



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
14 MARCH 2023**

SUBJECT: NATIONAL PLANNING FRAMEWORK 4

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

1. REASON FOR REPORT

- 1.1 The report asks the Committee to note publication and adoption of National Planning Framework (NPF) 4 which along with the Moray Local Development Plan (MLDP) 2020 forms the Development Plan for Moray development management purposes.
- 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 agrees:

- (i) to note publication and adoption of NPF4;
- (ii) to note that NPF4 along with the MLDP2020 now form the Development Plan for Moray for development management purposes;
- (iii) to note variances in national and local policy position and the additional guidance proposed in Appendix 1 be presented to future meetings of this Committee;
- (iv) to note that where there is a conflict between a policy in NPF4 and the MLDP2020, NPF4 will prevail until any new local policy position is agreed
- (v) to note the requirements set out in NPF4 for the next MLDP
- (vi) to note the transitional arrangements for the Development Plan;

(vii) that a further report on Development Management validation requirements is considered at a future meeting of this Committee; and

(viii) that a members briefing is arranged to allow further discussion on key issues highlighted in this report

3. BACKGROUND

- 3.1 NPF4 was adopted and published on 13 February 2023 and now forms part of the Development Plan for Moray. The NPF is a key part of the new planning system in Scotland, which is plan-led and decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The draft NPF4 was published for consultation on 10 November 2021. Significant changes and improvements have been made to the final version of NPF4 from the draft version which was considered at a meeting of this Committee on 1 March 2022 (para 9 of minute refers). A revised draft was laid before Parliament on 8 November 2022
- 3.3 NPF4 introduces a suite of policies aiming to bring greater consistency in decision making across Scotland and reducing the need for local policies within Local Development Plans, which are to be more place based with a greater focus on delivery to bring about change. As well as the suite of policies, NPF4 sets out extensive new requirements for local development plans, with a new evidence based approach to be scrutinised through a Gatecheck. NPF4 is accompanied by a delivery plan/programme setting out a range of support work being progressed to support its delivery.
- 3.4 Some planning applications will have been prepared and submitted prior to the adoption of NPF4, without being in a position to give full consideration of its policies or providing all the information needed for full assessment against NPF4. Effective delivery needs to be supported by national or local guidance yet to be prepared. However, in anticipation of the direction of travel, officers in Moray have progressed action on a number of policy fronts such as community wealth building and carbon offsetting which will be reported to a future meeting of this Committee.

4. PROPOSALS

- 4.1 NPF4 consists of 3 parts;
- Part 1- A national spatial strategy for Scotland, with regional spatial priorities set out
 - Part 2- National Planning Policy, with development management policies and local development plan requirements set out in 3 chapters- Sustainable Places, Liveable Places and Productive Places.

- Part 3- Annex providing further detail on matters such as minimum all tenure housing land requirements and the six qualities of a successful place.

4.2 NPF4 states that we will plan our future in line with 6 overarching spatial principles;

- Just Transition- empower people to shape their places and ensure the transition to net zero is fair and inclusive
- Conserving and recycling assets- make productive use of existing buildings, places, infrastructure and services, locking in carbon and minimising waste
- Local Living-support local liveability and improve community health and wellbeing
- Compact urban growth- limit urban growth and optimise use of land to provide services and resources
- Rebalanced development-target development to create opportunities for communities and investment in areas of past decline and manage development sustainably in areas of high demand
- Rural revitalisation- encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities.

4.3 A series of 18 national developments are included in the NPF. These are significant developments of national importance that will help to deliver the spatial strategy. Their 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. There are no specific national developments identified in Moray, although a number of projects are identified as being “Scotland wide”, such as “National Walking, Cycling and Wheeling Network”.

4.4 The national spatial strategy is broken down into regional strategies with very limited reference to Moray which appears to be included within both the North and North East “regions”;

- (i) Within the North, the strategy recognises that carbon emissions are partly offset from land use and forestry as the area acts as a net carbon sink overall. Challenges include outmigration, particularly the loss of younger people and further population decline is a future risk. People depend on the car and more limited access to services creates disadvantage, despite the quality of life. Increased house prices affects affordability, without intervention, access to affordable homes, jobs and services that enable local people, including young people, to stay in their communities could become more challenging. Fuel and transport poverty and poor digital connectivity are particular challenges. Pockets of deprivation remain both in urban and rural areas where there is a need for alternatives to low skilled and low paid jobs.

