

## APPENDIX A

### HOPS DETAILED CONCERNS AND SUGGESTIONS FOR IMPROVEMENT SUBMITTED BY HOPS MEMBERS

**Appendix A** sets out the comments submitted during the 3 successful workshops we held for all HOPS members in Scotland in November, 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.

Whilst we appreciate that NPF4 is not to be subject to any further amendments or consultation at this stage, the Minister has confirmed that there will be opportunities for further engagement and discussion once the NPF 4 has been approved by the Scottish Parliament and Scottish Ministers.

We have set out below a summary of the comments submitted by HOPS members to help illustrate the detailed concerns of Development Management and Development Plans staff across Scotland. In that light HOPS would like to see the following comments used as a basis for further joint discussions with the relevant Scottish Government officers and the Minister. We hope that these are helpful to the Committee in its consideration of NPF4.

We have used 9 Topic Areas, which are based on the questions which were posed at the workshop sessions. These are;

1. General Comments on the revised NPF4
2. Overall comments on the supporting documents
3. Non-planning matters identified by HOPS
4. Identification of newly added components to the NPF
5. Resources required to implement the NPF
6. Policy implementation and policy tests
7. Challenges and interpretation of policies
8. Conflicts between policies
9. Possible missing policy areas

## 1. GENERAL COMMENTS ON THE REVISED NPF

- NPF 4 is too long a document to digest in such a short timescale - 1500 pages in total!
- A Summary Version would be helpful to all users. It should be written in plain English and include graphics and photographs
- More definitions are needed, and they need to be clear and consistent- different definitions appear in different documents within the NPF and the supporting documents
- The analysis of responses to the consultation process is not the most in-depth assessment
- There are very useful links between policies improve the document immensely
- There is a need for a clear Timetable for Implementation including enactment of associated aspects of the 2019 Planning Act
- Transitional Arrangements are urgently required to assist Councils, particularly in terms of their ongoing work on Local Development Plans, which are all at different stages
- It would be helpful if we could be provided with a simple checklist of timings for the issue of the related Guidance/Circulars /Regulations etc. which are expected to be produced by the Scottish Government and when urgent advice such as the Local Development Plan Regs are due.
- Despite the changes to the policy wording to remove loose wording such as “should” and “could”, there are still too many loose qualifying words which weaken the thrust of the policy and leave interpretation open to challenge. e.g., Policies 4,5 and 6 still retain “should”, Policy 14 “will” and “will not”. There are many other examples throughout the policies which require more clarity and certainty.
- There is general agreement that NPF4 is complex. However, it still has the potential to simplify the Scottish Planning System as a whole, due to it forming the consistent, dominant part of Scottish development plans. DPEA decisions are likely to inform all Councils.

Other relevant factors submitted by HOPS members include,

### Support Areas

- The colour coding used throughout the NPF4 is useful
- It is important to support the document and the policy direction, and we can negotiate on the additional guidance required
- The LDP guidance is separated out of the policy, and there is more information in the Annexes. It is also pleasing to see that Distinctive Places has been merged with Sustainable Places and making it clearer for climate and nature policies
- This is a much-improved version but note that there are more things coming out that will require additional resources/skills that were not in the draft e.g., around health inequalities
- We welcome the split between LDP requirement and policies but there is still a need for some attention to detail e.g. Nairn is not in Moray
- Much improved version with stronger wording but the use of 'will' rather than 'must' is still odd

- The Table on page 5 is a great summary and linkage between strategy and policy
- The 'Policy Intent' statement for each respective policy is potentially quite helpful - albeit it is not in the policy itself
- The spatial principles are stronger, more to the point and better integrated throughout the document
- The re-wording of Policy 21 is welcome. It removed the automatic requirement for housing developments of a certain number to include on-site play equipment. Sometimes off-site play space enhancements are a better approach
- Agree that there is improvement in revised policy and graphics, a clearer, and simpler layout "feel" etc. from previous comments (less clutter/ more inter-related/ cross cutting)
- The final NPF4 is a vast improvement on the draft but there are still several policies that are too vague and open to interpretation. It is also unclear to what extent LDPs can expand or clarify NPF4 policy

### Queries and improvement suggestions

- What are the appropriate scales and types of biodiversity enhancement required for proposals?
- There appears to be a disconnect between the overarching climate change policy and policy 7 (historic environment) e.g., Policy 7 does not provide a policy position on for example micro renewables or replacement windows
- The status of the Annexes referred to in some policies requires to be explained
- Concerns about the justification or lack of justification for new insertions e.g., drive throughs because some people asked for it!
- It is concerning that the funding section of the Delivery Programme does not outline any additional spend. It only references already committed funding from Place Regeneration funding and Transport funding etc.
- Although the content has been improved, the devil will be in its detailed use and implementation
- The definition of blue infrastructure includes 'marine areas', but this only applies for aquaculture, so the policy on blue / green infrastructure is misleading
- Definition of national developments and its classes for Orkney, as per page 101. It appears to state e.g., Scapa Flow is a class of Scapa Flow
- The definition of national developments for Orkney are very unclear and of concern
- The Delivery Programme has reference to a DO review and mention of the Infrastructure Levy, but we are running out of time given the sunset clause
- There will be difficulties in starting to deliver fully and clearly any time soon without the guidance
- Many policies, if read in isolation, give the impression that a proposal would be supported/refused. The need for the policy to be read as a whole is not as clear as it needs to be, and this will lead to frustration
- Additional guidance will be crucial on topics such as renewable energy to ensure decision makers know where the balance of acceptable and unacceptable impacts lie

- If the Scottish Parliament do not approve the NPF then we would expect amendments to be made, followed by another round of consultation. If it was an LDP with these proposed changes Councils would be required to reconsult
- It is important to clarify whether the NPF outweighs an adopted development plan during the transition period. What takes precedence if there is conflict?
- There are issues from the draft which remain between the three Place principles. Liveable and Productive Places are diametrically opposed to going to net zero and protecting nature. It is not possible to have nature crisis and net zero but then advocate for more housing
- There is a lack of detail to support the implementation of the national policies in a Development Management decision making context
- No indication of the metrics that will be used to measure impact of policy decisions on the 6 policy impact areas. Are we measuring impact on Just Transition across the whole of Scotland or by council area?
- No real consideration of cross-boundary or cumulative issues and opportunities
- Part 1 is vastly improved but the policies lose the link between high level intentions and the basis of a Plan as a Land Use document.
- Part 3 A - How to read the plan should be at the start. People will struggle to understand why bold polices e.g., Policy 9b may not be what is meant. The need to reference other documents and yet to be published guidance will be hard for all users of the document
- Policy 17 and the revised definition in relation to rural classification has a significant bearing on current LDP's which has not been the subject of previous consultation. Areas 15 minutes outside a City Centre are now classed as "remote rural"
- Policy 21 has extended the role of the Open Space Strategy to include a sport pitches strategy which is a non-statutory document
- Probably a need for NPF to say it is not just about Development Management but also to reflect and help implement other strategies
- Rather than have policy interpretation in the Annex the policies should be clearer
- The NPF requires para numbers to ease use and make references
- Some polices are very bold in their assertions but fail to have tests to help gauge or allow a nuanced assessment
- The status and materiality of NPF4 is ultimately a matter for the decision-maker on a case-by-case basis. It is not the Scottish Government's place to advise
- The absence of tests or weighting makes it very challenging to assess proposals. Lack of clarity as to which polices carry more weight
- The balance between the level of detail in the policies does not seem appropriate. High level policies have little detail, but others have very specific narrow interest areas
- The cross-cutting outcome and policy links are confusing as they are describing links to policies that you have not reached in the document. Most developers will ditch the front end of NPF4 and go straight to part 2. This is confusing guidance

