

## **Heads of Planning Scotland (HOPS) initial response on the draft National Planning Framework (NPF4) to the Local Government, Housing and Planning Committee**

### **Information Note**

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities. The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities, and
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

HOPS have members from all 34 Planning Authorities representing over 1200 planning staff in Scotland.

### **Introduction**

The Draft Fourth National Planning Framework (Draft NPF4) was laid in the Scottish Parliament on 10 November 2021 and the Parliament considers it for 120 days. The Final Draft is expected in summer 2022, and it will be accompanied by an explanatory document setting out any changes made in response to the consultations or why changes have not been made.

The Local Government, Housing and Planning Committee (the Committee) is seeking views on the draft NPF 4 by 10 January 2022, which is a tight and challenging timescale given the festive holiday period. HOPS would welcome further engagement be happy to engage with the Committee if there are opportunities for further discussion and any clarification.

HOPS welcomes the draft NPF4 and supports the wide engagement being undertaken which will assist in shaping the final draft version for Parliamentary consideration.

This process continues to be a moving situation as the Scottish Government are holding a series of workshops and discussion events in early 2022 to further engage with stakeholders, focussing on the spatial strategy and themes and the 5 identified Action Areas. In the interim HOPS have consulted its membership widely through 6 themed online workshops in December 2021 and through our Committee and Sub-Committee structures to gain as wide an understanding as possible of the members views and areas of support and concern. Over 300 HOPS members attended these sessions and we received in excess of 2,200 individual comments. 29 Local planning authorities attended the majority of the workshops.

HOPS have responded to the Committees 18 questions in this response which has been informed by the key summary views from our workshop sessions. This has been formally

agreed and signed off by the HOPS Executive Committee. As this consultation process is ongoing, and our understanding of the full implications of Draft NPF4 develops HOPS will provide a fuller written response and online response to the 58 specific questions in Draft NPF4 to meet the 31<sup>st</sup> March 2022 deadline.

It is in all our best interests to make the NPF 4 the best document that it can be, and we remain committed to submitting suggested improvements and enhancements to Draft NPF4 to make it truly radical and ambitious. HOPS will be pleased to share our more detailed and fine grain comments to Scottish Government officers in our ongoing conversations with them as they focus more on the practical application of the policies and some suggestions for re-formatting and tidying up.

Critical to the success of NPF4 will be its delivery. Ensuring that planning policies are robust, clear and concise will be important. HOPS is disappointed that the Delivery Plan has not been developed and published to accompany Draft NPF4. How NPF4 is to be delivered needs to be fully considered, including the financial resources, both capital and revenue.

The Draft NPF4 places additional requirements on Planning Authorities, and complexity in particular through assessing and determining planning applications and reviewing Local Development Plans. These additional requirements go beyond the 49 new and unfunded duties which were placed on Planning Authorities through the Planning (Scotland) Act 2019. It is therefore crucial to the success of Scotland's planning system and NPF4 that Planning Authorities are properly resourced.

The HOPS response to the 18 questions included in the online consultation is set out below for the Committee's consideration.

## HOPS Response to The Local Government, Housing and Planning Committee’s Specific Questions

### Consultation and development of the Draft NPF4

**a) Please provide our views on the consultation and development of NPF4 and how this has contributed to the Draft**

HOPS consider that a well – intentioned, collaborative approach was carried out by the Scottish Government and it was inclusive and engaging, but it was also felt that it ended up as a partial collaboration which tailed off at the end. The publication of the Position Statement was considered helpful as an indicator of the direction the Draft was likely to take.

The thematic approach provides a navigable structure to the document but there is also a feeling of disconnect and lack of interaction between some parts of the policy sections, and some of the topics appear to be misplaced.

In terms of our views being considered for Draft NPF4 most views were positive. It is considered to be logical and well-structured with key concerns about climate change, place making, sustainability and nature -based solutions all being included as key elements in Draft NPF4.

From a HOPS perspective we feel that our previous views and comments on all aspects of the NPF4 have been presented and considered in the final Draft, although we have this further opportunity and other workshops and interactions with Scottish Government in early 2022 to influence and refine the final document.

Our individual and collective ambition is to make NPF 4 as strong and practical as it can be and in our continuing dialogue with Scottish Government officials, we will present our suggested improvements and enhancements based on the detailed examples and evidence set out in the 6 workshops.

**Overall, HOPS consider that the consultation processes adopted by the Scottish Government were appropriate and proportionate and there were ample opportunities for participation and feedback at different stages in the process.**

**b) Please provide your views on the structure of the National Planning Framework 4 document.**

HOPS are pleased to see that the document structure is clearly set out and succinct and it is presented in a clear, logical manner which is relatively easy to navigate across. It is however disappointing that the document is presented as a static PDF which makes it difficult to extract data from and it limits the scope of the mapping. The mapping throughout is poor and there is a general lack of diagrams and explanatory boxes.

HOPS considers however, that there is a lack of internal and external connectivity across Draft NPF4 and some of the concepts appear to be rather simplistic and do not explicitly

acknowledge the complexity of detail involved and the cross relationships between separate areas and themes.