Priorities identified are;

- Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections.

- Maintain and help grow the population by taking a positive approach to rural development that strengthens networks of communities.
- Support local economic development by making sustainable use of the areas' world-class environmental assets to innovate and lead greener growth.

(ii) Within the North East, it is recognised as a centre for the skills and expertise needed to meet climate change commitments, evolving through a just transition to move industry and business away from the oil and gas sector towards a cleaner, greener future. Land use and forestry are key in carbon sequestration and significant parts of the coast will be vulnerable to future climate impacts. Affordability and choice of homes is an acute problem, with many communities in need of regeneration to build on their identity and natural assets. High quality productive agricultural land with other land based industries and the strong fishing industry and globally significant energy sector are all referenced as assets.

Priorities identified are;

- Plan infrastructure and investment to support the transition from oil and gas to net zero and decarbonising connectivity
- Focus regeneration on the principles of local living and 20 minute neighbourhoods
- Support continued economic diversification and innovation.

4.5 The suite of policies include progressive new policies on a number issues, including;

- Climate Mitigation and Adaptation
- Biodiversity
- Community Wealth Building

4.6 The policies in NPF4 are summarised in **Appendix 1** along with new requirements for the Local Development Plan and the table highlights some differences between national and local planning policies as a baseline. Officers have reviewed all the policies within NPF4 and as of the date of publication, all policies with the exception of Policy 25 Community Wealth Building will be applied to planning applications until the draft Community Wealth Building Strategy is approved in May 2023.

4.7 The new requirements for local development plans, particularly information to be gathered as part of the Evidence Report and for the place based approach were included with the annual Development Plan Scheme approved at the meeting of this Committee on 20 December 2022 (para 11 of minute refers).

4.8 Moray Council's indicative Regional Spatial Strategy (RSS) was approved at a meeting of this Committee on 15 September 2020 (para 15 of minute refers). The final version of the RSS will be progressed during 2023 and reported to this Committee in early 2024. Engagement on the RSS will take place through the wider Local Development Plan engagement exercise. The RSS will provide the strategic spatial strategy for the new Local Development Plan,

directing growth and investment, safeguarding our environment, setting out strategic projects to support the transition to net zero.

- 4.9 The first iteration of the NPF4 Delivery Programme has been prepared. This is an important tool which sets out the approach for implementing the Framework and includes key actions to be taken forward over the short to medium term. The Delivery Programme will be continually reviewed and formally updated by the Scottish Government as implementation progresses. The Programme will be reviewed and updated six months after the adoption of NPF4 and then annually thereafter. Some key actions include better alignment of infrastructure funding, skills and resourcing of planning and digital transformation of the planning system.
- 4.10 Scottish Government expects planning authorities to adopt their LDP's within 5 years of the date of NPF4 being adopted and review every 10 years thereafter. The programme for the new LDP20227 was approved through the Development Plan Scheme report to this Committee on 20 December 2022 (para 11 of minute refers). The need for local policies must be justified through the Evidence Report and Gatecheck process for the new Local Development Plan.
- 4.11 Copies of NPF4 and the Delivery Programme have been placed on CMIS.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 In a letter published on 8 February 2023, Fiona Simpson, Chief Planner confirmed that from 13 February 2023, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. The letter also sets out transitional arrangements and how NPF4 should be applied, including;
- LDP's already adopted will continue to be part of the development plan. Existing LDP land allocations will be maintained.
 - Whether an LDP has been adopted prior to or after the publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 section 24(3)).
 - Across Scotland, there is a substantial amount of supplementary guidance associated with Strategic Development Plan and LDP's. Supplementary guidance associated with LDP's which was in force before 12 February 2023 will continue to be in force and be part of the development plan
 - As the development plan system transitions to one without supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt Supplementary Guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
 - It will be important for the first round of "new style" LDP's to be prepared in a timely fashion. Every planning authority is expected to have a new style

plan in place within around 5 years of the new development plan regulations coming into force, which is anticipated in spring 2023.