- The dependence on Annexe A for interpretation makes it a difficult document for people to follow. Some policies appear clear cut in terms of their aim, but it requires a review of the document in its entirety. A lot of additional guidance is needed
- The front end of Revised NPF4 still fails to fully reflect major opportunities and changes, such as SCOTWIND, Opportunity Cromarty Firth and other nationally and regionally significant developments that are fully expected to happen
- The matter of RSS is a concern and the fact this is now parked until after guidance makes producing LDPs inherently difficult
- The revised version of NPF4 still does not give full recognition to regional issues and does not mention cross boundary and cumulative policy considerations
- The Scottish Government's Planning and Architecture Division should be a consultee on planning applications and appeals rather than the Reporter asking the planning authority to clarify aspects and the materiality of NPF4
- The section of the National Spatial Strategy for Scotland on Productive Places (p16) underplays the focus on delivering a greener, fairer and more inclusive wellbeing economy (which is noted at p.4)
- There are conflicts between policies and in some cases within policies
- There are details that should be provided in some policies that are not there e.g., in the natural places policy
- There are significant issues with the national development provisions in Annex B. For Orkney, the wording is very ambiguous and will lead to significant issues for DM when screening the national development status of developments
- There is a high number of structural changes from the Draft, including new Policies, changed wordings, deletions, etc. We would be expected to and instructed to consult in similar circumstances
- The useability of NPF for practitioners is challenging
- We need a more specific timeframe (such a month or quarter) for commencement of some actions (e.g., guidance and start of regulations) in the Delivery Programme
- We need national metrics to assess impact of developments and the weight to be applied to the significance of a development's impact on sustainability.
- We think that once approved by Parliament, it will become a much more significant material consideration and will have to be considered in that way in planning application reports, in advance of the NPF being part of the adopted development plan.
- What constitutes a former dwelling house under Policy 17 a) viii. I think this should be tightly defined in LDPs to avoid misapplication. Policy 17 includes no provision for sensitive infill development.
- What, if any, weight do any or all the background papers have in our considerations?
- Where policies need further explanation, local or national non-statutory guidance (as appropriate) could be of considerable benefit
- Concerns about the guidance gap and the likely timescale for establishing national methodologies for applying the policies

## **2. COMMENTS ON THE SUPPORTING DOCUMENTS**

The supporting documents generated a lot of interest and key themes emerging included;

- The NPF must be read as a whole documents with all the supporting information
- Some of the supporting information would be better relocated in the NPF itself
- In addition to the supporting documents referred to in the NPF there are many other Charters, Guidance and Policy Notes which lie outside the NPF document but will form part of the associated “material considerations” which Local Planning Authorities require to include in their decision- making assessments
- General comments about the length of the documents and all the supporting documents, the time available to comment whilst carrying out the day job. Suggestions included the need for a summary version written in plain English, and additional time to consult properly

### **Islands Communities Impact Assessment**

There is no sign of an updated Islands Communities Impact Assessment although one was included in the previous version. It is more of a statement of facts and demographics rather than an actual assessment.

### **Explanatory Note**

There is a lot of useful information in the Explanatory Note such as the significance of the stated differences from the Draft version. Although it attempts to show the changes that have and have not been made, it is incomplete, and it is not as helpful as a Schedule 4 for the LDP Examination process which local councils are required to prepare.

### **Transitional Arrangements**

The 2019 Transitional Arrangements have not been updated and there are gaps in the information required.

In the Housing Paper Supporting document housing numbers in Edinburgh and other areas have been reduced which may increase risk of legal challenge to the housing need approach in NPF4.

### **National Developments**

HOPS has not taken a view on the inclusion of the 18 National Developments as this is a matter for individual Councils to pursue. National developments however appear to be poorly defined in terms of the wording used but the exclusion of maps to clearly define the area not just in terms of wording but a failure to use maps to clearly define the extent of the area they apply is unhelpful.

The highest risks of challenge are probably housing numbers and unconsulted changes

### **Delivery Programme**

There is some confusion about the establishment of a new Planning, Infrastructure and Place Advisory Group and HOPS would prefer to see a co-ordinating and monitoring role for the LGHP Committee to continue its crucial scrutiny and monitoring role.

It was clear at the oral evidence sessions that is a matter of importance to the Committee who asked about what meaningful measures should be used to monitor progress with the implementation of NPF4.

The title “delivery programme” is misleading as it is more of a run through the PARD to do list.

Overall members felt that the Delivery Programme is quite poor and limited and there is a lack of any real detail on funding and lead authorities to deliver actions. It also lacks the detail and intensity of other national planning approaches E.g., Ireland

### 3. NON-PLANNING MATTERS IDENTIFIED BY HOPS

There is clear acceptance that planning should not 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.

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 NPF, but we are not the implementers or builders. Our overall responsibilities are limited to taking decisions whether to approve or refuse a planning application. In addition to this regulatory role, we also work in close partnership with many local and external agencies to lead, initiate, mentor, support and promote many of the wider aspects set out in the NPF such as economic growth, community wealth building, better quality places etc.

The main non-planning issues identified by HOPS members include;

- Risk of suicide and prevention
- Women's safety- Surely planning should be for everyone's safety, although there may be specific requirements for different groups within society disabled, partially sighted, cyclists, etc.
- Policy 19a requires connection to heat networks but this is not legally enforceable
- Policy 21 d, e and f refers to play provision, form and content but this is not wholly a planning matter
- Building Standards matters are included but often their standards are lower than planning policy requirements and this leads to poorer standards at the construction stage. e.g. the heating and cooling of buildings, wheelchair accessible housing, energy sources for heat networks
- Healthy food and drink outlets - how can this be enforced/monitored?
- Community wealth building (CWB), Community Wellbeing and Community Benefits are all different and relate to planning acting "in the public interest" which benefits communities. The CWB policy should be more specific about the land use planning aspects of CWB. Overall, the principles are supported but there needs to be more clarification on the planning interfaces and who does what and is ultimately responsible.
- Public toilet provision
- Health matters has always been enshrined in planning from the very earliest planning legislation, but it is another integrated function across a range of public services and agencies. The introduction of Health Impact Assessments (HIAs) is supported by HOPS but there are concerns about the under resourcing of Health Boards and their ability to engage and inform each Council
- We deliver general aims about creating good places which promotes active lifestyles etc., but we cannot comment on objectors' specific health concerns in our Reports of Handling



## **Sustainable Places**

- It is unclear as to whether Policy 11 applies to domestic scale properties.
- Guidance is needed on how the policy outcome of transition to net zero is to be achieved when it is not part of the policy criteria (Policy 7)
- An updated onshore wind policy statement, following from recent consultation last year
- The primacy of policies in LDPs still in force where they differ from NPF4 risks a policy vacuum on some sensitive matters so could there be some interim arrangements while new LDPs catch up.
- Concern over the time from possible approval of NPF4 and the lag between the roll out of the related guidance by SG due to their resourcing pressures
- Disappointing that some guidance is not expected to be produced until much later
- Energy Strategy and Onshore wind energy strategy refreshes alongside a new land use strategy, as that perhaps conflicts with some of the policies in NPF4
- Establishment of national metrics is urgently required
- Guidance on how all of this can be done within an 8- week determination period for applications would be welcome
- How new national and local policies should be considered together and their relative weight to be applied to each, when the new national policies do not cover the detail of existing ones
- Due to the enhanced status of NPF 4 are we now required to advertise applications as potential departures to it?
- Material weight of supporting documentation. e.g., The NPF4 and National Planning Policies are only about 1/10 of the overall content by number of pages
- Scottish Government has many old PANs which are quite dated. What is happening with these? They still get referenced in appeals and LDP examinations
- The Chief Planner should publish a letter clarifying the weight of revised draft NPF4 between now and parliamentary approval
- The delivery plan pushes a lot of the guidance along the road a few years along with data development
- There is going to be a significant time lapse for getting adopted Open Space Strategies and Play Sufficiency Assessments which are specifically referred to in policy as guiding decision making

## **Liveable Places**

- A single circular that covers each policy in turn would be helpful
- All Planning Authorities should be using the same/similar evidence bases or standards to benchmark against
- Is it possible to agree to use any guidance which already exists more widely for our purposes e.g. around metrics for biodiversity we should use English guidance rather than wait for Scottish guidance?
- Detailed guidance is crucial for consistency
- An evidence base is required for all policies
- Specific guidance for Development Management would be helpful to avoid this burden falling on Development Plan colleagues

- Hopefully, the Evidence Report will be in the revised LDP Guidance, but the timetable for this is indistinct, given that NPF4/NPP may be operational within a matter of weeks
- How to assess changes to an existing development or consent which under NPF4 would rule out or make unacceptable
- Need guidance on what weight, if any, will be accorded to the policies of the existing development plan until such times as new LDPs are produced
- NPF4 policies must prevail over old LDP policies and where there are conflicts of intent
- 1 meant to have significant weight, but it is very broadly/vaguely framed and really needs clear guidance to be consistently applied
- What happens with apps currently live and under consideration? Do new regs apply etc.?
- With no guidance prepared authorities will interpret differently and developers will remain confused.

### **Productive Places**

- A lot of issues will only arise when dealing with specific applications
- Advice on how SEA should align with new plans and effects of NPF4 at a 'local level'?
- Are there any implications for future iterations of the PPF?
- Clearer guidance on how Local Place Plans are to be taken account of
- Consultation on the changes has been poor and of which people who were happy with the previous Draft have not had a chance to be consulted again
- Culture and creativity will be a bit of a minefield to interpret
- How is the Scottish Government held to account if they don't deliver?
- Guidance on meaningful consultation with under 18's on planning apps
- Guidance on vague Policy 1 should be issued first if it is meant to be given overarching "significant weight" above all other development plan policies.
- It would have been useful to local councils if the Scottish Government had run some test cases of applications and assess against them against the new policies. This would have been useful as "worked examples"
- There are a lot of assessments that need to be submitted for policy assessment so national validation standards for clarity for applicants and LPAs would be useful.
- Short Term Let Guidance on Policy 30 within and outwith STL control areas.
- Status of the Use Class Order
- Town centres and town centre living
- What are previously inhabited areas and what is the evidence on previous residential property?
- What further guidance will be given to consultees on their roles in relation to NPF4?

#### 4. IDENTIFICATION OF NEWLY ADDED COMPONENTS TO THE NPF

This workshop identified a series of new elements introduced to the NPF which we feel would have benefitted from more consultation to avoid any challenges and misunderstandings. The comments have been structured under the 3 Place categories for ease of reference and by individual Policy type.

##### **Sustainable Places**

###### Policy 2

- LDP- How to prove spatial strategy will reduce emissions?
- Minimise lifetime emissions as far as possible? How much is minimise?

###### Policy 3

- Has been amended to better reflect the mitigation hierarchy, which is welcomed

###### Policy 4

- LDPs should identify 'locally' important natural assets - clarification?
- Reflects the legal requirements for European sites, which is welcomed for the sake of clarity

###### Policy 5

- Requires a site -specific peat assessment for development on carbon rich soils no exemption give

###### Policy 6

- What is an up-to date FW strategy? How old?
- Veteran trees have now been defined in the glossary, which is welcomed for further clarity

###### Policy 7

- Policies 7 and 2 are same issue with balance between policies encouraging climate change adaption 'versus' historic character - not the principle but an expectation for sensitive approach should be embedded
- 7h iii 'exceptional circumstances have to demonstrate to justify the impact...' needs defining

###### Policy 8

- Replacements of existing permanent homes needs clarification

###### Policy 9

- Refers to empty buildings but there is no definition of empty. How long has building to have stood vacant to be classed as empty?
- Policy 9.b - Does the greenfield site exclusion supersede the rural development/housing policy?

###### Policy 11

- Development proposals need to demonstrate that they maximise 'net economic impact, including local and community socio-economic benefits' in order to be supported but this is an area which has not been fully developed
- Have they removed some of the weight given to energy developments that can have an impact on National Parks and NSAs while being located outside?
- Energy - Agree with the substantial change and especially (in relation to Natural Places) re. Wild Land Areas

### Policy 12

- Policy 12 (g) EFW proposals - how is need assessed?
- Areas identified for wind farms are expected to be suitable for use in perpetuity' – we still need clarification on whether this means, areas identified in the LDP? or area that have consent (even if they weren't identified as suitable for windfarms)
- Change in weight afforded to development that is outside wild land areas but affecting them
- Energy policy is of concern due to impact on undesignated peatland
- If you look at these policies through the lens of a development like windfarms, you are bouncing around all the policies and there is conflicting guidance about what gets priority
- Interesting that Green Belts is considered part of sustainable but Rural is all about development
- Is Green Belt just another rural type (like remote rural)? Is it up to us to give it substance through the rural development policy
- Is minerals working in green belts new?
- Much more expanded approach to Energy – now need consideration for all forms, including hydrogen, hydro, CCUS. All forms to be 'supported.
- New section on Outcomes introduced
- Re comment on green belts - they are part of restricting growth and so in turn increasing density in settlements as part of a spatial strategy but the same can be said of countryside around towns / urban fringe which are not mentioned any more
- Sea level rising
- Policies 1, 2(e), 5 (d), 11(a), (b)-(f) ((g) deleted) are all new
- The very first Policy has been replaced with a new one
- Cultural significance has been added to some assessments without definition
- What weight will be given to the text in the policy intent and policy outcome box when implementing the policy?
- Where is the Rural Policy

### **Liveable Places**

### Policy 14

- As the NPF has DM policies why delegate to LDPs a requirement for use of the Place Standard Tool in the Planning Application process? Surely this should have been included in 14.
- How equipped are all LAs to implement/enforce design elements? Do we have these skills?
- Public transport needs to be improved to support this and be the more attractive option for people
- General comment on b-healthy, does this potentially conflict with EQIA requirements?

#### Policy 15

- Agree on watering down of what seems to be a key direction
- Proposals now only need to contribute to 20MNs 'where relevant'. Seems to be a watering down of the concept?
- Great to see more consideration for the unique context of rural and island areas in the local living and 20 min neighbourhood policy
- The 20 - minute neighbourhood definition has been expanded/padded to the point of obscurity and likely challenge by developers
- It makes sense to expand the definition of 20 minutes for rural areas but concerned that applicants will challenge the definition to suit their own agenda in urban areas which could undermine the whole idea
- 15.a – Toilet provision has crept in. Publicly accessible toilets are listed here. Practicality of providing and operating these is not a planning issue

#### Policy 16

- Development proposals for homes on land not in LDP will only be supported in limited circumstances - interesting as it doesn't mention brownfield/vacant and derelict land, but does talk about local living
- How much should LDP provide over and above MATHLER? No guidance on this?
- No role for the HLA to identify a shortfall and no clear policy trigger on how development proposals should be assessed where a shortfall exist?
- LDP requirements for LHR v MATHLR: 'exceed' rather than 'at least as much'.
- 16b require statement of community benefit which sets out the obvious benefits, but maybe needs to link more closely to Community Wealth Building

#### Policy 17

- Potential confusion around 'rural areas' and 'remote rural areas'. Does 17a. apply to both accessible and remote rural?
- Retirement homes on farms. Assume this is not to be restricted by condition so could lead to unrestricted general market housing. Not appropriate in highly accessible rural areas
- 17 a. Refers to 'new homes in rural areas' and sets a strict set of policy tests - assumes this means 'accessible rural', whereas 'remote rural' allows greater acceptability - these areas conflict significantly with Highland established Hinterland

- Rural areas v remote rural areas - what are these?
- Mentions rural areas throughout but asks us to identify remote rural areas but does not say what we have to do or say.
- The LDP section states LDP must identify 'Previously inhabited areas that are suitable for resettlement', so at d. are LA obliged to identify these areas
- Rural Homes - the 6b fold Urban Rural Classification 2020 use for purposes of mapping areas to which policy relates - results in big policy change 'overnight' for some LPAs as far as the areas to which applies is concerned
- 17.c. "supports and sustains existing fragile communities"- are existing fragile communities going to be defined?
- Needs clarity on definition of rural - is it outwith settlements? or class 5 or 6 in the 6 - fold classification?

#### Policy 18

- The layman may interpret "Infrastructure First" as that infrastructure will already be in place to serve new developments, but this is not the case. Could this be made clearer that it is 'consideration' of infrastructure?

#### Policy 19

- There is no defined purpose to taking account of LHEES or areas of heat network potential and any designated Heat Network Zones (HNZ). Subsequent links to these zones. Are LDPs in developing their Strategies to apply 19
- This is unimplementable until the new Building Regs come through - delayed until February and in order to make district heating viable it needs a change in UK regs with regard to cable and pipes
- 19d needs to link to Open space strategy and knowledge about VDL. If you're going to store heat, then you need to know where the holes are in the ground or the ground suitability for storage.
- 19(e) combines Draft NPF4 policy criteria 11(f) and (h) and more clearly sets out the considerations to be applied."
- 19.e who defines "cost-effective"?
- 19e - does this mean that energy infrastructure that doesn't re-purpose former fossil fuel infrastructure, is not located adjacent to a Heat Network or linked planned to connect would not be supported? Conflict with Policy 1
- 19f - Needs further guidance but general principles are principles that can form part of site design and layout
- 19f - no guidance on what we need to do about temperature control in buildings not occupied by people

#### Policy 20

- LDPs can, through strategy facilitate and promote action and outcomes but they cannot, in and of themselves, enhance and expand existing provision including new blue and/or green infrastructure.

- Why is it called blue and green infrastructure when it is about implementing Nature-based solutions? NPF4 mentions Nature Based Solutions at start and now they have regressed to out of date titles
- Does not achieve the aim of promoting enhanced blue/green infrastructure - nothing about proposals must contribute to it

#### Policy 21

- LDPS should identify sites for sports / play / outdoor recreation “for people of all ages” - needs guidance
- The role of the Play Sufficiency Assessment and Open Space Strategy are played down and why under 21a is Sport Scotland getting a second bite at the cherry. They should already have collaborated on OSS and commented on PSA
- 21.a iv No issues that I can see in this, good that they have included OSS and PSA in the policy, and much of the policy tests are the same as previous draft

#### Policy 22

- ‘Flood risk and water management’ includes new part (a). Bullet point (iv). Amended part (h) (Now Revised NPF4 Policy 22(e))

#### Policy 23

- How is suicide risk to be taken into account? Is this design or specific specifications? Should we already know the standard?
- LDPS should consider locations of concern for suicide risk. Legal implications for councils here?
- The key theme of Health and Wellbeing is under the heading of health and safety - how would you know?
- Asks us to identify but not allocate! This is throughout the policies
- 23 f) Development proposals will be designed to take into account suicide risk.
- Not considered before and may seem like a small thing but could have huge implications in terms of liability. How do you even test for this?"
- Health policies- likely need for training and qualifications?
- Merges what were two separate policies from initial draft health and safety and health and wellbeing which is unfortunate. Also introduces requirement to take account of suicide risk which is not a planning matter
- 23(a). Revised NPF4 Policy 23(a) ‘Health and safety’ is new. New criterion 23(f) on suicide risk added
- LDPS should identify the health and social care services and infrastructure need in the area - this looks like it relates to existing area provision, not just new sites
- What exactly does this mean? Are we going to have a data set for places where people have or potentially could commit suicide?
- 23.b agree with comments made about need to upskill/train planners- what will health impact assessments look like, who does these, how do we report on these if sensitive information, consistency across authorities?

- 23.b. who will define what is a 'significant adverse effect on health'

#### Policy 24

- 24 c - How is this information gathered? Is this information that should be built into allocations in LDP's
- With the DM policies so clearly laid out it is unclear what action is expected of LDPs. Are areas to be identified for action or improvement and, if so, subsequently does not link back to the actions for site identification for LDPs a
- It fails to mention any specific requirement for proposals to minimise visual impacts on designated landscape, wild land, heritage assets. It also doesn't mention the need to avoid physical impacts on peatland or on unknown archaeology
- Agree with revised 20min neighbourhood revision for proposals to contribute 'where relevant' as this gives Councils the ability to assess on their own merits when looking at rural proposals.
- Define significant adverse effect on health?
- ""New Revised NPF4 Policy 14(c) ""
- ""Revised NPF4 includes new policy 17 on Rural Homes.""
- Given this set of policies, can we ring fence part of the £325mil place-based investment fund (in delivery plan) to support resources in LAs for place / urban design skills, if needed?
- LDPs have been separated out from Policy by heading order. This is different from the Draft which titled the whole page under "Policy..."
- LDP's may be one page with links to NPF
- One positive is that it does make changes to p15 to take account of rural context which is helpful
- The suicide considerations risk stigmatising communities and triggering local epidemics
- Too many instances of identification of a need to do something or take account of something but not actually who will do it. Masterplans, briefs, service provision etc.
- Too many instances of 'LDPs will create' but LDPs facilitate or give opportunity or identify need for the creation of. They don't create developments

#### **Productive Places**

##### Policy 25

- Outcome: Supporting community ownership and management of buildings. Not traditionally a land use planning matter.
- 25(d) Neighbourhood shopping. Floorspace threshold not specified. Could be seen as a way in for certain non-neighbourhood centre uses and retail typologies above a certain size.
- Don't know if it was there before but identify community assets. Undefined and for what purpose.



- This policy is still weak, and proposals don't need to contribute - it is only where they do contribute that it is a deciding factor. It should require proposals to contribute to community wealth building

#### Policy 26

- Great to see an economic development policy that welcomes home-working. Live/work units and micro businesses, these could be major opportunities/assets

#### Policy 27

- Drive-throughs. If they mean food, they don't say that so some could argue it includes supermarkets, click and collect, pharmacies etc.
- Drive throughs- need to identify these are not "Ancillary" e.g., pick up point and supermarkets

#### Policy 28

- Not picked up on the growth of the neighbourhood high street during covid. These areas got deli's, "good" cafes and craft shops
- Almost suggests a retail land supply
- Areas for undefined healthy food and drink outlets. Have they changed the UCO to accommodate this?

#### Policy 30

- 30 d) says that proposals for huts will be supported if they are compatible with the surrounding area and relevant good practice guidelines. There is no mention that they also have to satisfy the spatial strategy of the Plan
- New LDP requirement to identify areas of pressure where existing tourism provision is having adverse impact on the environment
- Take full account of matters. Is that not what we have to do anyway?

#### Policy 31

- Public art back on the agenda, and a requirement of public open space
- Homeworking - a house in every field under Rural Development a. 1.x
- LDP requirement to identify a network of centres
- Requirement to use Government's Rural Classification

## 5. WHAT ADDITIONAL RESOURCES ARE REQUIRED TO IMPLEMENT THE NPF?

The question of an overall lack of resources and skills has attracted much attention from Local Planning Authorities and other agencies and consultees. Whilst joint work is taking place to resolve these matters it is not happening quickly enough, and any changes and initiatives will take time to bed in. Respondents also majored on the need for further guidance and support, upskilling, expert and technical advice.

This is evident across all public services involved in the range of activities covered in the NPF and including internal and external consultees, key agencies, and other key players such as the Health Boards.

The likelihood of an unplanned increase in enforcement activity is also highlighted as a possible side effect of the new requirements and their complexity.

### **Sustainable Places**

- Concern about requirement for all developments (including householder, windfall etc.) having to obtain site specific peat assessment
- Additional duties and resourcing in consideration of biodiversity, soil analysis, peat. Similarly, this will place additional obligations on applicants which are disproportionate to the scale of developments in many cases
- The fundamental significance of the skill/succession/recruitment/retirement issues cannot be underestimated
- Planning software packages should be improved dramatically, to assist with the resource situation e.g., digital planning and GIS
- Currently it is difficult to appoint, attract suitable candidates and retain staff within the public sector
- How do we manage the raised expectations of communities and sectoral and narrow interest groups only reading and seeing what they want to see in the NPF? It will take up a huge amount of time to support others
- How will the time needed to interpret and assess (given we have the skills to do this?) the new assessments be factored in to planning application determination timescale targets?
- internal consultees resources will also be affected- need to roll this out wider than the planning service
- Need more resources for the specialisms that feed into to planning such Roads etc.
- NPF4 needs to be accompanied by an up-skilling/funding plan to ensure we have the skills to meet the new asks
- On-hand knowledge on spatial analysis, sustainability, nature-based solutions
- Online capacity through the planning portal is an issue
- Resources is the key issue. I know HOPS and RTPI have done work in current staff numbers (e.g. in LAs). Lifespan of NPF4 - massive revenue cuts across councils...mismatch in expectations and staff

