

Revised Draft National Planning Framework 4 (NPF4)

Heads of Planning Scotland (HOPS) evidence report to the Scottish Parliaments Local Government, Housing and Planning Committee (the Committee)

HOPS acknowledge that Tom Arthur, Minister for Public Finance, Planning and Community Wealth (the Minister) has confirmed in evidence to the Committee that there is no scope nor time to consider changes or amendments to the Revised Draft version prior to Parliamentary and Ministerial approval before Christmas.

This is disappointing news and limits the scope for improving NPF 4 to realise its full potential before its publication. HOPS would welcome the further opportunities to engage and participate in improving NPF4 post publication and will positively contribute to this process. HOPS are however heartened by the Committee's scrutiny which is already reflected in its questions to the panel of experts and the Minister.

Topics highlighted by the Committee have included:

- Transitional arrangements and further guidance are urgently needed
- Resolving resourcing needs and training and skills gaps is critical
- Complexities of the housing process and the danger of underestimating and omitting housing needs simplified
- Policy conflicts and confusion should be eliminated
- How can local communities effectively engage in the planning processes and contribute local ideas?
- The need for non-technical summaries and easy to read guides for all users is essential
- How will the Infrastructure First approach be delivered?

HOPS set out its critical comments in this evidence report setting out some of the above points in more detail, additional issues raised by HOPS and a series of recommendations for the Committee to consider in preparing its final report.

Introductory Comments

HOPS appreciate this opportunity to present further written evidence to the Committee as requested. This evidence report is accompanied by two appendices to assist the Committee finalising its comments and response to the Scottish Parliament before its formal approval or rejection.

This document sets out our general high-level comments and highlights what we support and what we would like to see changed and improved in a series of recommendations for the Committee's consideration. It touches on many of the points already highlighted by the Committee and supports them.

Appendix A sets out the comments submitted during the 3 successful workshops we held for all HOPS members in Scotland which attracted 130 different staff members from 34 Planning Authorities across Scotland. This demonstrates the importance of NPF4 to all planners and our collective efforts to make improvements and adjustments for improvement. We believe that this level of detail will be of assistance to the NPF4 officials in their continuing work on developing and refining NPF4 in 2023.

Appendix B sets out the available information HOPS hold on when planning authorities expect to submit Local Development Plan Evidence Reports and Proposed Plans. Please note this information is only estimated at this time.

Executive Summary

1. HOPS **welcome the publication of the revised NPF4** which is substantially re-designed and much improved in terms of context and content, clarity, consistency, and detail from the previous consultation draft.
2. We appreciate the time that the Committee took to submit its own comments and the time taken by the Scottish Government to positively reflect on many of the comments made during the consultation processes, including the HOPS suggestions.
3. The revised draft has been substantially re-ordered and re-written to its benefit and it flows much better.
4. We are pleased to see the **firm focus on the climate and nature crisis linking across all policies** and the continuing focus being placed on a Just Transition, Local Living, compact urban growth, and rural revitalisation, reaching Net Zero, place making, an infrastructure first approach, 20-minute neighbourhoods and references to the circular economy and community wealth building. These are all priority areas HOPS support, and it is encouraging to see planning being given a central role in implementing NPF4 but the document strays into non-planning areas which is confusing and raises false expectations which we expand on below.
5. HOPS is particularly pleased to see that many of its previously suggested Areas of Challenge and Improvement have been adopted in the latest revised Draft. **We support many of the changes made but we still have significant concerns which need to be resolved.**
6. In terms of format the addition of useful graphics in setting the wider context and connections to other strategies is welcome, as is the enhanced glossary and hyperlinking of policies and related material. There are, however, **no photographs or exemplars of good practice which would have enhanced the document further.** There are many good examples across the country which could have been used to signal progress already made.

Areas of Support

The National Spatial Strategy

HOPS welcome the 6 over-arching spatial principles set out in page 4 supporting the planning and delivery of Sustainable Places, Liveable Places and Productive Places. HOPS was content to see the previous Distinctive Places categorisation deleted from this version.

The diverse nature of Scotland and its different geographies is recognised, and 5 regional spatial priorities are set out to inform LDPs and Regional Spatial Strategies. Table 1 is a helpful summary of the National Planning Framework.

The Vision

Whilst HOPS shared the Scottish Government's original vision for NPF4 which was to be "ambitious, ground - breaking and forward looking to 2045" we are clear that it also must be effective, legally robust, practical, well-funded and able to be implemented in a streamlined way which avoids placing unnecessary additional burdens and further unfunded responsibilities on local authorities.

The Ambition

The clarity, ambition and radical approach taken by the Scottish Government in its draft publication of NPF4 was welcomed by HOPS as it reflected many of the emerging themes and priorities already identified by local authorities in current and emerging Local Development Plans and Development Management decision making.

We see the revised draft as a substantial revision and rewriting of NPF4 with significant improvements in terms of content, format, clarity. We are pleased to see the proper cross-referencing of policies and the more definitive wording of policies removing previous ambiguities and uncertainty.

HOPS are aware of the crucial change in direction being signposted in the NPF4 from earlier NPFs and we believe that the journey is an exciting one and that all the stakeholders share a huge responsibility to implement the principles and strategies set out.

Housing Matters

The approach to housing land is always contentious and HOPS continue to support the approach being taken by Scottish Government on Housing Land and its focus on national minimum figures which gives all local planning authorities the option to deliver local solutions in their Local Development Plans for their own needs and aspirations beyond this. The revised Explanatory Note is helpful in explaining the context and rationale behind the Housing Land Requirements, but it will remain a complex and contentious area for local communities.

Integration of NPF4

The NPF4 must be read as a whole, but it cannot be read in isolation and progress on issues such as land reform initiatives and compulsory land sales remain crucial to success in challenging areas, including town centres, derelict land, and land acquisition. We are pleased

to see that a better integrated approach has been adopted in the revised version although it is sometimes difficult to grasp all the linkages for separate policy strands.

NPF4 Presentational Style

The addition of useful graphics in setting the wider context and connections to other strategies is particularly welcome, as is the enhanced glossary and the hyperlinking of policies and related material. We feel that it can be further improved as described later.

Areas of Challenge and Improvement

HOPS want to see the NPF 4 as the best version it can be at the outset without waiting for an annual monitoring and review. We are aware of timescales but feel that further time should have been allocated for a focused re-consultation process, particularly on areas which have been added without any prior consultation.

Resourcing and Budgets

HOPS have serious concerns about the significant budgetary cuts experienced by planning departments in recent years. The Delivery Programme states that Planning Authorities are “key stakeholders in the delivery of NPF4.” There is no new money allocated by Scottish Government in the Delivery Programme but rather references to existing approved funds to deliver NPF4 policies and National Developments. We remain unclear how this retrospective allocation can be justified as it still “needs to be agreed and factored in...”.

Scottish Government has acknowledged the resourcing challenges in supporting the “Future Planners Initiative” being led by Heads of Planning Scotland and RTPI Scotland, but we need to continue this dialogue and urgently resource the staffing skills and numbers which will be needed for the successful implementation of NPF4.

HOPS are not convinced by the statements in the Business and Regulatory Impact Assessment (BRIA) re the favourable impacts of the NPF, Digital Planning etc and the assumptions that these initiatives will offset additional costs to local planning authorities. The actual budget and resources issues likely to be experienced by Planning Authorities will be different in practice and we will continue to assess these areas as set out below.

Recommendation 1

HOPS recommend that an urgent review of all funding and resourcing is required due to the reducing financial and staff resources which planning authorities have experienced in recent years. In this regard we were pleased to see the increase in planning fees, effective from the 1st of April 2022, as part of this process but it requires much more investment.

Training and Skills Development

There is a huge challenge ahead to be able to provide the skill sets required to respond to the NPF4 for all Planning Authorities, but also Key Agencies, Statutory Consultees including Health Boards, Internal Council Services, and the private sector. HOPS also recognise that the robust policy framework presented will need to go hand in hand with a comprehensive package of training, recruitment, upskilling and re-skilling of planning and other staff, Elected Members, MSPs and local communities also need to be included in these measures.

There are specialist areas of expertise which may not be readily available to Planning Authorities or external agencies, including; Just Transition, Climate Change and Health Impact Assessments.

HOPS also recognise that the robust policy framework presented will need to go hand in hand with a comprehensive package of training, recruitment, upskilling and re-skilling of planning and other staff. Elected members, MSPs and local communities also need to be included in these measures.

Recommendation 2

HOPS recommend that a comprehensive training and skills package, (in conjunction with Scottish Government, RTPI and HOPS) be established in the short term to reflect the new demands being placed on Planning Authorities and this must be properly costed with realistic timescales.

