

## ANNEX A : NEST STRUCTURE PLAN – FINAL MODIFICATIONS

**Modification 1** : Paragraph 2.21, penultimate sentence – Replace the words “was released for consultation in November 2000” by the words ‘was issued in July 2001’ and add ‘,taking into account technical requirements and licence requirements’ at end of sentence and at Policy 4 after “..the location of telecommunications developments..”.

Reason : To update the reference to NPPG 19 : Radio Telecommunications published in July 2001, and to cover the situation where the technical limitations of the cellular system will need to be balanced against amenity considerations in deciding whether to allow a development to go ahead.

**Modification 2** : Re-order Policy 12 categories putting d) before c). Prior to final two categories, old c) and new e) insert the following preamble : ‘and in the interests of local needs, local economic development and services :’ Amend Policy 12c) to 12d) – replace existing text after “single house” with the words ‘or to a single house combined with a business: or up to three residential units with associated business space which is conveniently accessible to local services by public transport, foot or bicycle. Any such conversion must be within the building’s original structure and must retain the building’s original character. All such proposals should be the subject of an application for full planning permission’.

Include a new category ‘12e) Within the Rural Housing Market Area, erection of a single new house within an existing cohesive group of at least five houses where the development provides a material improvement to local public infrastructure and which is accessible to local services by public transport, foot or bicycle. Local Plans will use criteria such as landscape character and the existing pattern of development to define the exact nature of the cohesive group.’

Reason : It is impractical for very large steadings to be effectively converted into a single house only. To allow slightly more intensive residential development in line with NPPGs 3 and 15 and to take place within convenient walking distance of the settlements that have services i.e. those identified as Rural Service Centres in the structure plan. To support rural diversification opportunities for small-scale, home based economic activity in appropriate countryside locations which would not conflict with the established policy of directing new development towards settlements.

**Modification 3** : Move the text from Paragraph 5.10 from “To prevent an increase....developments in rural commuter areas” to the Housing chapter at end of paragraph 3.20. Include a cross reference to the text at paragraph 3.20 at end of 4<sup>th</sup> sentence of paragraph 5.10.

Reason : Essentially presentational and to support new category at Policy 12e and amendment to category 12c - to show that the Plan supports small-scale, home based economic activity (for a house and business) in rural areas provided obsolete or derelict buildings are re-used, are accessible in transport terms, and would not conflict with the established policy of directing development towards settlements.

**Modification 4** : Paragraph 3.25 – include the words ‘healthcare facilities’ at end of second bullet.

Reason : To ensure that the SP recognises its role in securing developer contributions towards the provision of healthcare facilities.

**Modification 5** : Paragraph 4.11, add to first sentence ‘Government guidance set out in NPPG5, Archaeology and Planning...’. Policy 20, second sentence, include ‘conservation’ after “active use,” . Policy 20, third bullet, replace “encourage the enhancement of...” with ‘protect and enhance ...’.

Reason : To confirm that what is being referred to is covered by a separate document to NPPG 18 and covers different issues. To be compatible with the term used in Para 4.10. To give sufficient protection to the parts of the built heritage covered by this part of the policy.

**Modification 6** : Paragraph 4.16 – Second sentence, add words ‘and downstream’ after “localised”. Third sentence add words ‘and developers will be required to demonstrate that their proposals for foul and surface water drainage are the best available in terms of Sustainable Urban Drainage.’ Add new final sentence ‘PAN 61 : Planning and Sustainable Urban Drainage Systems published in July 2001 provides additional advice on how Local Plans should apply the SUDS approach to development’.

Reason : To give stronger emphasis to the SUDS approach and to clarify that developers will be required to demonstrate the most appropriate option for drainage. To update the position on the publication of the Scottish Executive’s planning advice.

**Modification 7** : Following paragraph 4.16, add a new statement on the Water Framework Directive as follows : ‘The Water Framework Directive – Developments will need to take account of the provisions of the EC Water Framework Directive once it has been implemented in Scots law. The Executive is proposing to do this by means of primary legislation which it will introduce to the Scottish Parliament in 2002. The Directive requires the sustainable management of Scotland’s water on the basis of natural river basin districts, taking account of all the impacts that cause harm to the aquatic environment, including physical engineering projects. Controls proportionate to the degree of environmental risk will be introduced after full consultation.’

Reason : For the SP to acknowledge and inform readers of the imminent introduction of this new legislation which will impact on the planning system and influence the future pattern of development in the structure plan area.

**Modification 8** : Page 10, locational objective 7, 4<sup>th</sup> bullet – replace words “liable to flood” with words ‘at significant risk of flooding’. At Policy 22, first bullet – add at the end the words ‘and will consider amending the SP if the areas identified affect strategic development allocations’. At Policy 22, second paragraph, first sentence – after “at” delete existing wording and insert ‘significant risk from flooding according to the sensitivity of the development and the risk of flooding of the site.’ At Policy 22, second paragraph, second

sentence, delete “These areas” and replace with ‘Functional flood plains...’. The term ‘functional flood plain’ should be defined in the Glossary as : ‘the unobstructed or active areas where water regularly flows in time of flood. In these areas built development should be wholly exceptional and limited to essential transport and utilities infrastructure.’

Reason : To clarify that the liability to flooding has to be significant. To ensure that the SP allocations reflect the areas identified as being at risk of flooding and to clarify that the policy is concerned with areas of significant risk as opposed to insignificant risk and not only in flood plains. To make it clear that it is the undeveloped flood plain, otherwise referred to as the functional flood plain, that should be allowed to flood naturally. To define the relatively recent term ‘functional flood plain’.

**Modification 9** : Add sentence at new para 4.31 as follows: ‘Where proposals for new pipelines are involved, or where pipeline wayleaves are potentially affected by proposals, developers will need to carry out a full hazard and risk evaluation and environmental impact in connection with their proposals.

Reason : To clarify the situation with respect to potential development proposals.

**Modification 10** : Add the words ‘and species’ after “habitats” at Table 5, Tiers 1 & 2. At Tier 1 and at Policy 19, replace “Article 1” with ‘Annex 1’.

Reason : For completeness, consistency and accuracy from a biodiversity point of view.

**Modification 11** : Add the following text at end of Policy 28 – ‘Should the SFA’s bid for the European Football Championship in 2008 be successful, The Scottish Ministers will support the location of a new football stadium which meets, as far as possible, the requirements of NPPG 11: Sport, Physical Recreation and Open Space. The guidance states that, under these very special circumstances, a green belt site may have to be considered and that it could be considered alongside any proposal for adjustment of green belt boundaries. The guidance also points out that in deciding on a suitable site for a new stadium account would need to be taken of all normal planning considerations such as traffic, parking, access to public transport, and possible conflicts with neighbouring uses.’

Reason : To enable the development proposal, should the bid be successful, to proceed on a plan-led basis and to acknowledge the Scottish Executive’s support for a site which is based on the requirements of NPPG 11 being met.