- Resourcing for the more onerous new regime for LDPs is very hard when Council services increasingly need to demonstrate value and income
- The IPPC 6 summary for policymakers presented to cop 27 confirmed planners are the key profession to get to net zero and climate change
- There needs to be further resources put to key agencies to allow them to provide advice once more on matters where planners are not the experts
- There will be an expectation from our communities and applicants that we can deliver these policies, which we do not have the skill sets for
- Time is the most valuable resource that planners do not have
- Training for Local Members is also required as they are also decision makers
- Training in a vast number of areas - renewable technology, biodiversity, importance of soils, lots of things we have touched on - both to read and digest submitted documents for larger applications and knowing how to consider smaller applications
- Validation standards and performance targets need reviewed as so much more expert advice, report submission etc. required making the role of Planners much more specialist and therefore time consuming, and we need upskilling!
- We need more planners generally given the additional matters which need to be considered to continue performance levels
- We will need resource/time to take on the enhanced oversight role in our own Authorities to see and know all we need to know

### **Liveable Places**

- A lot of time is currently spent on validation and automation is not necessarily going to help with that!
- A new DM/Uniform system with many more fields to check
- Additional resources required goes beyond councils to applicants, KAGs, etc.
- As well as upskilling, training and culture change we need more planners to deliver new system
- Big additional resource will be whether other agencies we work with can provide what we need?
- Consultees (internal and external) likely to be asked to deliver more by reviewing additional reports (health, green/blue, noise, energy etc.) - how are they being resourced?
- Consultees already have limited capacity to respond. Likely to be skills shortages as well.
- The Delivery Programme mentions that Scot Gov will provide tailored support to each National Development. Does that include people?
- Full cost recovery should reflect all elements of the system not just cover DM
- Government has not provided a fully costed and resourced delivery plan
- How are our regular community consultees going to react? A lot are not recognising the changes from 10 years ago
- I think it is difficult how to make assessment of how a development proposal impacts on infrastructure especially in interim without new LDP evidence base

- Impact on Council's delegated scheme and what will now hit LRB's
- It is very unlikely LA, consultees etc. will be able understand requirements. Applicants and communities will not know the detail
- LDP submissions fees
- Likely to be more enforcement activity, as submitting a planning application will become less attractive as it is more and more complicated, time consuming and expensive for applicants
- More resources will be needed to help communities understand the new system.
- Will more time be needed to prepare LDPs?
- More to consider, how will this affect planning performance timeframes with limited resources and additional work?
- More training required to work out carbon lifetime emissions from new development
- Need consultees trained up too where there may be new policies for them/conflicts with their aims
- Not all applicants will be able to understand why they need x reports and if planners cannot interpretate them...what's the policy achieving?
- Not just planners but also the other specialist/professional staff to help planners assess NPF4s technical requirements when determining planning applications
- Not quite there yet but would need to identify the impact of these policies on the need for conditions and then how any such breaches would be rectified
- Only got to review LDP every 10 years so perhaps this frees up some resources?
- Our partners may not be fully aware of all the matters that they thought they were responsible for, controlling and delivering that are apparently now ours and we will need help.
- Planners will have to spend significant time advising applicants on what is required- timescales will increase massively - agree SG should provide national guidance
- Planning and Architecture Division need to be resourced to be a consultee on major apps and appeals. We are not best placed to advise on NPF4 policy
- Really need additional resources for Development Planning to gather the evidence to help DM colleagues use these policies. The list in current DP regs is huge!
- Resources needed to establish evidence, baseline and ongoing monitoring
- Self-build applicants will not be able to provide a peat management plan - not proportionate or realistic
- SEPA seem to be particularly compromised with regard to their ability to engage and advise post cyber-attack and due to lack of resources
- Should information to applicants and agents about the new requirements all be left to the LPAs to prepare and deliver, or should SG be preparing and providing that, from Day One?
- So much is changing in planning at the moment- an exciting time, but also challenging- public communication on this needs to be delivered to manage expectations of customers
- Some policy changes brought about by NPF4 could turn a 'general conformity with the DP' case to a 'potential departure' overnight.

- Someone applying for a hot food takeaway - where is resource to do health impact assessment for this small type of proposal
- Temporary extensions to statutory limits for major planning application decisions to allow NPF4 to embed in the planning application process
- The amount of training required for local planners is HUGE- more resources are required
- The budget implications and savings, along with the age profile of planners mean recruitment delays placing extra pressure on existing staff
- To do all this we will not be able to afford enforcement
- To save time and hassle authorities really need to be able to progress and implement local validation standards or the legislative requirements need to be raised significantly
- Training for elected members on LRB's and Planning Committees- how are we meant to train them if we cannot interpret it ourselves
- Upskilling, new planners, appeals process
- We need to agree which policies need to be deferred until further guidance is issued
- We still don't know exactly how much of what we need to do, so can't really say how many additional resources are required in terms of staff fees, expert advice. All at a time of ever-reducing budgets
- Where is the money to deliver what we are front loading e.g., de-contamination, infrastructure, mitigation, co-located services
- Additional costs and time for applicants. Might this discourage development of marginal sites if there is an easier one somewhere else (in a less disadvantaged area)
- Will the additional issues that developers need to address (especially mitigation) mean more development will become marginal/unviable?
- Will validation standards be amended?

### **Productive Places**

- Additional resources for Development Planning where blanket approach to what must be prepared - i.e., as touched on identifying centres - some authorities have done this but others it is new
- Agree re point about resources on GIS and mapping - additional resource needed on this
- LRB approved an out of centre 'milk bar' as it was healthy without restrictive condition for subsequent so-called unhealthy food uses
- Need to upskill Councilors and colleagues in other services about the role of planning and what planning has responsibility for. positive view of planning as enabler not barrier
- A lot of areas where requests for enforcement could arise, healthy food, suicide, betting shops, money lenders, biodiversity, greenhouse gas emissions etc.
- Extra time and resource likely required for policy and DM to support Community Council's in terms of understanding extent of legal control planning can have on matters, irrespective of the NPF policy
- Are there enough legal and consultancy practices to be able to answer all our asks in the short and medium term and at what cost?
- How well resourced is the private sector? How resourced are the KAGs?

## 6. POLICY IMPLEMENTATION AND POLICY TESTS

This section examines the effectiveness of implementing the policies and what are the policy tests to be used.

### Sustainable Places

- Does policy 1 get given more weight than other more specific policies?
- Policy 1 needs to be amended as its not implementable for a wide range of applications which are of a minor nature and will have no impact on climate and nature crisis. Otherwise, LDP's will need to amend it to avoid this issue.
- Policy 1 -When considering all development proposals significant weight will be given to the global climate and nature crises. How do you measure this on each proposal
- Policy 1 is applicable to all development proposals, but how do we assess minor proposals against this?
- Policy 2.a. is fatally flawed as it does not specify the types of development it applies to
- Policy 3 a) is missing 'where appropriate'. This would allow planning authorities to determine whether this requirement is appropriate on a case -by- case basis.
- Policy 3a) needs to have clear training for planning officers but as mentioned in the past not everything needs planning or listed building consent, but more things need building standards approval - so how can this be sorted out in the GPDO or Building Standards
- Policy 3c. All local development will include measures for biodiversity, but this surely can't be applied to all local developments
- Policy 5- Soils and land are different things.
- Policy 5- What is a 'culturally important soil' what is the assessment for this?
- Policy 6 - mentions protection of trees with high biodiversity value but gap in guidance in how tree BV is to be assessed. Who is responsible for assessing value? Applicant or Council?
- Policy 6- LDPs to identify woodland, etc., but the DM Policies don't require referral to LDP (Not the only Policy this affects)
- Policy 7 O) All non-designated historic assets and settings protected, this means no development changes anywhere particularly town centres
- Policy 7c. i, ii and iii - (historic places) - are all these required to be considered, so should be "and" or is it or?
- In Policy 11 what does "localised" mean in 11 e ii? difficult to apply this consistently
- Policy 11e - can you be contrary to a policy that is just asking to demonstrate how mitigation of impacts has been addressed
- Policy 11e. "Grid connection should not constrain energy dev." Energy developers advise of difficulty getting grid connections. Where is the infrastructure investment in grids and would the PP then be a paper exercise with no grid connection
- Policy 12g how to assess local or National need. What is the strategic approach to residual waste management?
- Generally rural infrastructure is not impossible, but delivery requires local ability and compliant landowners and a LOT of money and community support

