



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 1 MARCH 2022

SUBJECT: DRAFT NATIONAL PLANNING FRAMEWORK 4

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the publication and consultation on draft National Planning Framework 4 (NPF4) and to ask Committee to agree the Council's proposed response set out in **Appendix 1**.
- 1.2 This report is submitted to Committee in terms of Section III E (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) note publication of draft National Planning Framework 4, and**
- (ii) agree the proposed response set out in Appendix 1 be submitted to the Scottish Government.**

3. BACKGROUND

- 3.1 The draft NPF4 was published for consultation on 10 November 2021 and comments have been invited by 31 March 2022. Once approved by the Scottish Parliament and adopted by the Scottish Ministers the NPF4 will become part of the statutory development plan and will influence planning decisions through the development management process.
- 3.2 The draft NPF4 is split into 4 parts;
- Part 1 sets out an overarching spatial strategy for Scotland, which should be used to guide the preparation of regional spatial strategies, local development plans and local place plans

- Part 2 sets out proposed national developments that support the spatial strategy
 - Part 3 sets out policies for the development and use of land which are to be applied in the preparation of local development plans, local place plans, masterplans and briefs and for determining the range of planning consents
 - Part 4 proposes an outline of how the Scottish Government will deliver the strategy which will develop into a live document once NPF4 has been adopted.
- 3.3 A copy of the draft NPF4 has been uploaded as an additional document to CMIS and the draft NPF4 was one of a number of Scottish Government documents which were subject to a members briefing held on 21 February 2022.
- 3.4 A copy of the proposed Council response is included in **Appendix 1**.

4 PROPOSALS

- 4.1 Part 1 sets out a high level National Spatial Strategy for Scotland, with the spatial map showing strategic transport connections, transmission infrastructure, cities, major ports and a generic reference to “national strategic programmes”. Buckie harbour is a clear omission as is the A95.
- 4.2 The supporting text explains that the spatial strategy is a shared vision that will guide development to reflect our spatial priorities. 4 key principles are set out;
- Sustainable places- our future net zero, nature positive places will be more resilient to the impacts of climate change and support the recovery and restoration of our natural environment.
 - Liveable places- Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live.
 - Productive places- our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working- improving economic, social and environmental wellbeing.
 - Distinctive places- Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient.
- 4.3 The key principles are supported by 6 spatial principles for Scotland 2045.
- Compact growth- limit urban expansion, where brownfield, vacant and derelict land and buildings can be used more efficiently. Increasing the density of settlement will reduce the need to travel unsustainably and strengthen local living.
 - Local living- will create networks of 20 minute neighbourhoods, including cleaner, greener and safer places and provide wider benefits for people, health and bio.
 - Balanced development- more choice for people where they live, learn and work, with more people to be able to remain in rural areas.
 - Conserving and recycling assets- each place should be planned in a way that works with its distinctive character and identity, re-using assets.

- Urban and rural synergy-urban, rural and island areas working together and share learning and innovation to achieve better places.
 - Just transition- meeting climate ambitions will require a rapid transformation across all sectors of the economy and society, transition must be fair and create a better future for everyone.
- 4.4 Action areas for Scotland to 2045 are set out, with the country sub-divided into 5 broad geographic areas, with Moray falling in both Northern revitalisation and North East transition areas.
- 4.5 Part 2 identifies national developments which are defined as significant developments of national importance that will help to deliver Scotland's spatial strategy. Eighteen national developments are proposed to support delivery of the strategy. The designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors. Some national developments are intended to cover the whole of Scotland such as digital fibre network and circular economy material management facilities. Dualling of the A9 and A96 are not included as national developments or potential national developments. Projects highlighted in Moray's indicative Regional Spatial Strategy such as the hydrogen corridor between Aberdeen and Inverness and Buckie Harbour have not been included and Moray and Highland have very limited representation on the national strategy.
- 4.6 Part 3 sets out national planning policies. This section highlights that to achieve a new zero, nature positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary principles for all our plans and all our decisions. Policies are set out in the following chapters and detailed responses are set out in Appendix 1.
- * Sustainable Places (universal policies)
 - * Liveable places
 - * Productive places
 - * Distinctive Places
- 4.7 Many of the policy topics are welcomed, although to a degree playing catch up rather than considered to be progressive. The policies at national level are intended to remove the requirement for local level policies and for the local development plan to be place based rather than policy heavy. However, the vague, general policy wording included in draft NPF4 completely undermines that approach and the underpinning principle of the planning reform to streamline the process. This is very unfortunate as there is a danger of missing a golden opportunity to streamline and bring consistency to policies which will deliver better outcomes on the ground. Planners, developers and communities seek a degree of certainty from policies which as currently drafted is not being met.
- 4.8 In addition to vaguely worded policies, a number of the policies will need to be supported by a further level of evaluation and scrutiny, such as carbon calculations and community wealth benefits and these need to be resourced. More precise and clear policies and requirements will be welcomed by planners, developers and communities. Further thought and guidance is

required on evidence required from applicants and how the evidence will be evaluated.

- 4.9 A range of delivery mechanisms are proposed, including;
- * Local Place Plans- communities can play an active role in informing the local development plan by identifying their needs, preferences and proposals for new development in their area.
 - * planning obligations- Scottish Government is progressing a review of developer obligations to evaluate the effectiveness of existing mechanisms, taking into account the powers introduced by the Planning (Scotland) Act 2019 to introduce an infrastructure levy of Scotland.
 - * land assembly- taking a positive and proactive approach to land assembly, including use of compulsory purchase powers can help to achieve planning and placemaking objectives and support infrastructure and regeneration projects.
 - * Masterplan consent areas- will introduce new regulations for Masterplan Consent Areas. Partners will be able to propose Masterplan Consent Areas that essentially secure planning permission for development which accords with a detailed scheme.
 - * Investing in the planning service- Scottish Government recognise that economic recovery will benefit from a better resourced planning service and that the recent decline in the capacity of planning authorities needs to be addressed. Regulations for revised planning fees will be brought forward to help planning authorities to move towards full cost recovery and introduce proportionate, but realistic charging for additional services.
- 4.10 The Annex to the draft NPF4 sets out the Minimum All- Tenure Housing Land requirement (MATHLR) for each planning authority, which is a new national approach to setting minimum requirements. This was subject to earlier consultation with planning authorities and a report on this Committee on 18 May 2021 (para 12 of minute refers). The Scottish Government proposed MATHLR was 1,850, which the Council challenged in terms of methodology, assumptions and the figures used. The Council proposed a MATHLR of 3,450 which has been accepted and included in draft NPF4.
- 4.11 The Council's proposed response is set out in **Appendix 1**. The deadline for responses is 31 March 2022.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The NPF when adopted will form part of the LDP which is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key objectives including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment.

(b) Policy and Legal

Preparation of a LDP is a statutory requirement and the new regulations and guidance aim to bring significant improvements to the process and introduce additional statutory requirements.

(c) Financial implications

The guidance introduces a range of new statutory requirements and a more delivery and infrastructure focussed approach to the LDP. A number of policy topics introduce new evidence requirements to be provided by applicants and these will need to be evaluated.

These will all require additional resources from planning authorities and will need to be resourced. A budget pressure for a senior planning officer in Strategic Planning and Development has been noted by the Council at its meeting on 30 November 2021 (para 6 of minute refers).

(d) Risk Implications

There are a number of risks arising from the draft NPF4. The main risk is that the policies do not achieve the desired outcome and are too vaguely worded to deliver change and the streamlined planning system which planning reform set out to deliver. The policies as currently worded could result in prolonged processes of evidence and evaluation and not deliver quality development quicker on the ground.

There is also a significant risk that Councils' are not resourced sufficiently across various services to deliver the aspirations of draft NPF4 and any review of planning fees to progress full cost recovery must be timed to align with introduction of the policies in the final version of NPF4.

(e) Staffing Implications

The Scottish Government propose to introduce new regulations regarding planning fees. It is important that increased fees are invested across the Council to ensure that development management, strategic planning and development, transportation, legal and all other services which contribute to the planning process are resourced to meet the aspirations of the Scottish Government and support economic recovery, from policy development, through development management to delivery.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None arising from this report.

(h) Climate Change and Biodiversity Impacts

The new planning system will include national and local planning policies aimed at reducing carbon emissions and addressing our nature crisis as well as concepts such as 20 minute neighbourhoods which will be key drivers in delivering change.

However, as set out in Appendix 1, the policy wording needs strengthened and further information on evidence and evaluation requirements needs to be set out in the final version of NPF4, if real change is to be delivered.

(i) Consultations

Consultation has taken place with the Depute Chief Executive Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Education Resources and Communities, the Legal Services Manager, the Senior Engineer Transportation, the Equal Opportunities Officer, the Principal Climate Change Officer, the Development Management and Building Standards Manager, the Consultancy Manager and Paul Connor (Principal Accountant) and their comments incorporated into the report.

6. CONCLUSION

6.1 The Scottish Government has published draft NPF4 for consultation. The draft sets out the national spatial strategy, national developments and national policies.

6.2 The Council's response is set out in Appendix 1 and sets out concerns relating to the lack of representation of Moray in the spatial strategy and national developments. Detailed comments on national policies are also set out in Appendix 1 seeking further detail and "tighter" policy wording throughout the suite of policies, while welcoming the policy direction to bring about fundamental change through the planning process.

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Appendix 1- Officers from Strategic Planning and Development, Development Management and Transportation.

Background Papers:
Ref: