

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>29 March 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject	<b>Scottish Government Consultations: 1. National Planning Framework 4 2. Local Development Plan Regulations and Guidance 3. Open Space Strategies and Play Sufficiency Assessments Regulations</b>
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## 1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise the Planning Committee of the current Scottish Government consultations on the draft National Planning Framework 4; Local Development Plan Regulations and Guidance; and Open Space Strategies/Play Sufficiency Assessments Regulations
- ◆ seek approval for the responses to the consultations as set out in appendices 2 to 4 to the report

## 2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the proposed responses to the current Scottish Government consultations on the draft National Planning Framework 4; Local Development Plan Regulations and Guidance; and Open Space Strategies/Play Sufficiency Assessments Regulations, as set out in appendices 2 to 4 to the report, be approved for submission to the Scottish Government.

## 3. Background

3.1 The Planning (Scotland) Act 2019 that received Royal Assent in July 2019 places the planning system in a central role in support of the Scottish Government's objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The new legislation puts in place a range of new statutory duties and measures to achieve this. The Scottish Government are currently carrying out consultation on three key areas that will inform delivery of their ambitions through the planning system. The background to each is summarised as follows;

### 3.2 National Planning Framework 4

3.2.1 The National Planning Framework 4 (which will represent the Government's national planning policy when it is approved) will, under the 2019 Act, have a new enhanced status as part of the development plan alongside the Council's Local Development Plan once it is approved. All planning decisions (the preparation of Local Development Plans and the determination of planning applications) will have to accord with NPF4. The Act defines six outcomes NPF will be required to achieve:-

1. Improving the health and wellbeing of the people.
2. Increasing the population of rural areas.
3. Meeting housing needs
4. Improving Equality and eliminating discrimination.
5. Meeting targets for emissions of greenhouse gases, and
6. Securing positive effects for biodiversity.

The Act includes for the first time a definition of the 'purpose for planning' which is "to manage the development and use of land in the long-term public interest". The long-term public interest includes anything contributing to sustainable development or achieving the national outcomes set out in the Community Empowerment Act. The latter point reflects one of the overarching aims of the Government is to strengthen links between spatial and community planning.

3.2.2 A Position Statement was published in November 2020 which set out the Government's thinking on planning matters and the Council responded to a consultation on this document in February 2021. A draft NPF4 was laid before the Scottish Parliament on 10 November 2021 for 120 days during which it will undergo scrutiny. At the same time a public consultation was published with a closing date for responses of 31 March 2022.

### 3.3 New style Local Development Plans

3.3.1 The 2019 Act increases the timescales for the preparation of replacement LDPs from every 5 years to 10 years and changes to the way in which they will be prepared. This includes the need to produce an evidence report at the start of the process and submit it to the Scottish Government as part of a 'gatecheck' process; an increase in the number of matters that a LDP should address (for example an assessment of the sufficiency of play opportunities in the Council area for children [see 3.4.1 below] and the health/education needs of the area); and extended consultation and community engagement requirements (specific reference is made to children and young people).

3.3.2 A consultation on draft Regulations and Guidance was published on 17 December 2021 with a closing date for responses of 31 March 2022. Based on the Government's current timetable for implementing its planning reform programme it is anticipated work will start formally on Local Development Plan 3 in late Summer 2022. LDP3 will be seen as a corporate document and other services within the Council will be asked to contribute to its preparation.

### 3.4 Open Space Strategies and Play Sufficiency Assessments

3.4.1 The 2019 Act introduces a new statutory duty for Planning Authorities to prepare an Open Space Strategy (OSS) which will set out a strategic framework of the planning authority's policies and proposals on the development, maintenance and use of green infrastructure in their area, including open spaces and green networks. Open spaces and opportunities for play are key components in placemaking by helping create pleasant, liveable, healthy and resilient communities. Consideration of open space, green infrastructure, and play opportunities also supports the Governments ambitions for 20-minute neighbourhoods. In addition a Play Sufficiency Assessment (PSA) is to

be prepared as part of the Local Development Process. A consultation on draft Regulations for preparing an OSS and PSA was published on 17 December 2021 with a closing date for responses of 31 March 2022.

## **4 National Planning Framework 4**

### **4.1 The Draft NPF consists of 4 parts, namely**

Part 1 sets out a National Spatial Strategy for Scotland to 2045. The Strategy makes specific reference to the role the planning system has in achieving the target of net zero emissions by 2045; supporting nature restoration and recovery; and ensuring a just transition so that these outcomes are fair for everyone. The strategy is based around sustainable places (reduced emissions and restoration and better connectivity for biodiversity); liveable places (better, healthier lives); productive places (a greener, fairer and more inclusive wellbeing economy); and distinctive places (recognizing and working with our assets). A series of Action Areas for Scotland are defined. In the context of the South Lanarkshire most of the Council area is included as part of what is described as '*Central urban transformation*' aimed at transforming and pioneering a new era of low carbon urban living. The southern part of the Council's rural area merges into the Southern Sustainability Action Area where the aim is to create connected, liveable places which benefit from investment and innovation.

Part 2 - sets out the 18 National Developments which will support the Spatial Strategy. This designation means that the principle of the development does not need to be agreed during the planning application process. They include several all Scotland wide National Developments e.g. National Walking, Cycling and Wheeling; Digital Fibre Network; Strategic Renewable Electricity Generation and Transmission Infrastructure; and Circular Economy Materials Management Facilities. Within the SLC context they include

1. Central Scotland Green Network;
2. Urban Mass/Rapid Transit systems - 'Glasgow Metro';
3. Urban Sustainable Green/Blue Networks (Metropolitan Glasgow Strategic Drainage Programme;
4. High Speed Rail; and,
5. Clyde Mission.

Part 3 - is the National Planning Policy Handbook consisting of 35 policies which set out the policies for the development and use of land which are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. The first six policies are described as Universal policies which would apply to all planning decisions. The remainder are subject based policies which relate to specific land use topics. A list of policies is set out in Appendix 1 which shows the breadth of themes NPF4 will cover.

Part 4 - sets out an outline of how the Scottish Government will deliver this strategy. This will be developed into a standalone, live delivery programme once NPF4 has been approved and adopted. It recognises that investment in the planning service is key to this and makes reference to bringing forward increased planning fees in early 2022 in a move towards full cost recovery. A separate report on this issue is on the agenda for this committee. There is also reference to a review of the mechanisms for securing developer contributions

## 4.2 Spatial Principles to 2045

NPF4 set out six overarching principles in relation to where development should be located. These are

- a) Compact growth - limit urban expansion where brownfield, vacant and derelict land and buildings can be used more efficiently. Increasing the density of settlements to reduce the need to travel unsustainably and strengthen local living.
- b) Local living - create networks of 20 minute neighbourhoods to support local liveability, reduce the need to travel unsustainably, promote and facilitate walking and cycling, improve access to services, decentralise energy networks and build local circular economies. Virtual connectivity and active travel links will also be important.
- c) Balanced development - create opportunities for communities in areas of decline and manage development more sustainably in areas of high demand. In particular, enable more people to live and remain in rural areas, and to actively transform areas of past decline
- d) Conserving and recycling assets - protect and enhance existing assets with a focus on making productive use of existing buildings, places, infrastructure and services, locking in embedded carbon and minimising waste, and supporting Scotland's transition to a circular economy.
- e) Urban and rural synergy - improve green infrastructure to bring nature into towns and cities, connecting people with nature, building resilience and helping biodiversity to recover and flourish.
- f) Just transition - rapid transformation is required cross all sectors of our economy and society to meet climate ambitions. The journey to achieve this must be fair and create a better future for everyone. Local people will shape their places and transition to environmentally sustainable ways of living.

## 4.3. Drawing all of the above together a number of key themes can be identified;

### Climate emergency

Climate change will be a guiding principle for all plans and decisions including emissions reduction and the adaptations needed to make places more resilient. As a starting point consideration of all development proposals should give significant weight to the Global Climate Emergency. All development should be designed to minimise emissions over its lifecycle; those that generate significant emissions either on their own or cumulatively will not be supported unless it can be shown the level of emissions is the minimum that can be achieved to make the scheme viable. Larger developments will require a whole-life assessment of emissions and identifying off setting measures will play a key role in this.

### Nature Crisis

The planning system should facilitate biodiversity enhancement, nature recovery and nature restoration including by aiding the creation of mature networks and strengthening connections between them and restoring degraded habitats. New development will be expected to contribute to the enhancement of biodiversity and potential impact should be minimised through careful planning and design.

### Human rights and equality

The planning system should respect, protect and fulfil human rights and seek to eliminate discrimination and promote equality. This includes consulting and engaging collaboratively, meaningfully and proportionately. The strong links between spatial and community planning will be important in ensuring this is achieved.

### Community Wealth Building

Development plans are required to address community wealth building priorities through a people-centred approach to economic development by addressing economic disadvantage and inequality and providing added social value.

### 20 Minute Neighbourhoods

They are intended to ensure people meet the majority of their daily needs within a reasonable walk, cycle or wheel. New housing should be planned together with local infrastructure (schools, local shops, greenspaces and health and social care) to reduce the need for unsustainable travel. Development that contributes to the creation of walkable, liveable and thriving places that provide existing communities with access to a wide range of services should be supported. The empowering of communities through the use of the Place Principle will inform the outcome for every area.

### Infrastructure First

This involves putting infrastructure considerations at the heart of place making to better inform land use and investment decisions. The infrastructure needs of new development should be understood early in the process (the LDP stage). LDPs should align with relevant infrastructure plans and policies.

### Heat and Cooling

Heat networks contribute to net zero targets by using and storing heat from low or zero emission sources such as surplus or waste heat. LDPs will be required to take account of the Local Heat and Energy Efficiency Strategy and areas of heat network potential.

### Business and Employment

Recovery from Covid allows the opportunity to consider the future economy and focus on supporting green jobs and businesses. The green economic recovery will support the building of a wellbeing economy. Investment should support the just transition to a net zero nature positive economy. Proposals for home working, live work units and community hubs are to be supported.

### Health and Wellbeing

The aim is for places to support physical and mental health and wellbeing by reducing health inequalities and creating an environment that promotes active and healthier lifestyles. This can be achieved through the provision of health and social care facilities to meet the needs of communities. Access to good quality and safe green and blue infrastructure will be important.

### Zero Waste

This highlights the role of the circular economy to manage waste and resources in a way that contributes to net zero and sustainability objectives and green recovery. New development should seek to reduce, reuse and recycle materials and aim to use materials with the lowest form of embodied emissions. The use of previously used sustainable, local and natural construction materials is encouraged.

### Green Energy

The continued expansion of low carbon and net zero energy is a key contributor to net zero emissions by 2045. The energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. LDPs should seek to ensure an areas full potential for electricity and heat from renewable sources is achieved including support for repowering, extending and expanding existing wind farms.

### Town centres

The planning system should help town and local centres adapt to current challenges by making them more healthier, active, creative, accessible and resilient. They have an important role in supporting 20 minute neighbourhoods. The vitality and viability of centres can be improved by extending the mix of types of development that will be supported. In particular town centre living should be encouraged while edge of centre and out of town retail proposals should not be supported.

### Vacant and derelict land and empty buildings

The reuse of vacant and derelict land and buildings is recognised as contributing to climate change targets and supporting biodiversity, health and wellbeing improvements and the creation of resilient communities by providing greenspace and other community benefits. Redevelopment for housing and businesses can also limit urban expansion. Proposals on greenfield sites should not be supported unless it has been allocated for development or it is supported by other LSP policies and alternative brownfield sites are not available.

### Rural Places

The draft aims for rural places to be vibrant and sustainable. The planning system should encourage development that helps support, sustain and grow rural areas and stimulate a greener, fairer and more inclusive wellbeing economy while supporting natural assets. LDPs should identify distinct accessible, intermediate and remote area and set out an approach to development in areas of pressure and decline including proposals for future population growth. Proposals that contribute to the viability, sustainability and diversity of the local economy should be supported.

- 4.4 In addition a new approach has been taken to help the planning system support the delivery of more and better homes. Amongst other matters this policy reflects the work undertaken by the Glasgow City Region Housing Market Partnership to provide a Minimum All Tenure Housing Land Requirement (MATHLR) in the preparation of the draft NPF4. LDPs will be required to identify a housing target for the area which should at least meet the 10 year MATHLR (7,850 for South Lanarkshire). A deliverable housing land pipeline for the Housing Land Requirement is to be provided setting out short, medium and long-term sites. Land to be identified to meet the HLR should be in sustainable locations. Proposals of over 50 units are to be accompanied by a statement of community benefit which will include the contribution of the proposal to affordable homes.
- 4.5 A further significant change is the support for affordable housing proposals where there is an identified requirement. In addition proposals for private homes should generally only be supported where a contribution to the provision of affordable homes on a site is at least 25% of the total number of homes. At the moment the requirement is for up to 25% of homes to be affordable.

## **5. Local Development Plans**

- 5.1 The consultation paper states that Local Development Plans should consider the ambitions and outcomes for an area looking 20 years ahead. They should be developed through collaboration and based on robust evidence to ensure they can be delivered. They should be place-based with the spatial strategy reflected more in a collection of maps, site briefs and masterplans than written text and policy as at present. Plans should be relevant to people and local communities and delivery development that meets the needs and aspirations of a place. A wide range of stakeholders are expected to play a role in preparing the LDP. LDPs should implement the national policies in NPF4 to show what they mean for change and development in a particular place. One size will not fit all and therefore proposals and policies will be needed for distinct places as well as for the wider Council area. They should also take into account the Council's Community Plan to ensure it contributes to the priority outcomes in it. They should be prepared in a different way, look different and be used differently to before.
- 5.2 The new legislation includes 5 stages for the plan preparation process

### Evidence Report

This is to be prepared at the start of the plan making process and is intended to improve the quality and effectiveness by front loading the work and evidence that will be used to inform what to plan for before the Proposed Plan looks at where development should take place. It will include baseline data and information needed to inform the plan but site specific matters are not to be included. The draft guidance sets out what evidence could be included – other local, regional and national strategies; infrastructure capacity and planned investment; public health and wellbeing indicators; housing land requirements for all tenures; town centre health check data; and local and regional economic strategies.

### Gatecheck

Once completed the evidence report is to be submitted to Scottish Ministers who will appoint a Reporter to carry out an independent assessment of whether sufficient information has been collected to prepare the LDP. It is intended to reduce the level of debate during the Examination of the Proposed Plan. If the Reporter decides that is the case then the Council can start preparing the Proposed Plan. However, the Council can also be informed that insufficient information has been provided in which case the evidence report has to be revised and resubmitted.

### Proposed Plan

This will identify where new development should take place and set out the ambitions and priorities for the area. An Infrastructure First approach should inform its preparation and support delivery. Plans are expected to be place-based with greater use of maps, plans and briefs and minimal policy wording. All sites proposed for development are to be assessed for their deliverability. A Call for Ideas may be undertaken to allow ideas to be proposed for every aspect of the Plan. It will not be limited to individual sites as at present. Significantly more engagement is now required with particular reference to children and young people. The Proposed Plan has to be approved by Full Council in order to set the plan's status as a corporate tool.

## Examination

As at present, the examination involves the independent assessment of issues raised during the formal consultation on the Proposed Plan that have not been resolved. Recommendations to make modifications to the plan are also largely binding on the Council.

## Adoption and Delivery

Within 3 months of the plan being adopted by the Council an associated Delivery Programme must be adopted and published. It must be kept under review and updated at least every two years. Preparation should run alongside that of the Proposed Plan. It is described as similar to a business plan with a shared commitment to achieving the actions in it and the project management of the Council's financial investment for the delivery of the plan and co-ordination with private or other funding. It will prioritise sites and specify the actions and interventions needed to deliver them.

### **6. Open Space Strategies/Play Sufficiency Assessments**

- 6.1. While dealt with under separate parts of the Planning Act the Government has produced draft Regulations to cover both Open Space Strategies (OSS) and Play Sufficiency Assessments (PSA); this is to ensure a holistic and integrated approach due to the links and overlaps between them. The consultation on OSS proposes an outcomes based approach to focus on what the documents should achieve rather than inputs and outputs and ensure consideration is given to what type of places we want in the future. These include in this case improving access to green infrastructure, open space and green networks; creating sustainable places; improving health and wellbeing; and mitigating and adapting to climate change.

The preparation of the OSS involves as a first stage an audit of open spaces within a Council area. The guidance proposes a minimum size threshold of 0.2 hectares although smaller spaces may be included if appropriate. The audit will also consider the type of open space and its function, accessibility and condition. The audit is also to provide information at a locality scale with a description of the open spaces in the area in terms of quality, quantity and accessibility. Thereafter engagement has to take place on the outcome of the audit to seek views on how well open space meets the needs of stakeholders.

- 6.2. The OSS must contain an assessment of current and future requirements to inform how well existing open spaces help contribute to the outcomes and what changes and requirements are needed to help deliver them; and how well they meet the needs of communities. Following on from this the OSS is to include policies and proposals on the development, maintenance and use of the green infrastructure in the area.
- 6.3. PSA are to be carried out as part of the preparation of the Evidence Report in relation to the LDP process. It is to take the form of a written report with maps. Play opportunities are to be identified – spaces specifically laid out for play as well as open spaces where play is not the primary function. Play opportunities are to be identified for four separate age groups. The PSA is to include statements covering the quality, quantity, inclusion and accessibility of play for each locality as well considering in particular whether children in deprived communities have sufficient play space.



## **7. Next Steps**

- 7.1 As noted above, the deadline for submitting responses to all three consultations is 31 March 2022. In order to inform this, officers have been engaging with colleagues in other services to explain the proposed changes to the planning system and seeking feedback on how they could affect their service delivery. Their comments have been incorporated into the draft responses in the appendices.
- 7.2 In general terms the clarity, ambition and radical approach taken by the Scottish Government across its new legislation and the three documents which are the subject of this report are very welcome. The direction of the draft NPF4 reflects many of the emerging themes and priorities already identified at a national level and the Programme for Government and it establishes a framework on how the planning system will deliver the Government's aspirations. Tackling climate change and supporting sustainability is weaved throughout the document which reflects that sustainable development must be the foundation if the climate emergency and the nature crisis are to be tackled. Topics that the planning system has not been previously asked to address (eg health and wellbeing and community wealth building) are given prominence and are clearly established as critical in terms of creating a just society and tackling longstanding inequalities and challenges. The emphasis on place making, the creation of 20 Minute Neighbourhoods and the role local people will have in shaping their areas are welcomed. The focus will be on brownfield sites and how they can be transformed into liveable and productive places.
- 7.3 A key consideration of the just transition to a net-zero carbon economy will be how to measure economic success within the context of the climate emergency. The inclusion of the wellbeing economy, which seeks to balance the climate and biodiversity and an equitable distribution of economic opportunities, as a means of achieving this goal is welcome. However, the topics of public health and inclusivity should also be prioritised as part of the just transition. There is no consistent list of what every place needs for people to thrive, and key to the success of the place-based approaches will be the ability to work flexibly to respect the needs of different demographics and geographies of the area. A one size fits all approach will be insufficient, as what works for towns will not work for rural communities. In more general terms, the draft lacks a clear vision for rural communities and greater clarity is needed to demonstrate how concepts such as 20-minute neighbourhoods, and the principle of local living which they embody, can be applied to the rural area.
- 7.4 The key to the success of NPF4 will be how robust the policy direction is and the important issue in responding to the consultation has been looking at the detail and practicality of the policies. The wording of the policies as proposed provides direction on what LDPs should address but also in the same policy what should be taken into consideration when determining planning applications. How the high level policy is applied in these distinct areas should be clearer. Clarity is required on how NPF4 will align and interact with LDPs with queries over how far planning authorities will want to adopt the policies in full or adapt them for the local circumstances. Clarity will need provided as to the extent to which the policies can be adapted. In several areas the detail is insufficient which, if left unchanged, does not provide enough clarity to resist inappropriate proposals or support those that would meet key objectives. The initial impression is that the policies are not strong or precise enough in their detailed wording to defend planning decisions and appeals or be able to be implemented in Local Development Plans in a coherent manner. This would also aid developers and communities to understand what is required of them when developing proposals. In this respect it is important to highlight that the planning service alone cannot deliver the Government's ambitions but rather will need to collaborate with other stakeholders.

7.5 The delivery of NPF4, relies heavily on adequate resourcing. The draft does not contain certainty on how infrastructure will be provided nor is there any strong reference to how it will align with other legislation or other national strategies such as the National Strategy for Economic Transformation, Heat in Buildings Strategy, digital infrastructure, Town Centre Action Plan and place making and community empowerment. At the same time, a number of policy issues will require input from experts on particular topics, both within the Council and in external agencies and stakeholders. The further upskilling of planning staff making decisions needed to meet Scottish Government's future targets is an important issue as is the resourcing of the planning service in terms of staff capacity and skills. The separate report on the agenda for this committee on the changes to the regulations on fees for planning applications is relevant in this context.

7.6 Overall, the planning system is set to undergo radical change in terms of the themes it will be required to address and the significant change in policy direction together with the manner in which LDPs will be prepared and the new duty to prepare an Open Space Strategy. It is important that national planning policy in NPF4 and the regulations setting out how LDPs and OSS are prepared are robust and clear. A critical review has been undertaken of the three consultation documents which highlights areas where change is needed. It is recommended that the three responses are agreed by members and that they be submitted to the Scottish Government. Going forward the timetable published by the Government suggests NPF4 will be approved by Scottish Parliament before the summer recess in June however that seems ambitious, and it is more likely this will happen after Parliament returns after the summer. The Regulations on LDPs and OSS are set to be approved by the end of 2022 after which formal work on Local Development Plan 3 and the Open Space Strategy will start. Further reports will be presented to the Planning Committee once the outcome of this consultation and approval process is known.

## **8. Employee Implications**

8.1 The implementation of NPF4 when it is approved will have implications for officers in the Planning Service in terms of preparing the next LDP and decision making on planning applications. A number of 'new' issues are likely to arise that the planning system is required to address which will require appropriate skills and knowledge currently unavailable. Equally, officers within other Council services will be required to understand any new requirements within the approved NPF4 for their projects and strategies.

8.2 The preparation of the Council's next LDP is likely to be more resource intensive based on the new procedures and guidance set out in the consultation on these matters and additional topics that are required to be covered. Work has started on the Open Space Strategy in partnership with officers in Countryside and Greenspace and the Glasgow and Clyde Valley Green Network Partnership but progress has been delayed due to resourcing issues. The preparation of a Play Sufficiency Assessment is likely to have similar issues.

## **9. Financial Implications**

9.1 The costs of the preparation and production of the next Local Development Plan and Open Space Strategy/Play Sufficiency Assessment will be met from existing budgets. The draft NPF4 recognises that economic recovery will benefit from a better resourced planning service and that the recent decline in the capacity of planning authorities needs to be addressed.

- 9.2 The increase in planning fees is intended to achieve full cost recovery for the planning application process however this fails to address the need to deliver the aims and ambitions of NPF4 and the next LDP/OSS and the planning enforcement function.
- 9.3 The interim Business and Regulatory Impact Assessment (BRIA) of the proposed LDP Regulations and guidance suggests the changes to the development plan preparation process will result in savings nationally of between £21m and £31m over the next 10 years; however this seems optimistic. Similarly the associated BRIA for the OSS/PSA Regulations estimates the cost per planning authority for preparing these documents will be £2,800 per annum over 10 years which again is not credible.
- 10. Climate Change, Sustainability and Environmental Implications**
- 10.1 The theme of tackling the Global Climate Emergency, meeting the Scottish Government's targets for net zero emissions and the promotion of sustainable developments are central to the spatial strategy in NPF4.
- 11. Other Implications**
- 11.1 None
- 12. Equality Impact Assessment and Consultation Arrangements**
- 12.1 The consultations all include interim Equalities Impact Assessment, Child Rights and Wellbeing and a Fairer Scotland Duty Assessment. Consultation by the Council is not required.

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

**17 March 2022**

**Link(s) to Council Values/Ambitions/Objectives**

- ♦ Work with communities and partners to promote high quality, thriving and sustainable communities

**Previous References**

- ♦ None

**List of Background Papers**

- ♦ Planning (Scotland) Act 2019
- ♦ Scottish Government consultation – Proposals for Regulations on Local Development Plans
- ♦ Scottish Government consultation – Proposals for Regulations on Open Space Strategies and Play Sufficiency Assessments
- ♦ Scottish Government consultation – draft National Planning Framework 4

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Tony Finn, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext:5105 (Tel: 01698 455105)

E-mail: [tony.finn@souythlanarkshire.gov.uk](mailto:tony.finn@souythlanarkshire.gov.uk)

## Appendix 1 – List of Policies in the National Planning Policy Handbook

The 6 Universal policies are

Policy 1: Plan-led approach to sustainable development - All local development plans should manage the use and development of land in the long term public interest.

Policy 2: Climate emergency - When considering all development proposals significant weight should be given to the Global Climate Emergency.

Policy 3: Nature crisis - Development plans should facilitate biodiversity enhancement, nature recovery and restoration by facilitating the creation of nature networks and strengthening connections between them; through the creation of new or restoration of degraded habitats; and measures to increase populations of priority species.

Policy 4: Human rights and equality - Planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality. Planning authorities, applicants, key agencies and communities have a responsibility to consult and engage others collaboratively, meaningfully and proportionately.

Policy 5: Community Wealth Building - Development plans should address community wealth building priorities by reflecting a people-centred approach to local economic development. Spatial strategies should support community wealth building; address economic disadvantage and inequality; and provide added social value. Proposals for development within the categories of national developments and major developments should contribute to community wealth building objectives.

Policy 6: Design, quality and place - Development proposals should be designed to a high quality so that the scale and nature of the development contributes positively to the character and sense of place of the area in which they are to be located. Development proposals should incorporate the key principles of *Designing Streets, Creating Places, New Design in Historic Settings* and any design guidance adopted by planning authorities and statutory consultees.

The subject based policies relate to

Liveable Places	Productive Places	Distinctive Places
<u>20 Minute Neighborhoods</u> Policy 7 - Local living	Policy 16 - Land and premises for business and employment	<u>City, Town, Commercial and Local Centres</u> Policy 24 - Centres Policy 25 - Retail Policy 26 - Town Centre First Assessment Policy 27 - Town Centre Living
Policy 8 - Infrastructure First	Policy 17 - Sustainable tourism	Policy 28 - Historic assets and places
Policy 9 - Quality Homes	Policy 18 - Culture and creativity	<u>Urban Edges and the Green Belt</u>

Liveable Places	Productive Places	Distinctive Places
		Policy 29 - Urban edges
Policy 10 - Sustainable Transport	Policy 19 - Green energy	Policy 30 - Vacant and derelict land
Policy 11 - Heating and Cooling	Policy 20 - Zero waste	Policy 31 Rural places
Policy 12 - Blue and green infrastructure, play and sport	Policy 21 - Aquaculture	Policy 32 - Natural places
Policy 13 - Sustainable flood risk and water management	Policy 22 - Minerals	<u>Peat and Carbon Rich Soils</u> Policy 33 - Soils
Policy 14 - Lifelong health, wellbeing	Policy 23 - Digital infrastructure	Policy 34 - Trees, woodland and forestry
Policy 15 - Safety		Policy 35 - Coasts

## **APPENDIX 2 - Scottish Government consultation – draft National Planning Framework 4**

### **General Observations**

In general, support is given to the spatial strategy's approach with the four themes, six underpinning principles, action areas, and the policies that sit under each of the themes. It is an ambitious and transformational strategy. Addressing climate change and nature recovery are established as the primary guiding principles for all plans and planning decisions. However overall there is less focus on the economy than in previous versions of NPF. In particular there is a lack of alignment with the National Strategy for Economic Transformation of the Glasgow City Region's Economic Strategy published in December 2021.

Overall it is considered that the language used in many of the policies is too loose and imprecise, for example, 'should', 'consider', 'take into account' and 'encourage', are not strong enough to achieve the transformational approach outlined in the document or delivery of the strategy. The subjectivity of a lot of the wording leave some of the policies open to misinterpretation. Further guidance on the policies and how these should be applied consistently and locally is required.

In terms of the Policy Handbook each of the policy subjects include both reference to what a LDP should address and also detailed criteria for determining applications side by side. This appears confusing and a more succinct way of delineating this should be explored. There also needs to be more of a balance between urban and rural areas.

A concern of the Council is about how the strategy and the policies will be applied at a local level, how the policies will be resourced, and how the skills gap for planners, in terms of having the knowledge and confidence to implement the policies, be addressed. A raft of new themes are introduced; in particular addressing the climate emergency and nature crisis will be a primary principle of all plans and planning decisions but the skills are not available. It is therefore important that capacity for planning officers, elected members, developers, and local communities is developed as quickly as possible.

South Lanarkshire Council is one of the 8 planning authorities that comprise the Glasgow City Region. A separate response focusing on the strategic planning issues will be submitted in response to the consultation by Clydeplan on behalf of its members and the Council endorses these views.

### **Question 1 – Sustainable Places**

**Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?**

The Council supports the ambition of net-zero emissions and commitment to delivering a just transition to a net-zero carbon economy by no later than 2045. To be successful in achieving this national target and the interim targets, immediate action is required across all policy areas. Planning has a key role to play in enabling the changes required to achieve our climate change targets and the prioritisation of net-zero in NPF4 is supported but needs to be more clearly expressed. It may be more appropriate to include this in the LDP guidance. A similar comment applies to the Nature Crisis and in particular the expectations of LDPs should be made more clear. This cannot be achieved without extensive upskilling of the workforce which should be taken into account when considering the resource implications of the strategy.

