



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 22 November 2022

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
29th Meeting 2022, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

*Miles Briggs (Lothian) (Con)

*Mark Griffin (Central Scotland) (Lab)

*Paul McLennan (East Lothian) (SNP)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Caroline Brown (Heriot-Watt University)

Robbie Calvert (Royal Town Planning Institute)

Professor Cliff Hague (Cockburn Association)

Liz Hamilton (Homes for Scotland)

Jim Miller (Heads of Planning Scotland)

Ailsa Raeburn (Community Land Scotland)

Clare Symonds (Planning Democracy)

Morag Watson (Scottish Renewables)

Bruce Wilson (Scottish Environment LINK)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 22 November 2022

[The Convener opened the meeting at 09:01]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning and welcome to the 29th meeting in 2022 of the Local Government, Housing and Planning Committee. I ask all members and witnesses to ensure that all their devices are on silent and that all notifications are turned off during the meeting.

The first item on the agenda is to decide whether to take items 4 and 5 in private. Do members agree to do so?

Members indicated agreement.

National Planning Framework 4

The Convener: We turn to agenda item 2, which is evidence taking on the national planning framework 4. We will hear from three separate panels of witnesses. First, we are joined by Robbie Calvert, who is policy, practice and research officer at the Royal Town Planning Institute, and Jim Miller, who is the chair of Heads of Planning Scotland. I warmly welcome you both.

I will begin the questioning, and my colleagues have a number of questions. As there are two of you and we have a nice bit of time, we can relax a little, although I will, of course, be keeping us to time.

We will begin by taking a broad overview. Will you briefly outline your views on the key changes that have been made in the “National Planning Framework 4: Revised Draft”?

Robbie Calvert (Royal Town Planning Institute): Quite a significant number of changes have been made to the draft, but the essence of the previous draft of the framework is still there. In the “National Planning Policy” section, we counted 427 changes. Although a couple of those are more substantive, a number are smaller editing points that are about ensuring clarity and consistency, which we asked for. We are broadly supportive of the revised draft framework that has been put in front of us.

The essence is similar to that of the previous draft, especially the focus on climate change, the climate emergency and the nature crisis, which we support. If anything, I think that there is now more focus on those two areas, which we definitely support.

At a high level, we support the committee in its report to Parliament on approval of the framework. The framework has been delayed. A lot of the cause for that has been out of our hands—we have had Covid-19 and so on. Many planning authorities have been waiting to have the national framework in place before proceeding with their local development plan preparation. I am sure that Jim Miller will be able to say more about that.

We still have a number of issues around resourcing and the delivery programme, which we might come back to in the questioning. I will leave it there for now.

The Convener: Thank you very much. Jim Miller, what are your thoughts?

Jim Miller (Heads of Planning Scotland): We welcome the publication of the revised draft of NPF4. We are pleased with the improvements in context, content, clarity, consistency and detail. We welcome the firm focus on the climate and nature crises, which Robbie Calvert mentioned,

and the way that that links across all the policies. It is much clearer that that is a key focus.

However, as Robbie Calvert said, we have concerns about resourcing and upskilling. I am sure that you will have heard this from us before in our initial responses to the consultation. The plan brings in a number of new requirements for local planning authorities. The delivery programme states that local planning authorities are key stakeholders in delivering NPF4, but we have some reservations about the resources and the skill sets that our authorities will have.

We have been working furiously behind the scenes for the past two weeks since the plan was laid before Parliament on 8 November. Indeed, we had three open sessions that were attended by more than 200 planning officers representing 34 planning authorities from across Scotland, which shows the planning authorities' commitment to getting this right.

Another key concern is the timing. There seems to be a bit of a race to the finish line here. It seems—we know this from inquiring of colleagues in the Scottish Government—that the procedures are not in place to allow further change. We would have liked a short pause to enable tweaks and changes to be made to ensure that we have a document that is more legally robust and less challengeable. Our fear is that some of the policies are in conflict with one another. I will not go into detail on those today. We will do that in our written evidence, which will follow, but we are concerned that we could find ourselves in appeal situations as a result of conflicting policies.

The Convener: Thank you for raising that issue. We welcome the written evidence that you plan to send to us.

Robbie Calvert pointed out the focus on the climate and nature crises and their role in the revised NPF4. In practical terms, what does the requirement for decision makers to give “significant weight” to the global climate and nature crises mean for development management and development planning across Scotland?

Robbie Calvert: Clearly, planning is not black or white; it is a grey area. We have a planning balance. Of course, giving additional weight to those crises provides more emphasis. I do not think that that means that the issue necessarily trumps everything in every situation but, in the planning system, we have known for the past 20 to 30 years what we have needed to do on sustainability and climate change, but we have not necessarily had a strong enough policy framework nationally to support that decision making.

There will be some difficulties with the transition to the new framework, particularly for development management planners. Jim Miller has touched on

that already. HOPS has picked up on the concern about legal challenges. Certainly, the Scottish Government has set developing with nature guidance out in its delivery programme that it will supply guidance for the climate emergency policy. That will be one of the more immediate pieces of guidance to be issued. A lot of that relates to the emissions assessment, which is a new part of the policy that is coming through. It is certainly a new duty on development management planners.

On the nature crisis, we are expecting the “developing with nature” guidance that was consulted on last year. In the actions part of the delivery programme that the Scottish Government has set out, that has been touted as being for the short to medium term. There is quite a wide berth as regards when we expect that guidance. That goes for a number of parts of the framework. There are many parts of the Planning (Scotland) Act 2019 that need to be implemented to support its delivery. A lot of additional information is needed through guidance but, from the work programme that is set out in the delivery programme, we do not expect to get some of that in the short term, which is concerning for development management planners in particular.

The Convener: People will be left in the dark around decisions that will probably arise quite quickly.

Jim Miller: Yes. Gaps in when we can expect the regulations and the guidance that will inform the policies are a key concern. Interpretation, therefore, will be open to others. I will give an example. Colleagues are already being asked by the Scottish Government's planning and environmental appeals division for NPF4 to be considered in current applications. We are already being faced with the challenges of how to interpret those policies and are being asked to give evidence to the reporters unit on current cases, never mind when the plan is actually adopted. We are a wee bit in a vacuum with that.

I come back to your substantive question, which was about how we are placed in terms of the climate crisis. Again, as Robbie Calvert said, planning has been at the forefront of sustainable development for as long as I can remember. In my recollection, brownfield development was first mooted in the Strathclyde regional plan of 1976. I think that we are comfortable with that. The issue will be the challenges that we face with interpretation of policy and how we can upskill our officers to address that challenge.

The planning system is wide-ranging. As well as the key agencies, we have other statutory consultees and internal services. We also have the developer side—the applicants. They will all face the same challenges in ensuring that they are on the same page as us so that we can have an

effective planning system. We all want the planning system to be delivered. We do not want to have barriers thrown in the way as a result of challenges to it. That is why we said at the outset that if we had had time to pause and to make further changes, that would have been of benefit to all. However, I recognise that if it was open for a further stage of consultation, it would be open to every bit of challenge, so I can understand why that is the situation.

The Convener: Thank you for that. We move to a question from Mark Griffin, who joins us online.

Mark Griffin (Central Scotland) (Lab): Good morning. Given the economic turmoil, it is understandable that there has been a lot of focus on economic growth on the part of the Government and the Parliament. Are you confident that the draft NPF4 will encourage, enable and, indeed, drive sustainable economic growth?

Jim Miller: Given my development management experience on a range of policies, I know that some are counter to others and that the issue comes down to the decision maker and what weight they give to those policies. The NPF will inform local development plans and it will be up to the local planning authorities what weight and importance they give to those policies within the key focus of the climate change actions.

We hope that there will be plenty of scope for local authorities to set their own agendas and that there will not be a top-down approach. If we look at the housing figures, for example—housing is part of sustainable economic growth—we can see that the plan has minimum tenure figures. That leaves it to the local authorities to decide whether they want to go above, or to stick to, those minimum figures. That flexibility for authorities is key to ensuring that we have a sustainable system.

Robbie Calvert: I think that we will come back to this later—as we have said all along, a lot will depend on the implementation of the framework, not just its preparation. The delivery programme and some of the delivery mechanisms that are touted in that will be fundamental to sustainable economic growth. That needs to be aligned with, for example, the infrastructure investment plan. It is particularly important to consider how the newly established planning, infrastructure and place advisory group will interact with the next iteration of the infrastructure investment plan. We have said all along that we want a capital investment programme to be published alongside the framework, as we have seen in Ireland. That has not happened. We really have to make sure that NPF4 lines up with the next iteration of the infrastructure investment plan, as well as the

strategic transport projects review and the national strategy for economic transformation.

The NPF might be a bit out of sync with those two documents in that they are already published, but they have action programmes, and we want the next iterations of those action programmes to be lined up with the delivery programme that is set out in the NPF. We will come back to that in more detail.

It is good to see the infrastructure-first policy. We would have liked that to have been better aligned with the infrastructure part of the delivery programme, but that could be an important step forward in ensuring that we have the right infrastructure in place for sustainable economic growth. There is a resourcing element to that. We are yet to see the final regulations and guidance on the local development plans, which I imagine will do a lot of the heavy lifting on the infrastructure-first policy, so there are still some unknowns here at this stage.

09:15

The Convener: Willie Coffey has a supplementary.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): You both mentioned the local development plans. Is there a pressing urgency for local planning authorities to review their LDPs, particularly when the new NPF4 might include references that are perhaps not contained in their current LDPs? Do the planning authorities need to revise and review those as soon as they can?

Jim Miller: You are softly spoken. I missed most of the question.

Willie Coffey: It was on local development plans. Is there a pressing urgency for the planning authorities to revise those plans to get them into fit enough local shape? There are provisions in the new NPF4 that will impact on the local development plans.

Jim Miller: If I take my authority as an example, we have paused preparation of our new LDP, because we are waiting for the LDP guidance that is to come. According to the delivery programme, that will be in the short term. We rightly took the decision to retimetable the delivery of our LDP—we moved it back some 18 months or so—so that we can take account of the guidance that flows through.

There is a requirement for the LDP to align with the NPF. Until we saw the revised NPF two weeks ago, we would have been taking a step in the dark. We have been working behind the scenes—as I am sure that other authorities will have been doing—to ensure that we are ready to go.

Rolling that forward, are we looking at 34 LDPs all coming forward at the same time? We talked earlier about resources. There will be a resource implication for our colleagues in the reporters unit when those evidence reports start to flow in. There is concern about a backlog and a slowdown of the planning system.

To go back to the earlier question about sustainable economic growth, we all want to see that, but if plans are being delayed, there is a concern there.

Willie Coffey: Thank you. Robbie, do you have anything to add?

Robbie Calvert: I agree with the point about resourcing. We are also concerned about all the LDPs setting off at once. We might have to manage that series of LDPs so that they set off in a smarter, more pragmatic way and we do not get 34 evidence reports all at once, which would create issues for the planning authorities and for the reporters unit. We are concerned about resourcing and the real-terms cuts that they and the key agencies are anticipating over the next three years. Even the private sector would struggle to respond to 34 evidence reports all at once. It could be the case that we have a trailblazer group, for example, from which learning is taken, and then other LDPs can set off as and when we think that we have the capacity to do that as an industry.

Jim Miller: We want to work as collaboratively as possible with Scottish Government colleagues. We are all professional planners. We want there to be an effective planning system, but we are highlighting some barriers that are coming before us. We will endeavour to do our best to address those.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning, panel. It is good to see you at the committee.

Are you satisfied that terms such as “community wealth building” and “20-minute neighbourhoods” are now sufficiently well defined and understood to provide a robust basis for planning decision making?

Jim Miller: North Ayrshire Council, which is my local authority, is well versed in community wealth building. There are great opportunities for community wealth building in the planning system. Maybe it is not clear from the explanatory notes and the guidance exactly how that is rolled out, but my experience in delivering those opportunities over the past two years or so in North Ayrshire has been that it is achievable and deliverable. Community wealth building is now a policy based in the NPF, so there is a statutory requirement, whereas previously it was negotiated voluntarily. I

am more than content that the planning system is well placed to deliver community wealth building.

There is concern among rural authorities about 20-minute neighbourhoods. I represent an authority that includes islands. There is the issue of what 20-minute neighbourhoods mean in a rural context. Guidance on exactly what they mean for various populations is key to how we deliver them. It will not be a matter of one size fits all. There will be 20-minute neighbourhoods within the major conurbations, and there will be smaller neighbourhoods within small settlement towns.

We should not get fixated on 20 minutes because 20 minutes is the banner headline. There could be a 10-minute or a 30-minute neighbourhood. The concept is that we should have liveable places in which everywhere is walkable or accessible within 20 minutes. However, we should not define how quick a walk that is. We would then get into the minutiae, and we do not want to do that.

Marie McNair: I share that concern. Will Robbie Calvert share his thoughts on that?

Robbie Calvert: Yes. I think that both policies have improved quite significantly from the previous draft. A lot of clarifications that we asked for have been made, and some of those have been set out in the explanatory report that accompanies the draft.

To go back to an earlier point, we will get more detail on both things in the local development plan guidance and regulations. For example, more detail was added on the living well locally policy and the 20-minute neighbourhood policy and addressing that in a rural setting in the local development plan guidance. I hope that that will support us through implementing those policies. Both policies are vastly improved from the previous draft.

Marie McNair: I have one more question. There are numerous references to the infrastructure first approach in the revised NPF4. Is that being delivered in practice? If not, what needs to change?

Robbie Calvert: As I understand it, the infrastructure-first policy has not changed a huge amount from the previous draft. There are some clarifications on the intent behind the policy, but there will be more detail in the local development plans. I think that they will do a vast amount of the heavy lifting for that policy in particular, and I think that we will come back later on to how it will work in practice in relation to the delivery programme and the infrastructure parts of that.

Jim Miller: There is a certain disappointment that there was not a capital plan alongside the NPF for delivery. The indication is certainly that

LDPs should be aligned to the councils' capital plans and should show how infrastructure first can be delivered through them. That seems to be missing from the NPF to date, although there is reference to the future influence of the infrastructure investment plan. There is reference back the way, which seems a bit strange. That has influenced previous plans. It is not clear to me exactly what that means. There seems to be no new money in respect of the NPF, but maybe that is still to come.

Marie McNair: Thanks for your comments, which are very helpful.

The Convener: Annie Wells is joining us online.

Annie Wells (Glasgow) (Con): Good morning. Every local place plan will have to have regard to NPF4. From looking at the draft NPF4, how confident are you that community bodies will be able to do so? What help might communities need with such a task?

Jim Miller: I am sorry for being parochial and talking about North Ayrshire, but the approach to local place plans that we have adopted is to support our communities where we can. However, that again has a resource implication. It sounds as though I am banging the same drum every time, but that is true. There is an estimated cost of up to £10,000 for preparing a local place plan. If we consider the number of communities that might want to be served by a local place plan, we see that that is not a resource that authorities are sitting on. We have professional planners in all our authorities who are there to assist. However, the devil will be in the detail of how much is required of those local place plans.

Not every community will require a local place plan. Regeneration plans are being rolled out as part of a Scottish Government initiative for a number of communities across Scotland. They might take the place of local place plans. We will wait and see how much the demand for them is. However, we are certainly here to assist.

Robbie Calvert: I reiterate the point about resourcing. Local place plans are a good example in that context. That issue has come through with the Planning (Scotland) Act 2019, but not necessarily in national planning framework 4. Local place plans will be an additional resource burden alongside a number of additional duties in that act. When we consider any additional work coming to planning authorities through NPF4, it is good to frame that within the wider scope of the Planning (Scotland) Act 2019 and the additional work that is coming through that.

