

ANGUS COUNCIL

10 MARCH 2022

**DRAFT NATIONAL PLANNING FRAMEWORK 4: SCOTLAND TO 2045 –
CONSULTATION RESPONSE**

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SUSTAINABLE GROWTH**

ABSTRACT

This report introduces the Scottish Government's current consultation on Draft National Planning Framework 4 (NPF4), providing an overview setting out the main implications for Angus and the key matters that are recommended for inclusion in the Council's response to the consultation.

1. RECOMMENDATION

It is recommended that the Council:

- (i) Agree the matters set out in **Appendix 1** form the basis of the Council's response to the consultation on draft NPF4 for submission to Scottish Government by 31 March 2022, and
- (ii) Delegate authority to the Service Leader Planning and Sustainable Growth to finalise and submit the consultation response to draft NPF4, to include detailed comment on policies in Part 3.

2. ALIGNMENT TO THE COUNCIL PLAN

- 2.1 An effective and well-presented Development Plan and the opportunities that creates for Angus supports multiple priorities of the Council Plan: by addressing the route to net zero, reducing carbon emissions, directing infrastructure investment, business and housing development, collaboration with communities and other stakeholders to support their needs and ambitions, coordinating place-based activity and investment and helping to deliver efficiencies in the operation of the Council.

3. BACKGROUND

- 3.1 On 10 November 2021, the Scottish Government published the consultation draft of its Fourth National Planning Framework ("NPF4") and laid it in Parliament. It is a national plan guiding spatial development, designating national developments, identifying regional spatial priorities and setting out planning policies to deliver the strategy. The draft indicates "*radical change*" is required and that the overall approach to planning and development set out will help to deliver a net zero, sustainable Scotland by 2045. It states, "*Climate change and nature recovery are to be the primary guiding principles for all our plans and all our decisions.*"
- 3.2 Draft NPF4 reflects priorities across a range of Scottish Government portfolios and attempts to bring together the provisions of a range of plans, programmes and policies to be delivered collaboratively. It is subject to Parliamentary scrutiny with various

Committees currently taking written and oral evidence before reporting their findings to the Scottish Government. There is also an open consultation until 31 March 2022, supported by a range of events. Scottish Government have committed to revisiting the document before laying a final version in Parliament for approval in summer 2022. Scottish Government can then adopt NPF4, and it will form part of the statutory development plan under the provisions of the Planning (Scotland) Act 2019. The timescale is only indicative and could be hindered by several factors including redrafting, additional consultation and potential legal challenge.

3.3 Significantly, legislation has determined that NPF4 will form part of the Development Plan, a status that neither current nor previous versions had. Also, when NPF4 is adopted the current raft of Strategic Development Plan coverage in Scotland (including TAYplan) will cease to have effect. In practice, this means the NPF will have a prominent role in guiding the preparation of local development plans and wider policies and strategies relating to land use and influencing all development proposals across Scotland. Development proposals and decisions on planning applications taken by the local planning authority will need to be in alignment with the policies and provisions of NPF4. It is also important that in the period until we have a new local development plan for Angus in place, in the event of incompatibility between the final NPF4 and the current Angus Local Development Plan (2016 - 2026), the more recent document should prevail.

3.4 The draft NPF4 is arranged in five parts:

Part 1: the **National Spatial Strategy** is articulated through four themes: Sustainable, Liveable, Productive and Distinctive places, supported by six overarching spatial priorities and five action areas used to present priority actions. Recognising that the right choices need to be made about where development should be located to build a climate-conscious and nature-positive future.

Part 2: the 18 proposed **National Developments** are selected to support the delivery of the national spatial strategy, these range from single large-scale projects, or collections and networks of several smaller scale proposals, with nationwide application. Designation as a national development determines the 'need' for it but does not remove requirements for relevant consents before development can begin.

Part 3: the **National Planning Policy Handbook**, replacing Scottish Planning Policy (2014), and forming part of the development plan, contains 35 policies for the development and use of land. This is to be applied in the preparation of local development plans; local place plans; masterplans and briefs and decisions on planning applications will be taken in line with the policies. These are set out under the four themes and are intended to improve the predictability and consistency of policy across Scotland and set a clear direction for planning decisions that will aid delivery of the spatial strategy.

Part 4: a detailed **Delivery Programme** (in outline only at this stage) is planned which recognises the requirement for collaborative action and alignment of existing and planned public sector investment to support delivery of the spatial strategy, 'anchor' national programmes and projects in the Infrastructure Investment Plan (IIP), and those generated through other processes such as Strategic Transport Projects Review 2 and the City Region/Growth Deals. Strengthening the approach to targeting investment to places where it will have the greatest impact and through the place-based investment programme is also referenced. A standalone, live delivery programme will sit alongside the final adopted NPF4.

Part 5 : **Annexes** including how the statutory outcomes set for NPF4 in legislation are being met, the Minimum All Tenure Housing Land Requirement (MATHLR) for each local authority and a Glossary.

- 3.5 NPF4 recognises the pivotal role of local authorities to help deliver the strategy through enabling future investment and transforming places. NPF4 will set the context for determination of a 20-year spatial strategy for Angus to be set out in the next Local Development Plan (LDP). As ever, the new LDP will be a key tool for managing land use change, protecting natural assets and articulating links to other priorities and strategies. It will also be required to have a live delivery programme which sets out the what, when and who of committed actions and resources needed to shape the local area. The Scottish Government is also consulting on new Regulations and Guidance for Local Development Plans which will have implications for the way the next LDP for Angus is prepared.
- 3.6 The future land use and policy strategy for Angus will need to sit within the context of NPF4 supporting the right development in the right places. Greater emphasis on the need to address the impacts of climate change, protect and enhance our natural environment and embrace opportunities for clean economic growth, along with the effects of the coronavirus pandemic, will all shape the place Angus will become in future.
- 3.7 A separate regional response to the consultation is also being prepared jointly with our local authority partners which will focus on the spatial strategy, national developments and the relationship between the 5 action areas and the Tayside Regional Spatial Strategy.

4. WHAT DRAFT NPF4 MEANS FOR ANGUS

- 4.1 The draft NPF4 document extends to 130 pages, with numerous supporting publications. The ambitious aim of helping to deliver a net zero future, the long timeframe for the document, the complexity of the material as drafted and the wide-ranging implications across a range of Council services mean that full consideration of the implications for Angus will take some time. At this stage the matters proposed for inclusion in the Council's response focus on those which are considered potentially significant to the future of Angus as well as issues which might affect the continued delivery of a quality planning service in Angus.
- 4.2 It is not proposed to include specific representation on the implications for the function of the planning system per se in the Angus Council response. There are numerous policy specialists and representative professional bodies including the Royal Town Planning Institute, Heads of Planning Scotland, and others which are both presenting evidence to Parliamentary Committees and submitting consultation responses to Government. It is valuable to rely on those responses, and the professional contribution of Angus Council officers to those, to address the wider implications of draft NPF4 on procedures and functioning of the planning system.
- 4.3 The key considerations in preparing an Angus Council response to the consultation are:
 - a) Does draft NPF4 appropriately address significant spatial interests in Angus?,
 - b) Is there sufficient clarity and guidance in the draft NPF4 for the preparation of the next local development plan for Angus?,
 - c) Is the document in a useable format to support local organisations and communities who will want or need to engage with it?, and

- d) What are the key implications for the Council and partners which arise from the day-to-day role of the Council in implementing this part of the Development Plan and contributing to the NPF4 Delivery Programme.

The draft consultation response is set out in **Appendix 1** and is arranged under the section headings of the draft NPF4. The following paragraphs summarise the key messages in the response by addressing each of the questions a – d in turn:

Does draft NPF4 appropriately address significant spatial interests in Angus?

- 4.4.1 There is very limited reference to Angus in the draft, with no specific spatial guidance. Spatial priorities relevant to Angus can be found including importance of environmental quality, development in rural areas, sustainable travel, renewable energy, blue/green economy and the role of ports and the significance of town centres. As drafted, these are not set out in a way which easily relates these to Angus. It is important that the role Angus can play in supporting the national spatial strategy can be more clearly understood. The proposed response suggests a reworking of the national spatial strategy section to provide better clarity and useability.
- 4.4.2 The national developments set out in Part 2 which are relevant to Angus are geographically non-specific, applying Scotland wide. The consultation response indicates support for the continuation of - 2: National Walking, Cycling & Wheeling Network and 6: Digital Fibre Network as national developments both of which are potentially significant for Angus. The addition of 5: Circular Economy Materials Management Facilities in support of the transition to a net zero economy is welcomed. National developments 8: Industrial Green Transition Zones; 12: Strategic Electricity Generation & Transmission Infrastructure; 9 : Pumped Hydro Storage are also relevant. The scale at which development within the category becomes 'national' is defined in the draft.
- 4.4.3 It is not felt that there are any other nationally significant development proposals or opportunities in Angus that should be put forward for inclusion. However, further consideration will be given to the appropriateness of commenting on the potential for expansion of the geographical extent of national developments 13 : High Speed Rail (to include routes to Dundee / Aberdeen), and 3 : Urban Mass/ Rapid Transit Networks (to include Dundee) considering potential benefits for Angus and the wider region given increased emphasis on public transport solutions in the longer term. National scale projects and developments may come forward in Angus – for example the transmission network supporting the Seagreen offshore renewable energy investment currently under construction. The need for appropriate planning permissions and other consents is not superseded by designation as 'national development'.