Key to achieving these targets will be a consistency of approach across national strategies, as the response to climate change will require changes to all sectors and policy areas. Economic recovery must be 'green' with the principle of net zero embedded at its core. Having climate change as a guiding principle can help to deliver this without restricting development and the Council supports the aim of rebalancing the planning system to stimulating a green economy.

The approach in relation to sustainable places is laudable but will require robust policies to ensure that developers meet all the climate change and nature crisis criteria, that developments are sustainably located and not always on greenfield land, car centric and lacking greenspace. Delivery will rely heavily on developers and landowners buying in to this direction and will require a significant culture change from all stakeholders.

Further detail on how these aims will be achieved would be beneficial. In addition, it may be worth considering how this approach will link with the plans and targets set within the Heat and Buildings Strategy and Housing to 2040, which are not referenced despite seeking to achieve similarly ambitious long term national outcomes.

## **Question 2 – Liveable Places**

### **Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier, and more vibrant places to live?**

It is agreed that seeking to ensure our neighbourhoods are 'brighter, healthier places to live' is an important outcome for NPF4. However further consideration should perhaps be given as to how the individual components in this section can be achieved. Robust policy and a certainty that poor quality development will not be supported is required. In general terms the policies as they stand are too flexible to achieve the transformative change desired.

Many areas within South Lanarkshire have seen little investment over a number of years and it is difficult to see how this will be addressed satisfactorily without a significant change in funding/intervention and in the approaches of private developers to go to areas in decline. Planning alone cannot provide the remedy for this.

The concept of the 20 Minute Neighbourhoods is welcome and one the Council is seeking to embrace however there is no definition of what this means or how local authorities should begin contributing to their delivery. This lack of detail results in difficulties in understanding the implications or opportunities that may exist from this proposed approach. One size will not fit and Councils need to be able to apply a bespoke approach. In addition there is no guide on how existing areas will be retrofitted – with the danger the scenario described above will continue – or how they will be delivered in rural areas. More emphasis on place rather than a linear/time distance might be the way forward.

Strengthening community resilience and public health as well as reducing inequalities will help deliver these priorities. Many of the interventions to address environmental sustainability challenges will have a positive impact on place and health however more focus is needed in on how the planning system in collaboration with others can achieve this.

The Covid-19 pandemic has focused the need for access to nature close to dwellings as well as improved conditions for active travel in our urban environments. As more people are working from home new developments must look beyond housing to also be places for work and play in more self-contained neighbourhoods. New and enhanced green infrastructure including tree canopy/urban forest is part of the solution to some of the key challenges including air and water quality, temperature comfort and flood prevention, public health, wellbeing, safety, local retail, and road safety.

### **Question 3 – Productive Places**

**Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship, and facilitate future ways of working – improving economic, social, and environmental wellbeing?**

There is a clear tension between meeting sustainability objectives and delivering an improved economy. Some of the terms used in this section are new to the planning system so guidance on how they will be achieved, and the measures to be used, is required. Crucially there is only one reference throughout the draft NPF4 to the National Strategy for Economic Transformation. Overall the direction on this theme is disappointing and it is not apparent how it will deliver the aims of the Scottish Government. It does not translate into policies that will deliver.

Carbon emissions must be separated from future economic development to build a green economy, however it must also be an inclusive economy which tackles economic and health inequalities and creates opportunities and prosperity for all. A key aspect of delivering a just transition to a net-zero carbon economy will be ensuring that the burden of climate change adaptation and mitigation are met by those most responsible as well as how we measure economic success in a wellbeing economy. This should put a higher value on public health and inclusivity over traditional economic growth indicators. Strategic approaches must be taken to future development to deliver jobs in the right sectors to the right places if the ambitions for a just transition to a carbon neutral wellbeing economy are met. Definitions are required for terms such as community wealth, fair work and good green jobs.

A key aspect of delivering these ambitions will be the role of digital connectivity. The COVID-19 pandemic has fundamentally changed the ways in which we work and has brought into sharp focus the issues of digital inequality across Scotland. Digital connectivity will be fundamental to our economic future and the inclusion of digital connectivity in Scotland's spatial strategy is supported.

### **Question 4 – Distinctive Places**

**Do you agree that this approach will deliver our future places which will be distinctive, safe, and pleasant, easy to move around, welcoming, nature-positive and resource efficient?**

AS FOR Q3 THIS does not translate into policies that will deliver. Rather the emphasis appears to be on managing new development rather than about existing places that need protection or significant investment and improvement. The approach reflects on the changing nature of city and town centres and how they can contribute to higher quality places in the future which is appropriate. The commitment to placemaking is welcome however there is still generally a poor understanding what this means in practice. More guidance on what this will achieve in terms of desired outcomes is needed. More emphasis can also be made to the importance of local participation in this exercise to enable local communities shape their places. Again, the planning system cannot deliver this by itself.

Placemaking is nearly always lacking in new developments as developers often design to minimum standards. Local authorities can set high design standards but rejection of poor quality proposals must be supported by national decision makers. The Council welcomes the inclusion of regeneration of derelict and vacant land within this approach, however the increased costs and challenges associated with delivering developments on this need to be considered. Clear reference to renewables is needed in this section. In addition, it would be beneficial to understand how this approach will deliver 'safe places to live'. A definition of 'safe' is needed Policy 15 is insufficient in that respect.



## **Question 5 – Spatial Strategy**

**Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive, and distinctive?**

This section of NPF4 is well intentioned but lacks clarity of direction and definition/vision of what is to be achieved. Overall it appears there is a focus on urban places and not a great deal of clarity on what is to happen in rural areas. It should be recognised that all areas can support the spatial strategy and this needs to be better presented. As set out the four place types sit in isolation of each other so perhaps a diagram explaining their interaction would be beneficial.

## **Question 6 – Spatial Principles**

**Do you agree that these spatial principles will enable the right choices to be made about where development should be located?**

Generally these spatial principles are a welcome addition as they seem to encapsulate what NPF4 will seek to deliver and add significantly to the direction of the draft document. However it is not clear what weight these principles will have in decision making; nor are they referenced in the Policy Handbook. Their relationship with the four place types and the overall national strategy should also be made more explicit.

**Compact Growth** – This is a good principle, but the pandemic showed that there is a huge desire for people to have their own private garden space. More innovative urban design approaches will be required. Not every settlement has the available brownfield land for this to be achievable. It is inevitable that there will be a need for some planned greenfield release over the 10-year life of an LDP in some areas and this should be recognised. Increasing the density of settlements puts even more pressure on natural resources and biodiversity and potentially prohibit play and open space provision which seems at odds with other ambitions. These assets hold the greatest value and benefits to tackle the climate and biodiversity crisis and avoid loss of distinctiveness /sense of place.

**Local Living** –The concept of 20-minute neighbourhoods will be challenging to achieve in all places. The means that are listed to achieve this principle are appropriate but as with other parts of the document it is unclear how the planning system alone will deliver.

**Balanced Development** – The ability for communities in areas of decline to create opportunities will be extremely difficult as too often this will rely on private developers deciding to invest there – something that in reality is unlikely without public sector intervention.

**Conserving and Recycling assets** – this principle is extremely positive but again the ability to planning authorities to deliver relies on strong policy and support from national decision makers.

**Urban and rural synergy** – as a fundamental point there is a lack of clarity throughout NPF4 on the meaning of ‘rural’. Does it refer to the more remote areas in Scotland or is it referring to the more usual definition or is it the case that different approaches are expected depending on the issue. Without that direction it is difficult to understand what this principle is trying to achieve. The reference to ‘all the areas in between’ needs to be clarified.

**Just Transition** – Again the principle of ensuring the transformational change sought does not result in prejudice or communities falling behind is laudable however the role of the planning system is unclear. There is no direction given on this in the Policy Handbook.

## **Question 7 – Action Areas**

**Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?**

The subdivision of Scotland into these areas is arbitrary. It is not clear how the areas have been defined and the evidence that was used. They are at best simplistic and, based on the scale at which they have been presented, it is not considered they add any benefit to the planning policy process. If they are to remain as a concept then sub-regional areas should be identified, based on the indicative RSS geographies, to allow the strengths, weaknesses and opportunities for each to be identified which can then be related to the overall aims of the action area.

Notwithstanding the above the central urban transformation area is too extensive. Very different issues are relevant in the west and east, so it is difficult to have a one size fits all approach. In addition, they appear to overlap planning authority areas. South Lanarkshire has a significant rural expanse that appears to overlap between the Central Urban Transformation and Southern Sustainability action areas but there is no clarity on this in the narrative. While this does appear appropriate and reflects its diverse urban and rural characteristics, it is important to ensure that neither part of this is lost and that South Lanarkshire is considered fully within one action area, as this would have a detrimental effect on understanding how best this approach is delivered to reflect the urban-rural mix of South Lanarkshire. This can only cause confusion and it may result in the Council's LDP having to reconcile what may be conflicting aims and objectives.

## **Question 8 – 13 – Action Areas**

**Do you agree with this summary of challenges and opportunities for this action area?**

**What are your views on these strategic actions for this action area?**

These questions relate to other action areas not relevant to SLC.

## **Question 14 and 15 – Central Urban Transformation Action Area**

**Do you agree with this summary of challenges and opportunities for this action area?**

**What are your views on these strategic actions for this action area?**

The use of the term 'urban' in the description and bullet point priorities is misleading as this area contains extensive non-urban areas too. This may not have been the intention, but this wording will alienate rural communities.

The Council welcomes the inclusion of 'investing in net-zero housing solutions' within this area however achieving net-zero through retrofitting in urban areas where mixed tenure and mixed use buildings exist in greater numbers will be challenging. It is important that as this policy area is further developed care is taken to join up the different strands of national housing planning and environmental policy. The inclusion of tackling vacant and derelict land is welcome however consideration should be given to additional costs and barriers.

Natural resources including tree cover and Green Infrastructure are part of the solution to some of the key challenges in the action area from climate change to declining health, well-being, sustainability and resilience of neighbourhoods. The reference to accelerating urban greening is good but does not inform what the 'natural solutions' are eg increasing tree canopy cover including the Clyde Climate Forest which is proposing natural solutions at scale across the Glasgow city region.

## **Question 16 and 17 – Southern Sustainability Action Area**

**Do you agree with this summary of challenges and opportunities for this action area?**

**What are your views on these strategic actions for this action area?**

Although rural South Lanarkshire constitutes a significant part of this action area there is no reference to the towns and villages of this part of South Lanarkshire within the consultation paper. There are significant opportunities to utilise natural resources for power generation across this area, with wind, solar and ground source all opportunities to enable the local towns and villages to become more environmentally sustainable.

Improving digital infrastructure and transport links would help contribute to tackling the population decline. As with all opportunities to invest in specific activities, consideration should be given to the local training and employment opportunities that would be part of this process.

**Question 18 - What are your overall views on this proposed national spatial strategy?**

The Council's view are captured in the answers above.

## **Question 19 – 21 – National Developments**

**Q19: Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added to deliver the national development described?**

The Council supports the inclusion of the National Developments in terms of continuity and certainty particularly in terms of how they relate to the Glasgow City Region. They should be included in an appropriate delivery mechanism to help support their delivery.

**Q20: Is the level of information in the Statements of Need enough for communities, applicants, and planning authorities to clearly decide when a proposal should be handled as a national development?**

It would be helpful if there was an introduction to the National Developments section setting out the rationale for selecting them and why some are conceptual, and others are existing proposals. An explanation (or separate guidance) on what it means in terms of the development management process would be useful.

Some of the proposals do not require planning permission in the first place eg cabling required under the Digital Fibre Network. In addition, proposals for electricity generation exceeding 50MW falls outwith the scope of the planning system.

**Q21: Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?**

No

## **Question 22 – National Planning Policy Handbook**

**Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?**

In principle this is the correct approach however it has to be reconciled with the national and local socio-economic requirements which the universal policies could conflict with. Given the challenges presented by climate change it would be appropriate to ensure it is reflected within plans and planning decisions. Further detail on how this would be achieved in terms of desired outcomes, or the impact this may have on plans and planning decisions, would be beneficial. Different stakeholders will have separate motivations, so the policy direction needs to be robust and clear enough to guide them in their decisions.

There needs to be a clear cross reference with all parts of NPF4. For example, the summary sections in part 1 could include reference to the relevant policy content.

National Planning Policy will form the basis of policies against which a proposal will be determined and are therefore matters of the prime importance in the planning system. It is critical that these policies are clear-cut, and their meaning is fully understood. Some of the policies relate to development planning and as such, it would be helpful if the document stated that they are not to be used for decisions on applications.

There is a potential for conflict between the policies set out in NPF4 and those within emerging in LDPs, when under the Town and Country Planning (Scotland) Act 1997, the later policy will prevail in terms of primacy. If a latter LDP trumps the national planning policy, this has the potential to undermine the approach. The 'gate-check' process and LDP examination will have a key role to play in this. However further guidance on this issue would be helpful.

The policies appear to require a number of additional assessments to be undertaken as part of assessing planning applications. This will result in additional burdens for planning authorities and/or development itself. The extent to which additional content in the consideration of planning applications is expected is unclear. Greater clarity and certainty around the wording used in the policies would be beneficial. For example, a number of the policies refer to development being "supported" or "not supported" but the meaning is unclear. It is important that there is strong degree of consistency across the policies. At present, Scottish Planning Policy has a 'right development in the right place' basis, however, this is not reflected now.

The policies here differ from previously ie SPP and the application of national policies across Scotland is likely to be challenging and it is difficult to see how they can be implemented in practice across the different parts of Scotland. The policies vary in their breadth and depth, and there is differing scope for diversion at a local level. The circumstances in which local diversion from the policies may be appropriate should be clearer. Specific policies do not always appear to align with the more general statements within NPF4.

There is a need for cross-consistency within the NPF eg policy 30, part (c) on greenfield developments cuts across other aspects of the document. There are no policies on some important issues for the economy including the role of air travel, oil and gas and the transition from fossil fuels, or nuclear energy proposals.

There is a general conflict with the statement on page 61 that "The following Universal Policies should apply to all planning decisions" and multiple policies which then state that they just apply to the creation of Local Development Plans. Policies could be split into those requiring to be addressed in local development plans and then the rest that will apply to all planning decisions.

Finally consideration needs to be given to updating the Development Management Regulations as it appears for major developments especially the policies will require mandatory submission of particular supporting documents.

## **Question 23 – Policy 1 Plan-led approach to sustainable development**

### **Do you agree with this policy approach?**

Overall this is welcome. Reference should be made to section 25 of the Act ie the status of the development plan in decision making. The wording is too loose ie the ambition should be to accord with the National Outcomes rather than to seek to achieve. Is the policy to apply to development management decisions.