We have said all along that funding pots are needed for communities to undertake local place plans, otherwise we could get into a situation in which we are exacerbating inequalities in our

country, with the well-to-do and well-off communities having the resources to support the process of preparing and delivering local place plans and other communities not being able to do so. We see that with, for example, neighbourhood plans in England, for which funding is available. Another interesting thing to note from what has happened with neighbourhood plans in England is that they have been more successful in rural locations than in urban ones. I can imagine similar patterns happening here. There is a big question over the resources there.

On how communities interact with the revised draft as opposed to the previous iteration, the revised draft is more user friendly. A how-to guide has been put into an annex, for example, and some of the additional information that was up front in the previous draft has now been annexed. For me, the document is easier to work with. From that perspective at least, it should be a bit more user friendly. That does not mean that resources will not be needed to support people.

Jim Miller: HOPS would like to see a summary in plain English so that, when we are dealing with stakeholders on local place plans, the document is an easier read and is not just for professional planners. However, I agree with Robbie Calvert that the document is certainly more user friendly than the previous version.

Annie Wells: Thank you very much.

The Convener: On the local place plan issue, how will it all fit together? There are local development plans. It is great that Jim Miller talked about pausing them. What is the sequencing? How do we get communities on board and alert to the opportunity to make a local place plan? How does that feed into the local development plan? Is there timing for that?

Jim Miller: It is already out there. Communities are already active in preparing local place plans, which will have to align with the NPF. They are very much at the formative stage. People are gathering evidence on what they want to see in their local places. That will take a while to come to fruition. I guesstimate that it will take 18 months or so, but it might take longer than that. They will have to sit in the context of the NPF in the same way that the LDPs will.

The Convener: Right. Does the plan also need to sit in the context of the LDP to some extent or totally?

Jim Miller: On what comes first, in my opinion—this might be subject to legal opinion—the NPF, when it is adopted, takes primacy in relation to the development plan. Every other plan has to follow in line with that. In my opinion, local place plans are no different from that.

The Convener: Okay. On the ones that are being developed already, will people need to go back and reconsider some of what they have been doing in light of NPF4?

Jim Miller: I do not see those plans being mature enough to have to be revisited, but they would have to take account of NPF4. That is why I raised the point in reply to an earlier question that an easier-to-read summary of the document and guidance for people in communities who are not professional planners would assist.

The Convener: I am aware that a town near where I live has been very busy on what would not have been called a local place plan, as they did not exist for some years. Very good work is being done, but people will probably have to go back and see how it works with NPF4.

Paul McLennan (East Lothian) (SNP): Good morning, panel. I have two questions, the first of which is about the delivery programme and the establishment of the planning, infrastructure and place advisory group. Both of you have touched on that. I do not know whether there is anything else that you want to add to what you have said.

The second question is about monitoring the implementation of NPF4 over a number of years. The committee is keen on that. We have seen how much things have changed in the past 10 years, and we are keen to monitor how effective the approach is over the next number of years. Are there any indicators or issues that you think the committee should pay particular attention to?

09:30

Jim Miller: I should probably have said earlier that the formation of a planning, infrastructure and place advisory group and a commitment to monitoring and evaluation are important, key elements for HOPS. We wonder whether there is a role for this committee in monitoring that group's work. The delivery programme refers to a board, but it is not clear from it what constitutes a board. It seems to me that reinventing the wheel is involved when there is already a committee that could evaluate and monitor. That might not be competent—I am not familiar with parliamentary procedures—but it strikes me that there is a role for this committee in monitoring and evaluating.

The delivery programme says that the approach would be revisited after six months. That is welcome. There will then be an annual review. Exactly what will be monitored is a bit unclear, because the policies will still be at their formative stage, but maybe you could start to pick up, and take evidence on, the impact of the policies through planning appeal decisions and LDP progress. A number of areas could be monitored,

even within the first six months. However, maybe I am giving you too big a job to take on.

Paul McLennan: In committee discussions, we were keen to ensure that there was on-going monitoring throughout the 10 years.

You mentioned resources. Is that an issue from the point of view of HOPS? A key thing that my local authority has mentioned has been additional training. For example, local authorities will need to try to pick up carbon measurement. There will be additional training but no additional resource for that. That issue has been raised. I take it that you and Robbie Calvert would like to see resources measured over a number of years. Are there any other specific things that HOPS would like this committee to look at from your perspective as heads of planning, including broader measurements?

Jim Miller: The documents are already well aired. There is a commitment in the delivery programme on the Scottish Government planners moving from policy development to policy delivery. On policy delivery, they should be working with local planning authorities on training and upskilling, as we said earlier. There is a commitment in there to improve, and there is a reference to one of the recent training programmes. I think that an example from the Highlands and Islands Enterprise region is specifically referenced. There is a Scottish Government commitment to reflect on that.

We use the Improvement Service to upskill planning officers, and we are going through a programme of carbon literacy that is funded by our own funds. There is a joint commitment to training. Perhaps that could be evaluated and monitored as we go along.

Paul McLennan: I appreciate that.

Robbie Calvert, you and I have had previous discussions about recruitment, resources and so on. Do you want to add anything about the delivery programme, the advisory group and the key measurements that you want to see?

Robbie Calvert: There is a resourcing question about the delivery programme for the committee and for all the stakeholders that are giving evidence. I do not think that that was part of the business and regulatory impact assessment that accompanied the revised draft NPF4, so there is a question about that.

There are two important roles for the planning, infrastructure and place advisory group. The first one is, as I mentioned earlier, to have a key influence in relation to the infrastructure investment plan. We understand that that is the intention, but there is not the detail—this might be

a broader issue with the delivery programme—on how that will work.

There is an interesting paragraph at the start of the delivery programme document. It says:

“The Delivery Programme focuses efforts across the Scottish Government to ensure alignment across national plans and programmes. This alignment will be an iterative process, building over time.”

First, it is important to monitor that. Through the annual reporting procedures that will be put in place, there will be a role for the Local Government, Housing and Planning Committee in considering not only how NPF4 aligns with existing plans and strategies but how the new plans and strategies that come on board take account of NPF4. It is important that we look at that over time.

On oversight and monitoring, the delivery programme briefly mentions the key stakeholder groups that the advisory group will interact with: the high-level group, the key agencies group, the infrastructure delivery group and the Scottish Government. We would add to that list the Local Government, Housing and Planning Committee and what we call the office of the national planning improvement co-ordinator, because the delivery programme is fairly quiet about that. It is mentioned in relation to oversight, but it could be brought more to the fore. We are awaiting guidance on that, which, we think, based on the actions part of the delivery programme, will come in the short to medium term. We see the national planning improvement co-ordinator as an office, not one role, because it is a big job to monitor and review the entire planning system. We call it an office to be clear about the level of resourcing that it will need. In our written evidence, we provide a link to a think piece that we have done on the matter. That office should have a crucial role in providing oversight.

Jim Miller mentioned that the review of the delivery programme will come in the next six months. I would be interested to hear how the committee will interact with that review. Will that be out of sync with your annual reporting, or will there be an opportunity for the committee to provide some oversight of the delivery programme at that six-month mark or just before then? We would welcome our involvement in that process, too.

Paul McLennan: Are there any other indicators that you would like to see? Quite a few have been mentioned already.

Jim Miller: I will give one more. A fairly obvious one relates to national developments, which sit mainly with the Scottish Government to deliver. It is a bit worrying that the development programme states that funding for national developments still needs

“to be agreed and factored in”.

We are about to adopt a plan to deliver national developments, but the funding still needs to be agreed and factored in. I would query exactly what that implies. It appears that it is a work in progress, which is not what we want to hear. Perhaps we could review in six months whether funding has been agreed and factored in.

Paul McLennan: The key thing is that it is an iterative process, as has been mentioned. We need to ensure that NPF4 is a living document throughout the next 10 years—even in the next six months to a year. Those answers have been helpful.

Robbie Calvert: There is an interesting section in the delivery programme about indicators. In that section—section 5 under the spatial strategy—all sorts of things are included. It takes a long time for a development to come out of the ground, and it could be five or 10 years before we can effectively monitor policy changes that we make now. That section includes a table with some interesting ideas relating to, for example, a Scottish greenhouse gas inventory, journeys by active travel and satisfaction with housing. Interesting work has been done, and that lines up with some of the outcomes work that we published a couple of years ago.

Jim Miller: I will make one further point. New duties have been added. In our written evidence, we will be itemising the new duties and showing where policies have been substantively changed. When we had the three open sessions, an issue that kept coming up was suicide. There is a question mark in relation to how spatial planning can address suicide. I do not want to take up time debating that, but we are concerned about how planning authorities can deliver on some of the new areas that are being introduced. That raises expectations in our communities that we can make such changes, but if we do not have the tools, skills or other ways to make the changes, it lessens the impact that planning could have.

The Convener: I am impressed that, since the document has been published, you have been busy in bringing together planners for discussions in order to question how things will work in the sector. You said that at the beginning and mentioned it again just there. That is fantastic.

You also made the poignant point that planning and decisions about our built environment can affect somebody’s decision to choose to live. That is tremendous, and it would be great to see planners in general resourced properly.

Miles Briggs (Lothian) (Con): Good morning. I thank the witnesses for joining us. I have some specific questions about land supply. Will NPF4, as it stands, bring forward the future development

sites that we need to meet our housing to 2040 target?

Jim Miller: That will be down to individual authorities. As I referenced earlier, our housing policies leave it to local authorities to determine what to bring forward. There is no prescription as such in the NPF; it is about minimum numbers. Some authorities might be ambitious. To be parochial again, I note that our authority is very much based on growth, and we have seen opportunities to add to our housing land supply by working collaboratively with Homes for Scotland and other stakeholders. There are still opportunities for authorities to adopt such approaches at a local level.

Robbie Calvert: I do not think that the housing policy has fundamentally changed from the previous iteration; it is more about clarification. There has definitely been a shift in the importance and weight put on the allocation of land in local development plans. We are expecting to see more colour in the final regulations and guidance in that regard, so I would need to see that before I could fully answer the question.

In relation to that policy, we have said previously that we want a clear and consistent approach to housing numbers. For a lot of local authorities, there has been a resource challenge in driving those numbers, so there might be a bit of variation across the country in how fully the policy is being fulfilled. A lot of that comes down to resourcing. We highlighted the role for the Scottish Government's digital planning task force in supporting the evidence base that we need for that. We want to see a shift in the conversation towards methods by which we can assess the deliverability of sites and the mechanisms for reviewing housing land supply. It is also important that we consider how we can deliver the right amount of quality development.

Therefore, a little bit of colour needs to come from the LDP regulations and guidance, and there is a big question mark in relation to resourcing for the planning system as a whole if we are to implement the framework.

Miles Briggs: In England, the strategic housing land availability assessment is used to look at the availability of land for housing over 15 years. I do not see what that looks like in NPF4. In my area, in Edinburgh, it is based on brownfield sites, 90 per cent of which have businesses currently on them, and those businesses have no idea where they will be moved to. Would it have been useful to have a longer-term vision—covering 15 years at least—relating to where homes might be built?

Jim Miller: I have no strong opinion on that. Our system involves supply over five to seven years, and that has worked successfully over the

preceding years. It might be open to challenge by other stakeholders but, from a planning and service perspective, I have no problem with that system.

NPF4 is focused on climate change and net zero. As far as I am concerned, it is very welcome that we are encouraging brownfield development and bringing it back to the fore. That has been a platform for planning for many years, but it seems to have lost its way. Reusing existing brownfield sites is a far better and stronger approach to providing sustainable economic development.

Robbie Calvert: I go back to the point that I made about reviewing housing land supply. As we move to a system involving a 10-year NPF4 and 10-year LDPs, it is critical that we consider how to review housing land supply and the delivery programme of an LDP after five years.

Miles Briggs: Both witnesses have mentioned that they expect additional information to be provided in guidance. I have said that we need a review mechanism within NPF4 to ensure that land is forthcoming. Is such a mechanism available? You have pointed towards what our committee could look at, but should the guidance include that?

09:45

Jim Miller: As we have both said, the delay in issuing the guidance is of concern. Some development programmes are being pushed into the medium term, but it is not clear what the medium term is. Regional spatial strategies, open space assessments, play sufficiency assessments and LDPs in particular are all included in the 2019 act, but we do not yet have guidance on how to deliver them. They are all on pause just now.

Robbie Calvert: I think that the review of housing land supply will be undertaken predominantly within LDPs. That said, in relation to the delivery programme for NPF4, housing statistics have been listed as one of the metrics that we could look at. Parts of that could be explored.

Miles Briggs: Thank you.

The Convener: I will bring in Paul McLennan with additional questions, then Annie Wells, when she returns.

Paul McLennan: I have one question. Policy 27 and out-of-town developments have been raised a few times. I seek clarity from both developers. What is your interpretation? Is there enough clarity in relation to out-of-town developments and where the balance lies? We have had representations from quite a number of bodies in that regard. What are your thoughts on that? I will start with Jim Miller.

Jim Miller: We strongly welcome the town centre first principle and the approach to reduce out-of-town development. As we have seen during the past few years, the pandemic hit town centres severely, and addressing that by re-emphasising the town centre first principle is welcome.

There were headlines about banning drive-throughs. When we are thinking about net zero and reducing our carbon footprint, it strikes me that drive-throughs are something that we should oppose because we need to get people out of cars, on to public transport and into town centres. Therefore, I welcome that approach.

There was a wee bit of ridicule about the proposal and whether people would be able to pick up their shopping at the supermarket. I think that we all know what it means—we are looking to reduce the number of out-of-town drive-throughs and retail outlets.

Robbie Calvert: I will slightly correct Jim Miller. I know that the media picked up the measure as being a ban on drive-throughs. We said in response to the previous draft of the NPF4 that we wanted to see a higher threshold on where we would permit drive-throughs. There is a slight nuance to the measure—it is about there being a limitation on drive-throughs unless they are specifically supported in LDPs.

The whole policy has been rationalised. It is more user-friendly and incorporates the town centre living approach that was in the previous draft. Some amendments were made to try not to direct residential development to ground-floor shops. We support the town centre first approach.

Paul McLennan: Issues have been raised with the committee around whether there is enough flexibility with regard to local situations. Out-of-town development might depend on what the local situation is.

Jim Miller, from a planner's point of view, is there enough flexibility in the policy? It is not the case that one size fits all for out-of-town developments. Is there enough flexibility in the system to take account of individual concerns?

Jim Miller: I think that we said at the start that we welcome the challenge that we have through the policies, including net zero. That approach should inform how you lay out your LDP. It states the obvious: that we are looking for step changes and that we are moving away from out-of-town developments and focusing on town centres, which we welcome.

Paul McLennan: Do you have anything to add, Robbie Calvert?

Robbie Calvert: One change in the policy is that the support for the local neighbourhood shopping element has been strengthened, which

lines up with the 20-minute neighbourhood and local living policy approach elsewhere in the framework. We would support that, too.

Paul McLennan: Okay; thank you.

The Convener: We will now go to Annie Wells, who has a question or two.

Annie Wells: Yes, I do. My apologies for not being here earlier.

Do you think that the revised draft NPF4 will support or hinder the delivery of the level of renewable energy developments that are needed in Scotland to achieve net zero?

Jim Miller: I think that it is very supportive of that goal, and, for the first time, it introduces a range of renewables, which is welcome.

One of the conflicts that we saw earlier is that there seems to be a policy against development in wild land areas and national scenic areas, but the renewables policy says that renewable energy developments can be considered in any area. It is on such areas that we want clarity. We want to protect the wild land areas and national scenic areas, and, at the same time, we want to support renewables. The policy means that we are not simply focused on wind energy; we can now look at a range of other renewables that are available to us.

Robbie Calvert: As I understand it, that is one the policies to which there has been more substantive change from the previous iteration. I will pick up on Jim Miller's point. There is now more permissive wording regarding the delivery of onshore renewables in wild land areas. To be clear, the intent behind that is to meet energy targets. I think that the renewables industry would broadly welcome those changes. However, I make it clear that any development on a wild land area would still be subject to impact assessments and appropriate mitigation, management measures and monitoring as well.

That reflects the change in the scale of development that we require to get us to net zero. There still is protection for national scenic areas and national parks, but that policy area has seen a big shift.

I return to the issue of resourcing, particularly the resourcing of the reporters unit. It is seeing a huge uptick in section 36 applications that are going to inquiry. If we are cutting the unit's funding just as its workload is increasing, I can see that being a big problem when implementing the net zero agenda, even with a more permissive policy framework in place.

Annie Wells: Do you think that the draft NPF4 addresses concerns about wild land aspects whole-heartedly? Are we taking wild land and

renewables into account and giving them the same footing?

Jim Miller: I will refer back to my earlier point. If a bit of clarity can be brought to those policies, we would not find ourselves arguing over which policy is the stronger one. I know what I have in my mind but that might not be the same as the rest of my committee.

I turn to the point on renewables. The planning system is wide ranging, but planning cannot deliver all the renewables. If you simply look at grid connection—I am sure that the committee will have considered that issue before—we could be granting planning consents for renewable projects, but, if the grid connections are not there, which is outwith our control, those projects cannot be delivered. That is another example of where the planning system can go only so far in making those changes.

Robbie Calvert: I will come back to the resourcing point, particularly for planning authorities in relation to onshore wind applications. Those tend to be more significant, major applications, and they might require more senior planners to get involved with them. However, there is a bit of a dearth of them—that is, those with 10 years of experience—in the industry at the moment.

We need to upskill our existing planning workforce, to bring them up to speed so that they can undertake the work. However, we also need to increase the capacity of our existing internal expertise, such as our landscape officers, who are a crucial part of due diligence when it comes to the impact assessments such as landscape and visual impacts assessments, land capacity studies and whatnot that come alongside the applications. Resourcing and skills, which are directly tied in with one another, are other massive areas for consideration.

Jim Miller: Added to that final point is the pending shortage of planners in Scotland. You will be aware of the high-level group for performance planning's consideration of the future planner project, which estimates a planner shortfall of 700 over the next 10 years. We are working with the Scottish Government and academia to address that, but that is something that we must flag up. With all the new duties that are coming to councils, they need to have people with the right level of skill to deliver the policies that we wish to see.

The Convener: We have come to the end of our questions. We have a few more minutes if there is anything that the witnesses think we have not covered that is important for us to hear.

Jim Miller: We have touched on the transitional arrangements. I mentioned earlier how colleagues are already finding that the planning and

environmental appeals division is asking for commentary on policies that have not been finalised.

I hope that the committee is familiar with chief planner letters. A chief planner letter would be welcome to give guidance to authorities on how we deal with the transitional arrangements until adoption, and how material the NPF policy is in relation to planning decision making. I have a planning committee meeting next January and I am already asking the officers to consider the assessment against the NPF. That is to future proof me, but it would be better if we had some guidance and a chief planner letter might be the way forward.

Robbie Calvert: I have two final points. I am sorry to return to the issue of resourcing, but one thing that we took issue with is the business and regulatory impact assessment. The summary ran along the lines that having these national planning policies would mean a lot of potential savings for planning authorities from the local development plan preparation process. However, when drilling down into the table in the BRIA, we identified 14 areas where new workloads are coming online for planning authorities. We felt that that might be a slight underestimate, given how that was worked through. I would like to reiterate that we want, as we have asked for previously, a comprehensive skills and resourcing plan to be part of the delivery programme or at least part of the next iteration.

My final point is about the corporate influence on the plan. We will have a full parliamentary debate on it, which is a great opportunity to put planning to the front of our consideration as a country and to get MSPs on board about what the framework can mean not only for the whole country but for their constituencies.

I point to the example of Ireland's national marine planning framework. When that was published, the entire Cabinet set out the relevance of the framework to their various portfolios. We really liked that approach, and I would like that to be included in any committee report to the Scottish Parliament, to ensure that we get that buy-in and that we use this opportunity to do that.

We need to do that in local government as well. Chief planning officers and the statutory guidance that is to be prepared offer a good opportunity. That is something that we want to see a bit more strongly in the next iteration of the delivery programme as well, to set out the important link that chief planning officers provide into the corporate decision-making part of local government. I will stop there.

The Convener: I am glad that I asked whether you had anything more to say because those are very important points. On Ireland's national marine

planning framework, it is interesting that the Irish Cabinet ministers had to say in—I assume—the chamber how their framework was going to affect their particular areas of work.

We have heard loud and clear the requirements for resourcing and skills development.

We appreciate your coming in this morning. I see from Jim Miller's copy of the national planning framework, with all the post-it notes, that you have been drilling down deeply. [*Interruption.*] Yes.

Those are the policies that will shape Scotland over the next 10 years; it is such important work. Thank you so much for sharing your organisations' views with the committee.

09:59

Meeting suspended.

10:04

On resuming—

The Convener: We move on to our second panel. We are joined online by Ailsa Raeburn, chair of Community Land Scotland; Clare Symonds, founder and chair of Planning Democracy; and Bruce Wilson, head of policy and advocacy at the Scottish Wildlife Trust, who is appearing on behalf of Scottish Environment LINK. We are joined in the room by Liz Hamilton, director of planning at Homes for Scotland, and Morag Watson, director of policy at Scottish Renewables.

I welcome you all to this long-awaited session. I would like to begin with a broad overview. Will you give us your views on the key changes that have been made in the revised draft NPF4? I ask Morag Watson to go first.

Morag Watson (Scottish Renewables): Good morning, committee. It is great to be here. Thank you for inviting Scottish Renewables to give evidence.

Last time I sat before you and gave evidence on the NPF4, we were unequivocal that the draft that had been presented at that time would not help Scotland to reach net zero and that it would undermine our ability to deploy the amount of renewable energy that we need in order to hit our climate change targets. I am now delighted to be able to sit in front of you and say that there has been a remarkable turnaround in the document.

I commend the planning minister and his officials in the chief planner's office. They have done a huge amount of work. They have obviously listened carefully to the feedback that they were given and to the expert input to the process. Our view is now that the document as presented to Parliament probably represents one of the most

supportive planning regimes for renewables in the whole of Europe. However, I want to be clear that it does not give a free pass to any development in any place.

What we want as an industry is to maintain the integrity and the standards that we have here in Scotland. We asked for a set of clear and ambitious tests that any development should have to pass in order to be able to gain consent, and that is what we have. We asked for clarity on the tests and for them to be unambiguous, and that is the place that we have arrived at.

I commend the officials who have worked extremely hard on this. The document that they have produced, in terms of what it says about renewable energy, is extremely good.

The Convener: Thank you, Morag.

I will say a bit more about the process, because we have some folks online and some in the room. I will ask all of you to respond to my first question because we want to get foundational views, but we will try to direct other questions. Please indicate when you want to comment. If you are joining us online, please put the letter R in the chat box.

Clare Symonds (Planning Democracy): Good morning, everybody. I thank the committee for inviting us to give evidence again. The draft NPF4 is one of the most progressive planning strategies since devolution. It is about things that really matter; it is not just about the economy and growth, but it says that our climate, nature and wellbeing actually matter as much.

The document still needs to be clearer about what is necessary development—that is, what development is important and needed. The focus on nature and climate implies that we have to be a lot more frugal with our resources, including land, and it suggests that development needs to be limited. However, we welcome the clearer language, as many people do, and I like the layout and the clarity of the policy principles, the outcomes and the impacts and connections that are highlighted in each policy section.

I note that planning policy 1, which contained the plan-led approach to sustainable development, has been deleted. I do not think that there is anything sinister about that. It has been decided that it is perhaps implicit in the planning system, which is generally assumed to be plan led. We strongly support that. However, there is now only one policy that contains a reference to a plan-led system, and that is the housing policy.

It is interesting that, in the past two years, there have been 115 appeals against refusals for housing developments of more than 10 houses. We have looked at a sample of those appeals and

it appears that around 45 per cent were successful in overturning the local decision. Importantly, most of those involved sites that were not allocated in a plan, and roughly half involved designated green belt or greenfield sites.

The number of appeals and their success suggest that we do not have a plan-led system, but also that decisions often undermine other planning policies that have now been given more prominence in the draft NPF4. We hope that the housing policy, which has been strengthened to avoid the problems that led to the high level of appeals, will not continue to be driven by the threat of appeals. The test of the NPF4 will be whether the approach to housing is plan led.

I noticed a small typo on page 4, which says:

“rather than compromise or trade-offs”

I think that it is supposed to be “on”. However, we recommend that that paragraph be deleted anyway. It says:

“Rather than compromise or trade-offs between environmental, social and economic objectives, this is an integrated strategy to bring together cross-cutting priorities and achieve sustainable development.”

The paragraph rather glibly denies that there will be trade-offs, as the appeals have so readily suggested. It is almost ridiculous to assume that there will not be trade-offs. An integrated strategy is not going to prevent that.

There are a lot of conflicting policies. If we look at all the policies, we can see that there are at least 60 different judgments that a planning officer might be required to make, so that paragraph should perhaps be removed.

Bruce Wilson (Scottish Environment LINK): Scottish Environment LINK wants to thank the committee, and also the officials and ministerial team, for the work that they have done on the revised draft NPF4. We think that it is vastly improved. The layout is much clearer and we strongly welcome the equal weight that is given to the climate and nature in policy 1.

The previous panel discussed the emphasis that is placed on the climate emergency. That is great and it is strongly supported by Scottish Environment LINK and the Scottish Wildlife Trust. However, we stress the importance of equal weight on the climate and nature emergency, which needs to be taken into account when we read the NPF4.

We would like to discuss the use of the words “will not be supported”. There are a few areas that could be tightened up to provide more clarity. We would also like to discuss policy 4(g), and particularly the statements on wild land. I agree with Morag Watson that there is strong support for renewables in the document, but we need to make

sure that that is not going to have an impact on biodiversity and nature. We have some suggested rewording for that section.

The Convener: We have a specific question about that, which we will come to later. If there is time at the end, I will bring folks in to comment on anything that we have not raised.

Liz Hamilton (Homes for Scotland): Thank you for inviting me to speak on behalf of Homes for Scotland. We commend the committee for the work that it has undertaken on the draft NPF4.

The revised draft improves on the original in terms of structure and the readability of policies. That is clear to see. In fact, it is the draft that we would have liked to see first. Other positives include the fact that some of the policies now offer greater flexibility. I think that we will come on to talk about that, but an example is local living and 20-minute neighbourhoods, which the previous panel discussed.

We recognise the importance of meeting both the climate emergency and the nature crisis head on through effective use of the planning system. Alongside that, however, a balance has to be achieved to ensure that Scotland’s housing needs are also central in the decision-making process. With the shortfall in the number of new homes that have been built since 2008 approaching 100,000, we remain disappointed that the housing crisis is still not specifically mentioned, particularly given that it is within Scotland’s control to fix that. I also reiterate the contribution that new-build housing can make to lowering carbon emissions through both sustainably located developments and high performance of new homes.

We are very supportive of the language in the liveable places section of part 1, on a national spatial strategy. One bit that jumped out for me is:

“Scotland’s Population Strategy reflects the need for planning to identify the amount of land required for future homes”.

It also states:

“Planning must also enable the delivery of good quality, affordable homes by allocating enough land in the right locations to meet current and future needs and aspirations.”

That is all good stuff. It is also really positive to see the links to the population strategy, “Housing to 2040” and other wider policy documents.

10:15

However, we still have significant concerns about the delivery and implementation of the policies in NPF4 in order to adequately and responsibly address the housing crisis. I come back to the importance of the right that everybody in Scotland has to access a home that is safe and

warm, that meets their needs and that they can afford.

I know that we will probably get an opportunity to cover our key concerns, but I will outline them now. We are concerned about the transitional guidance and about policy 16 and the workability of quality homes. How to maintain and assess the deliverable land pipeline will be critical. I would also like to touch on the minimum all-tenure housing land requirement figures and how they have been approached; the housing need and demand assessment system that sits behind them; and the delivery plan and resourcing. However, it feels as if those things will come up in our conversation anyway.

The Convener: Thank you, Liz. If they do not, please make sure that we hear what you want to say.

Ailsa Raeburn (Community Land Scotland): I thank the committee for the opportunity to comment today. Community Land Scotland welcomes many of the changes in the revised draft NPF4. They are positive and they have made a great contribution to balancing different interests. We have already talked about wild land and the need to balance the nature and climate crises with the need for renewables and small-scale community-led developments. The plan does a great job in balancing those different interests.

The explicit policy support for community wealth building, community ownership and community-led development is welcome. I suspect that the document is the world's first national planning framework to specifically reference community wealth building, and the fact that it does so is very much to be commended. The minister and his team have done a great job in bringing all those elements together in difficult economic circumstances with lots of competing interests.

We still have three specific areas of concern about the framework. The first is to do with rural population and repopulation. I note Liz Hamilton's point about the housing crisis, which is extremely pressing in some rural areas. I hope that we will get an opportunity to talk about that later in the meeting. Secondly, we have concerns to do with renewables and the missed opportunity around specific community wealth-building references in new renewables development.

Our third area of concern is what we are seeing in rural areas in particular around natural capital-driven land markets. There is no reference in the planning framework to some of the landscape-scale changes that are happening as a result of those land market changes, but they are having a huge impact on local communities. If we get an opportunity to cover those things today, that will be welcome.

The Convener: That was about the bigger picture. From talking to the minister, I know that he is very firm that the priority in the national planning framework is the climate and biodiversity or nature crises and how we can tackle them. In practical terms, what does the requirement for decision makers to give significant weight to the global climate and nature crises mean for development management and development planning across Scotland? I open that to anyone who wants to pick that up.

Clare Symonds: The question is whether the policies provide enough teeth to give planners the confidence to make bold decisions that will be upheld if an appeal comes along. How will planners and communities know that the reporter has their backs on decisions that, for example, support biodiversity policies? What evidence will a reporter look for on climate and biodiversity to support decisions that might limit or prevent a development because it impacts negatively on climate and biodiversity? Given that all built developments will generate climate impacts, the thing that is missing and that we need to agree on is how need will be defined in order to decide what development will be restricted.

I point to a research paper in ecological economics that explores expansionist housing policies, primarily in England. The research modelled how much the expansionist housing policies are compatible with national biodiversity and decarbonisation goals. The model estimates that around 12,500 acres of farmland will be lost per year to urban development in the United Kingdom, with an average loss of biodiversity of about 0.04 species per hectare or an average of 5.7 per cent loss in species richness in the areas being developed.

With regard to carbon, even the most ambitious carbon reduction scenarios that the researchers ran, including that of decarbonising new builds and existing stocks, still used 60 per cent of the cumulative carbon budget required to remain within the 1.5°C limit. In other words, expansionist housing policies use up huge amounts of the carbon budget and deplete biodiversity. My question is: if the NPF is built out and delivered, how much of Scotland's carbon budget will the housing policy use up, and how will that be assessed and when?

Will local authorities be required to determine the carbon budget or the biodiversity loss at the local development plan stage? Will it be up to local authorities to compare emissions from retrofitting, using empty homes and reuse of brownfield sites with emissions from new build on greenfield sites? Do local authorities have the capacity, knowledge and support to do that? How well equipped are our planning officers to make those judgments? In

previous sessions, we have talked about employing more ecologists and climate specialists to support planning officers. Maybe that is more for consideration when we come to the delivery plan, but it is an important part of the process.

Bruce Wilson: I agree with everything that Clare Symonds has just said. One of the strongest changes that we have seen in the redraft is that, previously, there were lots of “shoulds” associated with biodiversity, but those have predominantly been changed to “will not be supported”. That is a big and useful change.

There are a couple of places where that could be tightened up, improved and made much clearer, and we have a few suggestions in that regard. We can submit those to the committee if that would be useful, or I can go through them now. We suggest a few changes that would clear up inconsistencies. We think that it would be better to say that proposals will not be supported unless they contribute, rather than say that proposals will contribute. That is a more realistic expectation on local authorities, and they will be able to have more control over that. We can submit the exact wording change to the committee. However, the emphasis on “will” rather than “should” in relation to most biodiversity elements is very important.

Clare Symonds mentioned environmental economics. We firmly believe that we cannot manage what we do not measure, and there is not enough emphasis on measuring our impact on biodiversity. There is a lot of great wording on protecting and enhancing and on reversing biodiversity loss but, to do that, we need to know the impact that we have created in order to have positive effects on biodiversity. Basically, we have no way of knowing whether we have positive effects on biodiversity unless we do appropriate measurements beforehand.

The previous panel talked about having budget associated with the process. That would cost money, but the benefits would be massive and local authorities need to be resourced to do it properly. Clare Symonds raised a point about knowledge and expertise. To implement a lot of the excellent changes in the plan, we need to have appropriate levels of knowledge and understanding in planning authorities.

The Convener: We will run through the questions that colleagues have and, I hope, you will be able to bring up those policy specifics at the time. If not or if we run out of time, we would welcome them in writing. I think that this panel has a lot to say.

Ailsa Raeburn: It is an interesting question. Those are the sorts of decisions that should not be taken at site development, planning or even LDP level—they should probably be taken at a national

level, because we need to balance the issues. As I mentioned, that has been done well in the wild land areas, where renewables and small-scale community-led development will be permitted. There is a balance.

To give two specific examples, the housing at Staffin and the space hub at Sutherland were critical local developments for the communities and the local regional economy, but they were both hugely delayed by not having clear and specific guidance on some of the issues.

We need clearer national guidance for local planners to enable balanced decision making. As has been said, we need more skills in local authorities to support applicants on that clearer guidance. Those things will be important to ensure that critical local development projects that support rural economies are not held up for really long periods while some of the issues are explored.

Morag Watson: I want to pick up on some points that other panellists have made. It is important to note that we should not expect NPF4 to do everything. It is the national planning framework and, as people have alluded to, it needs supporting guidance to sit alongside it, particularly on biodiversity and climate. We have been working with the Government and officials on that for some time.

Particularly with regard to biodiversity, through the environmental impact assessment process, we have a very good and well-regarded method for assessing environmental impact in our do-no-harm model. Now that we are moving into the space of positive enhancement, we do not have a metric for how we evidence that that is happening, which is a shortcoming in our planning.

England has brought forward its metric on net benefits for biodiversity. However, we have looked at it closely and it does not apply to Scotland, because many of Scotland’s biomes are very different from those in England, so the science does not translate. We would like such a metric for Scotland, because we should be able to scientifically evidence that benefits for biodiversity are happening.

On renewables, we already have a carbon calculator, albeit that it is slightly out of date and needs updating. For every renewables development that we bring forward, we must evidence that there is a net benefit for our climate—that the amount of carbon that it saves is greater than the embodied carbon in its construction and development. [*Interruption.*]

Excuse me. I am halfway through a sneeze and trying to give evidence at the same time. [*Laughter.*] I will try again and try not to sneeze down the microphone, which would not be good.

With the Climate Emergency Response Group and the green book process, we have been considering whether such a carbon calculator should be applied more generally across developments. Given the very varied nature of developments, that is not an easy question to answer. On the original question about how we might operationalise our ambitions on climate and biodiversity, having those metrics and tests would be a very big step forward.

Before the conversation moves on, it is important that I touch on the point that Ailsa Raeburn made about renewables and community wealth building not being mentioned in NPF4. I emphasise that guidance exists outside the NPF4 on the development of renewables and the need for community ownership and community benefit within that. That sits in separate guidance from NPF4, but any development proposal is expected to be brought forward in line with the good practice guidance that has been agreed between industry and Government.

The target that has been agreed with the Government at the moment is that half of all new developments should have an offer of shared community ownership in them, and the figure is actually sitting at about 60 per cent. I just wanted to make it clear that, although things are not in NPF4, that does not mean that they have not been taken into account.

10:30

The Convener: You say that half of developments should have shared community ownership. Can you say a bit more about what that would be?

Morag Watson: The model that was established when we started doing commercial-scale wind farms, particularly in Scotland, was that £5,000 per megawatt of installed capacity would be given in community benefit payments. Given that wind farms are getting bigger, a lot of communities wanted to be able to invest in wind farms instead of just receiving the voluntary contribution. That is what community shared ownership is—in essence, the community buys a share of the development and gets a share of the profits that come from that.

That is a more complicated mechanism for a community to engage in compared to community benefit, which is just a voluntary payment. However, Community Energy Scotland does a lot of work to support communities to engage in those opportunities. That is why both approaches exist. A community would do one or the other and not generally both. It is about giving communities the opportunity to fully benefit from developments that are happening in their community.

Liz Hamilton: I will pick up on the general point. To be clear, NPF4 is not saying that the climate emergency and nature crisis policies are there to restrict development that is needed. The issues are to be given significant weight in decision making. NPF4 is clear that the housing need exists and still has to be met.

We need to be careful in our thought process on where new housing is allocated and in considering brownfield versus greenfield. It is not necessarily that one is good and one is bad; the issue is much more nuanced than that. For example, there is a statement in policy 9 in NPF4, which is the brownfield and vacant derelict land policy, which refers to the fact that it needs to be taken into account that many brownfield sites will have urban greening, so they will be quite biodiverse. On the flip side, a lot of greenfield sites will be much less biodiverse.

We need to be careful about how we plan our future housing and that we are not restricting where it goes. Many local authorities in Scotland do not have a lot of brownfield land left or vacant and derelict land that can be delivered. Clearly, deliverability is a key strand, particularly in the housing policy of NPF4.

Broadly, we need to give the climate and nature crises significant weight, but we need to think about where we are locating our homes. What does “sustainable” mean? It might be about someone’s home being closer to where they work or to where their family network is for support to bring up a family, for example. Significant weight is to be given, but I certainly do not read NPF4 as saying that that is to restrict development that is needed in any way.

The Convener: I have been wondering about the model of individual or semi-detached housing, such as developments on the edge of Edinburgh or the edge of the town where I live. Is consideration being given in the housing sector to the point that we perhaps need to have different models, even in rural or more rural areas, that involve terraced housing so that we are not using up so much land? Since I have been a member of Parliament, there has been a challenge around what we put on the land that we have. There is now a call for food such as vegetables to be grown more locally and not imported so much. Everything has to give a bit. Are Homes for Scotland’s members looking at different styles of housing that they might make available?

Liz Hamilton: Yes, that is already being looked at, because developers look at efficient use of land. They have a broad range of products and there are density policies out there already, so that is not new. To meet the needs, there is a broad range of products. The issue is being looked at and it will form part of the story going forward for

new housing. However, we need to be careful about some of the thought processes. I am trying to say that, on a brownfield site, it can be harder to meet some of the policies. I go back to some of the conflicts. With local living and 20-minute neighbourhoods, if you are looking to introduce new facilities such as schools, it might be harder to find areas for a school in an urban brownfield site than it is in a greenfield site, which can contribute to new schools, open spaces and retail. We need to take a broader view.

To answer your question, the industry is already looking at the efficient use of land. It is in the industry's interest to do that anyway.

The Convener: Bruce Watson wants to come back in but, in the interests of time, I would like to move on—I might be saying that a lot this morning. See if you can tuck whatever you wanted to bring in into another response, Bruce.

We will move to questions from Mark Griffin, who is joining us online. I ask Mark to put all his questions at the same time.

Mark Griffin: There has been a lot of focus from Government and Parliament on economic growth, which is understandable given the recent turmoil. Is there enough emphasis on economic growth within the draft planning framework? Are you confident that the planning framework will enable and drive economic growth in Scotland? Is it compatible with that focus?

Morag Watson: One of the things that we have identified in the renewable energy industry is that we are a driver of economic activity. Also, our provision of a secure and affordable energy source underpins the rest of the economic activity that takes place within our country.

In terms of what NPF4 can support, if we are to stay on track to hit our net zero targets between now and 2030, we will need to deliver about 12GW of onshore wind. We estimate that that will generate around 17,000 to 18,000 jobs across Scotland and put about £28 billion gross value added into our economy, so that is very significant.

At the same time, although it is not included in NPF4, we will be doing offshore wind development. The latest ScotWind leasing round for the seabed represents somewhere in the region of £28 billion-worth of investment coming into our country. All the electricity that is generated in the North Sea comes on shore, so we will need grid reinforcements to transport that electricity to where it is needed—another huge source of economic activity. Over the next five years, our two grid operators in Scotland will spend somewhere in the region of £10 billion on grid reinforcement between them. That is before we get into the decarbonisation of heat and the need for storage to be added to our grid to balance out

intermittent renewables. The economic opportunities here are huge. Although that may not come through specifically in NPF4, NPF4 has a significant role in terms of what it can unlock in relation to renewables and what it can bring into our economy.

Liz Hamilton: The view has not changed greatly from the first draft of NPF4. It places greater weight and emphasis on the environmental sustainability of Scotland and not necessarily on the balanced social and economic benefits that NPF4 can bring. Mirroring Morag Watson's comments on the renewables industry, housing performs a social need and meets the social needs of Scotland. Equally, the economic benefits that come from new house building, through direct and indirect employment, must be recognised as well.

The question is whether the right balance has been struck. I remain to be convinced; some of it will come back to how the document is implemented and whether it can keep pace with the need for new homes across the country. Follow-up guidance will be very important, particularly around LDPs and how developments will go ahead, and how that will be tracked. Again, we come back to the metrics, but there is still a lot of work to be done around the social and economic benefits that should come from NPF4.

The Convener: We go to the panel online now.

Clare Symonds: I understand the pressure on MSPs around growth and the need to make sure that everybody has a good quality of life and so on, and there must be a lot of pressure on MSPs at the moment. However, I do not want to lose sight of what this document is trying to achieve.

Last week, 100 organisations, charities and economists from the movement for a wellbeing economy all signed a letter urging Nicola Sturgeon to transform the national performance framework into a wellbeing framework, to strengthen its power and reach. In their letter, they said:

"With its narrow focus on GDP growth, the National Strategy for Economic Transformation is grounded in the same logic that has delivered decades of poverty, inequality and environmental degradation."

The central purpose of the planning system has, up until now, been framed around the pursuit of sustainable economic growth. In practice, that has largely meant facilitating private sector development, because governments see that as key to economic growth. Therefore, development has become more or less synonymous with the public interest.

The introduction of the wellbeing economy wording in the NPF would be a hopeful sign, if only it were not in the same document that also seeks to promote growth in gross domestic product.

Planning priorities are still there to facilitate development and minimise constraints on market forces. It is very light touch in terms of regulation and there is still a focus on efficiency and speed of processing planning applications to satisfy what appears to us to be the number 1 customer, which is the applicant, not communities.

If this is really going to lead us to a more equal, planet-friendly planning system, we must stop believing that growth and development can be limitless. We must start being efficient with our land and not support policies that allocate overly generous amounts of land for housing and which lock us into an unsustainable future.

I think that replacing our addiction to growth means developing an entirely different set of criteria to assess what development is considered to be in the public interest. We have a duty to the next generation, to the many young people who are terrified of the future. We have a moral imperative to get over our addiction to growth. Growth is irrelevant with no planet.

Ailsa Raeburn: The framework has made huge positive steps in terms of supporting local economic development, particularly community-led economic development, which is important for the sustainability of local communities, so I am very supportive of that aspect.

The big issue, which Liz Hamilton has already picked up on, is around housing; Morag Watson mentioned the number of jobs that we are hoping to create from the renewables developments that are coming online over the next 10 years, but we have nowhere to house those people. We will not see the economic benefits of those jobs in Scotland unless we have places for people to live. It is important to go back to the framework and check that it is doing all that it can in terms of supporting housing developments in the right areas to ensure that we maximise and optimise the benefits from ScotWind and the innovation and targeted oil and gas—INTOG—leasing rounds, and the onshore renewables that Morag Watson has already mentioned. That housing issue will be the barrier to economic growth.

Bruce Wilson: People are probably expecting me to say that there is no economic growth on a dead planet, and that is certainly true, but we need to look at the economic opportunity in doing this right with regard to climate and nature.

10:45

We have a chance to create a completely green-collar economy. Often, people think about that in terms of new jobs in peatland creation or forestry and woodland. Those are massively important jobs, often occurring in rural areas in Scotland, but there are also jobs for green

financiers, green engineers and ecological clerks of works—a whole new industry—and we must effect that paradigm shift if we want to meet the nature and climate emergency head on.

I encourage the committee and planners not to view this as a binary choice between nature and climate or the economy. If we are building new housing developments, they must be permeable to nature, they must manage water properly and they must be as carbon efficient as possible. It is not just a case of saying that housing should not have a negative impact on the environment. We must maximise the benefits of that new development and have carbon and biodiversity insetting on that site so that we are replacing habitat if it is lost, and we are making the development permeable for nature.

The guidance documents that will come out around this are absolutely crucial in relation to that happening. We must use things such as the nature networks as strategic tools to highlight where nature-based solutions can go in the landscape. The nature network can be a tool that involves local communities, it can help with planning and it can help to get around some of the issues that Ailsa Raeburn highlighted around natural capital investments in the landscape. We need to involve people in those discussions and decisions, and we need to use a strategic tool such as the nature network opportunity maps to get that right.

We cannot afford to view this as, “the economy, or—”. It needs to be about everything, balanced sustainably. The environment completely underpins everything that we do in the planning arena, the economic arena, and the social arena—everything.

Mark Griffin: Thank you for those answers.

This question is probably for Liz Hamilton. You raised concerns about the MATHLR figures in the earlier draft and have again flagged up issues on the figures and the HNDA process that informs them. Can you outline your concerns to the committee and say what changes you think still need to be made to provide effective housing land supply?

Liz Hamilton: The MATHLR figures are critical. They are minimums; we understand that and we see now that there is an expectation that local development plans will exceed the MATHLR, which is good to see. However, I cannot see where the carrot or stick approach is that would make sure that that is done or that the minimum figure is met.

The first thing that I will touch on in relation to the MATHLR figures is how they were calculated by local authorities across the country. Their approaches were quite inconsistent, which was for

various reasons. Some had the time or inclination to do more work to examine the figures. For example, in using the HNDA as a baseline, the toolkit is dependent on secondary data and previous population trends to predict the future. However, some local authorities had time, were already in the process of looking at their new HNDA or had the resource to do primary research to identify what could be done beyond the baseline minimum in the HNDA process. In local authorities that did that—for example in the Dundee city region and in Ayrshire—the figures went up considerably. Some authorities did not have time or resources to undertake more work.

The big issue for me is that, because the MATHLR figures are so important and will be critical to housing delivery in the next 10 years, the approach needs to be more consistent. There was a lost opportunity; I can see now, through the revised draft, that there was an opportunity to change the figures. You can see that some authorities amended their figures because they had a new HNDA come through in the time between the first draft and the current draft. It would have been good for local authorities to have had guidance saying that they have more time to look at their figures. The first concern is about how the figures have come about. Of course, they are minimums, but they are now out in the public domain.

The other central issue that has been raised at committee previously is the HNDA toolkit itself, which drastically underestimates housing need and demand. It is based on a very restricted view of what need is; a household must be both overcrowded and concealed to be counted, so the toolkit does not include large swathes of our population. Examples that are not included are families living in homes without enough bedroom space; single people who are still living at home with their parents; and older people in homes that are no longer fit for their needs, which could be because it is two-storey housing or they are looking to downsize because their property is too big and they want to stay in the local area, but have nowhere to go. The HNDA toolkit does not touch on existing housing stock.

The toolkit is not fit for purpose. It sets a baseline and makes it clear that local authorities can go above that baseline, but—for me—the baseline is set far too low. The toolkit also uses previous population trends to predict the future, which is a dangerous game to play, because we have had an undersupply for the past 10 years, post-recession. The figures are for previous trends in the period post 2008, so it is clearly not right that they are being used to predict areas of growth.

One of the key things that NPF4 could still do is a fundamental review of the HNDA toolkit. Homes for Scotland would be happy to facilitate a workshop or seminar for members, or the committee as a whole, to discuss the shortcomings and how we address them. We could also pull in some experts; there has been a lot of research done on the matter. Homes for Scotland also has a tool that local authorities could use.

Some of the figures are less than the previous 10-year completion figures, particularly in the west. Some of them are drastically low, where it is identified in the spatial section that the population is set to decline. Why are we allowing that?

We need to look at the HNDA toolkit. I understand that it is up for review. The committee report from March on the first draft says that

“The Committee asks the Scottish Government to review HNDA at the earliest opportunity to develop a tool that is up to date and fit for all areas of Scotland,”

I want to carry on with that message and to make the offer that Homes for Scotland facilitate that, as an ongoing workstream for the committee.

The Convener: Thank you for that comprehensive response. I think that the committee will look at the subject later, in 2023.

Clare Symonds would like to come in. Could I ask everyone to keep their answers a bit more succinct? That would be helpful, because we still have quite a few questions to get through.

Clare Symonds: I want to make it clear that our aim is not to prevent housing development, but we want there to be more emphasis on housing need and on efficient use of land. The approach has been to provide enough land to allow developers a surplus so that they can pick and choose the sites that they wish to develop. Our concern is that the amount of land that is allocated in the MATHLR is too generous and undermines the effectiveness of the plan and of the more progressive policies on climate change and biodiversity.

One of the key things—we can send the committee more written evidence on this—is that high MATHLR figures mean that local authorities must allocate more land for housing than is needed. There is a lot of inbuilt flexibility; it has 20 per cent to 35 per cent in-built flexibility. We think that a realistic MATHLR could include something like 117,000 units, not 202,000. There has been a huge uplift of about 78 per cent. That comes from a mixture of things, but ignores projected population falls. There are always uplifts and quite ambitious projections on population increases that do not necessarily consider the latest census figures. Will the MATHLR be reassessed according to the latest census figures, with consideration of things such as Brexit, the cost of

living and so on? We ask that new population data from the latest census be adopted in the MATHLR figures. I will send more information about this to the committee, because I understand that we represent a different view. We strongly feel that the MATHLR provides an overly generous figure.

Marie McNair: I am keen to continue with the line of questions that I asked of the previous panel. I would like to hear from Liz Hamilton first, then from anyone else who would like to come in.

Are you satisfied that terms such as “community wealth building” and “20-minute neighbourhoods” are sufficiently well defined and understood to provide a robust basis for planning decision making? You touched slightly on 20-minute neighbourhoods earlier, but you might want to expand.

Liz Hamilton: There have been improvements on both of those definitions in the revised draft. Community wealth building is something that Homes for Scotland has been discussing with local authorities because we could see it coming. We saw it in the first draft, so I suppose that in the meantime we have been trying to get our heads around what it means. In fairness, I say that local authorities are probably doing that as well. As Jim Miller said earlier, North Ayrshire Council will be the first to implement the strategy.

In short, the revised NPF4 has much more detail on what those things mean. There was a bit of confusion about community benefits versus community wealth building, which are different things. Community wealth building seems to be more about local supply chains, local employment and keeping wealth local.

As an industry, our understanding has improved, but we still have a bit to go; I think that local authorities do, too. What exactly will community wealth building mean for what is expected of us? When we submit an application it has to take cognisance of community wealth building, so what will the local authority look for? In fairness, I note that I am not sure that the guidance is quite there yet in terms of what that will be, exactly. Community wealth building is quite a new policy movement and it is much better defined in the new draft, but there is still learning to be done on it.

I will touch quickly on local living and 20-minute neighbourhoods. I am happy that the new policy seems to provide more flexibility, particularly in respect of recognising differences in context. It was touched on in the previous session that we should not get too tied to 20 minutes, because it means different things in different—rural, suburban or urban—places. I think that there is a bit more flexibility. The proof of the pudding will be in the eating, as to how it is implemented. It might

be a metric that we should keep an eye on, going forward. For me, it is about sustainable planning, which is not a new concept—we have just given it a slightly different name.

Ailsa Raeburn: I will be very quick. “Community benefit” is a term that is well understood, but “community wealth building” is probably less well understood, so the framework would benefit from having a clearer articulation of what it is. Liz Hamilton just outlined elements of keeping wealth local through jobs, supply chains, local ownership of assets and so on. That is particularly relevant to the private sector and to developers that are catching up with a policy that is now quite well embedded within national and local government.

11:00

Clare Symonds: I want to mention the policy on the requirement for a statement of community benefit. At the moment, there is no requirement for community input to that; it would be interesting to know how well equipped house builders will be to know what is best for communities and whether, for balance, there are any disbenefits. Such statements are just more stuff to be done; to be honest, they just allow more opportunity for more propaganda on behalf of the developer. I would prefer significant community input into the statements.

Morag Watson: On behalf of Scottish Renewables, I have been sitting on a group that has been looking at the proposed community wealth building bill and at clarifying the definitions. I agree with Liz Hamilton that we have, in the NPF4 document, come a long way on making it clearer what is needed, but I go back to my earlier point, which was that we cannot expect the NPF4 to do everything. I expect it to be fully supported by guidance that is developed elsewhere, so that it is absolutely unequivocal what community wealth building means. We have been using the example of onshore wind, for which we have an obligation to consult communities as part of our development process. We are looking at what can be learned from that to feed in to the community wealth building process.

Marie McNair: There are numerous references to the infrastructure-first approach in the revised NPF4. Can it be delivered in practice and, if not, what needs to change? I am keen to hear views on that. Previous witnesses have mentioned the resource implications.

Liz Hamilton: I reiterate what was said previously: infrastructure first is a laudable policy and is, on paper, the way development should be done. My concern when I read the new document is that the policy has not changed much. When I look at the delivery programme I do not see a

capital investment plan or guidance on regional spatial strategies. Infrastructure spans local authorities. The concern is that although it is not in there to be a block to development, if it is not planned right it could be.

The policy intent is good, but more work needs to be done, especially on the development programme, on how it will all come together. That includes statutory bodies: how will local authorities work with them? If there is to be a housing pipeline for the next 10 or 15 years ahead, how will that be communicated to other bodies to ensure that infrastructure comes through on time and at pace?

The policy is a good one, but a lot more is needed behind it to make it happen and to get it delivered.

Bruce Wilson: I will keep this brief. We are slightly confused about the wording. Policy 18 on infrastructure first sets out the test of planning obligations. That currently sits within a circular, but what is quoted is a shortened version that is slightly misquoted, so we are a little confused about which has precedence—the circular or the NPF4. The wording needs to be tightened up slightly within the document.

Marie McNair: Thank you for those comments, which we take on board. Morag, do you want to come in on this?

Morag Watson: My points were very similar to Liz Hamilton's.

Annie Wells: Mine is a similar question to the one that I asked the last panel. Every local place plan must have regard to NPF4. Looking at the draft document, how confident are you that community bodies will be able to do so? The previous panel said that additional resource would be required to assist communities, as there would be a cost of up to £10,000 per plan. Do you have any feedback on that? Do you agree with that view?

The Convener: We have Clare Symonds, Ailsa Raeburn and Bruce Wilson on the line. They are quick on the buzzer.

Clare Symonds: It is great to have the local place plans in place, but we are rather more concerned about whether local development plans will be able to have regard to the local place plans, to be honest.

One of our concerns around local place plans is that, if local development plans allocate large tracts of land to housing, and house builders are busy buying up land and negotiating options on land with local landowners, what land will be left for community ambitions? With the lack of information on options, how are local communities supposed to know what land is already earmarked for housing? Therefore, we support the idea of a

register for the options. It is not clear how much house builders own—we have not done the calculations—but, if England is anything to go by, most of the land around major cities and towns is already owned or held under option. We have anecdotal evidence from farmers in Scottish urban edge semi-rural locations that most of them have optioned their land already. How are communities supposed to deliver their own ambitions if they do not know what is already proposed for that land?

Ailsa Raeburn: Local place plans are a great opportunity for local people to get much more engaged with the planning process in a way that they perhaps do not with local development plans. They need resourcing as the plans are intensive in terms of both planning officer time, which we are thinking about here, and in terms of local volunteer time, and we should not ignore that when we are thinking about the development of local place plans and how we help resource that.

There have not been many local place plans yet, but there have been occasions on which they have been ignored in planning decisions. We need to ensure that those local place plans are given their due weight in the new local development plans. Of course, they can also be aligned with wider community plans in terms of developments that communities want to see being brought forward. They are a useful part of the process, but they need to be strengthened in terms of resourcing, and there must be an acknowledgment of the value that they are giving in the planning application process.

Bruce Wilson: My points are similar to those of Claire Symonds and Ailsa Raeburn. I will add that the long-awaited guidance around nature networks will also be helpful in this process. It helps inform local groups about the nature that is present in areas on their doorstep and gives them a tool to get involved in the climate and nature emergency, which can often feel quite a removed conversation for communities. That applies equally to urban and rural communities.

Liz Hamilton: Local place plans are a big opportunity for communities to proactively plan their settlements and to reach out to developers who may have an allocation in a local plan and speak with them on a proactive basis about what that new development can bring to an area.

We must be careful that they are reflective of that community. We need to think about how we reach out to the people who currently do not feel engaged in the planning system or are unaware that there is an opportunity to engage. Across settlements, in towns and villages, there will be some communities that are more geared up for this than others, and we need to think about how that affects our ability to approach the issue on a consistent and fair basis.

I think the development industry would be very happy to engage with local place plans, and I see them as a good proactive tool for communities to use.

Morag Watson: Most of my points would reiterate what has already been said, so in the interests of time I will leave it there.

Paul McLennan: Do the witnesses have any views on the delivery programme that accompanies the NPF4?

I have another question, which relates to something that has been touched on already. One of the key things that the committee was keen to look at was ways of monitoring the implementation and the idea of having indicators to ensure that NPF4 is a live document. I am interested to hear what the witnesses would like to see on the delivery programme and the indicators. I put that question to Liz Hamilton and Morag Watson first, and then to rest of the panel.

Liz Hamilton: The delivery plan is the first iteration of it that we have seen. There was no delivery plan with the original draft. For me, it still lacks quite a bit of detail on the financial and practical interventions to deliver on brownfield and vacant derelict land. At the back of the plan, it details all the guidance documents to back up some of the policies that still need to be published, such as the local development planning regulations and guidance that will be critical to understanding how the housing pipeline will work, housing land audit guidance, which, again, will be critical in determining that pipeline in the post-10-year period. Planning and climate change guidance is still to come, which will weigh significantly on the climate emergency. For me, it is a start, but it very much needs to be tracked.

That leads to my answer to your second question about metrics. In the short term, we should be looking to the delivery programme and asking what documents are still to come to make sure that NPF4 is delivered and implemented in line with the policy intent. It is to be reviewed in the first six months and then annually thereafter, and I think that that needs to be the basis for metrics.

In terms of other metrics, quite broadly speaking, in the short term, we absolutely need to keep an eye on planning decisions. We have not touched on the issue so far today, but there is a lack of transitional guidance with NPF4. Our industry had a reasonable expectation that that would come alongside the document, particularly given the number of applications that are already in the system awaiting determination with local authorities and with the DPEA. In the short term, we absolutely need to track decision times, and, in the longer term, we need to track housing delivery,

housing numbers, and in time MATHLRs will become critically important.

We also need to track how the new LDPs are progressing, because NPF4 is here now, and is likely to be adopted early next year. The new LDPs are following on from that and the first ones will not be adopted until 2027. The situation is now absolutely critical because, although the system has been paused for a long time, those LDPs are now coming forward. As we know, that is going to cause some resource constraints, particularly within the reporters' unit, as has already been mentioned.

Those are a few thoughts, and I will probably have more. One positive thing about the delivery programme is the planning, infrastructure and place advisory group, and we very much wish to be involved with that. We also note that an applicant stakeholder group will be put in place, and, again, Homes for Scotland would very much like to be involved with that.

For me, the delivery programme is a start, but it needs to have a focus now to make sure it is implemented.

Paul McLennan: You mentioned transitional arrangements, which was raised by the first panel. That issue is coming through in the evidence that we are taking, and I think the committee needs to look at it.

Morag Watson: I completely agree with Liz Hamilton that the delivery plan is a good start. I can understand that the NPF4 has changed significantly between drafts and now the delivery plan has to do a bit of running to catch up. It is heading in the right direction, but it is not as developed as we want to see and again I would reiterate Liz's point about the speed of implementation.

In terms of what we should monitor, the UK Climate Change Committee provides independent advice to the Scottish Government and Administrations across the UK on what is needed to get to net zero. As it is a framework that is supposed to enable the meeting of net zero, we want to see the NPF4 monitored against that goal. Again, we expect biodiversity targets to come through Parliament soon, and it should be measured against them.

I want to pick up on a couple of key things that, from a renewables perspective, we would like to be monitored—one has come up in conversation already, but one has not. The first one is around wild land. As it has been alluded to, there has been a change of policy around that. To be clear about what that means in practice, the policy now says that you can develop commercial wind farms and renewables on wild land. However, there are some big caveats to that, as 49 per cent of wild

land sits within national parks or national scenic areas, which means that it could never be developed for renewables.

11:15

Once you include everything that has a designation on it—sites of special scientific interest and so on—or things such as lochs or rivers, which are, obviously, not suitable for renewables, you are left with only about a third of the wild land in Scotland, and you must then get into issues such as whether the wind regime is sufficient or whether there is a grid connection and so on, so the amount of suitable wild land becomes smaller and smaller. That means that it is not simply the case that all wild land can be now considered as a site. What is the case is that around a third of it is now a possibility that could be explored. We need to ensure that that is coming through in policy.

There is one other thing that is a deep concern of ours around how the NPF4 has been written that will need to be monitored very closely, because we have identified a key conflict in the policies. Policy 11 identifies very clearly the need for grid reinforcements to our electricity grid if we are to be able to meet net zero. I should make it clear to the committee that how a grid works is a unique thing in planning. In Scotland, there are two grid operators: Scottish and Southern Electricity Networks in the north; and Scottish Power Energy Networks in the south. They are natural monopolies, so they are regulated very closely by the Office of Gas and Electricity Markets, and what they can and cannot build is regulated very closely. They must operate under two parameters. One is that they must provide people with connections to the grid, but that must be at the lowest cost to the consumer, and it must maintain the stability and integrity of our electricity system.

There is what is called the pathway to 2030, which has a clear plan of what grid connections will be needed as we move towards that date. SSEN Networks has highlighted that the majority of ancient woodland in Scotland sits within its area. It has produced a detailed map of the grid reinforcements that it will need to do, and it cannot find a way where it can do that without impinging in some places on ancient woodland.

Currently we have the policy in NPF4 policy 6(b), which states:

“Development proposals will not be supported where they will result in ... any loss of ancient woodlands, veteran trees, or adverse impact on their ecological condition”.

We absolutely support that policy, but we are going to hit up against the conflict that I outlined. I should make it clear that, as an organisation,

SSEN Networks has a biodiversity net gain strategy and has committed that every project that it does will result in a gain for biodiversity.

An example of where the kind of conflict that I am talking about has come up is in Argyll—I will have to look up the specific name of that project, because there are many. It involved grid reinforcement work around the west coast, working with the Argyll and the Isles Coast and Countryside Trust. The grid reinforcement ran from Inveraray to Crossaig and impacted on Scotland’s Atlantic rainforest, which is a precious resource. SSEN could not avoid having an impact there, so it paid for a woodland officer, outdoor learning opportunities, the use of local supply chain and health and wellbeing improvements, and carried out mitigation planting, so the area of woodland was expanded beyond the area of impact. That is something that we are going to have to monitor closely, because, as I said, as an industry, we are absolutely committed to that biodiversity target and to the preservation of ancient woodland. However, to enable people to access electricity the necessary grid reinforcements are going to come in conflict with that commitment, at some point. That is something that we want the committee to pay close attention to, as if we had accidentally created the undermining of one policy by the other. I will stop there.

Paul McLennan: Thanks, Morag. I was going to raise that issue, so thanks for bringing that up.

The Convener: We are discussing delivery plans and monitoring, but we went very specifically into the ancient woodland area. Bruce Watson has indicated that he wanted to come in, so I will bring him in to speak to that point and pick up on Paul McLennan’s questions about the delivery programme and monitoring.

Bruce Wilson: Okay, thanks. I am frantically writing down questions to address. I will try to address what Morag Watson said there. We agree that there is a slight concern over the wording and what takes precedence.

Basically, biodiversity net gain cannot apply in these situations because it is completely irreplaceable habitat. Nature is not fungible. You cannot necessarily take one bit of nature and replace it elsewhere, so we need to think about that. It comes back to my point around metrics. We need to ensure that we have accurate metrics to work out whether, if we have a situation where replacing something is completely unavoidable, we are doing that with significant net gain. That is the only thing that would be in the spirit of NPF4’s commitment to addressing the nature and climate crisis. I hope that that addresses that point.

The delivery programme includes the introduction of the new planning, infrastructure and place advisory group. It is important that we have appropriate levels of environmental expertise in that group. It can be easy to overlook such things in expert groups, which speaks a little bit to the point about economic benefits that Mark Griffin talked about. We are going to have to upskill people to tackle the nature and climate crisis, so it is important that that group has appropriate expertise on it.

We spotted an important omission on page 13 of the delivery programme, which references “key plans and strategies” to cross-reference with. There is no reference whatsoever to the Scottish biodiversity strategy, which is being refreshed at the moment, or the current environment strategy. It is important that they are included, to make sure that we are paying proper regard to activities that can have a tremendous impact on biodiversity in the environment. One of my colleagues spotted that Historic Environment Scotland was also omitted, so the documentation in that regard must be included. The nature networks guidance is not included in the development programme either, and we think that is very important.

I think that that covers all the points that Paul McLennan raised.

The Convener: I was going to ask a question about wild land, which Morag Watson brought up. The John Muir Trust got in touch with the committee with concerns that policy 4 does not offer protection. Morag Watson spoke about that, and I would like to hear from Scottish Wildlife Trust.

Bruce Wilson: Thanks for giving me the opportunity to come in. That specific part of policy 4 is quite ambiguous and we think it creates a bit of legal uncertainty. The John Muir Trust provided a good briefing document to the committee about the issue. Basically, we think that policy 4 presents a bit of a false test as worded. Support for development will be conditional on whether it

“will support meeting renewable energy targets”.

We would assume that all renewable energy development would in some way support renewable energy targets, and we think that it is potentially a moving target, in that it fails to anticipate a time when it will be reached. Specific wording suggestions have been provided by the John Muir Trust, but those are the main points that it made making in its briefing.

The Convener: Clare Symonds was going to come in next on Paul McLennan’s questions on the development programme and monitoring.

Paul McLennan: Sorry, Clare, just before you come in, I want to come back to the point that you

made about the wellbeing economy. I have a specific interest in that as convener of the cross-party group on wellbeing economy, so I am keen for you to expand a little bit more on that. The national performance framework is being reviewed and the wellbeing economy monitor framework is being delivered. Can you comment on where you see NPF4 fitting in with the other reviews that are going on, in terms of the wellbeing economy?

Clare Symonds: The point, really, is that you cannot have GDP growth at the same time as a wellbeing economy. We need to strengthen the national performance framework metrics and align them more closely with the wellbeing economy, and not to put so much emphasis on growth. I think that is essentially it in a nutshell.

Paul McLennan: Will you comment on broader issues with the delivery programme and the indicators that you would like to see?

Clare Symonds: I will have to follow up on that, but I guess that some of the indicators are a bit tricky in terms of climate, because some of them are about reductions in carbon and how to monitor loss of biodiversity and so on.

The point that I want to make about monitoring is about having a planning-led system. It is so critical to communities who do not have a right of appeal and are asked to do their own local place plans and to get involved in local development plans that those local development plans are adhered to. The Planning (Scotland) Act 2019 came up with the requirement for a statement of conformity to be written, which means that planning officers are required to state whether an application is in keeping with the local development plan. In terms of ensuring that we have a planning-led system, monitoring them is really crucial.

We have just done a bit of work with the new planning law clinic in Robert Gordon University, which involved research by Neil Collar, who is one of Scotland’s leading planning lawyers. The preliminary look at that suggests that conformity statements are extremely variable. There is a lack of guidance on them, and they are not currently an adequate tool for measuring whether we are conforming with the local development plans. That is important, because the initial results seem to be that material considerations, rather than development plans, are what is informing planning decisions.

Another issue involves planning portals and the technology for how we might improve them. It came out strongly in the research that students had difficulty in accessing and navigating planning portals, which are quite clunky.

The test of whether the delivery programme is working will be what developments go ahead. Are

people looking at the outcomes? Monitoring must focus on outcomes and revisiting the sites. Are sites delivering what they are supposed to deliver? What impacts are they having? I think of decisions such as the Kilmacolm decision, which has gone to appeal, where the development is contrary to the local development plan, there is a surplus of housing and nature will be impacted significantly. What decisions will be made when there has been a notice of intention to approve such a development? Is that in keeping with the local development plan? That will be the test of whether the delivery programme is working.

The Convener: We have gone over time, but it is important that we have the space to get all these views out. Our final committee member to ask questions is Miles Briggs.

Miles Briggs: My questions follow on from Paul McLennan's. It is quite clear from what we have heard that the devil is going to be in the detail, with regards to the guidance, especially transitional guidance.

What are your views on NPF4 and transitioning the planning system between how it stands now and how it potentially will stand, in relation to current planning applications in the system? What will that look like with regards to the housing crisis? It is a missed opportunity not to have that in NPF4. What could be lost in translation between now and NPF4 coming in?

11:30

Liz Hamilton: The number 1 concern in the short term is that, as far as we are aware, no transitional guidance has been issued alongside NPF4. It is legitimate to expect that that would have been done, because we see it in other consenting regulation changes, for example on building warrants. There is no line in the sand, so anything that is in the system now—be that planning applications that are with local authorities awaiting decisions, or applications that are with the inquiry reporters unit—will need to be reassessed when NPF4 is adopted. Those applications will have been submitted in good faith, and a lot of time, effort and resourcing will have been put into them by the applicant, local authorities and the inquiry reporters unit. Some of them might have been submitted even before the draft NPF4 was published, because applications are not quick to come through the system. What that will do in terms of decision time and certainty is a big concern for us. For me, there needs to be that line: if something is in the system already, it should be determined through the current system. That is a short-term concern, which is significant and needs to be addressed, by the committee initially.

In the longer term, I am not seeing much transitional guidance for the new LDPs as they start to come through the system. NPF4 is being adopted now and it will be 2027 before we see the newly adopted LDPs that will fall into line with the new document. There needs to be guidance to ensure that the applications that are coming through are keeping up pace. From what I hear from others, the private sector is not alone. The public sector is also calling for this guidance. One of the main disappointments is that guidance has not been brought forward.

Morag Watson: This is an issue that we have investigated with our legal members. Our understanding is that as soon as NPF4 is in place, the decision should be based on whatever is framework at the time that the decision is taken. However, I reiterate what Liz Hamilton said: if there is an application in train that has been structured on the previous guidance, restructuring that could be a quite burdensome thing for the applicant and for the authority doing the decision making.

The general opinion of our members is that the quicker we make that transition to NPF4, the less of a problem that becomes. Our nightmare scenario is that we end up in a twilight zone between documentation, where nobody is quite sure which one they are working with. That ambiguity and uncertainty are likely to cause far more problems than a rapid transition from one to the other.

Bruce Wilson: On the need for new guidance, we need to get that nature network guidance out there to help our local authorities strategically plan where green and blue infrastructure, and all the nature-based solutions that that can provide, will go. We have just seen extensive flooding across the country. If we are to fight that with nature-based solutions, we need to plan that on the landscape. Without that guidance in place, local authorities are not going to be able to do that very easily.

The other point is that some of the existing guidance is not coherent with climate and nature. I am sorry to say this, at it will add to the workload, but some of the old guidance is not appropriate in the context that we find ourselves in with the climate and nature emergency.

Miles Briggs: I might sound like a broken record on this, but as an Edinburgh MSP, I am concerned about the emphasis just on brownfield development, which is unlikely to be forthcoming here in the capital. There are very viable businesses currently on such sites and they have had no communication or real conversation on what the future looks like for them with NPF4.

What issues still need to be addressed around that pipeline of land in order to meet all the commitments that are in NPF4, especially in the context of the housing crisis?

Liz Hamilton: What we asked for in the first draft was a fix to where our pipeline is underdelivering, because if it is underdelivering, something must happen. At the moment, there is still no mechanism to fix an underdelivering pipeline, except to bring in longer-term sites and sites that are beyond the 10-year period for LDPs. Generally speaking, such sites are in that bracket for a reason, so what happens if they cannot be brought forward to plug that gap? At the moment, without the LDP guidance, it is not clear whether there is a fix. I really hope that there is, and we want to engage with Scottish Government further on that to discuss how that might be done, but it is a big concern. If we are underdelivering with regard to a plan review, for example, what would trigger that? Could that just be a housing section of the review?

We are talking about big concerns with underdelivering: if and when that is happening. It is also not clear what happens if there is an overdelivering pipeline. Policy 9, on brownfield, vacant and derelict land, is quite clear that greenfield land cannot be brought in. What do you do if there simply are not any other brownfield or vacant derelict land sites?

There are scenarios that have not been worked through. As it stands, I cannot legitimately say that policy 16 will deliver the homes that we need. Equally, we still do not have a clear definition of what a deliverable site is. NPF4 is very clear—and we are supportive of this—that sites must be deliverable, and there is a clear mandate that where sites are not deliverable they are deallocated. We need a very clear definition of what deliverable mean.

There are now short, medium, and long-term pipelines of sites and a post-10-year pipeline. Again, we have not got definitions of those yet. What sites should be in the short-term pipeline, and what do they need to have in terms of planning consents and infrastructure?

It is critical that the guidance comes forward to explain how all this is going to work. The danger is that you get to year 5, 6 or 7 of an LDP and it is not delivering. Where will the fix be? At the moment, it is not clear what that fix will be. You could almost say that it is being premature to look at NPF4 and policy 16 without the guidance alongside it. I think that that is a fair statement.

Alongside the lack of transitional stuff, this is up there as one of our key concerns. We were hoping to see more of a solution, as having one is critical. Going back to the delivery programme, it is clear

that the LDP regulations and guidance are still to come but we have not seen them. We have seen the draft delivery programme but we have not seen the guidance that sits behind it, so we are not clear on how it will work in practice.

Touching on Miles Briggs' point about brownfield sites in Edinburgh, we can allocate brownfields but we should not do that if they are not deliverable or if they are currently in use. Such sites are not going to come forward. We should not always assume that developing brownfield sites is the most sustainable way to plan our settlements. In the Edinburgh example, we are moving a lot of existing businesses away from the city, and I am not clear how that can be judged as sustainable for anybody.

The situation is much more nuanced than brownfield good, greenfield bad. There are concerns there and I would be keen to continue dialogue with the committee on that issue.

Morag Watson: I am going to take a slightly more philosophical view. This is indicative of what is going on behind NPF4 and the fundamental mind shift that we need to make for a net zero world. I am thinking about the words that we use, such as "greenfield" and "brownfield". There is often a subconscious assumption that any kind of development is inherently bad: that you turn a greenfield site into a greyfield site, where the biodiversity has gone and it is less desirable and less attractive and so on.

There is a mind shift that we need to make here. Development is inherently neutral and NPF4 should be pushing developers to prove that what they will create will be better than what was there before, and that it will be positive for communities, our climate and biodiversity. That is the approach that we should be taking, and all the things that Liz Hamilton has talked about are contributors to that.

It is a very tired joke in our planning system that we tend to name things after what we destroyed to create them, such as Orchard Road and Meadow Brae. We need to change that so that after a development—as there will be on our site—there will be a restored peat bog that is flourishing with more biodiversity than there was when we started. That philosophy should be carried across all development.

The Convener: That brings to an end our questions for this panel. Thank you for being with us this morning and sharing your views. It has been a most important conversation and I think it needed that little bit of extra time to draw the views out.

11:40

Meeting suspended.

11:46

On resuming—

The Convener: We now welcome our final panel of witnesses. We are joined by Dr Caroline Brown, assistant professor of environmental planning and healthy environments at the urban institute at Heriot-Watt University, and Professor Cliff Hague, who is a chartered town planner and chair of the Cockburn Association. I welcome you both warmly. It has been a long morning, but this is such an important conversation. I will begin with the same questions that I put to the previous witnesses. I would love to hear you briefly outline your views on the key changes that have been made in the revised national planning framework.

Dr Caroline Brown (Heriot-Watt University): Thank you for inviting me back. As others have commented, I think that the revision to NPF4 has brought greater clarity and consistency of language, which is very welcome. The high-level principles about the climate emergency and the nature emergency also emerge much more clearly in the revised version. There is a lot to be very positive about. The clarity and consistency of language are very helpful.

Another thing that I noticed, and which I value, is the embedding of equalities and diversity within some of the policies. For example, the framework talks about the need to plan and design for diverse needs within cycling and active travel. That is all fantastic.

There are a couple of misses for me that I want to draw your attention to. One is about the first spatial principle at the very beginning of the document, in part 1—the just transition—which, unlike the other five principles, does not seem to be explicitly very spatial. I do not think that NPF4 articulates how the just transition principle should be translated into a spatial policy. So, what does that mean? It says a little bit about the process, but not very much about spatial distribution. That was the first miss.

The second miss was on health. There is a policy called health and safety—policy 23—and it is mostly about risk and harm minimisation, which is absolutely important, but I think the title of that policy and some of the language within it could be expanded. It crosses over with the six principles of good places, because number 1 of the six principles at the end is about healthy places. I think health could be expanded to be much more about enabling wellbeing, the salutogenic model of the environment and how that supports health, as well as the risk reduction pathogenic model involving minimising air pollution and so on. That

was the second miss that I think the draft did not quite articulate. I will stop there. I think we will come back to some of the other things.

The Convener: Thank you. I think I have a new word: salutogenic. I think I can imagine what that means. I turn to Cliff Hague.

Professor Cliff Hague (Cockburn Association): Thank you for inviting me. I welcome NPF4 and its ambition. I congratulate the team that produced it and the politicians who supported it. That is because it sets out clearly that the climate emergency and the biodiversity emergency are the overarching concerns.

Having said that, I think we also need to recognise that there really is not much choice about that. Now, only vested interests and ideologues will not recognise that the planning system has to treat those issues as being more significant than it has previously.

I am conscious that there is quite a lot of international interest in NPF4 precisely because other countries are grappling with the same sort of issues around how to use the planning system to deliver on these global priorities. There is a lot of good stuff in it.

That said, there is still a risk that we will fall short of the aspirations. In a sense, the easy bit is writing the overarching strategy and striking the high notes. As others have said this morning, a lot more work will be needed to spell out the detail and how we will deliver.

I turn to the detail of some of the things that could still be tweaked in the policies, which will perhaps echo some of the things that Caroline Brown said. Embedding gender is an issue. Policy number 21 on play still needs to recognise the needs of girls, and older girls in particular. I may seem to be an odd guy to be talking about the needs of older girls, but my understanding is that they like to hang out in places with their mates and that puts an emphasis on safe public spaces as a key factor.

On housing, the debate is still dominated by housing and land issues. In a week where we have seen issues with the quality of social rented housing, with the tragic case in England, I think we need to see social housing as essential national infrastructure. That feeds into the economic side of things because it is crucial that there is available housing for care workers, NHS workers and a range of other key workers whose needs are not well addressed in the current debates about affordability. The very obvious thing is that if you base affordability on average incomes—median incomes—that misses the point, because you should be looking at the modal income. Very high incomes distort the average, so you are factoring misleading information into the definition of

affordable. I know that there is a working group on that, but that is the kind of thing we need to look at, as well as the quality of existing housing.

I will very quickly add two or three other things. Policy 20(c) protects regional and country parks from development incompatible with “uses, natural habitats, and character”. I think that should also apply to urban parks. Urban parks are very important to the health and wellbeing agenda and it is just as important to protect those spaces from development that is incompatible as it is to protect the national parks.

On health and safety, Caroline Brown mentioned policy 23, which I think needs to put more emphasis on conserving existing urban green spaces. There should be a clear presumption against the loss of green space on health and wellbeing grounds.

On community wealth, which was discussed in the previous session, some interesting data came out just yesterday from *The Herald's* “Who owns urban Scotland?” investigation showing that most of our retail centres are owned by offshore companies. That is the exact opposite of community wealth building; it is community wealth extraction.

Policy 26(e), on business and industry, and 27(a), on town centres, should include a requirement to demonstrate a contribution to community wealth building, to embed it through the system.

I will shut up there and take questions

The Convener: Thank you very much for those answers. Please do not shut up, because we are hearing new things from you, which I think is important.

Professor Hague, you have just touched on the climate and nature crises, and I want to ask you perhaps more of a question on planning that I think phased a few folks on the previous panels when I put it to them. In practical terms, what does the requirement for decision makers to give significant weight to the global climate and nature crises mean for development management and development planning across Scotland?

Professor Hague: I broadly endorse what Planning Democracy said this morning about the need for clarity. Planners need to feel that, when these sorts of things go to appeal, reporters and Government decision makers will have their backs. After all, they will be contested; there is no doubt about that. In general, everybody is in favour of saving the planet but when it comes to them, they will say, “Don’t do it to me, okay?”

There are times when things will come to the crunch at appeal, and I think that practising planners are concerned about getting into such

situations, because they are very resource demanding. We must see real support for these priority issues; indeed, as others have said, this also needs to be embedded in training as well as reflected in the monitoring, which I can say more about later, if you want.

Dr Brown: I agree completely. There was a discussion in the previous session about the need for clearer language to ensure that, on one hand, developers are clear about what is not allowed and what they cannot push on and that, on the other, local authorities have support in refusing applications and the confidence that they will not lose on appeal and have costs awarded against them. There is still a need for clarity in that respect.

That said, we are much closer to that than we were, because it is now much clearer that significant weight must be given to these issues and that you can no longer have exceptions that say, for example, “Emissions must be reduced—except where they can’t be.” That has gone, which is really helpful, but there will still be that test of whether, in practice, local authorities are confident enough to refuse significant developments, because they have weighted such issues as the deciding factor.

The Convener: Thanks very much. I am going to move on to questions from Miles Griffins—*[Interruption.]* I am sorry; it has been a long morning, and I am beginning to merge my colleagues.

I call Mark Griffin, who joins us online.

Mark Griffin: My questions are in a similar vein to those I asked the previous panels. In Parliament and Government, there has been considerable emphasis and focus on economic growth. Are you confident that that is compatible with the approach to planning set out in the draft NPF4?

Dr Brown: The principle of supporting development is still in NPF4, and of course development is synonymous with economic growth. I therefore do not have any concerns that it goes too far in regulating against development and not supporting economic growth.

As I was one of those who was very critical of the previous “sustainable economic growth” fudge, I am a bit happier with this version, which prioritises environmental principles and goals while still allowing for growth. In short, it does not legislate against growth at all, so I do not think there is any problem.

Professor Hague: I think the same. The previous definition of “sustainable economic growth” failed to mention the words “resources” or “conservation”, which I thought was a rather

peculiar way of approaching the notion of sustainability.

That said, I think more could probably be done in NPF4, particularly with regard to the role of regional spatial strategies in delivering different types of growth. After all, we are all in favour of growth and wellbeing, as long as they are in an appropriate form. An academic colleague in South Africa whom I ran the draft past felt that it was light on the productive places side of things, but that is partly because that has been tucked into what is now the appendix on the different regional strategies.

12:00

Perhaps I can give you one illustration. We need to look at the spatial dimension of, for example, the circular economy and the spatial catchments for key growth areas in recycling, where we locate them and how we progress them through the system. I think that more needs to be done in that respect, but we need to come at it from a special analysis angle and grasp again the potential for community wealth building to contribute to economic growth through recycling the investment and returns instead of seeing them extracted.

The Convener: That was interesting. As Mark Griffin is done with his questions, we will move on to questions from Marie McNair.

Marie McNair: My questions follow the same line that I took with the previous two panels. Dr Brown, are you satisfied that terms such as “community wealth building” and “20-minute neighbourhoods” have been defined and are understood well enough to provide a robust basis for decision making on planning? I am keen to hear your views on that.

Dr Brown: As others have already said, I think that we have come a long way from the previous version. What is meant is much clearer now.

I notice, too, that some of the language with regard to 20-minute neighbourhoods has been drawn back under the place principle instead of its being headlined. I think that that is helpful, because it allows us to think about and articulate the nuances of different contexts. As someone said earlier, the urban, suburban, rural and islands contexts are important, and it will be helpful to have policies that are flexible enough to allow planners and practitioners to interpret them in those contexts. We have moved much closer to that position.

That said, I do not think that we are quite there yet with community wealth building; in fact, I think that there are still lots of questions in that respect. After all, we have heard people saying in previous discussions, “This is quite a new concept for

industry” or “This is quite a new concept for local authorities.” There is always room for more elaboration, particularly on what is quite a new use of language and quite a new idea.

I think that the 20-minute neighbourhoods concept is much clearer, because a lot more work has been done on the concept and we have much more understanding of it. Although community wealth building is clearer than it was, there is still, as I have said, room for further elaboration, but that might come in separate documents rather than in the NPF itself.

Professor Hague: There is a need for follow-ups, advice and research. I have to say that I think that 20-minute neighbourhoods remain a bit more problematic than perhaps Caroline Brown has suggested.

As I have said, there is international interest in what is being done here. Last week, I had an email from the distinguished German spatial planning academic, Professor Klaus Kunzmann, saying, “Look, I’ve just seen the Scottish NPF4 and what it says about 20-minute neighbourhoods. I’ve written a blog about it in German, but I’ll translate it into English if you want. Can you publish it on your website?” That is what I did.

First, Professor Kunzmann argues that a similar idea was used as a kind of political ploy by Anne Hidalgo in Paris to mobilise support. More fundamentally, though, he argues that there is a risk in putting similar people in similar neighbourhoods, because you kind of trap people. You trap poorer people in poorer neighbourhoods and wealthier people in wealthier ones, and the more that key resources get concentrated in a neighbourhood, the more that that social divide exists.

However, I think that what Klaus Kunzmann, who is based in Dortmund, takes for granted is that he is in a large urban agglomeration. The risk that he highlights is greater in the bigger cities—bigger, perhaps, than any that we have in Scotland—than it is in those small towns that have only one secondary school and where people are more likely to share facilities. That said, I think that his argument needs to be looked at.

Similarly, what happens if one of the key local facilities is not there? How serious is the lack of a local health centre compared with the lack of, say, a local secondary school? A number of issues still need to be teased out. Given the context of local authority austerity, there is a question mark over whether the essential services that knit the 20-minute neighbourhood together can be sustained. I am supportive of the concept, but I think that it needs quite a lot of work, because every place is different and some sophisticated local

understanding will be needed to deliver it to good effect.

Marie McNair: The revised draft NPF4 contains numerous references to the infrastructure-first approach. Is that being delivered in practice? If not, what needs to change?

Professor Hague: Infrastructure first makes a lot of sense. One of our critiques of the previous system was that it was infrastructure second, third or maybe even after that. The fact is that it is integral to a planning approach but, as we have been saying, there must also be confidence in the local development plans. They have to be bold and leading plan-led documents, not things that are overturned on appeal, and they also need co-ordination by infrastructure providers and the different sections of the Scottish Government. In that respect, I very much like policy 1, which I think people are calling the matrix. It is very good, not least because it makes connections with the sustainable development goals and carries things through.

As a planner, I would say this, wouldn't I, but planners can see that everything affects everything else. I just hope that we can get to a situation where the sectoral providers—those in health, transport, environment and whatever—also see that, too, and see that you need a plan to pull it all together. One of the acid tests will be how you make the infrastructure-first idea work across the system through the different types of plans, including the regional spatial strategies, that we now have. I am still not totally convinced about city region deals and how far they really tie into such strategies rather than into a couple of priorities of some of the really key players. There is a lot of alignment still to be done, but at least this iteration of the national planning framework is trying to do that more than any of the previous three, and I give it credit for that.

Dr Brown: I agree with a lot of the things that Professor Hague has said. We talked about the infrastructure-first approach the last time that I was here, and I support it. I also support infrastructure-led development, but the question in that respect is whether the resources are there to deliver infrastructure ahead of development. With that kind of longer-term planning, in which we might look at expanding a settlement on, say, the eastern edge of a town and put in the corridors for the public transport, the bus links and the cycle and walking infrastructure, even though the houses in that area might not be there for five or 10 years, there is still a question about the ability and capacity of local government and the Scottish Government to do that and deliver it.

The infrastructure-first idea is important, but we have still not seen it being delivered convincingly in practice. Indeed, we have just not seen

infrastructure-first or infrastructure-led development being done in Scotland in the way that other countries have managed to do it. As I have said, I think that there are still some questions about that.

The Convener: Some interesting points have been made and some big questions raised on infrastructure-led development. That was an interesting perspective.

I call Annie Wells, who joins us online.

Annie Wells: I will go back to a question that I asked of the other panels about the local place plan having to have regard to NPF4. How confident are you that community bodies will be able to do that? How do we reach out to community bodies? What about communities that do not have any community bodies, such as where I come from? I come from a quite deprived area in Glasgow where we do not have such community cohesion and bodies to do that. How do we get communities involved?

Professor Hague: The best way to get communities involved is by having a threat. That always gets people on the streets and into public meetings. To be more serious, I say that the planning system remains quite daunting to people.

I have to declare an interest as a patron of PAS—Planning Aid Scotland, as was—which has done a good job of trying to provide facilitation support, but it needs backing.

From my point of view as chair of the Cockburn Association, I am very conscious that even in Edinburgh, where there is a lot of resource and expertise within community groups, many groups still find the system difficult to negotiate. We get loads of people phoning the Cockburn Association saying that X, Y or Z is happening and asking for help. Very often, it is too late because people get involved at the point where the application is posted at the bottom of the street and has already gone through the local development plan and NPF process.

As a small charity, we are now finding life very difficult: our energy bills have gone up and our staffing costs have gone up. We are delighted to say that during the cost of living crisis our membership is holding steady, but we do not have the capacity to provide the help that we would provide with a bit more resource to draw on. Local place planners need to be resourced and they need to be able to tap into the expertise in communities, and to find ways to make that effective in terms of connecting on the issues on the ground.

Dr Brown: There are two elements to this. One, which Professor Hague started off with, is the way in which local place planners interact with NPF4.

NPF4 is now a lot clearer than it was and it is a lot easier to understand, but a simplified lay person's version that distilled it down further would be really helpful. That would make it easier for communities on the ground to see how what they are thinking about in their local place plans would link to the principles and NPF4. There is technical practical work to be done about how NPF4 links with the local place plans.

However, the other question, about getting community involvement, is also predicated on the purposes of the local place plan and on being able to convince the community that there is something to be gained from buying into it. It is something that is not just them saying that they do not want that housing, retail park, nuclear power station or whatever to pop up in that part of their neighbourhood, but is actually much more positive about the future. That is the trick that we need to master. I do not think that we are there.

There is definitely a requirement for resourcing and skills development in local authorities, and there is a need for outreach to communities to help them, whether it comes through PAS or another organisation.

Also, we also cannot force communities. There is something of a tightrope to walk in terms of how to communicate and articulate the value to communities. What are they going to get out of the development and what will going be the upshot for them? Engagement has to be something that is much more positive than being just about stopping the bad thing that they are worried about.

Professor Hague: There is a leadership role to be taken. We need high-profile statements saying how the change in the planning system is going to work—how it is about climate change, net zero and biodiversity and how that will be reflected throughout the system. If you start talking in those terms and put in monitoring indicators, as well as a key list, you can begin to turn around the image of the system being a process-driven and bureaucratic system that is impenetrable for the ordinary person and is dominated by King's counsels and big investors. We need to show that using the planning system with local place plans will enhance local biodiversity, and that through using the planning system and the local place plan we can explore the concept of community wealth building and see local benefits. You could begin to change how such involvement is seen.

12:15

Annie Wells: That was very helpful. Thank you both, and thank you, convener.

The Convener: There is an opportunity for well-skilled community facilitators. What you said about how to pull community wealth building through

local place plans is very interesting. There is exciting work to be done.

We will move on to questions from Paul McLennan.

Paul McLennan: I will ask the same questions as I asked the previous two panels. They are to get your views on the delivery programme that accompanies NPF4, and includes the establishment of the planning, infrastructure and place advisory group. One of the key things that we are keen to focus on is monitoring of the effects of NPF4. What indicators would you like to be part of that, Professor Hague?

Professor Hague: That follows on from what I was just saying. I would scrap applicants being in the stakeholder group, because I do not think that the primary aim of NPF4 is to speed up the rate at which planning decisions are made. I am not saying that that does not matter or that we should slow down decisions. I am just saying that is not about climate change, net zero or biodiversity, so why do we prioritise it?

I will go back to a previous question. When you say that applicants are the key stakeholders, where does that leave everybody else? It sends a message that they are on the outside. I suggest that we have citizen stakeholder groups that are serviced by expert professionals—people who can talk serious science about carbon reduction and people who know the impacts on biodiversity, who can feed that in and help to interrogate the annual data with which we are provided by the Scottish Government.

I would also go for some—I hope—eye-catching summative headline indicators. For example, with sustainable places, could we look, for example, at the area of peatland that has been restored in the past year? We could tell people what the planning system is doing, for example, about protecting peatlands, because that really matters.

For vulnerable places, could we look at the number of buildings that have been demolished in the past year to see whether it is declining? We know that the most sustainable building is an existing building. Could there be an indicator on the percentage of approved new developments that have sustainable urban drainage systems? In that way, we would be able to see how the planning system is influencing development for the good.

I have already mentioned affordable housing. Could a key indicator in the system be that we increase the amount of truly affordable housing? I would also like to see something on homelessness. On productive places, we could measure whether the percentage of empty town-centre properties is going down, as we hope it will.

We could measure the number of facilities using all forms of renewable, low-carbon and zero emissions technologies and so on, in approved development proposals.

With a select group of indicators, backed by know-how feeding through citizen groups, we could begin to change things, and not just run things forward, as we have done in the past.

Dr Brown: It is quite a complicated question. On the delivery plan, as others have said, it is very useful that we have that separate document that sets out plans to do with the various groups, monitoring and other things. The process looks terribly complicated and resource intensive. I think that Cliff Hague alluded to the fact that there is room for changing the focus and the makeup of stakeholder groups. Do they reflect what we want them to reflect? That is the first thing to consider.

As others in previous panels have said, there are loads of questions about the resource that is available for delivery. That also needs to be part of the monitoring; we need to look at the resources that are being put into implementation of national projects, for example. How much is being delivered, how much budget has been allocated and what has been delivered on the ground?

In line with what Cliff Hague was saying, that helps to send a message and to tell a story about what the national planning framework is helping to deliver. It would be really helpful to know that. There might also be some value in looking back at what has previously been delivered by NPF3 and in national level planning. That is one part of it.

We talked about the delivery bodies, monitoring and the groups involved, and we have talked about resourcing and staffing. People have talked about the number of planners. I know that there is work ongoing on bringing more people into the planning profession. It would be easy to monitor whether we have more planners within the Scottish Government and local authorities helping to do those things and to implement the revised NPF4.

There are also questions about monitoring the impact and the difference that is made. Cliff Hague has given us some really nice ideas on that. The delivery programme also has some indicators in it, but they do not quite get at what has changed. It is tricky without having clear baselines on the current carbon intensity of housing developments, as opposed to the future carbon intensity of schemes that come through the system. That is quite hard but—again—there is room to think about it.

Biodiversity is another high-level objective of NPF4. How do we measure the impact of new policies on developments that are coming through the system and are consented under the new arrangements, compared with developments that

were consented in the past? There is also something to be done about focusing only on development that comes through the system and comparing what the old ones looked like with what the new ones look like. We also need to look at wider measures of place and quality because NPF4 sets the agenda for those, as well.

Therefore, this is not just about new housing and retail developments. It is also about the other improvements: again, can we create indicators that capture that at community level? There has been quite a bit of work around the potential of 20-minute neighbourhoods. Maybe there is an opportunity to set a baseline on current potential and then, in the future, to see whether there are more areas with greater potential for 20-minute neighbourhoods because the policies are having an effect. I think that that is enough from me, for the moment.

Paul McLennan: That was very helpful.

Professor Hague: I have a quote.

“At a national level monitoring will initially focus on reviewing appeal decisions and reflecting on the progress of new LDPs in the system.”

Young people who are concerned about the future of the planet are not going round saying, “Let’s monitor how the LDPs are progressing” and “Let’s monitor the appeals system.” Those are matters for the bureaucrats. If you wonder why people see planning as bureaucratic, it is because of sentences like that. It is because that inside game is being played, and is not doing what we are trying to have it do.

Paul McLennan: Our challenge is to monitor the things that you have suggested and to go deeper, beyond them. That is the role of this committee. That has been very helpful, so thank you.

The Convener: Thank you for that. So that we know where we are going, I note that we have perhaps four more questions. I will pass over to Miles Briggs.

Miles Briggs: I will try to cut my questions down to just two, convener.

It is clear that the witnesses’ opinion is that the climate and nature crises have been captured in NPF4. Should the housing crisis also be very much in the plan?

Professor Hague: Yes, but let us define the housing crisis. It is partly a crisis of homelessness, which does not get a mention, and it is particularly a crisis of affordability, and there are special differences in that—you have mentioned the Edinburgh situation. So, yes, it should be there, but we have to get serious about what we mean by affordability. We have to rethink the notion that

build to rent is about making housing more affordable. If you had £10,000 to invest, would you put it in build to rent if you thought rents were going to become more affordable or if you thought that rents were going to continue to escalate? That is a crucial point.

Also, we need to recognise that, I hope, here in Edinburgh, we are going to reclaim probably thousands of houses that were lost to investors in short-term lets, which were done before we had the change of use provisions and the new control zone that has been instated. I see social housing in particular as essential national infrastructure, because we need it for social reasons, but we also need it for economic reasons. If we cannot get affordable housing close to work for people who are on low incomes, that begins to have knock-on effects on labour supply and so on in the economic system, as we all know.

It is not an either/or, but I would support that idea.

Dr Brown: What he said. That issue should definitely be in NPF4. We talked previously about short-term lets and some of the unintended consequences of things happening in the world that affected the housing market, particularly in Edinburgh but in other bits of Scotland as well—we know that the islands are very affected by some of that. There is always room to do more.

To echo the thoughts of previous speakers, NPF4 cannot do everything. It sets the policy context for housing, but it is not responsible itself for housing delivery. Having good social housing that is paid for by local authorities in Scotland is another mechanism for helping to resolve the issues. There is always a lot more to do and there is a lot of nuance around housing that maybe is not reflected in NPF4 to the fullest extent, but we have to recognise the limitations of what NPF4 can do.

Miles Briggs: That is helpful. I would like to go into lots of detail about data sets, but we probably do not have time to do that today. It would be helpful to get your opinion after the meeting on where that currently is in relation to NPF4.

My final question returns to the issue of gender, which Professor Hague raised earlier. Many of the comments that the committee has received point towards what is often a male-dominated industry and the fact that decisions do not necessarily take into account other views, especially with regard to issues such as street layout and lighting. That has been raised with us on several occasions. Will the policies in the revised NPF4 deliver a built environment that meets the needs of women, children and disabled people?

Professor Hague: Again, it is a start, but that is one of the areas that needs continuing leadership.

It needs people to say that those are material considerations and they are taken seriously. That also needs to feed into training and so forth. However, it is a step in the right direction, and there are of course other inequalities that need to be tied together in that.

12:30

Dr Brown: I could say quite a lot on this issue. I mentioned at the beginning that one of the changes has been to thread equalities into specific policies in a much more effective way than in the previous version. That is really helpful, but we have to be clear that the responsibility is on the planners and professionals in the system to implement the policies. The responsibility is not on women or disabled people to come forward and say what is wrong and what needs to be fixed. That is a really important point.

I think that, in one place, there is something in the document about women that made me think, “Aargh!”—I cannot remember where, so I will have to look it up. We have to recognise the current inequalities and address them. That goes a little bit further than what is in NPF4. For example, on active travel, we know that men cycle twice as much as women in Scotland, but why is that? We know from research that women are more risk averse and feel that the current cycle infrastructure does not meet their needs. That might be because some of the things on offer are off-road paths. I am thinking about Holyrood park, where there are some lovely off-road paths, but women tend to find those not attractive or safe, particularly on a dark afternoon or at night. Therefore, women are forced to make a choice between a personal safety risk and a traffic safety risk. We have to understand and address that in our design.

“Cycling by Design” does quite a good job on that, and it has been revised. However, the revision to “Designing Streets” is still outstanding and that revision needs to address those issues more clearly. It needs to explain how existing patterns of development affect particular groups and then set out the sorts of designs that overcome those problems for women and for people with disabilities and different types of needs, whether that is a mobility impairment, a visual impairment or whatever. Some of the guidance still has to catch up with where we need to be. What is in NPF4 is really helpful, but we could still go much further.

On children, I really liked the policy on play. One of my asks in relation to delivery and perhaps monitoring is for consideration to be given to “Designing Streets” and how that articulates how to build play into new streets. The policy is really clear that new developments, new

neighbourhoods and new streets should make play accessible and enable independent mobility for children. However, we need to have the guidance and the exemplars out in the world, so that practitioners can see what that looks like and then deliver it.

The Convener: Thank you for those responses. I will move to Willie Coffey, who has been patiently waiting.

Willie Coffey: Good morning. I am glad that the witnesses have widened out the discussion. I was hopeful that some of the issues that concern me as a local member and have done for many years would be solved in NPF4, and I would like to get your views on whether they are.

Professor Hague talked about things such as derelict buildings, empty shops and offshore retail owners, and the inability to reach out to those bits of society to get them to play their part. I very much hoped that NPF4 would enable us to deal with some of that. If you look around any city, town or village in Scotland, you will see examples all over the place of urban dereliction and decay, abandoned shops, abandoned land, absentee owners and absentee shareholders, whoever they may be.

I thought to myself, "What is the role for NPF4 in addressing that big issue, because it is what matters to the citizens in my constituency?" Professor Hague talked about perhaps having citizen stakeholders to get a bottom-up approach and solution to the issue. Was it too much to expect NPF4 to address that? What could we do additionally to help NPF4 to deal with that problem in the urban setting?

Professor Hague: It probably is too much to expect NPF4 to repopulate the town centres of small towns across Scotland. It is a national strategy that sets the framework, as it says. The issue is best tackled at local level. NPF4 sets the direction and raises the issues that we have already talked about, which is helpful.

When I was chair of Built Environment Forum Scotland, I did some work on smaller towns in Scotland. In virtually every case, there was a challenge in the town centre. You have to understand the local situations. How cohesive are the local traders? Which properties are owned by local companies or firms, and which are owned by branches of global investors? One thing that struck me was that, in some places, where a local owner was renting out to a shopkeeper or whatever, they were much more realistic about rent levels than what you got as a result of a decision that was taken by an algorithm in Middlesex or something. You also need to consider the condition and nature of the buildings.

Crucially, the public sector still has a really big role to play. One difficulty that we have hit over the past 10 or 15 years is the loss of key public buildings such as district courts, which tend to operate and have a prominent building in the centre. Of course, the loss of the old town halls goes back to the 1970s but is still felt. More recently, there has been the relocation of some council offices to new builds in sites on the edges of cities or towns, leaving behind the property in the centre. That has then become empty and has contributed to the run-down effect, because they are prominent buildings. Town halls were making a statement about how important the town was, so they were not little side things.

Therefore, we need some sort of agency at local level that will do the leg work and the trade connecting and that will try to come up with feasible strategies and explore the scope for new investment. That will not be easy, because we know about e-retailing, the cost of living crisis and a range of other things that will be hard to overcome. However, unless you have feet on the ground with local know-how and with the vision and ability to network across different stakeholders, it will be even more difficult. If we can do that, it could be really transformative.

Dr Brown: I agree with many of the things that Cliff Hague has talked about. I want to mention the Scottish Land Commission's work, because it has done lots of stuff on vacant and derelict land, and some of the things that it has proposed would give local authorities tools to acquire assets and bring them back into use and back to development.

The issue also intersects with the policies on community wealth building and community asset transfers. There are possibilities for communities to acquire sites and turn them from a derelict bank, or whatever, into a community hub. There are quite a few examples of that, and it is positive. There is support in NPF4 for that, but the tools are not delivered by NPF4. There are other tools that sit alongside. If they do not already exist, they should be coming forward through initiatives such as the one that the Scottish Land Commission has proposed.

Professor Hague: In theory, one advantage of decline is that property becomes cheap, so it becomes easier to get in. We need to try to use easy in, easy out cheap accommodation as the basis for start-ups and tapping local entrepreneurial capabilities, and then foster and lead that. That demands the willingness to think beyond the issue of whether a planning application will be approved within eight weeks.

Willie Coffey: That is the very issue that I find difficult. An old building in a town such as Kilmarnock, for example, will have had several purposes over many years. There might be an

application to use it for some new purpose or other that elected members or the citizens of the town collectively do not agree with. Planners feel impeded in changing their mind if a particular change of use has already been provided for. How do we inject into NPF4 a sense that people might think differently about what a town should be and what a building should be used for? I do not see that in NPF4 and, having discussed those issues with local planners, I do not think that they feel that they have the ability to do that. Therefore, who should do it? Should it be Professor Hague's proposed citizen stakeholder group pushing from the bottom up, or should it be some other mechanism? That is what I am trying to get to.

Dr Brown: There is the local place plan, which might help. The policies on community assets, community wealth building, the wellbeing economy and 20-minute neighbourhoods could support alternative community visions for what a place could be and what buildings could be used for. That could allow a community to say, "No, we don't want this bowling alley; we want a community hub where people can do this and this." I have seen several of those sorts of things coming forward, when community groups have said that they need a hub—something that can be used in the day by families with small children, somewhere where older people can keep warm and have a coffee and a natter, or a place that can be used for after-school activities or evening classes. There are policies that could support that, but the mechanisms and the resources for doing it are perhaps the missing part of the jigsaw.

Professor Hague: I think that NPF4 enhances the potential value of all existing buildings, because of the net zero commitment and given the point that I made earlier that existing buildings are more sustainable buildings. In principle, that should give a high priority to finding new uses for existing buildings. Having said that, the downside is that the issue can be very complex and you need a coherent business plan. There are only so many community hubs that you can keep going. The tragedy is that enthusiasts can get drawn into something that seems like a nice idea—running a cafe or whatever it is—but it also needs a coherent business plan behind it, or else you are just setting people up to fail.

Again, we need dynamic local actors, and they can come from different situations. They might be planners, or councillors—it may depend on the local situation. My Scandinavian friends talk about souls on fire, and that is what you need. You need somebody who is daft enough and committed enough and who thinks outside the box enough to make something happen. What we need to do, what councillors need to do and what planners need to do is to engage with those people and be supportive and sympathetic.

There is a lot of expertise in many communities, although it is not evenly spread. We have people in the Cockburn Association who know more about some things than people in the council do. We need to find ways to bring that type of expertise into a more positive relationship with local authorities across Scotland.

Willie Coffey: Thank you. I love that phrase "souls on fire". We need many more of them locally and across Scotland.

The Convener: That brings our questions to an end. I thank our witnesses for joining us this morning—actually, we have moved into the afternoon—and for opening up the conversation and broadening the topic. We will continue taking evidence on NPF4 at next week's meeting, when we will hear from the Minister for Public Finance, Planning and Community Wealth. I suspend the meeting briefly to allow our witnesses to leave.

12:44

Meeting suspended.

12:45

On resuming—

Subordinate Legislation

Assured Tenancies and Private Residential Tenancies (Prescribed Notices and Forms) (Miscellaneous Temporary Modifications) (Scotland) Regulations 2022 (SSI 2022/307)

The Convener: Item 3 on our agenda is to consider a Scottish statutory instrument. As it is a negative instrument, there is no requirement for the committee to make any recommendation on it. Members will note that the Delegated Powers and Law Reform Committee reported the instrument to the Parliament on the grounds that it failed to comply with laying requirements in terms of timings. However, the Delegated Powers and Law Reform Committee was content with the Scottish Government's explanation of the reasons for that breach.

As members have no comments, are we agreed that we do not wish to make any recommendations in relation to the instrument?

Members *indicated agreement.*

The Convener: At the start of this meeting, we agreed to take the next two items in private. As we have no more public business today, I now close the public part of the meeting.

12:46

Meeting continued in private until 12:50.

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