Is there sufficient clarity and guidance in the draft NPF4 for the preparation of the next Local Development Plan for Angus?

- 4.4.4 The draft document is very lengthy and complex, which causes concern in relation to Angus Council's preparation of a local development plan in alignment with NPF4. The addition of cross-referencing of policies throughout the document and inclusion of a new section expressing clearly the interrelationships between relevant parts of NPF4, and other Government strategies and plans, with any conflicts addressed would be extremely helpful.
- 4.4.5 The current presentation of the national spatial strategy is not helpful. In particular, the identification of 5 action areas represented diagrammatically to articulate the priorities

is not effective. Many parts of Scotland are overlapped by more than one action area which are geographically wide-reaching across areas which are vastly different. There are actions/priorities common to many parts of the country which are repeated with slightly different emphasis across the 5 action areas, and even where there are geographical similarities the nuances do not come through.

- 4.4.6 It appears that the interests of Angus fall into three of the five action areas, predominantly the Central Urban Transformation area by virtue of being part of the Tay Cities region (broadly central Scotland from the Glasgow city region and the Ayrshires in the west to Edinburgh city region and Fife in the east, including the Tay Cities, the Forth Valley and Loch Lomond and the Trossachs). Clearly the spatial interests of Angus are not significantly urban in nature. There is some synergy with some of the actions of the North East Transition action area (Aberdeen and Aberdeenshire, into Moray and south towards the Tay estuary) and the Northern Revitalisation area (Highland, Moray, parts of Argyll and Bute and much of the national parks (Cairngorms)), referencing local liveability and networks of communities, sustainable travel in the rural context and green networks. The use of 5 action areas does not make the priorities that affect Angus clear to users and decision makers. The proposed response suggests that Government need to reconsider how the principles and priorities shared across many parts of Scotland can be presented more effectively.
- 4.4.7 Part 3, the National Planning Policy Handbook containing 35 policies (many with multiple sub-sections) is currently a mix of guidance for the preparation of development plans, policies for consideration of development proposals and supporting text. Moving the local development plan guidance into a separate section and aligning it with the national spatial strategy would be beneficial. Ensuring that policies to guide applicants and decision makers are clear, robust and capable of implementation is vital given the status of NPF4 and the obligation on local government to determine planning applications in line with the Development Plan.
- 4.4.8 The Council contributed to the Scottish Government's request for input to the determination of an appropriate scale of new housing for each local authority over the first 10 years of NPF4. The draft NPF4 Minimum All Tenure Housing Land Requirement (MATHLR) for Angus of a minimum of 2550 units (as an expression of how much land would be required) reflects our submission. It is important that there is support for a shared methodology for the determination of the MATHLR to achieve the aim of removing the debate about the housing figures from local development plan process, allowing authorities to focus resources instead on delivery of quality development in the right places.

Is the document in a useable format to support local organisations and communities who will want or need to engage with it?

- 4.4.9 The length of the current document and the degree of complexity has the potential to discourage and confuse the many organisations and communities which will need to understand how the policies and strategy might affect their places and the way they live. The draft indicates that a 'radical change' is required in order to deliver on the ambitions of the framework, and that directly impacts the way people live and the choices they make. This will also set the context for the preparation of the local development plan which is envisaged as much more collaborative, and community focussed than before. It is vital that appropriate assistance is made available to support the ambition and the change required, and Government are undertaking community engagement on draft NPF4 but the requirement for support will be ongoing after adoption.

- 4.4.9 The proposed consultation response suggests that the addition of the population and economic information and the Government's ambition in those areas would help to set the context for the relevance of the strategy. There is little in the draft that can clearly be attributed as relevant to Angus, and this could be rectified through alternative presentation and use of maps which would help all users.

What are the key implications for the Council and partners related to the day-to-day role of the Council in implementing this part of the Development Plan and contributing to the delivery of the spatial ambition for Scotland through the Delivery Programme?

- 4.4.10 As set out in section 6 of this report, the key implications relate to additional roles and responsibilities required of local government to implement the strategy and the status of NPF4 as part of the Development Plan. The key policy drivers of climate change and nature recovery and the implicit need to frame the local spatial strategy in this light has urgent and direct impacts on the priorities of Angus Council. There is a need for appropriate resourcing across different Council services to support the increased requirements for audits, assessments and data-backed evidence and the need to ensure capacity for appropriate and skilled assessment of technical and specialist submissions accompanying development proposals. Discussions at the High-Level Group (The Minister for Public Finance, Planning & Community Wealth, Royal Town Planning Institute, Heads of Planning Scotland and CoSLA) are particularly trained on these concerns.
- 4.4.11 The change in status of NPF4 to form part of the statutory development plan is very significant and requires that it is presented in the clearest, most useable form and that the policy content stands up to legal scrutiny and challenge. There is a concern that as drafted this part of NPF4 would result in significant difficulty for the practical assessment of planning applications and preparation of appeal documentation. Detailed consideration of the implications of Part 3 : the National Planning Policy Handbook by officers is still underway, and it is intended that the consultation response will comment on those policy areas of specific concern to Angus. An early view is forming that restructuring this section to distinguish between policies to support the national spatial strategy and regional actions/priorities, and a suite of common policies applicable across Scotland, along with some redrafting of individual policies to remove conflicts and imprecise language would be beneficial. In addition, the separation of the local development plan focussed content would also help. The solution must make the policy handbook readily accessible to decision makers and the wide the range of stakeholders and communities that will need to use it.
- 4.4.12 The draft NPF4 was not accompanied by a draft delivery programme, limiting the ability to consider this question. Part 4 of the draft does acknowledge a significant role for local government and a variety of mechanisms including local place plans, planning obligations, masterplan consent areas and investing in the planning service. The acknowledgement is welcomed, and it is understood the Scottish Futures Trust have been engaged to develop the Delivery Programme in collaboration with local government and others.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6. OTHER IMPLICATIONS

- 6.1 **Resources** – The new requirements for the preparation of local development plans, including those set out in NPF4 will have significant long term resource implications for Angus Council as planning authority particularly against the background of pressured budgets and unfilled posts. The increased requirements for audits, assessments and data-backed evidence and the need for appropriate and skilled assessment of technical and specialist submissions accompanying development proposals will need to be resourced. NPF4 refers to Scottish Government's plans to move towards a full cost recovery system of planning application fees but it is unclear whether this will fully cover the resources required. Government also proposes to introduce proportionate but realistic charging for additional services, linked with performance monitoring and improvement. NPF4 also emphasises the alignment of wider policy decisions by local authorities and their partners. It will be critical for Angus Council to consider roles and responsibilities and new ways of working across service areas to co-produce the next local development plan as the long-term spatial strategy for Angus.
- 6.2 **Legal** - Whilst the draft NPF4 carries very little weight as a material consideration for decision making, the final version will form part of the Development Plan and its policies will be used in the determination of planning applications and provision of pre-application advice by Angus Council. Other requirements of the legislation, including advertisement of applications contrary to the development plan necessitate more clarity in the policies and provisions of the plan. Once adopted, as it will be more up to date than the Angus Local Development Plan (ALDP), its policies may take precedence over any equivalent local policies or related Supplementary Guidance.
- 6.3 **Climate Change** – The clear aim of NPF4 is to help to achieve a net zero sustainable Scotland by 2045, with climate change and nature recovery stated as the primary guiding principles for all plans and all decisions. It is important to note that NPF4 will have direct implications for the future of Angus – all parts of Scotland have a role to play in addressing climate resilience, the reduction of carbon emissions and the protection and enhancement of our natural environment. It articulates a much more aligned and collaborative approach involving multiple policy areas and partners and alignment of budgets and resources. This approach will require to be reflected at the local level across Scotland and will require greater collaboration and alignment of plans, projects, budgets and resources within the Council and in partnership with others to effect the step change required.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 The draft National Planning Framework 4 has been subject to an Integrated Impact Assessment (IIA) where various assessments have been carried out alongside preparation of the framework. These include an Equalities Impact Assessment and Fairer Scotland Duty assessment alongside an Environmental Report and others. Neither an Equality Impact Assessment nor a Fairer Scotland Duty assessment is required in relation to the consultation response to draft National Planning Framework 4.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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List of Appendices:

Appendix 1: Draft Angus Council consultation response to Draft National Planning Framework 4: Scotland to 2045.