## **Question 24 – Policy 2 Climate emergency**

### **Q24: Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?**

There is no doubt planning is an important contributor to this area but its success will rely on other players. It will help ensure climate change is accounted for within the planning system but needs to align with the recent consultations on the New Build Standard and Heat in Buildings Strategy. Clarity is needed to ensure the policy can be implemented and what tools are to be used to assess the policy consistently. An overall development plan policy context should be included in terms of what the LDP is to achieve. There is a strong need to tie this in with nature crisis and make it clear that nature based solutions are needed within developments to address climate based issues such as flooding, shade, carbon storage etc.

There is a need for definitions of terms like ‘significant weight’ as they are subjective terms. In addition, some of the concepts within the policy require clarification and further guidance eg all development should be designed to minimise emissions over its lifecycle in line with the decarbonisation pathways set out nationally - but what will it look like in practice. The reference to a *whole-life assessment of greenhouse gas emissions from the development* and other requirements is beyond the skills of most planners.

Addressing climate change needs to be as much about climate adaptation and building climate resilience as it is mitigation and off-setting. Adapting to the impacts of climate change and building climate resilience could be pulled out more in the policies.

## **Question 25 – Policy 3 Nature crisis**

### **Q25: Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?**

The policy acknowledges the Nature Crisis but an explanation of what it means should be provided. There is a clear direction and some guidance given as to how the policy could be implemented both by planners and developers including how it links to other plans and strategies. The link with the climate crisis and need for more nature based solutions to deliver multiple objectives could be emphasised. However the policy is overall weak and gives developers scope to not adhere to the policy and doesn't provide local authorities with any powers to ensure the outcomes are achieved. In general, some very subjective wording is used and more clarity is required to understand the intentions behind the policy approach.

At a) reference to the need for LDPs as a first principle to protect existing is required; this issue relates to wider biodiversity not just designations. Nature Networks is a new term but it is unclear if it goes beyond the more widespread reference to the green network. Are nature networks multi-functional or purely a biodiversity tool?

The general principle at b) is a welcome step forward but further guidance on how and when is needed. The draft Nature Scot guidance only applies to local developments.

For c) a methodology for assessing this issue is needed. It implies that a baseline survey will be required but this is not directly mentioned.

The wording for d) is robust but it highlights the need for a standard approach to assessment. This would assist not just the planning authority but would also be clearer for developers. There is arguably a role for Nature Scot to look at this nationally and devise guidance. The reference to “wherever feasible” should be replaced with “integrate and make best use of nature-based solutions, demonstrating how this has been achieved”. The reference to “characteristics” could also be changed to “be based on an understanding of the existing biodiversity value of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats”.

Finally, there may be merit to this policy referring to Developer's contributions and/or to offsite enhancement solutions.

#### **Question 26 – Policy 4 Human rights and equality**

**Q26: Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination, and promote equality?**

It is recognised this matter needs to be included given the outcomes NPF4 is expected to achieve as set out in the Act. However, it is not apparent that a policy approach is appropriate as the requirement to fulfil human rights is already set out in separate legislation. The ability of the planning system to eliminate discrimination and promote equality is limited in any event by a range of other factors. In addition, the consultation responsibilities should be in separate regulations and guidance and not in the policy. If the statutorily required equalities assessments are carried out there should be no need for this policy.

It should therefore be governed by say a guiding principle for planning practice rather than a development plan policy and include reference to local choice/community engagement. There is no question people should be involved in shaping their place and this is captured throughout the spatial strategy, however it should be an underpinning principle.

Clarity is needed on whether this policy will apply to planning applications and, if so, which categories/scale of developments.

#### **Question 27 – Policy 5 Community wealth building**

**Q27: Do you agree that planning policy should support community wealth building, and does this policy deliver this?**

The policy direction is very sparse and the current wording provides no guidance on how planning authorities are to ensure community wealth building objectives are reflected in LDPs and its decision making. This should be set out in the policy to reflect on how proposals are expected to contribute to CWB within the confines of the statutory process. example, policy 5 focusses on community wealth building which is a new policy. It is not clear how this will work in a planning context or how this sits with existing duties on planning authorities for sustainable economic development. The concept itself does not seem to be defined within draft NPF4 and there is the potential to create uncertainty in the system given the lack of clarity.

#### **Question 28 – Policy 6 Design, quality, and place**

**Q28: Do you agree that this policy will enable the planning system to promote design, quality, and place?**

Like Policy 3, this policy establishes a vision regarding the standard and quality of design and the places that are created through development. The policy takes a holistic place-based approach and offers a selection of tools and resources for developers to use as they construct their proposals. However, it does not include any requirement for LDPs to address this through local policy but rather relies on national design guidance. As a result, the policy lacks any real strength due to the use of weak and subjective language which undermines the strong direction and guidance given. Given placemaking is at the heart of the national policy direction the policy wording is disappointing and the opportunity should be taken to better integrate this section with other policies. Development proposals should incorporate the key principles of Designing Streets, Creating Places, New Design in Historic Settings and any design guidance adopted by planning authorities and statutory consultees.

More guidance on how the Scottish Government are defining many of the concepts is needed eg , sense of "joy", "feeling positive towards being playful", "good use" of green and blue infrastructure and "wellbeing promoting" natural spaces and a means of measuring it.

The issue of safety in the built environment is a very complex issue that can mean different things for different people, and this needs to be acknowledged and clear guidance for what the Scottish Government are meaning by safety.

At part d) more detailed criteria is needed to define under what circumstances this would apply and how 'poor quality' can be measured. Policy should also make it clear that 'design' applies not just to the built elements of a development but the soft elements too. Recognition of how watercourses and access to them to achieve placemaking ambitions should be included.

## **Question 29 – Policy 7 Local living**

### **Q29: Do you agree that this policy sufficiently addresses the need to support local living?**

The principles behind this concept are exciting and will have broad support across planning authorities. The policy is predicated on the concept of 20 minute neighbourhoods and therefore it may be more useful to reword the policy title to reflect that. The link to the matters in policy 6 are clear and should be made more explicit.

There are a number of constraints that have to be addressed. Firstly, there is an overemphasis on urban areas and not enough detail on how this will be applied to settlements in the rural area where the placemaking context is different. It may be appropriate to refer to clusters of settlements in this context. Secondly it will be easier to apply to new developments rather than trying to retrofit existing places. There needs to be more guidance about retrofitting and how to tackle issues of land/property ownership especially in purely residential areas. When applying the concept to existing areas guidance should be provided on how different urban typologies can be made to fit. Finally, a test to measure the quality of existing services and facilities could be useful.

There is no encouragement to use the Place Standard Tool, which would be beneficial in understanding the needs of the community and whether the proposals to improve local living will benefit them. There is a lack of emphasis given to community consultation and how the use of other tools such as Local Place Plans and Local Outcome Improvement Plans could be helpful in bringing about 20MN.

No guidance is given in terms of how to implement the policy other than hoping that it will be embraced by developers who only "should" be supporting the concept and its delivery. There is no reference on how to deal with proposals that conflict with the 20MN or which don't conform to the ambition of local living ie what weight should be given in the decision making process.

Creating more housing that would support 20 minute neighbourhoods within rural areas might require the use of greenfield land to allocate housing sites which could conflict with other policy in rural areas/Green Belt.

The following challenges are missing: concentration of fast-food outlets, especially in disadvantaged areas; areas with high food insecurity linked to financial insecurity; and the high demand for community food growing and allotments despite decreasing availability.

The type of shopping areas that should be accessed within the principles of the 20 minutes neighbourhoods should be specified. eg a food shop to distinguish them from other types of shops and support given to shops selling healthy and fresh food at affordable prices. Shopping areas or shops adopting sustainable practices could also be prioritised.

The policy mentions informal play, but not informal greenspaces specifically e.g. in relation to LNRs and less managed spaces, and their importance to urban/local living. Trees and woodlands are part of the solution to some of the key challenges for climate change, declining health, well-being sustainability and resilience of our neighbourhoods and can often do so in more cost-effective ways than some traditional forms of infrastructure.

## **Question 30 – Policy 8 Infrastructure First**

### **Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?**

This is stated as a key principle earlier in NPF4. However, the draft policy does not set out how the various component parts work together or what the mechanism for delivering or funding the infrastructure eg it is not clear whether developer obligations are to be used to deliver infrastructure across Scotland while the draft guidance in consultation on LDP's refers to developer obligations with no reference to possible Infrastructure Levy/land value capture

There may be merit in Planning Obligations having their own policy. Given the potential for infrastructure to span across more than one planning authority, it would seem appropriate for reference to be made in this policy to the use of regional spatial strategies.

The policy appears to reference a range of existing infrastructure developments and approaches. Some of these however remain in feasibility form or have been discussed as potential projects for a prolonged period of time. A definition of what is meant by infrastructure is required. It places a new and significant onus on planning authorities to set out the approach in delivery programmes and the responsibilities for delivery established. This has implications for planning authorities in terms of skills and resources. There needs to be a national or even regional approach to infrastructure capacity and reference to city deal. This whole issue is much more appropriately addressed at that level. The infrastructure providers will be required to engage with planning authorities however this has not always been the case previously.

The policy requires LDP to "set out the infrastructure requirements of the spatial strategy, informed by the evidence base. It's not clear how this evidence base will be produced nor methodologies or where these requirements will be set out i.e is it within the LDP or other non-statutory advice to inform the LDP. The draft LDP guidance indicates this requires this to be set out in the LDP itself however to do that would make the plan large, unwieldy and remove any flexibility to amend these requirements to account for changes within life of the plan and particularly at local level. Producing the necessary evidence base will be a very large and resource intensive piece of work.

It's also premature to progress this until such time as there is more certainty about development funding for infrastructure. The policy also fails to acknowledge the risks associated with front funding of Infrastructure and as to who should bear these.

## **Question 31 – Policy 9 Quality homes**

### **Q31: Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?**

This policy covers a range of issues. The reference to meeting the needs of people throughout their lives is welcome as is the reiteration that new sites should offer affordability and choice to meet the diverse needs of communities. However, this needs to be a requirement of all house proposals over a minimum number of units while such housing should be integrated and not built off site as an allocation elsewhere or dealt with via a financial contribution. Age in place and equality for accessible homes can only be properly achieved when integrated with mainstream housing. Reference to good quality homes in the creation of good quality and sustainable places is also beneficial.

Private housing investment is needed in many remote areas where house prices are low and the area may have social and economic deprivation. Land may be allocated to encourage and direct housing, however if developers won't develop for viability reasons, then such sites can simply be removed and a more desirable and viable site can be built out elsewhere. This policy does not support the Fairer Scotland Duty as it fails to ensure that the imbalance of developer site selection is addressed.



The policy would benefit from providing additional details on how different housing tenures will play different roles to support people throughout their lives, as well as how providers will be supported to meet the new planning requirements alluded to in the policy. Policy language is often too weak and subjective and there is lack of definitions of key points eg high quality and great places. Phrases like *Locations that may be suitable for new homes beyond the plan period can also be identified* are a cause for concern as this appears to give developers the opportunity to re-submit previously discounted sites.

The introduction of the need for a statement of community benefit appears in effect to be a supporting statement. Clarity is required in relation to what weight can be given to this document and how far the planning authority can challenge its contents.

Finally, a policy dealing with householder development is disproportionate in a national policy document. In any event the policy criteria is very limited and does not add value to decision making. This is more properly dealt with at a local level.

### **Question 32 – Policy 10 Sustainable transport**

**Q32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?**

The general approach for developments that generate a significant increase in trips is supported but it seems to be simplistic and not address the complexity of the problem. It does not go far enough to encourage the reimagining of urban town centres into successful sustainable places centred around people, and the remove the focus on cars. Some rural towns have poor public transport links – how are they to be supported? Most developments in such cases will require to be car dependent. In addition, insufficient advice is given on how low/no car parking can be achieved in urban and rural settings. More support of this type of approach which can prevent good quality schemes proceeding can be provided in the policy.

Street design should give priority to sustainable active travel modes over vehicular traffic. Paths should be capable of being used and shared by all non-motorised users but also mobility scooters. It would be helpful if where development design is being planned that it is emphasised that active travel links and connections (public transport) are identified from the outset and that links within and outwith the development get reasonable priority when compared to house building layout.

### **Question 33 – Policy 11 Heat and cooling**

**Q33: Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?**

The role envisaged for heat network partnerships is supported and will be critical to ensuring these elements are included in new development. However, it is considered a more ambitious approach would be to encourage whole system approach to energy. The links to the Building Regulations should be made more explicit in terms of requirements on heat and insulation, passive and natural solutions and design concepts. In addition, there is no reference to retrofitting existing homes nor how old traditional buildings can be adapted.

### **Question 34 – Policy 12 Blue and green infrastructure, play and sport**

**Q34: Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?**

While there are clear connections between blue/green infrastructure and play/sport this policy is unwieldy and tries to cover too much in one policy. It may be better to split this policy and have a separate policy for play and sport.

The various elements referred to here are key parts of the Green Network. The policy states that green infrastructure should be considered as part of the Green Network. It is therefore suggested that a definition of GI is needed to cover the relationship between it and Green Networks/greenspace.

The introduction should refer to OSS and PSA as these will be a key part delivering this policy. There is no mention of the OSS or PSA or how it links to other policies within NPF4. There is very little reference to sports facilities or spaces which is a missed opportunity. More guidance for creating quality spaces for different ages and abilities would be useful.

At c) the baseline blue/green infrastructure should be defined while at h) this policy has links to the Nature Crisis policy and the requirements for biodiversity enhancements. Multi-functional open/greenspace can meet both needs. Again, implementing this policy will depend on the baseline of existing provision being established through OSS.

The Council agree with proposals to enhance and protect play and sport as a component of blue and green infrastructure. The ideals set out in the policy of extending play opportunities beyond traditional fixed play areas are positive, but do not reflect the way play is currently delivered by the Council nor the resources that are available to the Council to maintain and upgrade sites. Most existing play areas are small and within residential areas and don't have the capacity for extension. It is not always possible to meet current aspirations for play value and inclusiveness within such areas. The Council no longer adopts small play areas in new housing developments and what is provided by developers tends to be play areas which are tiny and offer no real play value or inclusiveness. It is therefore suggested that minimum standards are set i.e. a minimum size based on the number of houses being developed, and mandatory element of inclusive equipment specified.

In addition, developer contributions could be used to support larger sites such as district and country parks. There is also an issue of how to secure quality play areas in rural settlements where historic provision is poor and there is limited new development coming forward to provide new facilities. There needs to be an acceptance in NPF policy that one size doesn't fit all as clearly not all play areas are or can be equal. Development proposals for temporary or permanent open space, tree canopy cover, green space or play space on unused or under-used land are supported.