- Legislation provides for planning authorities to prepare LDP's that include policies and proposals for development and use of land in their area. There is no legal requirement for LDP's to be directly compatible with NPF4, although in preparing LDP's there will be a statutory requirement that planning authorities take the NPF into account.
- NPF4 must be read and applied as a whole. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.
- In the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.
- Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

6. VALIDATION

- 6.1 The statutory validation requirements are set out in the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 and these cover a basic set of requirements including a completed form, planning drawings, necessary fee, ownership certificate, design statement or a design and access statement where required. Major planning applications also need to be accompanied by a Proposal of Application Notice (PAC) report. In 2017, it was agreed that validation should be extended to cover access and parking details, private water supply and drainage requirements and supporting information regarding tree protection and removal.
- 6.2 NPF4 introduces an additional set of statements required to support planning applications and officers will need to update validation requirements to reflect this. Planning statements support major planning applications and large local planning applications and these can include a reference to how they comply with NPF4 and MLDP2020. A separate report will be prepared for a future meeting of this Committee setting out these requirements in terms of best practice and promoting quality supporting information.

7. NEXT STEPS

- 7.1 **Appendix 1** identifies a number of policy topics where either new guidance is required or existing guidance will need to be updated to aid interpretation of NPF4. The Delivery Programme supporting NPF4 refers to regulations and guidance to be published on a range of matters, however, timescales are vague resulting in uncertainty which it is proposed to fill with local guidance. Key guidance and regulation on Local Development Plan procedures and content are awaited.
- 7.2 A number of policies within NPF4 are highlighted as presenting a different position to the MLDP2020 policies and a briefing session will be arranged for members of this Committee and the Local Review Body.

8. 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

NPF4 has been published and adopted on 13th February and becomes part of the Development Plan for Moray in terms of decision making. Under the legislation, development management decisions must be made in accordance with the Development Plan unless there are material considerations indicate otherwise.

The new planning system in Scotland introduces significant new statutory requirements for planning authorities.

(c) Financial implications

The new policies and local development plan requirements introduce a range of new statutory requirements and a more delivery and infrastructure focussed approach. A significant number of new areas of evidence are required to be collated some of which will require use of the local development plan revenue budget as set out in the Development Plan Scheme report to the meeting of this Committee in December 2022 (para 11 of minute refers).

(d) Risk Implications

There is a risk that if not properly realised, the Scottish Government's ambitions for the new planning system in Scotland will not be fulfilled.

(e) Staffing Implications

Implementation of the policies in NPF4 will add to the workload of officers within Strategic Planning and Development (SP&D) and Development Management and other services supporting the planning function, including Transportation, Consultancy and Legal.

The policies on Climate Mitigation and Adaptation, Biodiversity and Community Wealth Building will require support from the Climate Change officers and Community Wealth Building officer within SP&D.

Preparing new guidance and updating existing guidance will put significant pressure on the Strategic Planning and Development and Development Management sections as well as Transportation and Consultancy and will need to be balanced with other work priorities.

(f) Property

The new policies will have implications for building projects which the Council is involved in whether a Council asset or part of a partnership project.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Climate Change and Biodiversity Impacts

NPF4 sets out a suite of nationally consistent policies, including bold new policies aimed at significantly reducing carbon emissions and reversing biodiversity loss. These policies will be further supported through the Regional Spatial Strategy and Local Development Plan for Moray and their subsequent delivery.

Guidance and procedures will be introduced nationally and locally to support delivery of NPF4 policies and the new requirements for local development plans.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Head of Financial Services, the Development Management and Building Standards Manager, the Legal Services Manager, the Senior Engineer (Transportation), the Principal Climate Change Strategy Officer, the Equal Opportunities Officer, the Consultancy Manager and Tracey Sutherland (Committee Services Officer) have been consulted and are in agreement with the contents of the report. Any comments received have been incorporated into the report.

9. CONCLUSION

9.1 NPF4 has been adopted and published by the Scottish Government following an extensive consultation. NPF4 and the Moray Local Development Plan 2020 now form the statutory Development Plan for Moray.

9.2 NPF4 sets out national policies to be used in determining planning applications and also sets out requirements for local development plans to take account of.

9.3 To support delivery of NPF4, some areas of existing planning policy guidance require to be reviewed and updated and for some policy topics, new guidance will require to be prepared. Implementation of NPF4 will require awareness raising and assistance to developers/communities regarding its revised and new content.

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Background Papers:

Ref: