;
- provide data and information on the natural heritage to support site assessment and development delivery;
- promote the benefits provided by ecosystems (including recreation and enjoyment of nature) and show how nature and landscapes are key components of the distinct characteristics and strengths of a place;
- promote green networks and green infrastructure as an integral component of successful place-making;
- seek opportunities for implementing priority routes in the National Walking and Cycling Network and delivery of the Central Scotland Green Network;
- facilitate Habitats Regulations Appraisals and Strategic Environmental Assessments that are proportionate and integrated with the plan-making process;
- support development frameworks, development briefs and masterplans that maximise the benefits from natural assets;
- use action programmes to prioritise our contribution to implementing the plan;
- provide information to the Directorate for Planning and Environmental Appeals, where required, to support efficient plan examinations;
- help to ensure effective integration between marine and terrestrial plans within the coastal zone.

### Regional marine plans

We will:

- provide advice and information on the natural heritage to support Marine Planning Partnerships and work as an active partner throughout the plan-making process;
- promote the benefits provided by ecosystems and show how nature and seascapes are key components of the distinct characteristics and strengths of Scotland's seas;
- help to ensure effective integration between marine and terrestrial plans within the coastal zone.

## Strategic Environmental Assessment and Habitats Regulations Appraisal

Strategic Environmental Assessment (SEA) is required for all public sector plans, programmes and strategies. We will work with strategic planners at an early stage to help them ensure that environmental issues are taken into account in their preparation and implementation. Habitats Regulations Appraisal (HRA) is a requirement for many plans on land and sea that relate to development. The process ensures that plans will not lead to development that could have an adverse effect on Natura sites. We will work with public bodies at all stages to help ensure that assessments are proportionate and integrated with the plan-making process.

A range of [guidance on environmental assessment](#) is available on our website to support consenting authorities and developers.

## Development management

Our role in development management is to provide advice to decision-makers on the impact of development proposals on the natural heritage. By working with others, we aim to help good development happen in the right places.

### Working with other key agencies

Where a case raises issues of joint interest we will work closely with other key agencies (see Figure 1) to solve problems and, where possible, enable a proposal to be progressed. We will ensure that our customers receive complementary, rather than contradictory, advice.

**Figure 1. Protocols relevant to joint-key agency working on development proposals**



### Targeted engagement

We will target our efforts on development proposals that could have impacts on Scotland's natural heritage that raise issues of national interest. We are a statutory consultee on some developments and will also engage with a small number of other cases that could, individually or in combination with others, raise issues of national interest. In addition, there will be some cases where our advice can help to align the planning process with the species licensing process. We have set out our priorities for engagement in '[How and when to consult SNH — checklist](#)'.

We will not respond to consultations that do not meet the criteria set out in the checklist. For these cases we expect our customers to use relevant guidance on our website.

**Note: If we choose not to engage with a particular development proposal, this does not mean that we support the proposal, or that there are no impacts on the natural heritage that developers and consenting authorities should take account of.**

### Early engagement

We seek to engage with developers and consenting authorities in an open, positive way from the earliest stages in the planning process. We want to help provide relative certainty as soon as possible in the development process. Our aim is to use guidance and advice to inform development proposals and provide an early steer on the likely impacts on natural heritage assets so that developers can make key decisions as to how to take their proposal forward. If there is a possibility that SNH will object to a proposed development, we will make this known as soon as possible.

We will participate in early discussions with developers and consenting authorities on those cases that match our priorities for engagement set out in '[How and when to consult SNH — a checklist](#)'. We expect consenting authorities to coordinate pre-application discussions and to involve the relevant agencies. This is in line with the [Key Agency Joint Statement on Pre-application Engagement](#).

We will provide an early steer on the likely impacts of a proposed development and, where appropriate, provide advice on the location, design or management in order to maximise the benefits to people and nature and minimise the impacts on the natural heritage.

For national and major development, we encourage the use of processing agreements as a framework for processing an application. Where they are used, we will provide advice to help the applicant and consenting authority frame the agreement and apply a realistic timescale for the application process.

## Environmental Impact Assessment and Habitats Regulations Appraisal

EIA and HRA are key processes that help ensure that decision-makers take full account of the impacts of development on the environment. We encourage early engagement with SNH on the scope and preparation of EIAs and HRAs so that delays and holding objections at the application stage can be avoided.

Early engagement in these processes provides a key opportunity for us to help the applicant provide the information that decision-makers need. Our [guidance on EIA and HRA](#) will help developers and their consultants draw on good practice and carry out assessments to a high standard. We will advise on the key surveys/information necessary to inform the decision and ensure that the content of the assessment is proportionate to the scale and complexity of the likely impacts arising.

## Our advice on development proposals

We will try to provide advice that will enable the proposal to be progressed. This means providing advice, where appropriate, that helps consenting authorities and developers demonstrate that significant effects on natural heritage assets can be overcome by siting, design or other mitigation and comply with relevant regulations. We expect the planned approach and early engagement to avoid or minimise most significant impacts on the natural heritage.