### **Question 35 – Policy 13 Sustainable flood risk and water management**

**Q35: Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?**

The policy does not reflect the position statement recently issued by SEPA on new building in flood risk areas. At a) clarity is needed on how LDPs should identify opportunities to implement natural flood risk management while at b) a definition of 'future functional flood plan' is required

At e) an assessment of whether a proposed drainage solution for a development a negative impact on the overall catchment would have will require detailed technical advice. Finally at g) the statement that development proposals should only be supported if they can be connected to the public water mains is at odds with the intention to repopulate the rural areas?

### **Question 36 – Policy 14 and Policy 15 Health, wellbeing, and safety**

**Q36: Do you agree that this policy will ensure places support health, wellbeing, and safety, and strengthen the resilience of communities?**

The new policy approach on health and wellbeing is welcomed but it is a very complex cross-sector issue. The contribution other policies can make to delivery should be highlighted eg 20 minute neighbourhoods, blue and green infrastructure and play/open space provision. The role of the planning system in achieving the aims of the policy is

unclear and this is exacerbated by the lack of skills and awareness among planners to properly assess the impact of proposals on this theme. The impact of climate change on health inequalities for example air quality, the exacerbation of poverty/inequalities and those with disabilities should also be referenced.

Consideration should be given to including criteria that in principle support for new leisure facilities and change of use proposals, including gyms, dance studios etc. as well as outdoor play and education facilities, and for specialist health care facilities. Light pollution should be included as an issue along with noise. Direction on the need for air quality assessments should be added. Significant adverse health effects should be defined as they need to be known before a HIA can be requested.

Local food growing should have a stronger place in NPF4 as it links to local living and blue and green infrastructure. There are great community gains from the incorporation of food growing and community kitchen spaces. Part e) gives an opportunity to mention green/blue infrastructure and green/blue spaces along with allotments etc due to the links between outdoor/nature spaces and health/wellbeing.

### **Question 37 – Policy 16 Land and premises for business and employment**

**Q37: Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship, and promote alternative ways of working to achieve a green recovery and build a wellbeing economy?**

In general, the background and policies for economic development seem quite weak. Planning decisions and investment in economic development opportunities are closely linked and so the policy should be strengthened to make this more explicit. In addition, there is no reference to the National Strategy for Economic Transformation. A key theme is the creation of 'green' jobs however this is not defined nor is there direction on how to assess proposals that do not include green jobs.

The policy should reference the need to identify a hierarchy of sites, acceptable use classes etc in these locations in order to more effectively assess proposals in particular types of networks. More clarity is needed around some of the wording eg what is definition of a wellbeing economy, primary business function of the area and net economic benefit? It is unclear how the latter term is to be assessed for example is a developer required to submit an appraisal. There is no guidance on how much employment and infrastructure will be required, what type of industry/business land and where it should be located.

Part b) does not reference the protection of industrial areas from non-conforming uses nor how proposals are to be assessed. The overlap between b) and d) is also confusing. The wording at f) is too flexible and could lead to development in unsustainable locations. These developments should require a statement of net economic benefit to be provided.

In terms of "accelerate urban greening", it is suggested that a reference to the importance of land for community food growing and allotments is included while in "Wellbeing economy", reference should be made to the role of the development of food businesses (healthier/fresh food vs. take-away/fast food) on health. In the section "Reimagine development on the urban fringe", agree with the functions of these areas i.e. providing spaces for local food growing including sustainable food production.

In the section "Support sustainable development", more importance could be given to the role of agriculture in creating job opportunities. The importance of sustainable food production given its impact on climate change could be considered here as well. Creation of new area of agriculture including urban, peri-urban and vertical agriculture should be supported to increase production and access to local food.

## **Question 38 – Policy 17 Sustainable tourism**

**Q38: Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our NetZero and nature commitments?**

This policy works in terms of giving careful consideration to the demographic it intends to attract to ensure long term viability. Planning authorities could be given the power to create new tourism focused areas, potentially where there is existing pressure or opportunity – including within the rural areas, and to masterplan development in such cases. However it is overall unclear how this will address net zero ambitions.

At b) and c) the wording seems to be setting out the different approach to be used in pressured and non-pressured areas. This implies that LDPs will have to identify the areas in which b) or c) would apply as they contradict each other. Direction is also needed on how to avoid the loss of homes to tourism which can result in properties becoming vacant and a loss of local housing opportunities.

## **Question 39 – Policy 18 Culture and creativity**

**Q39: Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?**

Part a) is in essence a statement of good intent and does not add anything meaningful to the theme. Clarification is needed with respect to how the LDP is to recognise and support opportunities for jobs and investment in this sector. Part d) says that development proposals that result in the loss of arts or cultural venues will not be supported unless certain criteria are met. How this is to be assessed is unclear. The 'agent of change' paragraph should be a separate section in the policy rather than part of d).

## **Question 40 – Policy 19 Green energy**

**Q40: Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045**

In general, this policy can be strengthened and clarified including the definition of what is meant by unacceptable impacts. This policy seems to run counter to other policies and the overall aims of NPF4 and therefore better integration is required eg the use of agricultural land for solar power. There is also minimum consideration of smaller scale schemes and the full range of energy types beyond wind and solar.

The policy appears to remove the spatial framework for wind energy as part of the development plan. This is a major change and guidance will be required to help determine if an area's full potential for electricity and heat has been reached. This is likely to be a cross boundary issue while all types of renewable development should be included in the assessment. The role of the RSS will be important as will collaboration with non City Region authorities eg the Council and Scottish Borders., Dumfries and Galloway and East Ayrshire Councils.

The policy is quite confusing and may benefit from restructuring for clarity. Many of the previous protective elements have been lost. It is a lot weaker on nationally important peatland which was previously an area of significant protection in the old spatial frameworks. Areas of high scenic value that attract high volumes of visitors, where such footfall supports remote communities, should be given additional weight in the protection from turbine developments that would otherwise reduce the scenic attraction of relied upon visitors. The policy appropriately references the need to ensure low-carbon and net zero energy technologies are supported however does not provide the detail as to how this will be achieved.

The final sentence of a) should be amended to say – ‘will be supported where they do not have significant environmental impacts. At b) there should be a caveat regarding impacts ie it should cross reference to the considerations in k). The wording at d) is very loose. The meaning of ‘recognising the sensitivity of other national and international designations is unclear (these were safeguarded from development previously) while definition is needed on what are unacceptable impacts. Site specific assessments should also include Residential impact assessment and Noise assessment. A separate section for repowering is unnecessary as all criteria in d) should also apply to repowering and extensions.

At i) there is support in principle for proposals for negative emissions technologies but no criteria on how proposals are to be assessed. Solar policy is more detailed than any of the other policies. The last para is too detailed for NPF. It is unclear whether part K) refers to all renewable energy developments however it should be universal.

#### **Question 41 – Policy 20 - Zero waste**

**Q41: Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?**

Waste management is increasingly done at a national/regional level, so it seems inappropriate to ask individual planning authorities to identify sites. At f).there is support for proposals located within an established area suitable for business (class 4), general industrial (class 5) or storage (class 6) however in reality that is not always the case particularly where they are adjacent to residential areas. The wording should be amended to reflect this. Criteria is required at g) that new developments would need to meet. The same applies to Energy from Waste. An equivalent of the wording in Policy 19 part k) may be appropriate.

#### **Question 42 – Policy 21 Aquaculture**

**Q42: Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?**

No comments

#### **Question 43 – Policy 22**

**Minerals Q43: Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?**

The updated policy is acceptable and contains lots of criteria for developments to be assessed against. The opportunity to specify biodiversity/nature/creation of “nature reserves” as a preferred option for end use of extraction sites rather than revert to agriculture etc is suggested.

#### **Question 44 – Policy 23 Digital infrastructure**

**Q44: Do you agree that this policy ensures all of our places will be digitally connected?**

The Council supports the requirement for proposals to incorporate future-proofed digital infrastructure while recognising this is a fast developing area in terms of technology. However it needs to be accompanied by sufficient investment and delivery. Below ground infrastructure should be in any built-up areas rather than above ground structures.

The reference to supporting development proposals to enable new digital services is incongruous as it seems to suggest this would be a material consideration in supporting proposals that would not be otherwise. Most of these areas are rural and therefore it appears sporadic housing proposals would be acceptable if such a proposal will improve the internet service to the local area. The extent of the benefit to justify new development is not clear. The wording needs to be updated to remove this potential.

If planners are not to question the need for the digital service to be provided as per c) resources will be needed to ensure up to date data of connection across the area is provided, and thereafter maintained.

#### **Question 45 – Policy 24 – Centres, Policy 25 – Retail, Policy 26 – Town Centre First Assessment, Policy 27 – Town Centre Living**

##### **Q45: Do you agree that these policies will ensure Scotland's places will support low carbon urban living?**

The retail and centre section lacks a clear vision and does not give a clear view of what is expected to be delivered and what will not be appropriate. A measure is needed to assess how the vitality and viability of a town centre would be affected by proposals is needed as is a clear direction on when Retail Impact Assessment is needed. The policies would appear to support low-carbon urban living but it is uncertain how the residential policy will work in practice - are town centres going to be car free zones or will housing be required to meet parking standards, and, if so, how?

Policies 24 - 27 needs to make reference to expected car parking provision. The policies don't tie up with Policy 10. Some town centres don't have good public transport links so that new housing proposals could be refused in such town centres (a direct conflict of aims between Policy 10 and Policy 27). There is no link to a vision of reclaiming road space within centres to improve pedestrian/social/landscape areas, or reimagining town centres away from car focused and how this can be achieved.

Policy 24 would benefit from a section on the town centre environment which could cover greening aspects, trees, rain gardens, VDL, active travel and accessibility for all, for example or at least a cross reference to other relevant policies.

At Policy 25 clarity is required on how acceptable impacts are to be quantified and assessed and which centres this is to apply to. The status of local centres and how they fit into the hierarchy needs to be emphasised.

The issues raised in Policy 26 are cross-boundary and this should be acknowledged. This is particularly important in terms of local centres and 20 minute neighbourhoods. In addition, by their very nature drive-throughs cannot be in the town centre and will be directed to retail parks and out of centre locations. More advice is needed on this topic – especially where a drive through facility is becoming secondary to the associated sit in area.

Some out of centre locations have become mini town centres with a concentration of high footfall and activity, with a range of retail, leisure and food options, supported with car parking. The policies should address such cases and what should be expected going forward giving the success of some of these areas especially where the neighbouring traditional town centre is declining.

Centres are where a range of uses including those within unsociable hours, high footfall, and possible noise, are directed. New housing proposals should not impact upon the commercial and leisure function of the town centres. How to “ensure suitable residential amenity can be achieved” is unclear and also doesn't acknowledge that typical town centre appropriate uses need to be supported regardless of the close proximity to new town centre living. There is very little mention of design and to require better quality and visionary buildings that can improve the appearance of tired areas.

In the section “Create a low-carbon network of towns”, access to healthier and affordable food should be included (i.e. issue of food desert). The Council supports the position on uses not being supported if they contribute to the number and clustering of hot food takeaways, including permanent vans and that consideration be given to retail proposals alleviating a lack of convenience goods/fresh healthier food and drink provision especially in disadvantaged or remoter areas. This could be taken further to consider takeaways and

fast-food outlets and installation of food vans in the vicinity of primary and secondary schools, play and sport areas

#### **Question 46 – Policy 28 Historic assets and places**

**Q46: Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?**

Overall the Council supports the policy approach but it needs to be balanced against other policy considerations.

At b) a degree of expertise is needed to decide what is a potentially significant impact and to decide what assessments are needed and then to assess the assessments.. There is limited policy content for World Heritage Sites however it would be more appropriate for this to be addressed in a more detailed LDP policy. At n) clarity is required about what unacceptable means in this context ie it impacts on a listed building or that it is contrary to other policies. If the latter this could be construed that saving a building is more important than allowing unsustainable development in the countryside for example. The Council's current LDP policy for enabling development also requires developers to demonstrate that other sources of funding to secure the asset have been explored and discounted. This could be added to this policy.

#### **Question 47 – Policy 29 Urban edges and the green belt**

**Q47: Do you agree that this policy will increase the density of our settlements, restore nature, and promote local living by limiting urban expansion and using the land around our towns and cities wisely?**

In general terms these terms are less well defined and is often an area of confusion for the public and communities particularly in term of the purpose and concept of the Green Belt. To that end the purposes of the Green Belt should be set out and include the following

1. directing planned growth to the most appropriate locations;
2. supporting regeneration;
3. creating and safeguarding identity through place-setting and protecting the separation between communities;
4. protecting and enhancing the quality, character, landscape setting and identity of settlements;
5. protecting open space and sustainable access and opportunities for countryside recreation;
6. maintaining the natural role of the environment, whether in terms of floodplain capacity, carbon sequestration or biodiversity;
7. supporting the farming economy; and
8. meeting requirements for the sustainable location of rural industries including biomass, renewable energy, mineral extraction and timber production.

There is no reference to the redevelopment of brownfield sites within Green Belt where proposals can result in an enhancement of the Green Belt thorough the removal of dereliction or environmental improvements.

#### **Question 48 – Policy 30 Vacant and derelict land**

**Q48: Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?**

The Council welcome the inclusion of vacant and derelict land and buildings within the approach but need to understand more about how the challenges associated with achieving this can be overcome. The policy will be critical to protect greenfield sites from development and for underused land to be developed. It is a complex theme related to site remediation costs, ownership and land values which needs to be recognised as the planning system cannot resolve this on its own.

The aim of Policy 30 conflicts with Policy 29. If there is a derelict/dilapidated building or site in the Green Belt, Policy 29 would not support its replacement/redevelopment. However, under Policy 30 such a proposal can be supported. It should clarify between urban brownfield and Green Belt brownfield. A 'green' end use is a key consideration if the site is a key location that could address for example a greenspace deficiency or fill the gap in a nature network. There is an opportunity to recognise key brownfield sites as important for biodiversity and that greening may be the preferred end use. The policy can also prioritise the creation of new woodlands, and the management of existing trees and woodland, to improve the environmental quality of vacant, derelict and underused land change perceptions, as well as creating opportunities for investment, training and employment.

#### **Question 49 – Policy 31 Rural places**

##### **Q49: Do you agree that this policy will ensure that rural places can be vibrant and sustainable?**

The policy is extremely weak and is not positive or ambitious enough to achieve the objectives of NPF4. It could undermine sustainability and climate change objectives by allowing a proliferation of inappropriate development in rural areas. NPF4 is also not clear by what is meant by 'rural' ie whether it applies to the remoter rural area where the ambition is to repopulate or if it applies to the rural area outwith urban places throughout Scotland.

The relationship between this policy and that for the Urban Fringe and Green Belt is uncertain. At the very least the two policies should sit side by side rather than be separated by another unrelated policy.

At a) there needs to be guidance about what the three rural typologies mean and how they are to be applied. Each authority should define them in the same way otherwise cross-boundary conflicts may occur. At b) clarification is needed on where this will apply ie in the highlands and islands or former settlements everywhere.

More needs to be said on providing a variety of houses that can enable a rural area to 'age in place'. There is no reference to small settlement expansion to support existing communities and utilising existing infrastructure and help the creation of 20 minute neighbourhoods.

The reuse of vacant or derelict land in the rural Clydesdale area has resulted in housing proposals that have been larger than many rural small settlements. Scale needs to be considered and if allowed a variety of affordable and 'age in place' housing should be sought.

There is no reference to SBL/BAP habitats/species or recognition of general and local biodiversity as something to be protected and enhanced. The use of "value" implies potential natural capital assessment which has not been done to this level.

#### **Question 50 – Policy 32 Natural places**

##### **Q50: Do you agree that this policy will protect and restore natural places?**

The new policy approach is broadly supported but there are policy conflicts with Green Energy policy which requires clarification. There also needs to be a clear cross reference to the Nature Crisis policy. The policy needs to reflect the often competing demands between environment, economic and energy needs. The precautionary principle should be applied to all natural heritage assets not just those that are internationally or nationally significant.



## **Question 51 – Policy 33 Peat and carbon rich soils**

### **Q51: Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?**

The policy should cross reference to Climate Change and Nature Crisis policy. Peat cutting and storage is rarely effective, and once carried out there is no monitoring of the final impact. There is a need to recognise the importance of soils in different habitats including woodland and grassland and protect those. There is also a requirement to define “undeveloped” for example does it include agricultural land? Section d) should state that new commercial extraction and extensions to existing licences should not be supported.

There is often conflict between upland windfarms and peatland. Encouraging development while disturbing peatlands is an issue - thin peat soils in upland areas can support significant biodiversity habitat. Historical forestry plantation on peatland needs to be rectified as a priority and difficulties with providing compensatory planting addressed.

## **Question 52 – Policy 34 Trees, woodland, and forestry**

### **Q52: Do you agree that this policy will expand woodland cover and protect existing woodland?**

The policy will complement the overall policy direction for increased protection and promotion of biodiversity interests and habitats. The policy could be expanded to include urban trees and landscaping, forestry management and an overall national approach to new tree planting in native woodlands. Reference should be made to Scottish targets for tree cover expansion and fully support the biodiversity and climate crisis.

Individual and groups of trees make up the largest most significant part of the urban forest and its only now they are becoming visible. However, NPF4 still gives full emphasis to woodlands (forestry). There is currently no Scottish planning guidance on how much tree canopy cover should be retained or mitigated for on/off site. Urban forestry plays a key role in maintaining and expanding green networks across Scotland’s city regions and should help to provide a landscape framework for sustainable urban development, making urban communities more attractive places for people to live and work in. Given the rapid need to respond to the climate and biodiversity crisis setting urban and rural tree canopy cover target should be explored. Offsite mitigation, particularly in areas of canopy or social inequality, should be an option. To get the most benefits from trees modern urban forestry principles must be embraced along with a more progressive global metric for measuring treescape i.e. Tree Canopy Cover or Urban Tree Canopy Cover (UTC). It is suggested this be set at a minimum 20% in urban areas and 21% in rural areas development sites, or mitigate off site in canopy deprived areas.

Trees have a critical role to play in helping to achieve net zero by 2045 through sequestering and storing carbon and are a significant part of the solution to some of the key challenges of our age, from the climate and biodiversity crisis to declining health and well-being. They also provide essential ecosystem services for nature and people and are looked upon more widely in helping to restore the environmental and social balance in diverse neighbourhoods and contribute to the conditions for Scotland’s economic success in more cost-effective ways than some traditional forms of infrastructure.

## **Question 53 - Policy 35 Coasts**

### **Q53: Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?**

No comments

## **Question 54 and 55**

**Q54: Do you agree with our proposed priorities for the delivery of the spatial strategy?**

**Q55: Do you have any other comments on the delivery of the spatial strategy?**

Planning Authorities will play an essential role in delivering the strategy. The delivery plan will play an important role in identifying how the strategy will operate in practice. Successful delivery will require information on timescales and funding as well as identifying lead bodies to take various aspects forward. Working collaboratively with Scottish Government and other key stakeholders to develop the delivery plan is essential.

How success is measured will also be important. This must be clear and accountable, with the monitoring of impacts and outcomes of policy integral to the system. The Government must ensure that performance measuring accurately captures the outcomes focused priorities of the strategy. This will require careful consideration of how to measure the growth required to deliver the strategy. The strategy will require a broad range of skills and experiences and adequate resourcing in order to successfully achieve the change it seeks to deliver. Full cost recovery is essential if Planning Authorities are to deliver the strategy.

It is not just about “planners” but all the essential internal and external inputs from other professionals, including other Council services, Key Agencies, investors and developers and central government departments who provide infrastructure and built development.

Alignment of resources is key as is alignment with other plans and strategies and their respective timescales, which hopefully will become clearer in the next version of the Delivery Plan. NPF4 must align with the Programme for Government and other legislative frameworks. It should set out a clear Investment Programme, the monitoring processes involved and what additional resources are to be invested in planning services bearing in mind the 2019 Act has led to 49 new, unfunded duties.

The Draft NPF4 introduces many areas requiring particular specialist skills and areas of expertise which will require additional funding for reskilling and upskilling, but there is likely to be a strong need for external expertise for a range of assessments set out in the Draft. as well as clarity on the respective roles and funding streams available from central and local government, multi- agency, private sector, and partnership arrangements.

Delivery of infrastructure is often the key challenge to delivering development, particularly in areas of lower land values. The related work on the introduction of an Infrastructure Levy is crucial and this lack of clarity on funding is critical. This requires a partnership approach and particularly with the private sector who need certainty in advance of what is required from them and when. The Infrastructure First approach is laudable but there is not enough detail and certainty to assist all stakeholders.

There is concern about how the Policy Handbook is to be used and interpreted. While the overall intentions are good, and the document gives recognition to climate change and nature crisis there are several flaws in the individual policies which may defeat these objectives. There is too much flexibility for certain key development types. The requirements set out in the NPF will mean a change in the way local authority services work together.

There are many requirements in the new guidance on the LDPs which need a stronger ‘hook’ in the NPF if they are to be given weight. It is important for this new strategy to align with existing delivery mechanisms and statutory functions across both planning and housing. This includes for example the Local Housing Strategy and Strategic Housing Investment Plan.

**Question 56 Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?**

Overall the Council considers there is a need for clearer policy wording which needs to be “fit for purpose” in planning decision making and needs to be fully supported by Scottish Government and DPEA in their decision- making processes to back up the decisions made by local Councils. Policies on their own will not guarantee delivery of development but they can be used to shape the approach to be taken to individual development proposals to assist in clarity and guidance in advance to the development sector. Planning authorities are not the only stakeholders in delivering the high-level commitments on climate change and zero carbon, and the different roles and responsibilities of others may need to be made clearer. In many cases planning will only be able to contribute in a minor and supportive way and it will require the collective efforts of all relevant stakeholders to ensure that the objectives of the Spatial Strategy and the policy aspirations are achieved.

**Question 57**

**Q57: Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?**

It is likely that the numbers will be open to argument and scrutiny for years to come and opens documents to scrutiny that have never been exposed like the HNDA and the LHS. Planning Authorities and housebuilders are concerned about this approach. The numbers provided for South Lanarkshire appear appropriate.

**Question 58 Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?**

Reference is made in other answers to the need for further terms to be clearly defined

## **APPENDIX 3 - Scottish Government consultation - Regulations for Open Space Strategies and Play Sufficiency Assessments**

### **Open Space Strategies Regulations**

#### **General Observations**

The approach taken by the Scottish Government in relation to Open Space Strategies is generally welcomed. There are no major changes to the methodologies which are currently being used by Councils to undertake this work. The main changes relate to the status of the OSS, with it becoming a statutory document, the emphasis on the corporate nature of the OSS and the extensive consultation and engagement requirements which are proposed.

The introduction of Play Sufficiency Assessments is a new requirement for local planning authorities under the 2019 Planning (Scotland) Act. 'Play' does not fit neatly under any one Council service therefore there will be a need for corporate working to undertake this exercise and there are consequent implications for staffing and resources. Further Scottish Government guidance on the methodology for undertaking a PSA would be welcomed.

For both OSS and PSA the estimated costs referred to in paragraph 7 of the consultation seem unrealistically low and do not take account of the size of the authority. Preparing the audit is likely to be the most time consuming and resource intensive part of the exercise. Also, do they include the costs of public engagement?

There is also concern with regard to the resources required to implement the OSS and PSA. The council has no budget provision for new play areas for example and it is unrealistic to expect everything to be met by developer contributions. This could lead to inequitable distribution of new open space and play opportunities as these will be concentrated in areas of development demand if this is the main source of funding. The links between the OSS/PSA and NPF 4 could be made clearer and the links to NPF priorities strengthened. For example paragraph 10 refers to the wider universal policy on placemaking and design but there is no reference to the universal policies on climate change and nature crisis which are equally relevant. Currently there is no reference to the OSS/PSA strategies in the key NPF policy (Policy 12 Blue and green infrastructure, play and sport).

#### **Consultation Question 1**

##### **a) Do you agree with the idea of promoting an outcomes-based approach through the OSS Regulations?**

The approach to the outcomes – ie by referring to them as principles rather than something the strategy will be measured against – gives flexibility. However, there will still be a need to measure the performance of the strategy in some way. Therefore, inputs and outputs are also important.

##### **b) Do you agree with the suggested outcomes?**

Yes

#### **Consultation Question 2**

##### **Do you agree with the proposed definition of**

##### **a) 'open space'; b) 'green space'; c) 'green infrastructure'; d) 'green networks'; e) 'ecosystem services'**

The 'open space' definition has a locational component – 'within and on the edge of settlements'. It is not clear if the other definitions cover the whole authority area? Further explanation of term 'Ecosystem Services' would be useful. There are terms in NPF4 which do not follow across into this guidance – eg Nature Networks. A diagram illustrating the relationship of all the components would be helpful.

### **Consultation Question 3**

**Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)?**

Yes. The flexibility to include valued local spaces that are smaller than 0.2 ha is welcomed.

**Consultation Question 4 a) Do you agree with suggested information to include about each open space (location, size and type)?**

The regulations only 'require' audits to include location, size and type of open space site. Everything else seems to be optional, including accessibility. For the OSS audit to support planning objectives like placemaking and 20 minute neighbourhoods, accessibility should be given more importance and listed alongside location, size and type. Also see answer to Q5 (b).

**b) Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit?**

See above

### **Consultation Question 5 a)**

**Do you agree with suggested approach to require locality level place based information?**

The Council agrees with this approach in principle but are concerned about the availability of resources to undertake the locality level analysis. Establishing meaningful localities within the larger settlements will need further consideration. Electoral wards are not always logical boundaries and could lead to political tension if the OSS is used as a vehicle to allocate resources.

**b) Do you agree with the three high level aspects that should be covered in these statements 'accessibility', 'quantity' and 'quality'?**

Agree - Accessibility, quantity and quality are the standard components for an OSS and there are existing measures for assessing and scoring these factors.

### **Consultation Question 6**

**Do you agree with the list of consultees for the open space audit?**

The Council agrees with the list of consultees. However, undertaking 'meaningful' engagement for each of these groups and for each 'locality', will be a major exercise and has significant resource implications. More guidance/prescription on engagement would be helpful otherwise there will be a lack of consistency across local authorities.

### **Consultation Question 7**

**Do you agree with the Assessment of Current and Future Requirements should**

**a) have regard to how open spaces and green networks in their area are contributing to the outcomes?**

Agree

**b) be informed by engagement with the groups set out?**

Hopefully the engagement carried out for the audit will meet this requirement and can be structured accordingly. Another round of engagement at this stage would be excessive.

### **Consultation Question 8**

**Do you agree Open Space Strategies should**

**a) include a statement setting out how they contribute to the outcomes?**

Agree

**b) identify strategic green networks?**

This appears to be a new area to be included in an OSS. It is unclear how this high level requirement sits with the definition of Open Space earlier in document. Should it therefore be an Open Space and Green Network strategy we are preparing, as OSS alone just implies urban and urban edge sites? The strategic green network identification is more properly done at more strategic level for example the Glasgow and Clyde Valley Green Network Partnership in the Glasgow City Region and cross referred in OSS. This would also address cross boundary considerations.

It is noted that a similar exercise for core path planning by individual Councils resulted in inconsistencies in cross-boundary links. It would be beneficial for cross boundary working to be undertaken in relation to strategic green networks to avoid this.

**c) identify how green networks may be enhanced?**

It is unclear if this refers to all green networks or just 'strategic' green networks? In relation to b) and c) further guidance around the definition and identification of 'strategic' green networks would be useful.

**Consultation Question 9****Do you agree with the proposed consultation requirements on draft Open Space Strategies?**

The requirements are reasonable. The main issue will be getting the general public to engage.

**Consultation Question 10****Do you agree with the proposed publication requirements for the OSS?**

There seems to be no mechanism which requires the planning authority to publish the representations and the Council's response. For the Local Development Plan we have to show how we have taken comments into account and if we don't take on board the comments we have to explain why.

There is also no reference in the Regulations to whether the OSS has to be formally approved/adopted by the Council. To do so would give it more status.

**Consultation Question 11****Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies?**

The Council agrees with this approach. For an authority of size of South Lanarkshire more frequent review would be onerous unless more resources were made available.

**Play Sufficiency Assessments Regulations Consultation****Question 12****Do you agree with the proposed definitions? "children" "localities" "open space" "play opportunities"**

There is a discrepancy between question 12 as it appears on page 30 and on page 41 (summary of questions). The above is from the summary of questions but should it be play areas rather than play opportunities.

The Council is content with the definitions. It makes sense to use the same definitions that are used for the Open Space Audit and Strategy.

There is a minor query about whether 17-18 year olds are 'children' but if this is a recognised definition then the Council will accept it.

### **Consultation Question 13**

**Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in Draft Regulations 3(2)(a) and (b)?**

It will be straightforward to map existing play areas either standalone sites or where these are located within a larger open space facility. It is unclear from the wording of the guidance in paragraph 81 what is actually being asked for in the second category. Is this simply the location of play areas within larger areas of open space or is it a wider than this? There would be potential issues in identifying and mapping wider areas as informal play opportunities as this could expose the council to liability. It should be noted that the 'quality assessment' for open space includes a score for natural play opportunities so maybe this would be more appropriate than mapping these areas as 'play opportunities'.

### **Consultation Question 14**

**Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups?**

This is a very contentious issue. When trying to categorise age limits for play, children develop at different ages and cannot be pigeon holed into an age range. To specify an age range for a particular play area could lead to criticism from parents and users. In practice, ability is more important than age.

### **Consultation Question 15**

**a) Do you agree to the proposed three aspects of assessment - 'accessibility', 'quantity' and 'quality'?**

These 'measures' are subjective and require more definition to help arrive at them. The play space assessment used for the open space audit uses both hard (practically measurable) and soft measures (subjective). The vaguer the measures the more challenging it is to have consistency of assessment. Currently there is no one set criteria in Scotland for assessing play and one size does not fit all eg a country park compared to a play area with a rural setting.