Policy Concerns and Conflicts

We are pleased that Policy Section 3 has been fundamentally revised and reworked and the policies are much clearer, and the wording is consistent, and legally more robust and defensible. There remain however, a range of policies which require revision to be more consistent and to remove anomalies. There are conflicts in several policy areas which need to be reconciled e.g. wind energy in Wild Land Areas and renewables and biodiversity.

There also clear policy conflicts across policies and although it is a matter for the decision maker to place the balance, materiality and weighting of all policies and the supporting context, clearer and consistent policies would lessen the complexity of that process. Lack of evidence to substantiate Policies, as required by LDPs, and lack of Guidance to assist implementation and interpretation. We still await LDP Guidance and therefore not able to comment on the commitments required by Planning Authorities to deliver NPF4 through our LDPs.

Section 3 of the NPF is critical to Development Plan and Development Management staff, and we remain concerned that this will be an area of specific legal challenge and an area of confusion for all users.

We have outlined our further evidence with examples and suggestions for improvement in the Technical Appendix. This will form the basis of our inputs to Scottish Government at the first available opportunity after NPF4 publication.

Recommendation 3

To avoid unnecessary policy conflicts and legal challenges HOPS recommend that the precision of the policy wording is reworded and the conflicts within and between policies are satisfactorily resolved.

The Delivery Programme

The previous absence of a Delivery Plan in the draft was particularly disappointing but we are pleased to see that this has been rectified and we welcome the publication of Delivery

Programme. We do however feel that although it is a good starting point it fails to provide the desired clarity on funding and timescales to assist local councils and partners.

The formation of a Planning, Infrastructure and Place Advisory Group and the commitment to monitoring and evaluation are important key elements but this part needs strengthened and clarified further. We consider that the Committee has a key role to play in this process.

Recommendation 4

HOPS recommend that the Delivery Programme includes more definitive funding commitments, a timetable for delivery and rigorous mechanisms for monitoring and assessing progress against commitments. (As we highlighted previously the NPF for the Republic Ireland has an integrated Capital Plan accompanying the NPF and this would have been a more useful approach to follow).

Business and Regulatory Impacts

The final BRIA which is a supporting paper to the NPF is disappointing as we consider that it underestimates the direct and indirect cost impacts on local planning authorities. We appreciate all the work being undertaken on the NPF, particularly the national policies, and digital strategies, but we do not feel that this compensates for the additional work burdens which Planning Authorities will experience with the full implementation of the 2019 Planning Act, the additional assessments need as set out in NPF4 and the new skill areas which will require to be resourced.

Recommendation 5

HOPS recommend that the Scottish Government and HOPS continue to work on these costings and resource matters to input into the High-Level Working Group and the Minister.

Transitional Arrangements

Updated and effective Transitional Arrangements are urgently required to guide Planning Authorities in their LDP preparation processes which are all at different stages and the timetable will have a significant bearing on what weight is given to the NPF.

We also need to understand anticipated new related legislation and timing e.g. LDP Regulations, Use Classes Order, validation requirements etc.

An explanatory letter from the Chief Planner on these matters would be helpful to Local Planning Authorities and other stakeholders as the Department of Planning and Environmental Appeals Reporters are currently approaching individual Planning Authorities seeking evidence on the NPF, and the weight likely to be given in term of material considerations and policy interpretations.

Recommendation 6

HOPS recommend that the Minister and the Chief Planner issue as a matter of urgency, a joint letter which sets out both the details and a timetable for the Transitional Arrangements, including all supporting information such as Circulars, Regulations, Guidance and Planning Advice Notes or similar.

The Identity of the NPF

HOPS had previously expressed concerns about the actual identity of the NPF4 as it is variously referred to as a Plan, a Strategy, and a Framework. It is clearly set out in legislation as part of the Development Plan together with Local Development Plans and HOPS would still prefer the NPF to be recognised as the National Development Plan for Scotland rather than a part of the Development Plan to avoid any legal or contextual ambiguities which may be subject to challenge.

In the Delivery Programme there is a useful graphic – Figure 4 - Spatial Plans and the statutory development plan. This could usefully have been included in the NPF with further clarification about the relationship between the 4 different aspects in the planning “hierarchy”.

1. National Planning Framework – Part of the statutory development plan
2. Regional Spatial Strategies - Not part of the statutory development plan
3. Local Development Plans - Part of the statutory development plan
4. Local Place Plans – Not part of the statutory development plan.

It was encouraging to hear the Minister in his evidence confirm the primacy of NPF4 as Scotland’s National Development Plan.

