

# **Scottish Planning Policy – Finalised Amendments Impact assessments**

**December 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
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# Scottish Planning Policy – Finalised Amendments

## Impact assessments

Summary of finalised policy changes that have been considered for all of the impact assessments below:

- Amendment of the wording of the presumption in favour of development that contributes to sustainable development. We originally proposed removing relevant sections of the Scottish Planning Policy and associated paragraphs. However, having taken into account views and evidence received, we have now decided that the policy can be amended rather than removed. The proposed changes would clarify that there is a presumption in favour of sustainable development, rather than in favour of development that contributes to sustainable development. We will also set out that this should be assessed with reference to the principles set out under paragraph 29. This would help to ensure decision-makers understand that we support sustainable development rather than any development which may not be sustainable.

The proposed changes also amend wording of paragraph 33 of the Scottish Planning Policy to set out how applications that do not accord with the development plan should be considered. The references in paragraph 33 to policies in a development plan being out of date and to the age of the development plan would be removed to confirm the statutory status of the development plan.

- We are amending the policy on housing and maintaining a five year effective housing land supply (paragraph 125). Rather than the changes originally proposed, setting out a full methodology for calculating the land supply in the SPP, we are linking changes with guidance on our preferred methodology for calculating the extent of the land supply. This is based on an average rate of housing delivery over the plan period as a whole, rather than adjusted to factor in housing completions.
- The proposed changes clarify how proposals for housing development which do not accord with the development plan should be assessed where there is a shortfall in the 5 year effective housing land, by linking decisions to the presumption in favour of sustainable development.
- Other changes originally proposed will no longer be taken forward, including references to site programming and revised glossary definitions.

## EQUALITY IMPACT ASSESSMENT SCREENING

The Scottish Government has considered the finalised changes to the Scottish Planning Policy to establish the extent to which they will impact on the requirements of the Equality Act 2010. Specifically the need to eliminate discrimination, advance equality of opportunity and to foster good relations. We have revisited our original screening and updated it to reflect consultation views, available evidence and the finalised policy amendments.

### Screening questions

1. *Will your policy affect people, or will your policy impact on another policy that affects people?*

No, for the following reasons:

- **The amendments will be time-limited.** The amendments will only be applicable between their adoption and the National Planning Framework 4 being adopted by summer 2022.
- **The amendments do not preclude the application of professional planning judgement in each case.** The Scottish Planning Policy is a non-statutory policy, but a significant material consideration. The amendments will not directly lead to planning permission being granted or refused, as that is a matter for decision-makers in each case, taking into account the statutory development plan and other material considerations as appropriate.
- **The impact on numbers of homes delivered is unknown but could reasonably be expected to be neutral.** Some respondents to the consultation were of the view that the changes we originally proposed may reduce the number of homes granted planning permission. It is not possible to accurately predict the number of homes that may, or may not, gain planning permission in the absence of the policy amendments. Only developments which are not in accordance with the statutory development plan and which may not be considered to be sustainable without the use of a “tilted balance” are likely to be affected. Based on the approach taken by Reporters to date, we do not expect that unsustainable developments will have benefited from the presumption prior to the Gladman decision being issued, to any significant extent. We accept that the number of homes gaining planning permission on ‘exception sites’ may reduce as a result of some of the amendments. However, the SPP should be read and applied as a whole. The further amendments now proposed will mean that exceptional housing sites can still be brought forward, and gain consent, where they are considered to be sustainable development.
- **The overarching presumption will be retained, albeit reworded.** As a result, and based on our evaluation of its role to date which shows that it has been a relevant but not a determinative consideration in

non-housing cases, we expect that it can still be applied broadly to applications for wider types of development. As a result the effect of the changes on other sectors is expected to be limited.

In terms of specific responses to the consultation, some stakeholders suggested that there may be impacts on equalities matters, for example in relation to providing homes for older people. Others argued that there would be benefits if the changes reduced the focus on arguments about housing numbers, to allow resources to focus more on delivering outcomes including eradicating inequality and delivering quality homes on the ground.

Taking into account these views and the finalised policy amendments, we do not consider there would be impacts on any different communities/equality groups in Scotland arising from the revised policies.

2. *Will your policy affect other policies, organisations or work which could affect equality?*

No effects are expected. See above.

3. *Will individuals have access to, or be denied access to, a service or function as a result of your policy or the changes you propose to make?*

No effects are expected. See above.

4. *Will the implementation of your policy directly or indirectly result in: individuals being employed, a change in staffing levels, terms and conditions, employer or location?*

No effects are expected. See above.

5. *Is there a change in the size of the budget, or an impact on resources, and will this change (potentially) impact on individuals? (For example, will a service be withdrawn, changed or expanded?)*

No effects are expected. See above.

## EQUALITY IMPACT ASSESSMENT NOT REQUIRED DECLARATION

Policy title	Amendments to the Scottish Planning Policy.
Which National Outcome(s) does the policy contribute to?	We live in communities that are inclusive, empowered, resilient and safe.
Directorate: Division: team	Directorate for Communities and Local Government; Planning and Architecture Division; Spatial Planning, Policy, Environment and Natural Resources Team.
Policy lead responsible for taking the decision	Fiona Simpson, Assistant Chief Planner

Please record why you are not carrying out an EQIA and what your justification is for making that decision.

- The amendments will be time-limited.
- The amendments do not preclude the application of professional planning judgement in each case.
- The impact on numbers of homes delivered is unknown but could reasonably be expected to be neutral.
- The overarching presumption will be retained, albeit reworded. We expect that it can still be applied broadly to applications for wider types of development. As a result the effect of the changes on other sectors is expected to be limited.

A fuller explanation is provided above.

**I confirm that the decision to not carry out an EQIA has been authorised by:**

Name and job title of Deputy Director (or equivalent)	Date authorisation given
John McNairney, Chief Planner	14 December 2020

**FAIRER SCOTLAND DUTY  
ASSESSMENT NOT REQUIRED DECLARATION**

Policy title	Amendments to the Scottish Planning Policy
Directorate: Division: team	Directorate for Communities and Local Government; Planning and Architecture Division; Spatial Planning, Policy, Environment and Natural Resources Team.
Policy lead responsible for taking the decision	Fiona Simpson, Assistant Chief Planner

Rationale for decision
<p>The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the Scottish Government makes. The duty normally applies to new strategies, action plans, strategic delivery decisions about setting priorities and/or allocating resources, major new policy proposals, and preparing new legislation.</p> <p>Having considered the Fairer Scotland Duty Interim Guidance, our view is that the amendments to the SPP do not constitute a strategic decision for the following reasons:</p> <ul style="list-style-type: none"> <li>• The amendments are closely targeted interim amendments to an existing policy to reflect the original policy intention.</li> <li>• The amendments do not directly address the preparation of local development plans, which may be considered a strategic decision.</li> <li>• The amendments do not set priorities, allocate resources or commission services.</li> </ul>

**I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:**

Name and job title of Deputy Director (or equivalent)	Date authorisation given
John McNairney, Chief Planner	14 December 2020

## CHILD RIGHTS AND WELLBEING IMPACT ASSESSMENT (CRWIA)

### CRWIA Stage 1 Screening

#### 1. Name the policy, and describe its overall aims.

Amendments to the Scottish Planning Policy.

There is no statutory requirement or context for the plan. The amendments will clarify the approach that decision makers should take to assessing the extent of the 5 year effective housing land supply. They also clarify the process for assessing planning applications when applying a reworded version of the presumption.

#### 2. What aspects of the policy/measure will affect children and young people up to the age of 18?

None, for the following reasons:

- **The amendments will be time-limited.** The amendments will only be applicable between their adoption and the National Planning Framework 4 being adopted by summer 2022.
- **The amendments do not preclude the application of professional planning judgement in each case.** The Scottish Planning Policy is a non-statutory policy, but a significant material consideration. The amendments will not directly lead to planning permission being granted or refused, as that is a matter for decision-makers in each case, taking into account the statutory development plan and other material considerations as appropriate.
- **The impact on numbers of homes delivered is unknown but could reasonably be expected to be neutral.** Some respondents to the consultation were of the view that the changes we originally proposed may reduce the number of homes granted planning permission. It is not possible to accurately predict the number of homes that may, or may not, gain planning permission in the absence of the policy amendments. Only developments which are not in accordance with the statutory development plan and which may not be considered to be sustainable without the use of a “tilted balance” are likely to be affected. Based on the approach taken by Reporters to date, we do not expect that unsustainable developments will have benefited from the presumption prior to the Gladman decision being issued, to any significant extent. We accept that the number of homes gaining planning permission on ‘exception sites’ may reduce as a result of some of the amendments. However, the SPP should be read and applied as a whole. The further amendments now proposed will mean that exceptional housing sites can still be brought forward, and gain consent, where they are considered to be sustainable development.
- **The overarching presumption will be retained, albeit reworded.** As a result, and based on our evaluation of its role to date which shows

that it has been a relevant but not a determinative consideration in non-housing cases, we expect that it can still be applied broadly to applications for wider types of development. As a result the effect of the changes on other sectors is expected to be limited.

**3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

None – see above.

**4. Which groups of children and young people will be affected?**

None – see above.

**5. Will this require a CRWIA?**

A CRWIA is not required based on the reasons set out above.

**CRWIA Declaration**

**CRWIA required**

**CRWIA not required**

X

**Authorisation**

**Policy lead**

Fiona Simpson, Assistant Chief Planner

**Date**

14 December 2020

**Deputy Director or equivalent**

John McNairney, Chief Planner

**Date**

14 December 2020

## Islands Communities Impact Assessment

Scottish Ministers are aware of the duty to consult island communities before making a material change to any policy, strategy or service which, in the Scottish Ministers' opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities.

The Scottish Planning Policy applies to planning across Scotland as a whole. We do not envisage that the changes we are making will have significant, or different effects on island communities for the following reasons:

- **The amendments will be time-limited.** The amendments will only be applicable between their adoption and the National Planning Framework 4 being adopted by summer 2022.
- **The amendments do not preclude the application of professional planning judgement in each case.** The Scottish Planning Policy is a non-statutory policy, but a significant material consideration. The amendments will not directly lead to planning permission being granted or refused, as that is a matter for decision-makers in each case, taking into account the statutory development plan and other material considerations as appropriate.
- **The impact on numbers of homes delivered is unknown but could reasonably be expected to be neutral.** Some respondents to the consultation were of the view that the changes we originally proposed may reduce the number of homes granted planning permission. It is not possible to accurately predict the number of homes that may, or may not, gain planning permission in the absence of the policy amendments. Only developments which are not in accordance with the statutory development plan and which may not be considered to be sustainable without the use of a “tilted balance” are likely to be affected. Based on the approach taken by Reporters to date, we do not expect that unsustainable developments will have benefited from the presumption prior to the Gladman decision being issued, to any significant extent. We accept that the number of homes gaining planning permission on ‘exception sites’ may reduce as a result of some of the amendments. However, the SPP should be read and applied as a whole. The further amendments now proposed will mean that exceptional housing sites can still be brought forward, and gain consent, where they are considered to be sustainable development.
- **The overarching presumption will be retained, albeit reworded.** As a result, and based on our evaluation of its role to date which shows that it has been a relevant but not a determinative consideration in non-housing cases, we expect that it can still be applied broadly to applications for wider types of development. As a result the effect of the changes on other sectors, including those relevant to Island communities, is expected to be limited.

We have taken into account responses to the consultation to inform this view. Some of these views include wider comments about the policy, including the importance of supporting rural housing, that will help to inform our fuller review of the relevant policies in National Planning Framework 4. We are also aware that housebuilding in an island context is not subject to the same level of debate about the presumption as other, more urban, parts of Scotland.

The finalised changes are not specifically targeted at island communities, and we remain of the view that the changes will not have significant, or different effects on island communities to that on other communities.

Planning and Architecture Division, 14 December 2020

## Business and Regulatory Impact Assessment

### Screening Statement

A BRIA is not considered necessary. Impacts are not considered to be significant for the following reasons:

- **The amendments will be time-limited.** The amendments will only be applicable between their adoption and the National Planning Framework 4 being adopted by summer 2022.
- **The amendments do not preclude the application of professional planning judgement in each case.** The Scottish Planning Policy is a non-statutory policy, but a significant material consideration. The amendments will not directly lead to planning permission being granted or refused, as that is a matter for decision-makers in each case, taking into account the statutory development plan and other material considerations as appropriate.
- **The impact on numbers of homes delivered is unknown but could reasonably be expected to be neutral.** Some respondents to the consultation were of the view that the changes we originally proposed may reduce the number of homes granted planning permission. It is not possible to accurately predict the number of homes that may, or may not, gain planning permission in the absence of the policy amendments. Only developments which are not in accordance with the statutory development plan and which may not be considered to be sustainable without the use of a “tilted balance” are likely to be affected. Based on the approach taken by Reporters to date, we do not expect that unsustainable developments will have benefited from the presumption prior to the Gladman decision being issued, to any significant extent. We accept that the number of homes gaining planning permission on ‘exception sites’ may reduce as a result of some of the amendments. However, the SPP should be read and applied as a whole. The further amendments now proposed will mean that exceptional housing sites can still be brought forward, and gain consent, where they are considered to be sustainable development.
- **The overarching presumption will be retained, albeit reworded.** As a result, and based on our evaluation of its role to date which shows that it has been a relevant but not a determinative consideration in non-housing cases, we expect that it can still be applied broadly to applications for wider types of development. As a result the effect of the changes on other sectors is expected to be limited.

The proposed changes to the Scottish Planning policy do not:

- impose additional, or reduce existing, costs on relevant businesses or third sector organisations;

- impose additional costs on public sector organisations that deliver services; or
- involve a transfer of costs or benefits from one group to another, even where it does not change overall net costs or benefits.

Some consultees were of the view that the changes originally proposed would impact on business and employment. Taking into account these views and the finalised changes, we are of the view that a fuller BRIA is not required.

Planning and Architecture Division, 14 December 2020



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