Quality - the Council's current play area stock ranges in age from 30 years plus to current date. In addition, it is not clear what quality standard this is being measured against - is it quality for the equipment or the quality of play that the equipment brings in play.

Accessibility - many of the Council's play areas are historically in residential areas and service the immediate surrounding area, with no opportunity to expand.

Quantity - again this is historical - how many is too many and what is the criteria to change the quantity? Clarity is needed on how will this be funded not only in terms of new play areas but also future maintenance. Currently the Council's policy is not to create new play areas for which there is no budget hence it does not adopt play areas in new developments.

Further guidance on the criteria and assessment process to be used when applying these measures would be beneficial

**b) to provide them in written statements in respect of the totality of the local authority area and at each locality level?**

As with open space audit there will be a lot of work involved in preparing statements for each locality (once we have defined what the relevant localities are). Nevertheless, a defined area needs to be established to help measure whether there are deficiencies.

### **Consultation Question 16**

**a) Do you agree with the requirement to consult as part of the process of carrying out the play sufficiency assessment?**

Consultation is an integral part of any policy or strategy development and we therefore agree with the requirement to consult. However, it could be immensely time and resource consuming. It will obviously be crucial to engage children but how do you meaningfully engage with pre school or the younger primary aged children. It will have to be different techniques for different age groups rolled out across an as yet unquantified number of SLC localities. It could therefore be very resource intensive.

**b) Do you agree with the proposed list of consultees on play sufficiency assessment?**

Yes

### **Consultation Question 17**

**Do you agree with the publication requirement for play sufficiency assessments?**

Yes

## **Impact Assessments**

### **Consultation Question 18**

**Do you have or can you direct us to any additional information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?**

No comment

### **Consultation Question 19**

**Please give us your views on the content of these assessments and how they have informed the draft provisions, or if you think changes are needed to the Regulations to further respond to the issues.**

No comment

### **Consultation Question 20**

**Do you agree with the Fairer Scotland Duty screening and our conclusion that full assessment is not required?**

Yes

### **Consultation Question 21**

**Do you agree with the Strategic Environmental Assessment pre-screenings, that the Open Space Strategies and Play Sufficiency Assessments Regulations are exempt from the Environmental Assessment (Scotland) Act 2005, as the environmental effects are likely to be minimal?**

Yes



## **APPENDIX 4 - Scottish Government consultation - Local Development Planning – Regulations and Guidance**

### **Part A: Introduction**

**Question 1 - Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?**

Changes to the Regulations should be limited to only what is necessary. However, if it is the expectation of Scottish Government that new steps are taken in preparation of the LDP this should be clearly set out in the regulations.

Setting out expectations and requirements in the formal guidance than in the regulations is inappropriate. This will lead to a lack of clarity of what the actual requirements are for those involved in the planning system. This is likely to lead to dispute at examination where Councils have met the legal requirements, but other parties consider they have not done enough because of perceived non-compliance with the Guidance.

If the Scottish Government remain minded to make minimal regulatory change, but have more stringent guidance, the status of that guidance for both the Gate Check and Examination stages of the LDP process must be made clearer. It is not statutory, nor should it be a Planning Circular, it is just guidance. It requires to be clear that it is only for DPEA Reporters to satisfy themselves that the regulatory requirements have been met, as any additional steps suggested by the Guidance are not a legal requirement that LDP's require to meet.

In addition, there is an issue with the status of policies in the LDP if a Council were to take a different approach to what is set out in NPF4 to suit local circumstances or to address a particular issue.

**Question 2: i) Do you have any views on the content of the interim assessments?  
Yes / No. Please explain your views**

No comments to add

**Question 2: ii) Do you have, or can you direct us to any information that would assist in finalising these assessments? Yes / No. Please provide or direct us to the information**

No comments to add

**Question 3: i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents? Yes / No. Please explain your views.**

No comments to add.

**Question 3: ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.**

No comments to add.

### **Part B – Proposals for Development Planning Regulations**

**Question 4 Do you agree with the proposals for regulations relating to the form and content of LDPs?**

In general there no issues with the terms of the Regulations as proposed. However, it appears the guidance then seeks to impose more onerous requirements – they should be set out in the regulations instead.

**Question 5 Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?**

See response to Q4.

**Question 6 Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?**

Given the approach being taken in NPF 4 and the universal policies for Climate Change and Nature Crisis a Planning Authority's Climate Change Strategy and Biodiversity Strategy should be included in Regulation 8 as well as the regional and local Economic Strategies. Consideration should also be given to including the Council's LOIP and local stakeholders strategies for example NHS.

**Question 7 Do you agree with the proposals for regulations relating to the Evidence Report?**

In general there are no issues with the terms of the Regulations as proposed. However, it appears the guidance then seeks to impose more onerous requirements – they should be set out in the regulations instead. However, it appears the guidance then seeks to impose more onerous requirements. The volume of information to be collated for the Evidence report e.g. for all infrastructure in a Council's area in the guidance is significant.

There seems to be a lot missing from the regulations and a lot of ambiguity. Minimum standards for the evidence required to be submitted should be provided in order to avoid this matter being tested as late as the Gatecheck. Particularly concerned about the regulations around the Gatecheck system and how this will work in practice for example the regulations are silent in terms of the process if the evidence report is not accepted as sufficient.

**Question 8 Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?**

Regulation 9 lacks ambition and does not recognise the change in most people now receive information. An additional legal requirement to notify via social media or other digital engagement might therefore be appropriate taking lessons from approaches during the pandemic. There is an issue of the duty to co-operate at the proposed plan stage and what this means and what effect this will have on the outcomes. The status of the evidence report also should be clarified for example if there are changes in the evidence provided after the Gatecheck or if new issues arise.

**Question 9 Do you agree with the proposals for regulations relating to the examination of the LDP?**

See response to Q4.

**Question 10 Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?**

No.

**Question 11 Do you agree with the proposals for regulations relating to Development Plan Schemes?**

No.

**Question 12 Do you agree with the proposals for regulations relating to Delivery Programmes?**

The delivery programme has moved from becoming a project management tool to a duty placed on LA to deliver the LDP however the majority of the factors are outwith the planning authority's control nor is it clear what the impact would be for not delivering the Delivery

Programme. Preparation of the Delivery Programme at the start of the LDP process is onerous as changes through a process taking up to 5 years means it would be out of date at each stage. It will also be difficult to specify people tasked with delivering each project/proposal as this may result in the same person being named. The amount of data required is also onerous. The approach also assumes that the Council will be responsible for much of the delivery of projects developers/stakeholders will have a key role.

**Question 13 Do you agree with the proposals for regulations relating to the meaning of ‘key agency’?**

Yes

**Question 14 Do you agree with the proposals for regulations relating to transitional provisions?**

It is not appropriate retain the power to create Supplementary Guidance given the provisions of the Act and it would be better not to be creating a requirement for new SGs in current proposed LDPs. The 24 month cut off (from the date LDP Regs come into force) should be for submission to Scottish Government of the SG that the Council proposed to adopt rather than requiring to be adopted within 24 months. Council's have no control over how long the Government takes to give a direction on whether they can proceed to adopt the SG. It is noted in paragraph 43, part 3 of the Draft guidance that guidance produced to assist the LDP will be considered to have a Material consideration. This is an approach the Council has been taking to support its LDP2 adopted in 2021 based on the provisions of the circular. Further explanation and clarity on this position would be welcomed to sure consistency of approach in the use, consultation and production of such guidance.

**Part C – Guidance**

**Question 15 - Do you agree with the general guidance on Local Development Plans?**

No - There appears to be limited scope compared to the current process as to what an LDP should contain. As it stands it appears the content of LDPs is dictated by NPF4 with limited opportunity to include local policy or amend the national policies to suit local circumstances. The only policy prescribed is in relation to accessible toilets, water fountains, play areas, disused railways, and self-build housing. Detailed comments are noted below

Paragraph 10 – The reference to “Means it contributes to all outcomes” should be qualified to say it contributes to but is not necessarily the vehicle for delivering these outcomes

Paragraph 11 - Local Development Plans have a timeframe of 10 years but the guidance refers to looking ahead to 20 years. It is not clear how this is to be achieved for example Housing Need and Demand Assessments (HNDAs) and Local Housing Strategies (LHS) are for a much shorter period as are Strategic Housing Investment Programmes (SHIPs) and other programmes. It is also unclear throughout the Guidance exactly how much policy content the LDP can include and on which topics.

Paragraph 14 - It is not clear how the infrastructure assessment is to be carried out or who will be responsible. Is data collected for the whole authority and used to determine the best locations for development? It appears to sit better at a regional level. This approach will be dependent on other stakeholders providing the information required and will need a level of expertise within the planning service to interpret this. Issues in obtaining this information could have serious implications for the LDP preparation programme timescales.

Paragraph 16 - The proposed wording of policies leaves them open to interpretation and would be very difficult to defend against any types of development.

Paragraph 20 - This could reinforce the imbalance of new development being directed to areas that are already well served with access to services and transport links. A focus

needs to be given to areas experiencing inequality from deprivation and housing development directed to areas vital in creating sustainable places and better wellbeing.

Paragraph 21 - NPF and Guidance puts a lot of emphasis on the co-ordinating role of planning. A major change in culture set is required to achieve this.

Page 8 – The Infrastructure First aims are commendable, but how this is to be achieved remains unclear and seems to envisage the LDP will dictate how council funding will be utilised to meet the delivery requirement of the LDP however there are many other demands on this limited capital and revenue funding. The guidance is more wide reaching in terms of the evidence to be gathered as specified in section 15(5) of the 1997 Act so is another example of guidance overtaking legislation requirements.

#### **Question 16 Do you agree with the guidance on Development Plan Schemes?**

No this is not realistic unless there is going to be a significant increase in staffing and resources to meet the requirements.

Paragraph 64 - It appears the guidance seeks to impose more onerous requirements than the regulations. This seems very onerous and will contribute to consultation overload.

Paragraph 65 - The Development Plan Scheme should not be required to specify an exact month but a general indication of when the documents will be likely to be published. Experience shows that the development plan timetable always slips, and this is even more likely under the new system when so many of the requirements are dependent on other services and stakeholders providing inputs.

#### **Question 17 Do you agree with the guidance on the Delivery Programme?**

This is the most problematic part of the Guidance in terms of changing the process and will require political buy in within planning authorities. The delivery plan has moved from a project management tool to one seeking to dictate how a Councils capital and revenue investment be prioritised to deliver the infrastructure first for development however such LDP needs are only part of the Councils overall financial commitments which are limited. There is also only reference to in para 82 & 86 to developer contributions and no indication to potential for a Infrastructure levy/ Land value capture which is a commitment in itself in the Government work programme . In paragraph 86 there seems to be a misunderstanding as to the capability and level of borrowing which local authorities can undertake.

See detailed comments below

Paragraph 74 - The problem here is who would do this - and how would it be co-ordinated infrastructure. It is all very well for LDP to set out a delivery programme – but will developers and infrastructure providers or even other Council Services pay any attention to it?

Paragraph 79 - The preparation of the delivery programme before work starts on the LDP seems inappropriate.

Paragraph 82 - This is very ambitious but unrealistic in terms of forcing developers to bring sites forward; it depends on viability. The guidance needs to recognise that many of these elements are out with the control of the Council and in the hands of the landowners and private developers.

Paragraph 86 - This would require a total change in the way the Council manages its budgets and would be difficult for planning to realistically take the lead on this.

### **Question 18 Do you agree with the guidance on Local Place Plans?**

The guidance needs to be clearer about how a LDP 'takes into account' what is in a LPP and balance this against other NPF requirements such as infrastructure first. If a settlement has ample infrastructure capacity and is in a sustainable location what happens if the LPP says it doesn't want any new development? This paragraph also suggests that weight needs to be given to other community led plans which have not gone through the LPP process.

### **Question 19 Do you agree with the guidance on the Evidence Report?**

There are several concerns in relation to the evidence report

1. The amount of information required to be collected much of which is only indirectly related to land use planning
2. The 'schedule 4' style format for presenting the evidence
3. The lack of clarity about what is meant by 'disputes'

See detailed comments below

Paragraph 98 - The list of information that section 3 of the guidance requires to be provided is extensive and much of it is only indirectly related to land use planning. This will not assist with streamlining the planning process and has huge resource and skills implications.

Paragraph 101 – While engagement and consultation is rightly a fundamental requirement of the new planning system there is a danger of 'overkill' and co-ordination is therefore likely to be needed to avoid repetition. It is not clear the merits of engaging at the pre-evidence report stage to the extent suggested both in terms of what those parties listed can add to the process and what will be submitted eg proposed sites. Limiting this to key agencies and other organisations that hold relevant data and targeted consultation to address known evidence gaps would be more beneficial and proportionate.

Paragraph 107 – The timing of this may be problematic. How we handle the place standard work might be an issue – is this to be carried out before or after consultation. There is no reference to monitoring and assessing the industrial land supply which is more central to an LDP than some of the other issues. Clarity is needed on what is meant by 'other impact assessments'

Paragraph 111 - More guidance is needed in relation to Infrastructure First.

Paragraph 114 - Planning documents require to be quasi legal and the evidence will tend to be technical in nature.

Paragraph 123 – More clarity is needed on what is meant by 'proportionate information about the lived experience of those who live and work in a place'? Does this mean consultation events and surveys? Is this different to place standards tool?

### **Question 20 Do you agree with the guidance on the Gate Check?**

The idea that the Gatecheck will reduce the level of debate arising at Examination is unrealistic. If the call for sites is not done until Proposed Plan stage, there will be another debate about the housing land supply in relation to every site that is submitted. Given that it will be a couple of years between Gate Check and examination the position will have changed and Gate Check figures will be out of date. Clarification is also needed in terms of the resubmission process.

### **Question 21 Do you agree with the guidance on the Proposed Plan?**

More clarity is needed on what should be in a proposed plan and how it links to all the different documents/stages of the process.

There is inconsistency about what sort of policy content can be in the new LDPs. For example paragraph 140 refers to new style plans being expected to be place-based: there should be greater emphasis on maps, site briefs and masterplans, with minimal policy wording; whereas paragraph 153 states that any policy wording included in the plan should focus on adding value by providing any necessary detail not provided by the NPF or where national policy does not reflect local circumstances and local variation is therefore considered appropriate. There are numerous issues that are not covered in detail in NPF 4 and there will be 'local circumstances' which could justify a different approach. More clarification of what is meant in para 153 is required. In any event the streamlining of the development plan process seems debatable based on this. There is no reference in the Regulations about what an LDP should include in terms of policy themes.

See more detailed comments below

Paragraph 145 - It is not clear whether there is still a requirement to neighbour notify on new development proposals?