Our advice will be proportionate, enabling, clear and unambiguous. We will:

- focus on the greatest opportunities for, or threats to, the natural heritage. This means that the scope and detail of our advice will be in proportion to the nature, scale and importance of the potential impacts a proposal might have on the natural heritage;
- ask for information only where it is necessary to enable a decision;
- object only where we identify impacts on the natural heritage that raise issues of national interest;
- recommend planning obligations (conditions and legal agreements) and licence conditions only where they are needed to overcome an SNH objection;
- take into account other interests in line with our statutory balancing duty.

**When we do not object, this does not mean there are no impacts on the natural heritage that decision-makers need to take account of.** Consenting authorities may choose not to grant consent for a development on the basis of our advice on the nature, scale and importance of the impacts, even though SNH has not objected. This is for the consenting authority to determine within the context of relevant plans and policies.

If a consenting authority is minded to grant permission against our advice, they will sometimes need to notify Scottish Ministers in line with relevant procedures. In addition, we notify Scottish Ministers of all cases on which we have made an outright objection.

## Service levels

All consultations and written requests for advice in relation to development proposals should be sent to the relevant [SNH Area Mailbox](#) or [marineenergy@snh.gov.uk](mailto:marineenergy@snh.gov.uk) for marine energy proposals. In the interests of an efficient planning system, we will seek to provide our service to a timescale that best suits the needs of our customers. However, in order to effectively manage our limited resources we have set out [guidance for developers and consenting authorities](#) on how we will engage at each stage of the consents process. We will apply a set of minimum service standards in the absence of a specific deadline. There may be occasions where we will need to ask for extensions to response deadlines, but our aim is to avoid this through good pre-application engagement.

## Appendix B: Consultation Statistics

**Table 1**

Number of consultations	2014/15	2015/16	2016/17	2017/18
<b>Development plans</b>				
Statutory consultations on Main Issues Reports	10	14	9	8
Non-statutory consultations on Main Issues Reports <sup>1</sup>	18	8	19	15
Statutory consultations on Proposed Plans	46	58	15	10
Non-statutory consultations on Proposed Plans <sup>2</sup>	59	37	72	51
<b>Total no. of consultations</b>	<b>133</b>	<b>117</b>	<b>115</b>	<b>84</b>
<b>SEA</b>				
Pre-screening and screening	185	150	106	176
Scoping	37	38	31	25
Environmental Reports	51	51	40	28
<b>Total no. of consultations</b>	<b>273</b>	<b>239</b>	<b>177</b>	<b>229</b>
<b>Planning applications</b>				
Applications subject to EIA	217	152	95	116
Non-EIA application consultations	817	547	530	557
Pre-application consultations	482	400	414	385
% of all applications subject to pre-application advice	21%	22%	24%	24%
<b>Total no. of application consultations</b>	<b>1034</b>	<b>699</b>	<b>625</b>	<b>673</b>

**Table 2**

Planning application response types	2014/15	2015/16	2016/17	2017/18
Outright objection	10 (1%)	5 (1%)	5 (1%)	5 (1%)
Conditioned objection	59 (6%)	42 (6%)	41 (7%)	52 (8%)
Holding objection	29 (3%)	34 (5%)	39 (6%)	35 (5%)
Advice only	776 (75%)	568 (81%)	488 (78%)	540 (80%)
No comment	159 (15%)	49 (7%)	52 (8%)	41 (6%)

**Table 3**

Average response times <sup>3</sup>	2014/15	2015/16	2016/17	2017/18
<b>Development plans</b>				
Statutory consultations on Main Issues Reports	61 days	53 days	46 days	75 days
Non-statutory consultations on Main Issues Reports	28 days	27 days	25 days	19 days
Statutory consultations on Proposed Plans	25 days	30 days	16 days	17 days
Non-statutory consultations on Proposed Plans <sup>2</sup>	17 days	19 days	25 days	32 days
<b>SEA</b>				
Pre-screening & screening	11 days	11 days	7 days	6 days
Scoping	23 days	24 days	25 days	22 days
Environmental Report	40 days	45 days	39 days	44 days
All SEA consultations	18 days	20 days	14 days	7 days
% of responses by required date	99%	98%	100%	98%
<b>Planning applications</b>				
EIA consultations	21 days	22 days	21 days	21 days
Non-EIA consultations	13 days	13 days	12 days	11 days
Pre-application consultations	14 days	14 days	16 days	15 days
All planning consultations	14 days	14 days	13 days	12 days
% of EIA responses provided within 28 days	70%	64%	65%	67%
% of non-EIA responses provided within 14 days	63%	63%	65%	68%
% of responses provided by required date (including agreed extensions to statutory deadlines) <sup>4</sup>	96%	95%	96%	95%
% of all responses subject to an agreed extension to statutory timescale	18%	17%	15%	15%

<sup>1</sup> Includes consultations on topics such as calls for sites, topic papers, research, HRA, SEA and draft supplementary guidance.

<sup>2</sup> Includes consultations on documents such as draft Proposed Plans, HRA and SEA draft supplementary guidance.

<sup>3</sup> Median used to calculate the average.

<sup>4</sup> Required dates include those where a new extended deadline has been agreed with the planning authority and where they have given us an initial deadline which is greater than the minimum 14 days.