Cartographically the maps are schematic rather than definitional and implementation and policy detail will require to be taken forward in statutory Local Development Plans (LDP) and, where appropriate, Regional Spatial Strategies (RSS). There are also overlapping areas which may be confusing and the geographical groupings and associated “badges” such as Innovation and Transition, seem to be rather simplistic. In overall terms we feel that all areas of Scotland should embrace these ambitions and not just the 5 Action Areas and the policies should all be universal policies, rather than just sustainability.

HOPS feel that a summary document would be helpful for many stakeholders and the individual policies need to be better defined and tighter and more robust wording is needed. Some members felt that the length and complexity of Draft NPF4 could have been reduced if two separate, but complimentary documents had been prepared but HOPS feel that this would be a backward step and take away from the radical and ambitious approach which Scottish Government wants to pursue.

HOPS consider that Draft NPF4 would benefit from the inclusion of diagrams/charts to highlight the external and internal linkages within the Draft and we will submit our own version of these to Scottish Government officials in early 2022 for consideration. The Draft NPF4 does not stand on its own and the key national and international strategies and plans cited in the Draft NPF4 need to be set out in more detail to fully understand the overall context.

The use of **BOLD** type throughout the document is confusing and it is often used out of context.

In addition, HOPS consider that there is a missing part to Draft NPF4 which should set out the economic and population characteristics up to 2045 so that the strategy can be seen in its full context. There are some exemplar approaches taken in other national/strategic documents and HOPS likes the format and diagrams used in the National Planning Framework - Project Ireland 2040 where it includes a Governance Roadmap, Key Diagrams on external and internal linkages and case studies. The “hierarchy” of planning documents is also highlighted, and HOPS considers this to be a key feature that is missing from Draft NPF4.

**HOPS was initially skeptical about how the NPF would be structured and presented as it was to be such a comprehensive and all – embracing document, particularly with the inclusion and integration of Scottish Planning Policy, but in the main we feel the Draft has achieved this, although it does need some reformatting and editing, particularly in the Policy sections and particular attention to the suggestions set out above. We also feel that the Glossary section is quite weak, there is a lack of story mapping (which Councils are doing for Local Development Plans) and hyperlinks and a Reference/Reading List is also a missing component.**

**HOPS feel strongly that the Scottish Government have missed an opportunity to “badge” the NPF4 as the National Development Plan for Scotland in a sub-title. This would provide more clarity to the status of the NPF within the planning hierarchy.**

**c) Please provide your views on the incorporation of the Scottish Planning Policy and coherence of the NPF4 document overall as a roadmap.**

HOPS consider that the roadmap approach being adopted by Scottish Government is clear and ambitious, but we feel that it can be further strengthened and reinforced. We do feel that it is not as ambitious and radical as it sets out to be and we look forward to further discussions on this aspect to jointly improve the overall impact of Draft NPF4.

There are a lot of good policy examples and clarity in the current Scottish Planning Policy (SPP) which some members feel has been lost in the integration process and there is an overall confusion between Local Development Plan (LDP) policies and Development Management (DM) policies.

The integration of Scottish Planning Policy into the NPF has worked reasonably well and we consider that this is the real focus of the document because it will set the policy framework for all decision making on individual investment and planning applications and appeals.

Fundamentally HOPS members consider that, in overall terms the policy wording is too loose and imprecise and will not stand up to rigorous and forensic legal challenges, weakening the opportunity to drive change through the policy intentions. It needs to be more clear, precise and unambiguous. The policies in NPF4 require to be clearly understandable and deliverable. There are too many “coulds” and “shoulds” rather than directing change. HOPS will continue to collaborate with other organisations to refine comments on this aspect, the Society of Local Authority Lawyers and Administrators in Scotland (SOLAR) to specifically look at the policy wording, particularly in the light of defending policies at planning appeal and public inquiries.

**HOPS considers that the successful implementation of the ambitions set out in Draft NPF4 fundamentally depend on clear, defensible and practical policies which all stakeholders can understand, and we look forward to setting out our concerns and preferred policy wordings in due course for further discussions with Scottish Government officials, and other relevant stakeholders.**

**Part 1 – A National Spatial Strategy for Scotland 2045**

**a) What is your view on the Sustainable Places section?**

HOPS support the concept of Sustainable Places and welcome its prominence in the overall spatial strategy for Scotland. Indeed, sustainable development has been at the heart of planning policy for many years. We do not see the 4 individual components of the Spatial Strategy as being independent of each other and we agree that it has to be a shared vision across Scotland which has this as an over-arching principle.

There is a concern that generally this section “lacks teeth” to enable developers to deliver and although the approach is laudable it is challenging to reconcile pursuing growth with climate resilience.

We feel that the spatial principles set out on Page 10 should be an integral part of the policy and there is a need to include references to nature and biodiversity. There also needs to be more of a balance between urban and rural characteristics.

All the sentiments expressed here are laudable, but its success will rely heavily on culture change across the board, co-design and partnership working and clarity. Fundamentally it will require a rethink on how we develop places, and it will require a significant change in the design approaches by developers to be successful. There are numerous good quality places that have been developed, however, Draft NPF4 is seeking to be bolder but the policy wording needs to ensure the ambition is deliverable.