Paragraph 149 – The language here is not clear and means the status of each document is uncertain eg LDP to 'take account of' NPF and LDP to 'have regard to' RSS.

Paragraph 153 - This is a crucial paragraph in the guidance and needs further explanation of what is meant by 'added value' and 'where national policy does not reflect local circumstances'. This could be open to interpretation. There appears to be no legislative framework that specifics on how national policies can be altered and the process for this.

Paragraph 154 – clarity is needed on what ideas are being called for. This is another aspect that is not addressed in the Regulations so clarity on its status is needed.

Paragraph 156 - The onus should be on developers submitting sites to demonstrate that they are deliverable. Any 'additional infrastructure appraisal work' should also be undertaken by developers. It should not be the responsibility of the Council to ensure that sites suggested to it are deliverable and to obtain the information to justify this.

Paragraph 159 – Inevitably however consultants submit unnecessary information. How is this going to be prevented. Clarity needed on what is meant by limited supporting productions - maybe reference to 'productions to demonstrate deliverability' might be better.

Paragraph 160 – This appears to suggest each objector objecting to their site not being in the plan must canvass local support for it – if so it would be confusing for the public.

Paragraph 162 – More clarity is needed in terms of the status of the Modifications Report and whether it has to be published and advertise; approved by the Council; and subject to consultation.

## **Question 22 Do you agree with the guidance on Local Development Plan Examinations?**

The Council in general agrees with the proposed terms of this section of the guidance. However, it appears the guidance seeks to impose more onerous requirements than the regulations.

A Reporter's having ability to strike down a proposed LDP on the basis that Housing Land is Insufficient in the Proposed LDP has severe consequences. Guidance should be clear that Reporters should only be considering this step where they do consider that the housing land shortfall can be resolved via modification of the proposed LDP. In addition the guidance on the Housing Land Supply Calculation method does not help to clarify the Government's

preferred calculation method and further detailed guidance on this will be required given legal challenges in recent years

It does not appear that there is a requirement to submit the Evidence Report nor the HRA and the Transport Appraisal.

800 words per issue may be a bit low if there are multiple objectors raising slightly different points or it is a complex argument eg Housing Land.

If it is not made clear in the guidance and regulations the circumstances in which LDPs can diverge from or expand on the policies in NPF there is a danger that a Reporter could find a plan to be 'inconsistent with the NPF'.

**Question 23 Do you agree with the guidance on Adoption and Delivery?**

No comment

**Question 24 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)? Yes / No / No View Please explain why you agree or disagree.**

If section 3 is the bridge between the LDP process and the thematic policy content of NPF4 this needs to be explicitly referenced in NPF 4 to give it the necessary weight.

The wording in para 249 about taking a holistic approach should be referred to here also.

The Regional Spatial Strategy and Population data and projections should inform the entire LDP and not be specific to a particular theme?

Some of the terms require further clarification of what information should be collected – for example 'strategic land use tensions'

Maybe this table needs to be categorised into essential data and optional data. If all this must be included in the evidence report it is going to be onerous. The resource implications of collecting and analysing all this data are huge and will rely to a great extent on other council departments and stakeholders to make their data available. Some of these requirements will also require external experts to assist the Council with either obtaining data and/or interpreting it to meet the requirements of this guidance, especially as it will be assessed at the gate check by a Reporter.

The section seems light on the climate emergency and nature crisis elements that are at the heart of NPF4.

Further clarity is required on what the Scottish Government specifically mean by '*an understanding of the natural assets and existing nature networks*' in an area.

**Question 25 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)? Yes / No / No View Please explain why you agree or disagree.**

20 minute neighbourhoods –

The 20 minute neighbourhood concept in the Draft NPF4 does not seem well thought out to address rural areas. It would be beneficial to set out the concept more simply in the NPF4 and then provide detailed guidance to enable Council's to develop in a bespoke manner that works for their respective areas. This concept is being promoted as the way forward for local development planning, but it will need a lot of further consideration and further detailed guidance before it can be implemented in practice.

There is reference to data on 'local liveability' which is not defined. This is not currently collected or mapped and includes a qualitative assessment of the services, facilities, and assets in an area. It is unclear from the guidance what data is required. However, it will rely on information from other council services and agencies. This is new work and will have resources and skills implications for planning authorities.

#### Infrastructure First

This is another significant area of work not currently undertaken by planning, and which will rely on inputs from other services and agencies. Some of the requirements in para 255 go beyond the remit of planning. It seeks evidence reports to provide data on infrastructure 'within a district but also which serve a district' but is not clear what this means. It may be a wider strategic element which RSS could address. Figures 8,9 & 10 on Investment & Travel are helpful and could be better imbedded within the NPF4 itself.

#### Sustainable Transport and Travel

There is overlap with this section and the infrastructure first section, this could cause confusion. The audit of the transport infrastructure, services and capacity of the area should perhaps be carried out through a Local transport Strategy.

#### Heating and Cooling

There is still a lack of guidance on how to do heat mapping and a lack of resources and skills to undertake this

#### Blue and Green Infrastructure, Play and Sport

Staffing constraints are going to make it difficult to have an approved open space strategy and a forest and woodland strategy to submit with the evidence report.

#### Sustainable Flood Risk and Water Management

This is the first time a Strategic Flood Risk assessment has been referred to and it not clear what it cover and who carries it out. It would make more appropriate to assess flood risk at the proposed plan stage when there are new development proposals to assess (this also applies to most of the other assessments required)

#### **Question 26 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)? Yes / No / No View Please explain why you agree or disagree.**

The Evidence Report should also be informed by and have regard to the impact of development at a local level on settlements, sites and landscapes and not just those which are national and international in scale. Green energy will be able to be located anywhere if it does not impact at national or international level which removes the balance of "right development in right place" for most of the remainder of rural Scotland to benefit of urban Scotland. This is not undermining the need for such green energy but not without have some balance on the impact on local, mostly rural, areas.

There are a lot of onerous new data requirements for some topic areas and an absence of any evidence requirements for others (e.g., renewable energy, culture and creativity and tourism).



## Land and Premises for Business and Employment

Less than an annual audit for employment land is not appropriate. This should tie into the regional economic strategy and use their forecasting. – there is no point in doing it separately at LA level. There has been a lot of work done through the RSS on establishing a methodology for establishing the need for employment land. This should not be abandoned. There is a role for RSS in this element of the guidance. Clarity is needed on a methodology for establishing employment need.

## Green Energy

The evidence requirements for renewable energy seem very 'light'. There is no requirement to provide evidence on the current level of renewable energy provision and critically no reference to future capacity.

## Minerals

Clarity is needed on what is meant by a market area for minerals and whether the 'latest aggregates survey' is a local survey or a national one.

**Question 27 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)? Yes / No / No View Please explain why you agree or disagree.**

Much of the information required is highly specialised and Councils will not likely have the staff or the resources available to do a lot of it. There are insufficient hooks in the NPF policies. There is no point in collecting all this data if there are no criteria in the policies which require it to be used in the assessment of applications. Specific comments are noted below

## City, Town, Commercial and Local Centres

Clarification is needed on the scope of the 'retail study' referred to in para 299?

## Urban Edges and the Green Belt

Guidance on what sort of evidence is required for the Green Belt review and potentially a landscape capacity study is required.

## Rural areas

The guidance refers to the need to identify types of rural area 'where appropriate. This implies that it will not always be relevant to do this. This policy area really needs clarified and made clear how and where their rural typology will apply. There is potential for different authorities to interpret this in different ways leading to cross boundary issues.

## Natural Places/Forestry/Woodlands

The guidance proposes a need to review any local nature conservation and landscape designations for the evidence report but will also include Special Landscape Areas. SLA as a reason for refusal). It would be helpful if NPF referred to these strategic data sets (ancient woodlands/peat) in the relevant policies since they are of national importance. The status of ancient woodlands is not adequately reflected in the NPF policy.

There needs to be clarification on what circumstance the NPF policies can be amended for local needs. If this is not clearly set out in the Regulations and guidance there could be endless legal challenges.

**Question 28 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)? Yes / No / No View Please explain why you agree or disagree.**

Generally the thematic guidance in the draft NPF4 is currently not well developed. Even if the final NPF4 thematic guidance is good that does not mean that there isn't a place for good quality local thematic guidance to be set out within the LDP.

There are several new requirements in the table for the LDP spatial strategy that are going to be difficult to carry out and need better guidance. The language used (particularly para 327) is very emotive and subjective and doesn't always clearly set out what LDPs are meant to do for example

1. Understanding of emissions likely to be generated by the plan's proposals
2. Address risks to investment, infrastructure, and people
3. Retrofit climate change solutions
4. Respond to strategic land use tensions
5. Address community wealth building
6. Identify areas where development won't be supported due to effects of climate change
7. safeguarding land for negative emissions technology
8. requirements for ancillary infrastructure to support renewable heat.

**Question 29 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)? Yes / No / No View Please explain why you agree or disagree.**

Infrastructure First

The guidance envisages there will be a clear and committed path to the funding of infrastructure which would require the councils capital and revenue investment be prioritised to deliver the infrastructure first for development however such LDP needs are only part of the Councils overall financial commitments which are limited. There is also only reference to developer contributions and no indication to potential for Infrastructure levy/ Land value capture which is a commitment in itself in the Government work programme. We note that it in para 340 its sought to for the LDP to set out contribution, type methodologies level and location however this is more properly set out in SPG due to the level of detail and need for robustness. Setting it out in the LDP would be contrary to other parts of guidance which seeks to reduce such detail in the LDP

Sustainable Transport and Travel

At Para 366 it is stated that transport strategy can assist identifying developer Contributions but previous comments about lack of progress on levy/land capture value apply here and especially that current legal prohibition which preclude or make it difficult to take contributions for Strategic transport interventions from numerous developments. The reference to not progressing land where transport infrastructure cannot be identified but more crucially delivered is welcome. It should also include, where it is not possible, to identify funding solutions.

20 Minute Neighbourhoods

As per previous comments, this concept is being promoted as the way forward for local development planning. The concept is welcomed in principle, but it will need a lot of further consideration and further detailed guidance before it can be implemented in practice. It may be difficult to retrofit new services and facilities into existing neighbourhoods. There are issues around the availability of funding to provide new public services and facilities and

this could raise false hopes among residents. There will also be certain areas where the market is reluctant to invest.

#### Blue and Green Infrastructure, Play and Sport

The heading is Blue and Green Infrastructure, Play & Sport but in para 383 and 388 there is no reference to sport. Play areas are distinct and additional from those required for sport so this needs further expansion & clarification. The majority of this seems reasonable but will depend on the open space strategy being ready in time to inform the LDP. Targeting development to where it can help address gaps in the green network (para 386) is only appropriate if that development meets a whole range of other policy criteria first. This could be used by developers to promote otherwise unacceptable sites.

#### **Question 30 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)? Yes / No / No View Please explain why you agree or disagree.**

There is a lack of balance within the section – excessive guidance for digital technology but barely anything for renewable energy.

Figure 13 introduces matters to be identified that have not previously been referred to in the NPF 4 policies or the Regs

1. identify appropriate locations for significant business clusters (Enterprise Areas, business parks, science parks, large and medium-sized industrial sites, and high amenity sites) (para 404)

If this is required it should be in the policy in NPF.

In terms of identifying areas viewed as potentially suitable for wind energy development are they wanting us to go back to areas of search for windfarms – this seems to be at odds with their whole approach in NPF which is that everywhere is potentially suitable unless it is a national scenic area or national park? On this basis the whole of south Lanarkshire is suitable.

#### **Question 31 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)? Yes / No / No View Please explain why you agree or disagree.**

The main issue with this section is the confusion it creates with all the different definitions of rural area. It is unclear what LDPs are to achieve.

The greenbelt guidance could be clearer and it is concerning that certain existing uses in the greenbelt are not to be covered by the designation and the implications this will have should they fall out of use

In terms of figure 14 the approach what is meant by 'rural' in the context of this guidance needs to be clarified and which elements of the guidance apply in particular locations. There are references to rural areas, pressured rural areas, accessible rural areas and remote rural areas but no criteria for deciding where these are. There needs to be some common agreement so that for example accessible rural area in south Lanarkshire is similar in character to accessible rural area in neighbouring authorities. It is also not clear whether rural housing provision and rural resettlement apply to all areas defined as rural? This could lead to a proliferation of development in the countryside which is counter to sustainability objectives.

#### City, Town, Commercial and Local Centres

It is not clear how local centres fit into the 20-minute neighbourhoods concept. What are emerging or new centres? Is this what is currently out of centre retail locations. Para 427

suggests identifying neighbourhood centres within cities as town centres and further clarity needed on that.

### Urban Edges and the Green Belt

Para 442 contains some useful statements about the functions of Green Belts, but the last sentence effectively downplays their importance. If all these uses in the countryside (para 446) are excluded from the Green Belt what designation do they have on the LDP map. If they are 'white' does this make them available for development should the existing use ceases.

### Vacant and Derelict Land and Empty Buildings

No distinction is made between derelict or vacant land in the urban area or in the rural area however they are very different things and can lead to issues especially in the rural area relating to previously used land and housing developers. VDL should be assessed for its importance in terms of biodiversity and contribution to nature networks before it is considered for built development. It needs to be made clear that rural derelict sites are not a priority for built development. Brownfield sites in the middle of the countryside are not any more sustainable than planned greenfield release on the edge of settlement.

### Rural Places

The guidance states that plans should identify accessible, intermediate and remote areas across mainland and island however it must be made clear whether each LDP must identify these three categories or are there national criteria. It is not clear what pressurised rural areas are and whether they sit beyond the Green Belt (if an LDP identifies a Green Belt). The terminology in this section is confusing. New houses within the rural area (although it is not clear what is meant by a rural area) are often unaffordable and cater to luxury housing. Direction must be given whether there will be a focus on expanding rural existing settlements, or new sporadic house groups. There is a risk of suburbanising the countryside with new large house groups that are developer led.

**Question 32 Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)? Yes / No / No View Please explain why you agree or disagree**

### Masterplan Consent Areas

Expecting an LDP to set out sequencing and interventions for VDL which is not in its ownership is not realistic. Presumably this only applies to sites which have an actual development proposal, not all VDL?

### Indicative Costs

It is not clear how Councils are to collect data on the indicative costs of LDP proposed developments. This would be impossible for larger sites such as development framework sites as the eventual mix of uses is unknown at this stage. It sounds as if the LDP is only to include sites with firm development proposals which are well advanced and have a developer on board. This won't allow the promotion of longer term development opportunities through this process.

### Links between Housing Documents

The link between LHS and LDP is confusing and assumes the LHS being reviewed in the timescale of the LDP. Links to whether the HLR is still relevant.

### Funding Mechanisms

With reference to the need to consider potential funding mechanisms and sources for capital and revenue funding, for transport infrastructure in the plan, including developer contributions, this information would have to be obtained from elsewhere.