- Policy 13.b Bullet B – This will be difficult to implement in some rural locations considering the lack of public transport, pavements etc.
- Policy 17- Requires definitions of 'brownfield land', 'redundant or unused building', 'historic environment asset', and 'viable farm holding' in a housing context
- Planning Authorities cannot ensure that all biodiversity improvements etc. are implemented and undertaken - no resources
- There are issues in applying most of the policies as there are little to no policy tests
- No metrics for any baseline setting across the policy suite. How do you measure impact and balance?
- The only policy that tells us anything about what planning obligations and policies should look like is the infrastructure first policy 18 in the orange chapter but it is not cross referenced by every policy. Unless you go back to policy 1
- Renewable energy proposals seem to override a lot of the environmental constraints see 5b iv
- The policy semantics discussion is important and how DPEA and Court of Session judges deal with this is important. It's the old debate over 'I know what you intended but that's not what the policy says'.
- There is confusion across this whole document about nature -based solutions / ecosystems etc. References to blue / green infrastructure are about blue open space
- there is often lack of clarity about the scale of development the policy criteria apply to

### **Liveable**

- (General) multiple statements to 'LDP will identify'. It would be useful to see a table outlining a definitive list of what the NPF4 states the LDP must map or audit and an explanatory note to what end.
- Policy 15 - 'contribute to local living / 20 min N's, needs a significant baseline assessment if these contributions are of any real worth
- Policy 20 - nothing in here to ensure the aim of enhanced blue/green infrastructure is secured... support if included but no new development will only be supported where it does
- Policy 23 - 'LDPs should create healthier places' - how?
- Policy 24 -support for masts etc. is there the evidence that there is no health impacts, particularly where communities are opposed because of the 'unknown'. We have to support these policies, but communities may oppose them
- A lot of the policy tests rests on specific specialist knowledge. Significant barrier to implementation.
- Already said to DM colleagues, don't ask us for explanation/clarification, we don't know, we didn't write it. The same will go for Appeal Statements
- Countless reports have to assessed
- Are Health Boards aware of their legislative requirements through Planning

- Back on Page 105 NPF4 starts talking about nature-based solutions, a nature-based approach to surface water management. On 113 talks about nature-based green and blue solutions. mentioned in sustainable policies yet Policy 20 green blue infrastructure
- Every NPF4 Policy still requires LDP to do something/have their own policy
- LDPs seem diluted to agreeing with NPF4/NPP and listing where and how it applies in the relevant area in large part. But, we haven't to repeat/parrot NPP
- LDPs will be 1 page with embedded links top NPF
- Most (if not all) of the LDP references are for site-specific measures or designations or to set overall strategic goals, rather than to create policies. Not sure what the issue is with some of the comments?
- The Masts wording assumes an acceptance of a perceived wisdom health risk that there is no evidence of

### **Productive Places**

- Policy 23 - Does not cover light pollution. Can we cover this in on our LDPs?
- The aims are supported but planning is not the right vehicle. It fee
- Policy 24-LDPs to consider a (single) community wealth strategy, but there may be many in the area
- 24 e ii only requires operators to show "site sharing has been explored " No drive to require sharing and stand alone is the exception
- Policy 26-Decarbonisation strategy – strays in to Building standards?
- Policy 27- f) (iii) what constitutes an undesirable concentration of uses? What's the benchmark to assess this against?
- No clear definition of policy test for "significant footfall" and this assessment brings in non-land use matters
- f) (i) what constitutes an attractive and appropriate frontage? How would you define that?
- 27(b) is clearly not intended to apply to retail. But apparent stray comma "...commercial, leisure..." (rather than "commercial leisure") risks argument it does undermine town centre first approach.
- Evidence of non-retail maybe having an adverse impact. What evidence of how much impact.
- "27f) i how do we quantify what is an ""attractive and appropriate frontage""
- Policy 28 -28 (c) (ii) how are we to assess that the retail development contributes to the health and wellbeing of the local community? What's the benchmark for this assessment?
- How do we enforce if a food outlet started selling "unhealthy" foods?
- Policy 29 - 29 (b) so how is the development to contribute to local living? What is the benchmark to assess this against? What happens if it doesn't contribute to local living?
- Definition of "rural" may be tricky to implement. Some settlements have a low population but keen to support small growth within them. it was clearer when we considered sites either countryside or not
- How do we identify previously inhabited areas. A single house, a village and over what area.



- 29a) viii - Without an additional caveat referring to other policies, this policy would be too permissive
- Policy 30 -30 (b) (iii) needs to further clarify by adding text to indicate that this is to do with Air BnB's, second homes and so on to make it enforceable.?
- 30a Express support for allocated sites, but not clear if remainder of policy apply to only those sites. What is policy test for unallocated sites?
- 30e - Does this policy test only apply where STL Control Areas have been implemented?
- 30e i "An unacceptable impact on local amenity
- Policy 32-Aqua - Focus on 'minimising adverse environmental impact and mitigating impacts' – it doesn't say to what extent, i.e., appropriately or mitigated to an acceptable level
- Open water farmed fish proposals are excluded from the provisions of policy 3 Biodiversity. Need to really look into this one.
- The impacts on wild salmonid should be mentioned in bullet d)."
- Policy 33 - LDP important workable minerals resources. How do we know that or find it out?
- the character of a neighbourhood or area"" is an incredibly vague test"
- no thresholds for scales of development appropriate in city/town/local centres?
- the reuse of brownfield land where a return to a natural state has not or will not happen without intervention and where the development complies with other policies of this plan
- Too late for many communities on second homes
- Policy 3a appears to require ALL development to contribute to the enhancement of biodiversity but how will this be applied to all development?
- Policy 3c seems very heavy handed and disproportionate to the 80% of applications we deal with
- Policy 5 b - is culturally significant soil defined?
- Policy 6 b ii is very restrictive and does not appear to allow any leeway
- Policy 9b seems clear cut i.e., no development outside allocated sites. Presume this is not what is intended. There needs to be a lot of further guidance and clarity or preferably revised
- Policy 10 b would encompass all of Orkney
- Policy 11 g and the consideration of renewable development in or close to wild lands is likely to be challenged by special interest groups.
- Policy 11 share concerns over revisions to the energy policy especially in relation to setting of wild land areas.
- Policy 16.c Development proposals for new homes that improve affordability and choice etc. will be supported. Does this override other policy designations? e.g., countryside, greenbelt?
- Policy 17 - absence of guidance to support policy position and the likely delay in roll out. Wording as currently set out will create conflict with some existing rural housing policies in Highland



## 7. CHALLENGES AND THE INTERPRETATION OF POLICIES

### Sustainable Places

- Policy 3 - 3b - potential conflict with redevelopment of long term vacant and derelict land sites that have developed biodiversity value
- Policy 9 - Is judging the sustainability of the reuse of brownfield just against biodiversity really measuring sustainability
- Sustainability of development of vdl needs to be measured against more than biodiversity - needs to measure against social cohesion, health& wellbeing, environment, economy as well as biodiversity
- 9 b) contradicts policies that permit development in 'greenfield' sites in rural areas. Wording is haphazard.
- The instruction to LDP's to set out opportunities for reusing derelict buildings should say 'set out policies to ' otherwise it can be interpreted as having an 'opportunity' assessed for each individual empty building!
- 9b- why the reference to LDP policies and not other NPF4 policies
- Policy 10 - Design statements on coasts now need to consider 'long term coastal vulnerability and resilience'. We will need a consistent approach to ensure this is done fairly and robustly
- Policy 11 - Has a whole list of parameters to assess applications against but the other policies have criteria for assessment but no detail about how
- The para at top of p.54 lies between two parts e) and f) but whichever it applies to grid capacity is out of the control of most LPAs
- It is clear that guidance or updated policy position from government is required to accompany this policy - particularly on onshore wind to determine how much weight we give to the qualities of landscape designations

Other comments included,

- Policy 12c -how does developers work out how much waste is expected to generate from 100 homes, this seems far too onerous, how does planning know that management solution is appropriate?
- Coast and green belt are likely to be rural types
- Could be challenged on which policies we choose to use to assess any application
- Cultural significance is easy to claim, but difficult to prove.
- Different skill set required for many of them!
- echo the waste comment, part of the policy falls under the remit of other statutory functions of councils
- Feels that the potential impact of development (mainly windfarms on the landscape has been watered down
- Householders proving biodiversity enhancement in applications for extensions
- How does a 500-house development enhance biodiversity? On who's say-so?
- How is biodiversity "enhanced". Introduction of additional species? More land given over to nature?

- How much control over demolition of buildings do we have?
- It is not always clear as to what a planning authority can expand on a policy to suit local circumstances
- Perhaps it will come to "planning by appeal" on many sites given the lack of clarity on weight for the early decisions on schemes determined under NPF4
- Potential challenge in light of significance of change to policy for Wild Land Areas (irrespective of the merits of the policy change and your view on that) - the principal threat wildness of WLAs is from the type of development supported in policy
- Presumably the outcome of planning appeals will no longer be able to be referred to as precedent in cases in other areas if each LDP puts its own 'spin' on NPF policies?
- Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP" - interesting that this is buried away in vacant and derelict land policy
- The weight given to each policy is down to the decision maker
- We've been prioritising development of brownfield land through iterations of the Planning System for 50 years. The challenge remains incentive v resources. Our descendants will be prioritising brownfield in 2072 with no change unless this is tackled.
- What happens when you do not have the required skills or people to deal with the additional requirements or assessment or cannot afford for consultants to do that for you? That could lead to challenge if you do not do it correctly or at all due to resource
- Who are we to judge cultural and local importance.? This has legal challenges all over it.

### **Liveable Places**

- Policy 1 - Several changes that aren't based on Draft NPF4 consultation (e.g. Suicide addition from different consultation)
- Policy 2 - Revised Draft NPF4 very substantially altered. Further consultation needed to ensure proper consultation on adopted NPF4."
- Policy 20 - 20.d. How do we know or define what "underused land" is?
- Policy 21 d.e.f. Need guidance to aid assessment of proposals and requirements. f in particular goes beyond scope of Planners skill/knowledge
- Policy 30 e) - Is this only relevant for Short Term let control areas? Holiday use is not 'development' outside of a Control Area. This policy needs to be clarified or it is not clear the circumstances when this policy applies.
- Policy 5.d Most of the land is peat or peat soil in the Outer Hebrides. It is difficult to avoid it. Is a crofter building a house on peatland going to have to provide a Peat Management Assessment - unreasonable to ask for this - needs an exemption

Other general comments included,

- 20-minute neighbourhoods. NPF contains a definition, but in practice the challenge will be the LPA and developer's interpretation of what one is from a retail development point of view)
- Agree re the need for Transitional Arrangements – e.g.an application that has been under consideration for a while and accords with LDP may now be contrary based on NPF4
- Are we doing departure adverts?
- As already referred to in discussion - lack of planner skills to deal with some of the assessments etc.
- Big challenge to local authorities around resources/skills compounded by new requirements / duties
- Definitely potential for legal challenges on this on lack of consultation on new elements - Scot Gov have previous on this on the SPP housing paper so surprised they are taking the risk to power through.
- DM planners will need to consult other services/agencies on the various assessments required - they are already under pressure. Decision making timescales will be longer resulting in investment being delayed.
- Echo the comment on length of ROH's to take account of every aspect!
- Gordon referred to LAs interpretation of certain meanings. This can leave LAs open to challenge, more so if we all have different interpretations.
- How will communities understand how the policies are being implemented
- If we don't have clarity of what an evidence report is and it doesn't focus on GIS than can be layered and analysed - how can we baseline the 6 qualities of place in policy 14?
- Increase in departures?
- LDPs MUST address the global climate change emergency by ensuring the spatial strategy will reduce emissions and adapt to the current and future risks of CC – need to start thinking now about how we do this, do we have the skills in house to assess?
- MSPs should be more cautious in agreeing to revising legislation. A more simplified and streamlined planning system??
- There are conflicts between some of the policies themselves
- Planning authorities need TIME to digest this and implement new working practices and train staff on new policies that we have not seen before and not necessarily qualified in
- The policy intent is useful as it allows a bit of understanding as to why the policy exists but not quite helpful where the criteria of the policies are challenging to implement or where they stray into what we would typically call non-planning matters.
- Private sector not geared up to deliver required assessments
- Reports of handling will now be 1400+ pages!
- SG have put their transforming digital planning work on LDPs back to 2025
- Seems planners will end up asking applicants for countless reports- health impact assessments, infrastructure assessments, blue-green infrastructure impact assessment etc.

- Significant more time will be required to make a robust quality decision
- There are lots of judgements to be made and attaching different weight by each LPA will lead to inconsistency in implementing national policies
- There will be a point when we will just need to accept and run with this and as usual, appeals and legal decisions will fill in/guide the grey areas. We need to focus on what we can easily resolve
- This is a significant culture change in how we work, and we need to fill skills training and capacity gaps
- Countless reports will have to be assessed taking up time and resources
- Transitional arrangements needed to increase the statutory period for Planning Authority's to determine planning applications that are in system at point NPF4 adopted, to enable time to obtain the further information to assess against NPF4.
- We are told that developers need clarity to make investment
- Will planning authorities be able to confidently assert their own policy divergence or detail? There still seems to be vague ideas about what the LDP should actually do in relation to NPF4!
- Will validation standards and performance timescales reflect the additional policies/reports needed?

### **Productive Places**

- 25 -Difficult to interpret in terms of when you would bring this policy in, is it only when a developer actually confirms that he wants to contribute to CWB. Different authorities might approach this differently
- Policy 27 - 27 c. difficult to determine whether further uses will be detrimental, how do we measure this.
- 27c) - how do we measure what will undermine ""the health and wellbeing of communities"" and what are ""disadvantaged areas""
- Policy 28 - Add in how you work out if a development contributes to health and wellbeing
- 28c) i- how do we measure what "contributes to local living"
- Policy 30 - 30 e i - agree with this. It will be difficult to interpret, and we raised this in our original comments.
- 30 ei ""An unacceptable impact on local amenity or the character of a neighbourhood or area"" is an ncredibly vague test"
- 30d. What's the relevant "good practice guidance" for huts
- Policy 31 d. Agent of change relating only to arts venues
- Commercial centres are not part of Town Centres first in policy 27 as far as I can see but are part of DM consideration in 28aii on retail development.
- general - does it fall to LDPs to clarify a lot of the inconsistencies which are being raised? It is not currently clear that we have the scope to do so.
- It is a bit concerning in terms of equalities that the six qualities of successful places only mentions women's safety - should everyone not be considered?
- LDPs are required to identify centres - this is the new requirement

- Rural policy Why do these criteria only apply to areas for re-settlement
  - i. is designed to a high standard
  - ii. responds to their rural location;
- Without guidance many policies will be difficult to implement. Confirmation that (in the absence of detailed national guidance) Councils can issue local planning guidance on NPF4 policies, would be useful. Otherwise, legal challenge is likely

## 8. CONFLICT BETWEEN POLICES

### Sustainable Places

- 2. and 11. have potential to conflict with 7. in respect of retrofit however HES and local guidance could sort this out, again development management officers need supportive training
- 5.(c), (d) and (e) any development on peatland should not be supported as this resource is an important carbon sink and is required to address the climate crisis and move to net zero. How that ties in with Policy 1 is difficult to rectify.
- 6 - forest woodland and trees doesn't pick up the deliverables on circular economy, carbon capture, locking, carbon miles construction etc.
- 6 b ii is very restrictive
- 11a & b immediately contradict each other for wind farm development in National Parks and NSAs
- 13 If we are to prioritise sustainable locations for future development that conflicts with proposals to allow development in rural areas
- 16h householder developments and 7 historic assets
- A lack of clarity on the weighting to be given between conflicting policies and which takes primacy
- Biodiversity and pretty much any development
- A conflict between peatland and climate change policies.
- Definition of the LDP spatial strategy, seems to be very varied in a range of policies. What is it meant to be?
- green belt and rural development
- It's nigh on impossible to avoid conflict between policies to some degree, so the importance of applying appropriate weight and balance in the circumstances at hand.
- It is the absolutism in some policies that is a real cause of conflict.
- Net biodiversity gain to resolve issues with 3 biodiversity?
- No clear connection between climate change adaption/mitigation policies and historic environment
- Policy 1 - almost all development has a climate and nature impact.
- Weight given to each policy is down to the decision maker

### Liveable Places

- 15 / 16 / 17 - potential conflict between these policies for rural housing?
- 16 h - Raised before but conflict here with almost blanket support for climate change adaptations but no reference to Policy 7 or even statutory duty for LB's and CA#s
- 16/17 contradictory elements in 'quality homes' and 'rural homes' for rural/remote. Does pol 16 override 17? Does 17.C override all over elements of 17? Due tocrofting tenure in the islands, most housing is on windfall sites. What applies?



- 17 c Is there conflict between delivering new homes in remote rural and biodiversity (policy 3)? Particularly where many rural areas are valuable in terms of peat, trees, and other protected site.
- "20d ""Development proposals for temporary openspace or green space on unused or underused land will be supported"" but 21aiv) allows development of underused sports pitches where no longer a demand. Does 21 override 20?"
- 3. and 20. relate to biodiversity / green infrastructure - potential conflict. You could comply with 20, but still fall foul of 3 as no way round 3.
- Agree re sustainable and liveable places - one and same thing? Also goes back to point made about green and blue infrastructure and nature networks - confusion - is there conflict?
- All development should be in conformity with all the NPF4 policies (noting that not all policies will be applicable to any proposal). It is for the applicant to justify material consideration for a departure?
- Aquaculture is the only form of development exempt from the biodiversity policies and requirements
- Are missing policy areas a good thing, because then that is left to LDP's?
- But if we fill a perceived policy gap, will we face legal challenge because we have not deemed the npf4 policies suitable
- Confusion around location of policy 20 should it not be in the "green" section with policies 1,2,3,4,5 & 6. It also is duplicating with policy22. If it's about blue open space it should say that up front
- Could argue that policy 9 should be in liveable places section
- Drive for renewables creating conflicts for achieving wider biodiversity, landscape, natural heritage objections. Wild land has a muchdegraded status, proposals that 'support meeting renewable energy targets' can now be considered, hugely contradictory.
- ""A new overarching Policy 1 in the revised NPF4 has been added ..."" seems a significant change in and of itself."
- General tension between pretty much all the policy drivers
- If policies 20,21 & 23 are about the spaces between the buildings so are all the policies in the sustainable places section. We only need two sections as sustainable places and liveable places are the same thing
- In the Spatial Strategy - reference to "rebalance development to play to the economic strengths of each part of Scotland". Still not much in this section about balancing new investments/ stimulating GDP vs net zero
- Local living vs repopulating rural areas
- Most of the policies seem to apply to every kind of development- if all developments need to meet all these requirements, nothing will ever get planning permission
- Over-allocating land for housing in pursuit of Net Zero (MATHLR already includes 25% or 30% extra)
- Policies are supposed to be supportive in principle only - where there are no tests provides huge tension

- Policy 1 "significant weight" overarching policy. All other policies have equal weighting to each other (despite tensions). In terms of the legal test, it is a planning judgment on compliance with the development plan as a whole
- Priority in redrafting is all policies tested against net zero and biodiversity but how is that done?
- Confusion over the distinctions between rural re-population, urban containment, local living and rural development policies
- Significant drive for on shore wind seems to be at expense of all other factors...landscape and biodiversity for instance
- The general tension is that national level policies will never capture the dynamics of a country as diverse as Scotland. There is a clear need for local issues to still be addressed. LDPs are therefore crucial
- The requirements are costly
- There are 12 measures every development must deliver on: the 6 qualities of place plus 6 overarching spatial principles

### **Productive Places**

- 25.b this is a good principle to support proposals linked to community ownership and management of land but what if a proposal has adverse impacts - traffic generation, loss of biodiversity etc.
- 25a does not mention LDPs but seeks local economic priorities. and b says community proposals have to be supported but doesn't put any caveats in there
- 27 - Drives throughs only supported where identified in LDP, but by their nature would LDPS's not conflict with other policies by continuing to promote car dependency?
- 273ii &iii and linkages to policy 9
- 27e no mention of development on car parks that are deemed oversupply
- 28. d although it mentions impact on traffic generation from rural shops, it still seems to conflict with local centres, local living and traffic. Driving to a farm shop is not very sustainable
- 28.c - the conflict between Town centre first and 20min neighbourhoods could be managed if a definition of small scale was provided to ensure demand is not shifted from town centres
- Every application should be assessed against the 6 qualities of successful place
- have we to encourage people to live in town centres locally but if the area is disadvantaged, they can't have a carry out (but would a restaurant offering carry outs be ok as its hospitality)?
- need to change mindsets and make GIS a planning skill not something left to technicians.
- Rural Development and biodiversity
- Rural Development and Net Zero/Sustainable transport

## 9. POSSIBLE MISSING POLICY AREAS?

### Sustainable Places

- 11. Spatial framework for energy development. No guidance for LDPs on how areas opportunities for energy development is to be identified.
- A main policy on Nature-based Solutions
- A proper policy on retrofit and reuse of buildings - linked to policy on new methods of construction that allows you to deconstruct buildings easily and avoid building materials going to land fill
- Adaption seems to be played down in favour of mitigation
- Completely agree the dropping of countryside around towns is a concern
- Countryside that is neither Green Belt, nor 6-fold Rural
- Cross cutting policy references
- Define individual trees of high biodiversity value
- Definition of rural needs to be reviewed as it has thrown up issues in relation to remote rural and accessible rural. In a Highland context remote rural starts less than 15 minutes form Inverness
- Less missing policies but better tests and clarity on weighting
- Local Landscape character and the protection of some local landscape features such as trees, hedgerows etc
- More on landscape character
- No criteria re impact on local transport network.
- Policy connections has soils
- Protecting national food production
- Protection of residential amenity - not comprehensively covered
- Should refer to development hierarchy and use classes to be clear
- Things that are "uncommon" development types and not considered in an LDP could be referred back to the SPP, but I do not see any such reference in NPF4 to a "higher power" when it has not been detailed in NPF4 itself
- We also have concerns about the 6- fold classification- Biggar is not remote!
- Would argue that the 6-fold classification doesn't stand up to scrutiny when applied locally, so suggest that through LDPs we should be allowed to refine the mapping for planning policy purposes (and consult on the proposed areas) as per LDPs now.

### Liveable Places

- 22. More needed on how LDPs are to guide development away from areas vulnerable to CC related flood risk and consider alternative land use there. Communities in the Uist's are already 'vulnerable', how do we plan for and consider future dev proposals
- Are missing policies a good thing because LDP's can fill the gaps?
- Direct links to LDP in the majority of the Policy sections
- Feel some definitions are still missing - like what is a fragile community, what is a previously inhabited areas, Heat Network zones, viable farm holding?

- General urban areas - 'white land' in older terms
- Is all non-Green Belt countryside now to be called "rural"
- Links to National Developments?
- National and International Nature Conservation designations - SNH required us to include an LDP policy covering this with requirement for HRA and Appropriate Assessment. Seems to be a gap.
- No spatial strategy for wind energy development; wild land
- NPF4 is surprisingly weak on impacts on amenity. Policy 14 alludes to it but doesn't specify what should be considered as part of the assessment.
- Overall strategy for renewables (not policy per se)
- "Policy 20 requires that LDPs be informed by audits/strategies ""covering the multiple functions and benefits of blue and green infrastructure"" - this goes beyond open spaces to include trees, green roofs, SUDs etc. Audit could be time-consuming"
- Rebalancing - a key aim was to direct development away from pressured areas. Should there be a presumption in favour of areas where development is supported with Infrastructure Investment
- Regional Planning elements/ cross boundary planning.
- The status of landscape capacity studies in relation to wind, are these now effectively superseded given the renewed energy policy?
- There doesn't seem to be a monitoring framework for tracking the impacts of the policies.
- There is no policy on the impact on the amenity of existing businesses and commercial operators with regards to any matter other than noise. The Agent of Change is limited to noise and could include other things...
- Urban areas

### **Productive Places**

- 29 Rural development policy doesn't mention housing explicitly. Yes, there is a rural housing policy but housing key in rural development.
- 31 references development that significant change to existing, or the creation of new, public open spaces will make provision for public art but no cross reference to Open space strategy, Play Sufficiency Assessment or FW strategy
- 32 the impacts on wild salmonid should be mentioned in bullet d).
- 33 and 12 cover minerals and zero waste so there is a separation between digging stuff up and landfill. not sure if land raise covered
- Community facilities general policy on support for these and ensuring they are not loss to other uses.
- No mention of cross boundary issues/opportunities in ANY NPF4 policies
- I do not think a tenure blind approach in terms of placemaking/design is in NPF4