Recommendation 7

HOPS recommend that consideration should be given to renaming the National Planning Framework as the National Development Plan for Scotland. (We appreciate that there may be legal difficulties associated with this recommendation, but we recommend that it should be included at the very least as a sub-heading to make clear its primacy in the Development Plan process).

Monitoring and Assessment of the NPF

The formation of a Planning, Infrastructure and Place Advisory Group is set out in the Delivery Programme and the commitment to monitoring and evaluation are important key elements. HOPS feel that there should be clear emphasis on benchmarking and an agreed set of national metrics so that the success or otherwise of the NPF can be accurately and consistently captured.

This work should include assessments against the success of each policy and whether any appeal decisions by the Department of Planning and Environmental Appeals or judgements in the courts set precedents for change and further clarity.

Recommendation 8

HOPS recommend that the LGHP Committee has a clear and continuing central role to scrutinise, monitor, assess, revise, and update the NPF on an annual basis set against clear benchmarks, metrics, and realistic outcomes.

NPF Layout and Content – Annexes

The 5 Annexes have been expanded by 50 pages and HOPS supports them but consider that better use can be made of them to assist the readers. They contain essential information and clarifications which should be featured at the beginning of the NPF e.g. “How to use this document”. To further improve the logic and continuity in the document HOPS suggests that other information could be integrated into the text in appropriate places e.g. the references and graphic for sustainable goals, and the Plan Led approach graphic.

There is also a lengthy section on the National Developments which would be better placed in that section of the NPF for completeness.

Recommendation 9

HOPS recommend that the content, layout, and readability of the document can be substantially improved for users of the document by some judicious editing and re-ordering, including some of the excellent information in selected places to be embodied in the main report.

Simplifying the Planning System

The recent planning reforms process has all been about “simplifying the planning system” and there is a danger that the complexity and comprehensive coverage set out in the Draft NPF4 does not assist this aim. It is a very complex and comprehensive document to navigate, and we would like to see summary versions in plain English for users and more support and guidance in key areas. For it to be truly effective, it must be read in conjunction with other supporting guidance, Charters, Best Practice Guides etc. identified within the NPF but this is an onerous task for users of the document and adds in further layers of complexity for the decision makers.

Recommendation 10

It would assist all users of NPF4 if a list of the relevant supporting documents and guidance could be compiled in a separate document. It should include the relevant hyperlinks and further reading sources.

Non - Planning Areas

There is clear acceptance that planning should not and is not able to cover issues which are addressed in other legislation, but the NPF refers to many matters not in the control of planning and responsibilities which lie with other council services or external agencies e.g. suicide prevention and public toilet provision.

There are also areas covered by other Regulatory Services such as Building Standards for heating and wheelchair accessibility to homes, and Environmental Services for waste from residential developments.

Although planning will have a central role in delivering on the vision and aspirations of the NPF in practice the NPF is more of a corporate document, and it should be highlighted as such to ensure all the players are aware of their responsibilities. Planning can influence many of the areas referenced in NPF4, but we are not the implementers or builders.

By straying into non-planning areas this weakens the impact of NPF4, and it raises false expectations, and we believe it renders the NPF subject to legal challenge.

Recommendation 11

HOPS recommend that the non-planning areas of activity highlighted in this Report are removed to avoid any false hopes and expectations, and any unintended consequences.

Next Steps

HOPS overall view is that the Revised Draft NPF4 is a substantial improvement on the earlier Draft, and it is more useable, informative and readable. There is however still room for presentational improvements as outlined earlier to further assist readers.

We still have significant concerns and reservations about the wording of policies in Section 3 and their consistency and applicability. As this is a critical area for planning practitioners in Development Plan Policy and Development Management, including enforcement, it is important that more attention is paid to improvements in this part.

Whilst we agree with the need for a timeous approval process to avoid any further delay and uncertainty, we believe that more time is needed for more effective consultation to resolve these outstanding issues, otherwise there will be a danger that NPF4 will be legally challenged, and it will be a poorer and weaker document than it needs to be for all parties. It is understood from the evidence presented by the Minister that there are no further opportunities for changes to be made at this stage.

Despite our reservations and concerns we are all Professional Planners and with the right policies, further support, guidance, and clarity we can deliver NPF and assist the Scottish Government in achieving its vision and aspirations.

The NPF is already attracting international interest and HOPS wants to play its part in making NPF 4 even better and practical.

Recommendation 12

HOPS recommend that the Committee seek further clarification from the Minister on the formal and informal processes for submitting amendments and suggestions for improvements to the NPF4 following on from Parliamentary and Ministerial approval.