We feel that the Draft NPF 4 provides the correct spatial dimension for wider sustainability discussion, but it needs a clear reference to an approach based on “the right development in the right place”

There continue to be difficulties in securing land control and the ability to better manage housing and infrastructure delivery will continue to be major challenges for affordable housing.

There is no reference to COVID-19 in this section.

**b) What is your view on the Liveable Places section?**

Again, HOPS support this concept, but we feel that there are inherent difficulties for existing settlements where there is decline and brownfield sites sitting vacant and derelict. 20 - minute neighbourhoods are welcome but they are urban biased, and difficult to retrofit or even deliver in rural areas.

HOPS consider that there is loose wording, clarity and more guidance and detail required.

HOPS welcome the references to the impacts of COVID-19 but these need expanded to set out how this will impact on the liveability of spaces, and what changes will be needed. e.g., work from home spaces, dwelling sizes etc.

Delivering liveable places requires a deep understanding of local context and we feel that the Draft NPF 4 should be more explicit in stating that Local Development Plans will be the key to delivery.

How do we actually define “high quality” and “great places”?

Part 3 of the Draft NPF4 provides a better understanding of how the SG sees these themes being implemented both through the Local Development Plan and Development Management functions.

**c) What is your view on the Productive Places section?**

There appears to be a dichotomy here between economic growth and both zero carbon and green recovery objectives.

It has to be recognized that this principle will not be able to achieve all of these aspirations at the same time and economic, social or economic cannot avoid being compromised to achieve business and economic growth.

“Business and Employment “is rather an out-of-date term which does not cover the vitality and significance of emerging employment solutions.

Digital Infrastructure and Innovation are not mentioned here but it is set out In Policy 23, especially given the knock-on effects of COVID -19.

Definitions are required for many of the terms used, including “community wealth”, “fair work” and “good green jobs”. If such phrases are not defined these will be open to interpretation and debate through planning applications and appeals.

The culture and creativity sections need expanding and in a general sense there are too many policies which include “should’ rather than “musts” which undermines a strong policy approach.

As a general point there are some policies which are clearly Development Management policies and others where to wording and intent is less clear.

**d) What is your view on the Distinctive Places section?**

Scotland already has many distinctive places, and they should be celebrated. This is not a new concept which will start to happen because of the Draft NPF4.

There is a heavy focus on protecting our best places but there is not enough emphasis on challenging developers, Councils, communities and politicians to create “the best places of tomorrow”.

This section would benefit from including landscape and heritage assets. There is no mention of renewables and how local people can shape their place.

**Overall HOPS consider that whilst the aspiration is laudable placemaking is often lacking in new developments as developers often design to the minimum standards. Positive stances by Councils to reject sub-standard designs must be supported by Scottish Government and DPEA decision makers.**

**e) What is your view on the 'Spatial principles for Scotland 2045' section?**

The spatial principles set out are considered to be appropriate, but more clarity and definitions are required. For example, what does rural and urban synergy mean, and what is “a Just Transition” and “Balanced Development” and how can planning contribute to that? Other queries have been raised about “local living” and “compact growth” and further guidance is required. Again, clear and precise terminology is important to achieve Draft NPF4 intentions.

There is a lack of reflection on Scottish Planning Policy (SPP) specific paragraphs cuts through this section and landscape and heritage assets should be specifically mentioned. In general terms these principles are not new, but it needs a strong policy framework to be in place to deliver the spatial principles.

HOPS’ view is every policy and principle will make a contribution to the delivery of sustainable, liveable, productive and distinctive places rather than the reference to “no single policy”

HOPS considers that there is a need for clarity on the decision- making weight of these principles and there should be more emphasis on aiming for “the right development on the right places” rather than where developers want to go.

**HOPS consider that this section is well intentioned, but it seems to lack clarity and definitions, but we recognise that all areas can support all spatial strategies and this needs to be articulated. Some of the concepts translate differently between urban and rural contexts e.g., 20 - minute neighbourhoods which is seen very much as having an urban focus.**

**f) Do you have any other comments on the National Spatial Strategy outlined in NPF4?**

No further comments

**g) What is your view on the 'Action areas for Scotland 2045' section?**

HOPS support the principle of designating Action Areas, but we consider that the role set out is confusing, too simplistic and it seems to be a regional approach but national policies. The areas appear to be a bit contrived and their geographical delineation is a bit crude. Some areas overlap and this adds to the confusion.

We feel that the titling of each grouping - Innovation, Transformation, Transition, Revitalisation and Sustainability – is artificial and in reality, these “branding” terms apply to all of Scotland.

The removal of Strategic Development Plans (SDP) and the introduction of Regional Spatial Strategies further complicates the picture and the status of these area designations for Development Management decision making is unclear. HOPS feel that it might be clearer if the Regional Spatial Strategies were used as the spatial expression of policy approaches.

HOPS question the relevance of this section and whether it adds any value to planning decision making.

The deliverability within the designations is also queried and the linkages between areas.

The designation of the whole Central Belt, particularly bringing Glasgow and Edinburgh together appears optimistic and may marginalise the areas in between.

**HOPS consider that this section seems to be contrived and is not considered to add to what the Draft can deliver. There needs to be more clarity on the role of Regional Spatial Strategies and also how Local Development Plans are to reflect these ambitions in their strategies and policies.**

**h) Do you have any other comments on the Action areas for Scotland 2045 outlined in NPF4?**

No further comments

## Part 2 – National Developments

**a) Please provide your views on each of the National Developments in the text boxes provided below.**

HOPS support the inclusion of National Developments in terms of continuity and certainty, but HOPS do not have a particular view on the 18 specific sites proposed as national developments and what may be excluded, as we feel it is a matter for individual Councils and partnership groupings to advance the case for any national developments they consider have been omitted from the national strategy. Notwithstanding the previous formal consideration and assessment of candidate sites by Scottish Government, HOPS understands from its members that there some competent developments which they consider have been omitted from Draft NPF4 and the individual cases for inclusion in the finalised NPF4 will be submitted by the relevant authorities for consideration.

**b) Please provide any other comments on the National Developments section of the NPF4?**

HOPS are pleased to see the continuation of designating national developments in NPF4 to provide the national focus for the delivery of the Scotland wide spatial strategy.

Stakeholders however, will need to understand how success/planning's contribution to achieving these can be measured.? Taking this further, for renewables, HOPS do not see a direct link to planning here - Cruachan and other pumped hydro schemes and wind farms over 50MW and high voltage lines will not be considered under the TCPA but Electricity Act. The same goes for Digital Fibre Network - most likely none of the cabling will require express consent. This is where the context and linkages with other Scottish Government Policies/Frameworks and responsibilities needs to tie up.

It is noted that there are some national developments which apply to all of Scotland, such as a National Walking, Cycling and Wheeling Network and some are much more defined within a specific geographical area, like Chapelcross Power Station Redevelopment. There is also a continuity of national developments from previous NPFs which is helpful in terms of consistency of approach.

HOPS welcome the typology used to illustrate the graphics and appreciates that there is an element of graphic freedom in the precision of the mapping. When national developments are submitted for formal consideration, they will obviously be site/area specific and this will be easier for local communities and interested stakeholders to understand and appreciate the planning application consultation process.

### Part 3 – National Planning Policy

HOPS has received a wealth of comments from its members survey which will be drawn upon to inform a full response to the Draft NPF4 in March 2022. For the purposes of this response, we have highlighted some of HOPS main concerns which will further developed in due course.

<b>Policy 1: Plan-led approach to sustainable development</b>
<p>HOPS support the plan-led approach to sustainable development as reflected in Scotland’s National Outcomes and the UN Sustainable Development Goals.</p> <p>This policy is also included in the Universal Policy section although it only applies to Local Development Plans. This is confusing and needs to be clarified.</p>
<b>Policy 2: Climate emergency</b>
<p>HOPS was pleased to see the continuing references to the Global Climate Emergency set out in the Draft and the relative weighting being given to the relevant planning policies.</p> <p>This is an ever increasingly complex area of partnership working across a wide range of stakeholders and this needs to be set out in a clearer way. Planning is an important contributor to this challenging area, but it is not the sole or indeed principal player.</p> <p>The draft policy does require greater clarity to ensure that it can be implemented. HOPS would also welcome clarity on what tool is to be used to assess this policy consistently, by Planning Authorities and applicants. This adds greater complexity to assessing planning applications in particular which will impact on key performance timescales, resourcing and upskilling of Planners.</p>
<b>Policy 3: Nature crisis</b>
<p>The new emphasis on the enhancement of biodiversity is welcomed by HOPS. It is clearly linked to other national strategies, such as “Developing with Nature” by NatureScot. These external links to other critical plans and strategies need to be more explicit and the use of diagrams to connect these strategies would be helpful.</p>
<b>Policy 4: Human rights and equality</b>
<p>HOPS has mixed views on the inclusion of human rights and equality in the Draft NPF4. Whilst totally respecting the need for human rights to be protected and equality measures to be included, it is difficult to reconcile this with the separate legal duties expressed in legislation and the read across into statutory land use planning decisions.</p> <p>These areas will require to be subject to further clarification and guidance if they are to be relevant to planning processes, and engagement with local communities and stakeholders.</p> <p>Whilst HOPS will consider this further in the full response to the Draft, human rights and equality should remain a focus of Local Development Plan preparation rather than</p>

planning applications.

**Policy 5: Community wealth building**

HOPS support the concept of community wealth building, but the concept is not defined and is difficult to directly reconcile it within planning processes. For example, Policy 5b refers to all national and major applications contributing to community wealth building, but it is not clear how this could be achieved within the parameters of a statutory land use process. This may well depend on the individual approached being taken by local Councils and whether they have a discrete corporate approach and strategy to deliver community wealth building.

**Policy 6: Design, quality and place**

HOPS support the general thrust of this policy approach and particularly the inclusion of the 6 qualities of Successful Places, but we feel this section is let down by loose and imprecise wording which will complicate the assessment of developments at the development management stages of determination. e.g., “references to the “sense of joy”.

HOPS also feels that there needs to be better integration of this policy section within the overall policy sections to reflect the broader concepts of place-making and policies referred to in older documents need to be urgently updated. e.g., Creating Places 2013 and also Designing Streets 2010. Design concepts and theories have moved on considerably in the last decade and this progress and thinking needs to be reflected in the Draft NPF4.

**Policy 7: Local living**

HOPS support the sentiment expressed here but it is unsure it merits a stand-alone policy. HOPS would prefer to see it integrated with Policy 6 above and to include on the 20-minute neighbourhood concept.

There also needs to be more emphasis on rural situations where the place and place making contexts are totally different. Much of the Draft NPF4 presents an urban bias in policy framing and this should be better balanced.

**Policy 8: Infrastructure First**

HOPS consider that this is a critical part of the Draft NPF 4, but it is an area where the detail has remained unresolved despite much previous research and consultation.

A new onus has been placed on Planning Authorities which requires an emphasis to be placed on an Infrastructure First approach with delivery programmes and responsibilities clearly set out.

Fundamentally, there is still a serious mismatch between funding streams for this to be an effective approach unless the Scottish Government can commit to more certainty and intervention when funding is beyond the scope of Councils and developers.

HOPS supports the linkages to other national infrastructure strategies e.g., the Infrastructure Investment Plan and the National Transport Strategy 2 but feels that there needs to be better and more focussed integration at national level. This is a critical area where the lack of a Capital and Revenue Delivery Plan is detrimental.

**Policy 9: Quality homes**

HOPS welcome the concept of Quality Homes and supports the move to a more flexible and locally based approach to the new Minimum All Tenure Housing Land Requirement (MATHLR).

HOPS consider that generally in the Draft there should be better integration with Building Standards requirements and the linkages should be set out more clearly. e.g., housing standards, new energy requirements.

**Policy 10: Sustainable transport**

HOPS support the general premise set out here for developments which generate a significant increase in person trips, but the approach adopted seems to over- simplify the complexity of the problem.

References to 20-minute neighbourhoods, place-making and local living are all commendable but difficult in practice to deliver depending on local circumstances. Guidance referred to in this policy is also outdated (Development Planning Transport Appraisal Guidance 2011) and in need of much revision due to the research data now available on decarbonisation, travel choices, personal mobility etc.

**Policy 11: Heat and cooling**

HOPS supports the role envisaged for Heat Networks Partnerships and sees this as a critical cross-cutting role to support the professions working across the built environment but Draft NPF4 should go further and be more ambitious in looking towards a whole systems approach to energy.

This policy also needs clear linkages to Building Standards and the mandatory requirements on heat and insulation efficiency, passive and natural solutions and design concepts.

**Policy 12: Blue and green infrastructure, play and sport**

HOPS support the emphasis placed on blue and green infrastructure and particularly the elements related to children’s play and its integrated design.

These are seen as key strands in the protection of natural resources and investment in new facilities which will provide opportunities for improving health and wellbeing.

**Policy 13: Sustainable flood risk and water management**

The updated policy on flooding and water management is welcomed by HOPS and it naturally relates to the previous policy section on blue and green infrastructure.

The management and control measures for mitigating future flooding episodes is a critical element in the climate emergency and it needs to be given greater priority and resources.

**Policies 14: Health and Wellbeing**

HOPS strongly support the new policy approach on Health and Wellbeing but appreciates that it is a complex, cross-sectoral issue where Health Impact Assessments will be of assistance. The precise role of Planning Authorities in this process needs further clarity as it may well require further upskilling of staff and new areas of expertise to be developed.

**Policy 15: Safety**

This policy is supported by HOPS.

**Policy 16: Land and premises for business and employment**

Land use planning decisions and the investment in new business and economic development opportunities are inextricably linked and this section would benefit from being strengthened to set out the synergies between planning and business and employment. This is particularly the case in the light of the National Strategy for Economic Transformation which needs to be aligned with the Draft NPF4.

**Policy 17: Sustainable tourism**

HOPS support the policy emphasis on sustainable tourism whilst recognising the conflicts and tensions between the environment and the economy.

The introduction of the short-term lets policy will have significant resourcing challenges for Planning Authorities, especially in enforcement and monitoring terms.

It will be for individual Planning Authorities to consider the need and impact of short-term lets policy.

**Policy 18: Culture and creativity**

Whilst supporting the new policy on culture and creativity HOPS recognises the practical issues faced with making provision for public art and encouraging creative and cultural issues.

The agent of change principle is also an area of concern to many Planning Authorities, particularly in mixed use and large urban areas.

**Policy 19: Green energy**

HOPS supports the concept of green energy but considers that this section can be strengthened and clarified better, and the definition of “unacceptable” impacts requires further clarity. There are other policies in the Framework which appear to be set against this approach and HOPS would like to see better integration of relevant policies.

**Policy 20: Zero waste**

The requirement for Local Development Plans to identify new locations for new infrastructure and support development in line with the national hierarchy is supported by HOPS but this is another area where cross-sector and cross-agency working will be crucial

and there is a key co-ordination and leadership role for the Scottish Government needed to assist Councils.

**Policy 21: Aquaculture**

HOPS support this new policy approach. However, this is a specialist area of planning which impacts on only a few Planning Authorities, but it is resource intensive and generates a low fee level. Coupled with the technical aspects and expertise it requires careful and sensitive management.

**Policy 22: Minerals**

This is another specialist area of planning requiring specific skill sets and expertise. HOPS supports the updated policy and is pleased to note that the extraction of fossil fuels is not supported, except in exceptional circumstances. This needs further clarity and better definition to assist the development management decision making processes.

**Policy 23: Digital infrastructure**

HOPS considers that this is a critical area for further promotion and expansion to assist Planning Authorities in dealing with future data and mapping demands and to make planning processes more efficient and customer friendly. HOPS supports the policy requirement to require proposals to incorporate universal and future - proofed digital infrastructure, whilst recognising this is a fast- developing area and specialist area which needs to be accompanied by sufficient investment and delivery, as set out in the Infrastructure Investment Plan and the Digital Fibre Network. In the years to 2045 this will be an ever-expanding activity which needs to be fully supported by the relevant public/private sectors.

**Policies 24 to 27: Distinctive places**

This is a complex area of policy which HOPS broadly support but it is seeking further clarity and commitment from the Scottish Government, relating to housing in town centres, the move away from out of town centres, and the renewed focus on strengthening local, town and city centres. This is a difficult process to manage and will have various consequences for existing sites and infrastructure which will need to be sensitively managed over time.

**Policy 28: Historic assets and places**

HOPS support this updated policy area but recognises that it needs to be balanced against other policy requirements set out in the Framework. The different balance and weighting needs to be further clarified for the decision makers.

**Policy 29: Urban edges and the green belt**

HOPS support this policy update but feels it is an area which is less well defined, and it is an area of general confusion by many external stakeholders. e.g., the purpose and concept of a green belt is often misunderstood and misinterpreted. This section would benefit from further clarity.

**Policy 30: Vacant and derelict land**

HOPS consider this updated and expanded policy section to be critical for the way forward for future developments as it will enable more greenfield land to be protected and underused land to be developed. It is a further area of complexity related to site costs, land ownership and land values, investment and incentivisation and it deserves to be promoted and elevated to a new policy direction at national level.

**Policy 31: Rural places**

HOPS consider that this part of the Policy Framework is rather weak, and it is not positive or ambitious enough. There is an obvious and possible understandable bias towards urban policy concepts throughout the Draft NPF4, but the Scottish Government has set out elsewhere an ambitious agenda for rural areas, including their re-population and we feel that this policy direction needs to be strengthened and given more of a rural and Islands specific approach.

**Policy 32: Natural places**

HOPS broadly support the new policy approach set out but there appears to be policy conflicts with Policy 19 on Green Energy, and this requires clarification. As with most planning policies a balanced approach has to be taken and for example, the balance between environment, economic and energy needs with the further development of on shore windfarms, needed for future self-sufficient energy requirements and targets.

**Policy 33: Peat and carbon rich soils**

HOPS supports this updated policy acknowledging that it is another specialist planning area which requires precise expertise and skill sets.

**Policy 34: Trees, woodland and forestry**

HOPS support this updated policy as it will complement the overall policy direction for increased protection and promotion of biodiversity interests and habitats and nature in general. We feel that there are opportunities to expand this policy guidance to include more urban trees and landscaping, forestry management for tourist, social and economic purpose, and an overall, strategic national approach to new tree planting in our previous native woodlands.

**Policy 35: Coasts**

HOPS support the updated policy approach and considers that this is another critical area for attention and promotion, particularly in light of the need for coastal protection measures to combat climate change. The emphasis on minimising developments in the undeveloped coastal areas is supported although the caveats attached to this policy, - blue economy, net zero and communities and the economy, need to be clarified further to assist decision makers.

## Part 4 – Delivering our Spatial Strategy

### a) Aligning Resources

This is a crucial aspect of how a radical and ambitious strategy can be effectively delivered by the practitioners tasked with that management and delivery. It is not just about “planners” but all the essential internal and external inputs from other professionals, including, for example other Council services, Key Agencies, investors and developers and central government departments who provide infrastructure and built development.

Alignment of resources is key, and it must include alignment of other plans and strategies and also their respective timescales, which hopefully will become clearer in the next version of the Delivery Plan. Draft NPF4 needs to set out a clear Capital and Revenue Investment Programme, the monitoring processes involved and what additional resources are to be invested in planning services throughout Scotland who are already taking on the burden from the work generated by the Planning Bill which imposed 49 new, unfunded duties.

Any capital investment must be aligned with the associated revenue expenditure, particularly at a time when local Council budgets are challenging, diminishing investment in planning resources and there is a nationwide shortage of planners.

The Draft NPF4 introduces many areas requiring particular specialist skills and areas of expertise which will require additional funding for reskilling and upskilling, but even then, there is likely to be a strong need for external expertise for a range of assessments set out in the Draft.

Timescales and timing issues have been identified by HOPS members as key elements in a successful delivery programme as well as clarity on the respective roles and funding streams available from central and local government, multi- agency, private sector, and partnership arrangements.

HOPS considers that the Draft NPF4 must align with the Programme for Government and there also has to be alignment of different legislative frameworks.

**HOPS is concerned that Part 4 – Delivering the Spatial Strategy is the shortest section in Draft NPF4 and its omission at this stage in the process is serious and even if budgets are not finalised an estimate of costs and funding would have been helpful.**

### b) Infrastructure First

HOPS strongly supports the “Infrastructure First” approach but discussions on this issue and the related work on the possibility of introducing an “Infrastructure Levy” in the Planning Act, or similar have not yet been completed and this lack of clarity on funding is critical. HOPS remain concerned that this has been an outstanding aspect of Government policy for many years, and yet delivery of infrastructure is often the key challenge to delivering development , particularly in areas of lower land values.

Critical questions still remain such as where is the incentive? How will this be imposed? Who pays? and Who delivers?

Very often the quantum of infrastructure funding required can only be provided by the Scottish Government and the funding criteria for this need to be set out.

This is clearly a matter which requires a real partnership approach and particularly with the private sector who need certainty in advance of what is required from them and when. Many different local solutions have been applied to this thorny question and it is essential that all the best practice and experiences from both public and private sectors are brought together when this matter is finalised by Scottish Government.

**Whilst HOPS support the Infrastructure First approach there is a lot of fine detail and certainty yet to be provided to assist all stakeholders. Our particular concerns include the relationship between planning and legal agreements and requirements, delivery models, availability of national upfront funding, the balance between capital and revenue funding streams. These are all recognised as critical areas for focus requiring clarification.**

#### **c) Delivery of National Developments**

There are high expectations for successful outcomes and the delivery of these National Developments. Of necessity it will involve the positive collaboration between all the key partners within local and central government, key agencies, investors and developers, and again the precise delivery mechanisms need to be set out in the next Draft NPF4.

Draft NPF4 and previous NPFs do not have a specific delivery budget and largely restates existing commitments. Again, there is an urgent need for clarification and certainty over the definition of “national”, particularly across the “thematic “proposals, across an Action Area and it would be beneficial to explore how the various Regional Spatial Strategy areas can be complementary.

HOPS do have a concern that the Delivery Programme for National Developments appears to be a bit of an afterthought at this stage in the process and there are concerns about the reality of delivering some of these projects, the complex manner National Developments are set out in Draft NPF4 and some of the wording appears rather weak e.g., “we will”

**HOPS support the delivery of National Developments in a planned and coordinated way providing there is an agreed set of roles for the different stakeholders, funding and timing is put in place and there are clear monitoring and updating procedures put in place for the Scottish Government to implement. HOPS are not responding on any individual developments as we feel that this is more appropriately a matter for individual Councils and partnerships to comment on.**

#### **d) Development Plan Policy and Regional Spatial Strategies (RSS)**

HOPS do not consider that there is any further clarity set out in this section on the role of Regional Spatial Strategies in terms of their relationship to the delivery of NPF aims and Local Development Plans and clarity is required.

HOPS will develop this point in our response to Scottish Government but there is a lack of a coherent organisational chart within the documents which sets out the context, roles and

interactive relationships between the key documents and strategies. This is a crucial relationship and currently there is still a confusing picture and some members feel that Regional Spatial Strategies are being sidelined, as they sit outwith the development plan and their role is not reflected in the spatial strategy.

There is a reality that Regional Spatial Strategies' require significant funding and resourcing, and for authorities who do not have a Strategic Development Area background this will be challenging. Work on the interim Regional Spatial Strategies has been helpful, and we feel that this work will continue to provide more clarity on the respective roles.

**HOPS consider that this is an area which is still evolving, but it supports the work being carried out by Scottish Government, Councils and Regional Spatial Strategies on the interim Regional Spatial Strategies as this has been helpful and constructive. HOPS consider that this ongoing work will continue to provide more clarity on the respective roles and be able to set out a clear, functional and operational role for Regional Spatial Strategies which is complementary to both the NPF and the Local Development Plans.**

#### **e) Monitoring**

Monitoring is seen by HOPS as an essential part of the NPF process, but it will be a significant and challenging task. This requirement must be led and undertaken by the Scottish Government as the coordinating authority. It is not the role for local Councils. Whilst Planning Authorities will engage, their resources will be focused on Local Development Plan monitoring processes. In this vein, the reference made in Draft NPF4 to "local monitoring" needs to be clarified.

To be successful effective monitoring needs to be based on clear targets set against an Evidence Report and regular updates are required, perhaps on an annual basis, in the form of a Delivery Programme and Annual Monitoring Report or similar, and it needs a real awareness of what the success criteria are which are being measured.

**HOPS recognise the importance of effective monitoring of all plans and the NPF is no different in that regard. The different monitoring roles of central and local government need to align, and a consistent methodology adopted to provide a "best fit" approach to avoid duplication of resources. What factors will trigger NPF 4 being amended is also seen as a crucial element. HOPS look forward to seeing an expanded section on Monitoring and Delivery in the finalised NPF4 which takes account of these suggestions.**

## Part 5 - Annexes

### **a) Annexe A: Outcomes Statement**

Annex A details the NPF Outcomes Statement which sets out the 6 outcomes identified in the planning legislation.

HOPS has no specific comments to make on the connections and policy interactions identified but we would like to continue to stress the need for clearer policy wording which needs to be “fit for purpose” in planning decision making and needs to be fully supported by Scottish Government and DPEA in their decision- making processes to back up the decisions made by local Councils.

Policies on their own cannot guarantee delivery of development but they can be used to shape the approach to be taken to individual development proposals to assist in clarity and guidance in advance to the development sector.

Planning services are not sole custodians of some of the high-level commitments on climate change and zero carbon, for example, and the different roles and responsibilities may need to be made clearer. In many cases planning services will only be able to contribute in a minor and supportive way and it will require the collective efforts of all relevant stakeholders to ensure that the objectives of the Spatial Strategy and the policy aspirations set out in Draft NPF4 are achieved.

### **b) Annexe B: Housing Numbers**

This Annex refers to housing numbers for Local, City Region and National Park authorities and the HOPS view is that it is more appropriate for housing numbers to be comments on by the individual authorities rather than HOPS.

We will however provide further comments about housing quality and delivery in the policy sections of Draft NPF4 within the full response to Scottish Ministers in March 2022.

### Any other comments on the NPF4 Draft?

Yes. HOPS has set out below some high-level observations which are split into Areas of Support and Areas of Challenge and Improvement.

#### HOPS Areas of Support

1. HOPS are pleased to see the scrutiny process being adopted by the Scottish Government covering all relevant Committees and appreciates the opportunity to present our initial thoughts and feedback for consideration by the Committee.
2. The clarity, ambition and radical approach taken by the Scottish Government in its draft publication of NPF4 is very welcome and it reflects many of the emerging themes and priorities already identified by Councils in current and emerging Local Development Plans.
3. HOPS very much welcome the publication of the NPF4 draft, and we look forward to working further with Scottish Government to fulfil the ambitions it presents by putting forward constructive comments and challenges so that we can all individually and collectively change Draft NPF4 to be the best it can be for the future of Scotland.
4. After a lot of prior consultation, discussion and interaction with Scottish Government officers we are pleased to see the overall future vision for 2045 and the clear focus NPF4 places on sustainability, climate change, reaching Net Zero, biodiversity and place making which we fully support.
5. HOPS are aware of the crucial change in direction being signposted in Draft NPF4 from earlier NPFs and we believe that the journey is an exciting one and all stakeholders share a huge responsibility to strengthen the Draft NPF4 and make it more practical and forceful.
6. HOPS welcome the approach taken by Scottish Government on Housing Land and its focus on national minimum figures which gives all local planning authorities the option to deliver local solutions for their own needs and aspirations beyond this.
7. HOPS also welcome the focus on brownfield sites and how they can be transformed into liveable and productive places, although we are aware there are a lot of discussions to be had on providing a business model to help deliver these difficult sites.

#### HOPS Areas of Challenge and Improvement

1. HOPS are keen to assess whether the Draft NPF4 is strong enough to provide the necessary tools for planning staff to help deliver the NPF4 ambitions within future developments.
2. HOPS clearly recognise that the robust policy framework presented will need to go hand in hand with the further **upskilling of planning staff** making the difficult decisions needed to meet Scottish Governments future targets.
3. As the “devil is very much in the detail” for such a complex document, HOPS are keen to look further into what the detailed National Planning Policy section will mean for the production of Local Development Plans and the practical implications for decision making in Development Management. Our initial impressions are that the **policies are**

**not strong or precise enough** in their detailed wording to defend planning decisions and appeals or be able to be implemented in Local Development Plans in a coherent manner, as they will have to pick up on any missing policy areas.

4. HOPS are particularly disappointed by **the absence of a Delivery Plan** and supporting financial commitments. This is a critical test area for the effectiveness and deliverability of NPF4.
5. Related to the Delivery Plan HOPS is requesting an **urgent review of all funding and resourcing** due to the reducing financial and staff resources which planning authorities have experienced in recent years.
6. HOPS are also concerned about the actual **identity** of the NPF4 as it is variously referred to as a Plan, a Strategy, and a Framework. It is clearly set out in legislation as part of the Development Plan and HOPS would prefer it to be recognised as the National Development Plan for Scotland rather than a part of the Development Plan to avoid any legal or contextual ambiguities.
7. DPEA Reporters have recently asked about the **status** of Draft NPF4 and some legal opinions have already been sought by Planning Authorities who are in the process of Local Development Plan Examinations. It is clear that the status of Draft NPF4 at this stage is considered to be minimal but, as it progresses towards Parliamentary approval this will change in a material way and Planning Authorities will need to monitor the status shift over time to reflect the up-to-date position in its emerging Local Development Plans. In this regard **transition arrangements and timing will be crucial**.
8. The planning reform process has all been about “simplifying the planning system” and there is a danger that the complexity and comprehensive coverage set out in the Draft NPF4 does not assist this aim.

HOPS have collected a wide variety of detailed comments from the 6 workshop sessions held with our members on Draft NPF4 and will develop these conversations and comments further for the full response to the Scottish Government in March 2022.

It is in all our best interests to make the NPF 4 the best document that it can be, and HOPS remain committed to submitting suggested improvements and enhancements to Draft NPF4 as outlined above to make it truly radical and ambitious.

HOPS will share our more detailed and fine grain comments to Scottish Government officers in our ongoing conversations with them as they focus more on the practical application of the policies and some suggestions for re-formatting and tidying up. This includes suggestions for improved formatting and structure, including the need for paragraph numbering, some suggested diagrammatic additions and proposed additions the Glossary and a reference list, with hyperlinks to all the related documents cited in Draft NPF4.

**Heads of Planning Scotland**  
**January 2022**