



National Planning Framework 4 and Scottish Planning Policies

The observations and comments below have been prepared by the Cockburn Association as part of our formal response to NPF4 and specially cover Part 3 – National Planning Policy Handbook. Our general comments on the Framework have been published separately and relate to our work with the Edinburgh Civic Forum.

Policy 1: Plan-led approach to sustainable development – NPF4 indicates that all local development plans should manage the use and development of land in the long-term public interest. We agree with this position. In addition, the role of Local Place Plans should be noted here, with the cross-cutting opportunities presented for local place-making and community well-being.

Policy 2: Climate Emergency - Consideration needs to be given to how this policy is structured and made effective. Wording needs to reflect a requirement rather than a passive 'should' be delivered. There is a concern that the policy focusses too much on emissions, rather than wider actions required in the transition to net zero (e.g. circular economy, efficient heat and energy generation, use and retention). The mantra of "reduce, reuse, repair" should form the key stone for this national policy (see comments on Policy 20 – Zero Waste as a cross-reference to this point).

Policy 3 Nature Crisis - The policy in 5 parts seeks to enhance biodiversity to redress loss.

For part a) the principle of it being a matter for LDPs to facilitate enhancement of biodiversity is supported. However, this needs to be a requirement of LDPs and not that they 'should' do this, especially if the principle is central to the philosophy and strategy of NPF4.

For part b) it states that proposals should contribute to enhancement. Again this is supported but it needs to be a requirement, not couched in passive, optional language. The wording would benefit from reference to protecting as well as enhancing biodiversity. It should also reflect the nature.scot's mitigation hierarchy.

In part c) that any potential impacts of proposals should be minimised, this should instead refer to designing around constraints and avoiding adverse impact. The starting point as written seems to be that there will be impacts protect against. Any exceptions can be dealt with by reference to other material considerations rather than being written into policy with an assumption of adverse impacts.

Part d) on supporting Environmental Impact Assessment (EIA) /Major/National/Appropriate Assessment development if biodiversity is conserved or enhanced – the bullet points are the wrong way round so it doesn't flow logically. Assessment should be first. Also, the third bullet point goes against the nature.scot's mitigation hierarchy and should be amended.

For part e) that local applications should only be supported if including appropriate enhancement, this appears to exclude householder developments. We do not agree with this. A significant level of impact comes from the scale and sensitivity of many householder application environments as can local or major developments. For both there needs to be consideration of the value and scale of context and how much it is affected. This needs to go in conjunction with a review of permitted development rights (PDR) to mitigate the impacts of PDR developments. This would benefit from nature.scot's guidance and a nature based solutions approach.

Policy 4 Human Rights and Equality - In part b) the provision that stakeholders should consult and engage collaboratively, meaningfully and proportionately is also covered by requirements of planning law. If the intent is to guide how this is gone about then that needs to be set out in the policy with relevant criteria that can be used for assessment. As worded, it lacks precision and could be used by parties in the process to challenge proposals.

Policy 5 Community Wealth Building - This needs further distinction and explanation. It could be a strong overarching principle but there is potential for misunderstanding around what the concept is. Case studies would help with practical interpretation and how it could be delivered.

Policy 6 Design Quality and Space Q28 - It is unclear if this is to be a universal policy. It needs to be cross referenced with Policy 9 on housing. It also needs clarity as to what policy measures are applied to placemaking and what to individual homes. This policy alone will not enable the planning system to promote design, quality and place. It will require better resourced and skilled planning authorities, recognition of design matters by planning staff and elected members, and support from the Scottish Government in respect of design and quality issues at planning appeals. Local placemaking will require more support from planning authorities

In part b) the key principles of Designing Streets and other national guidance are referred to and reference made to Planning Authority guidance. This raises a question as to why local guidance is seen as appropriate here, but not in other policy areas e.g. Nature crisis/biodiversity. This needs a consistent approach.

In part c) which needs demonstrating how the 6 qualities of successful places are incorporated, it's welcome this does not have a caveat on householder development, though noted that there is inconsistency between this and the biodiversity provisions.

At part d) poor design which doesn't address the above should not be supported. There needs to be a requirement to achieve the policy objective and a firm statement on the negative impacts of poor design not only on place-making but a range of other policy objectives as well.

For part e) protecting amenity, this captures the need to consider daylighting impacts of development whereas the similar provision of Policy 9 does not, so consistency should be sought. Wider impacts on amenity beyond technical standards for daylighting are required. For example, the WHO recognises the impact on ambient noise levels of health and well-being. There is an opportunity for NPF4 to incorporate such issues here.

Policy 7 Local Living [20-minute neighbourhoods] Q29 - The policy needs to be stronger emphasis on developments contributing to infrastructure which supports 20 min neighbourhood creation, i.e. active travel/public transport infrastructure, mobility hubs etc – it seems to focus more on the context of development that will be supported if it fits into existing infrastructure/is accessible. Recognition is needed that developments must provide this infrastructure if appropriate, where development needs require going beyond existing infrastructure.

In support of 20 minute neighbourhoods, the vitality of local communities and reduction in the need for the travel to services and amenities, an additional element should be included to the effect ...

‘Development proposals should not support the change of use or demolition of community facilities, such as local shops, community meeting places, places of worship, sports facilities, health facilities and public houses, which provide a community(ies) with highly valued services or facilities, unless it can be demonstrated that one or more of the following apply –

- The facility is no longer economically viable to operate and/or maintain.
- Sustainable alternative services or facilities are available.
- No sustainable management vehicle (individuals, businesses or communities) is available to operate and maintain the facility.

In part a) that LDPs should support 20-minute neighbourhoods, this should refer to density and mixed use and to discouraging single use, low density occupancy. There is a need for greater emphasis on designing routes, Active Travel should be designed in and not added on. This needs to be a policy priority rather than a consideration.

For part b) that development proposals consistent with the principles of 20-minute neighbourhoods should be supported, this needs to be a requirement rather than ‘should’ to be effective and again should prioritise the need for actual safety and perception of safety and for alternative routes (permeability). It should refer to needing mixed use development on a human scale but with density. In terms of uses it would be beneficial to set out how we prescribe for and provide for uses. There is a need to have parameters on local/locally accessible and levels of provision and uses are distributed in communities.

Policy 8 Infrastructure First - This policy cannot ensure the desired objectives without an increase in the staff resource and skills required to deliver it. A fundamentally different approach to securing necessary infrastructure before development takes place is needed. Local Authorities have neither the capacity nor capability to ensure the delivery of essential infrastructure through s.75 obligations post-development, far less taking an infrastructure first approach. Indeed, there is an overreliance on legal agreements to secure necessary facilities and infrastructure which can lead to protracted and uncertainly delivery. There is a poor linkage between this policy and elements of the spatial strategy. For example, the huge concentration of housing building in the Edinburgh City Region requires urgent delivery of a wide range of infrastructure projects such as mass transit schemes and health/education facilities. The Framework is silent on this integration of delivery, which thereby undermines much of the positive rhetoric with it.

Policy 9: Quality homes - The policy needs to say more on what are the right locations. It needs to be cross referenced with Policy 6 and be clearer between the two what is about placemaking and what is about homes. That raises the question as to whether there should be a separate part on the

technical aspects of housing numbers, land supply etc. We recommend that major housing developments should include a specified minimum proportion of housing units with dedicated home office space. This recognises the growth in hybrid working patterns and will reduce travel to work pressures on road networks.

For part a) this needs to require LDPs to deliver the housing land requirement, not that they 'should' deliver it.

In part b) that LDPs should provide a deliverable pipeline of sites/land for short/medium and long term, this needs to set out how and with what mechanisms a land supply can be robustly managed in this way. As written, it recognises an issue but doesn't provide a solution. It isn't clear if this would come from a policy provision that land be categorised in certain ways and only phased otherwise if other sites weren't deliverable. It will likely lead to considerable debate over new LDP gateways and examinations. There is also a need to consider how a brownfield first principle fits with a phasing approach if for some off that land supply the likely timescales for starting development are longer than for some greenfield sites, and what mechanisms need to be in place to enforce this if required. It may be that 'should' provide is appropriate if no mechanisms to manage the land supply are appropriate or sufficiently robust.

Part c) that land for the housing land requirement should be allocated in sustainable locations and be consistent with 20-minute neighbourhoods and an infrastructure first approach needs greater definition and clarity if not in this policy, then the individual policies on those criteria. There is no mention of any balance of types of locations and no mention of brownfield land, so it is unclear how this works with part b).

Part d) should require proposals to actively and demonstrably meet the six qualities of good places and be adaptable to change rather than saying that they 'should'. This policy also needs to be more about layout, spaces and design and require that developments be tenure blind. It needs also to refer to attractive, varied and sustainable design and materials.

Part e) that proposals of more than 50 dwellings (major housing development) should include a statement of community benefit. In support this, it should refer to 50 homes or more to properly reflect the hierarchy of developments. Any such statement realistically needs to relate to either an LDP or a Local Place Plan for legitimacy, needs to be linked to an engagement process, needs to have a measure of proportionality to the scale of the development.

Part f) needs to be carefully worded as proposals for new homes that provide for affordability and choice should be supported mustn't override other policy considerations, and provisions on choice need to be carefully assessed. The policy gives no criteria for assessing this. In part g) that proposals that provide for Gypsy/Traveller accommodation should be supported, subject to criteria, this needs to be clarified as being subject to meeting other plan policies.

In part h) suggests that affordable housing should be at least 25% of the total number of homes. 'Affordable' needs an effective definition in the glossary with a clear distinction between 'affordable' and affordability. A significant part of the policy seems to be defining ways to avoid providing affordable homes. As with other significant policy provisions, exceptions should be considered on the basis of the relevant material considerations, not written into policy as an exception.

Part i) For proposals for housing on land not identified in the LDP for housing, the criteria proposed are generally supported. However, the policy is too negative for application to good brownfield windfall sites. It needs to be worded to support those.

Part j) Support for householder development is supported subject to amenity in principle but seems out of place in this part of the NPF. There is also a consideration as to whether the NPF should be looking at householder development or whether it is more appropriate for this to be left to LDPs. If retained, it needs to consider daylighting impact issues and householder development in the green belt context. It would also need a review of PDR to consider impacts of that on sustainability and climate change.

Policy 10 Sustainable Transport - The policy needs a better flow and should be cross referred to 20-minute neighbourhoods. It may be better to place it in the sustainable places section rather than this one. The wording should be more positive, about requiring sustainable solutions rather than just reducing unsustainable travel and addressing accessibility and mobility in terms of need to travel and travel distances. Also, it addresses trunk roads first before active travel, rather than being set out in line with the people, wheels/cycle, bus, car hierarchy of the National Transport Strategy.

Policy 12 Blue and green infrastructure, play and sport - Generally, we support this as the policy should achieve positive outcomes across a range of the benefits that green and blue infrastructure should provide. It might benefit from being split into two so that green and blue infrastructure are covered in one policy and then play/sport facilities/loss of open space are covered in a separate policy, thereby keeping policies more manageable in length. There should also be a mention of how green infrastructure is an important part of creating, enhancing and extending green networks that are important for walking and cycling as they can make the experience more enjoyable/welcoming as well as safer when the infrastructure is designed appropriately.

In part h) the historic environment should be cross referenced here. There should be some expansion on what multifunctional means here as this isn't fully covered by the six qualities of a successful place. The six outcomes in the draft Open Space Strategy regulations would be a good reference. There should also be a reference to the importance of making sure the location and form of green blue infrastructure should link to and complement the networks and infrastructure in the surrounding area.

The emphasis on 'play' and 'sport' throughout this policy statement should be extended to include 'informal recreation and outdoor access for people of all ages' to promote more active individuals and healthier communities.

Policy 14 Health and Wellbeing - Whilst we generally welcomed and supported, the health and wellbeing policy should not be at the end of liveable places. It needs to be one of the overarching policies and link to the infrastructure first section too. It seems to be rushed, poorly structured and last minute. It should be a universal policy.

Part a) provides that LDPs should aim to create vibrant, healthier and safe places. If health facilities and infrastructure are a key consideration, then they should be included in the definition of infrastructure within the section.

For part b) we agree that development proposals should not be supported where significant adverse health impacts are likely to occur. This reinforces the need for health and well-being to be given much more priority in this section and the whole NPF4. Currently, this seems unduly negative.

Development should be able to support positive health outcomes and where it does not, it should be treated as an exception on the basis of the relevant material considerations and not be written into policy. The requirement for a health impact assessment needs to be clarified as to the threshold, should this be EIA, national or major development criteria as without definition this is likely to lead to debate as to whether or not assessment is needed.

In part c) on air quality there needs to be more consideration of the need for air quality assessments and how these are appropriately required and assessed, including for cumulative impacts. For part d) the issues are similar to those set out for c) above.

Policy 16 Business and Employment - The policy preamble says a lot about the need to provide for sustainable and inclusive growth but needs definition of many of its terms e.g. greener, wellbeing, fairer, nature positive without a suggestion of the means of assessing these.

Policy 17 Tourism Q38 - Part c) should also refer to built and natural heritage. The reference to new development including measures to alleviate existing pressures goes against a principle of the planning system that new developments should only be required, proportionately, to mitigate their own impacts or the cumulative impacts of new development. This appears contrary to the principles of the relevant circulars and case law on planning conditions and obligations. There also needs to be reference to how factors such as impact on quality of life can be assessed.

We would advocate that this policy should shift the emphasis towards 'responsible tourism'. Sustainable tourism is defined by the United Nation World Tourism Organisation as "tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities". Responsible Tourism is about "making better places for people to live in and better places for people to visit." Responsible Tourism requires that operators, hoteliers, governments, local people and tourists take responsibility, take action to make tourism more sustainable. Amongst other things, it seeks to minimise negative economic, environmental and social impacts; and generate greater economic benefits for local people and enhances the well-being of host communities, improves working conditions and access to the industry.

Policy 20 Zero Waste Q41 - Policy should make more of the positive carbon capture retaining historic assets can play here e.g. reuse of old buildings, conservation of old field boundaries, etc. There is an opportunity to create far better connections between the circular economy, zero waste ambitions and the planning system. NPF4 has not exploited this and should actively seek to do so.

A possible definition for Circular Economy in the context of this policy might be, "*A circular economy is designed to reverse the degradation or exhaustion of finite resources, and thus to equitably and sustainably manage Scotland's built and natural environmental resources through a place-based, conservation-led approach to spatial planning and development management leading development decisions at all scales and across all sectors.*"

Rather than assigning CE to its own 'box', where it is only about waste management and renewable energy, important as these matters are, the definition connects CE to the whole environment, and to sectoral policies (e.g. transport, business, housing, etc.) and to an approach to delivery through the

planning system as the interface with communities and businesses at different scales. It seeks to reflect the generally recognised features of a CE – ‘reduce, reuse, repair’ – but within the specific framing conditions for implementation in Scotland

Policy 28 Historic Assets and Places Q46 - Overall this needs editing and cross referencing with Natural Heritage policy and the preamble misses the reference point that the historic environment is a finite resource.

Part a) sets out that LDPs and their spatial strategies should identify, protect and enhance locally, regionally, nationally and internationally valued historic assets and places and this is supported, however, it should also reference the Historic Environment Record that planning authorities have a duty to hold.

Part b) refers to what assessment should be required of proposals with a potentially significant impact on historic assets or places and gives planning authorities some discretion on this. Part b) is key to the successful delivery of Policy 28, yet it lacks detail reflecting and updating on the current Scottish Government PAN 2/2011. It should be considered whether these principles should apply to undesignated historic environment also. The reference to HES’s Managing Change Guidance Notes is also at odds with the rest of the draft in terms of Key Agency policy and guidance or Planning authority guidance. Part

c) on the presumption against demolition of listed buildings or other works that adversely affect the special interest of a building or its setting is supported.

Part d) on the basis of assessing proposals for the reuse, alteration or extension of a listed building is supported, though needs to be stronger, i.e. “must not” as opposed to “should”.

Part e) that development proposals should preserve or enhance the character and appearance of conservation areas and their settings is supported though needs to be stronger, so “must not” replaces “should”. Part f) on demolition of buildings in a conservation area which make a positive contribution to its character not being supported is appropriate, though needs to be stronger, i.e. “must not” as opposed to “should”.

In part g) that proposals should ensure that existing natural and built features which contribute to the character of the conservation area and/or its setting are retained especially structures, boundary walls, railings, trees and hedges, is supported but needs to be stronger, i.e. “must not” as opposed to “should”.

Part h) the presumption against development that affects scheduled monuments is supported though again needs to be strengthened by replacement of “should” with “must”.

For part i) on sites within the Inventory of Gardens and Designed Landscapes the comment on part h) applies.

For part j) on sites within the Inventory of Historic Battlefields the comment on part h) applies.

Part k) applies to the preservation objectives of Historic Marine Protected Areas, the comment on part h) applies and a more precise term that ‘not significantly hinder’ those objectives is required.

For part l) on development that affects a World Heritage Site or its setting is supported subject to should being replaced by must.

Part m) refers to the Buildings at Risk Register (BARR) and supports proposals that sensitively repair, enhance and bring back into beneficial use historic environment assets identified as being at risk. Some concerns are raised at the focus on BARR as it is very specific in focus on listed buildings and buildings in conservation areas. As such it is limited in scope and does not cover a whole range of other historic buildings and areas which could benefit from investment, particularly in poorer communities. The Local Authority Historic Environment Record should also be recognised here, or the specific reference to BARR amended or removed.

Part n) refers to cases of enabling development for historic assets or places that would otherwise be unacceptable should only be supported where it can be demonstrated that development will secure the future of a historic place or asset at risk of serious deterioration or loss and what is being proposed is the minimum necessary to secure its restoration, adaptation and long-term future. As with other policies the “should” needs to be changed to “must”. There are concerns that this part would still result in unacceptable impacts on historic assets and should be dealt with by exception rather than written into policy as drafted.

Part o) sets out that proposals should avoid adverse impacts on non-designated historic environment assets, areas and their setting. A concern is raised that it is too narrow in definition and scope and by only referencing excavation represents a significant weakening of current planning policies in this area. Consideration needs to be given to replacing it with wording of the Proposed City Plan 2030 for Edinburgh.

Policy 29 Urban Edges Q47 - In respect of the policy preamble, this needs to mention should mention historic environment and landscape as key issues.

Part a) advises that LDPs should consider use of green belts where appropriate in some of the most accessible or pressured rural or peri-urban areas. This is to manage significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside with a more restrictive approach to development, to benefit quality of life and environment in our cities and towns, increase urban density and minimise the need to travel using unsustainable modes. This approach to managing the sustainability of development has a different emphasis from existing green belt policy and is supported.

Part b) sets out a general presumption against development but with a list of development types and purposes that might be acceptable depending on a range of criteria including whether non green belt sites are available. Established need is one criterion and this could be used to justify new housing developments so therefore should refer to the need for any such development to be built at a density to support a viable level of sustainable public transport accessibility and local services under 20-minute neighbourhood principles. For reuse and conversion of historic environment assets and buildings there is a concern that the wording is too open and needs to be stricter in terms of appropriate uses. The interaction of this policy and its objectives with PDR also needs careful consideration. A further concern is that the wording appears to be open to any type of renewable energy proposal without consideration of impacts and this needs to be clarified. There is no mention of traditional green belt objectives such as managing coalescence and retaining landscape setting of settlements and openness in the green belt. Again, this needs consideration and clarification.

Part c) requires a justification in any of the above cases as to why a green belt location is essential and consideration of assessment of impacts, which is supported subject to the comments on part b).

Policy 30 Vacant and Derelict Land - In recognition of the risks, and having experienced such activities by speculative developers, this policy should clearly state 'Planning authorities should not support development on land which has been intentionally taken out of agriculture, horticulture or other productive greenfield use with the specific intention of creating vacant or brownfield land (e.g. through neglect or actions adversely affecting the productive capability of the land) to increase the likelihood of gaining consent for development.

Policy 32 Natural Places Q50 - There is nothing in the preamble or policy wording to require restoration or enhancement. As proposed, it is significantly lacking and only covers 'protection'. There is also no requirement for development proposals to extend nature networks and deliver positive effects for biodiversity. These requirements are contained in Policy 3 and so this needs to be very clearly cross referenced. Also, there are too many caveats for the true protection of natural places and too much dependency on designated sites. Protection for important habitats and features outside of designated sites is required. This should also take account of ongoing Nature.Scot work: <https://www.nature.scot/doc/consultation-developing-nature-guidance>. In all parts of this policy there is a need to emphasise the importance of the precautionary principle as it applies to environmental considerations. The structure and ordering of the policy parts needs to be reviewed. It should also be linked to nature crisis policy and to Biodiversity Actions Plans.

In part a) LDPs should identify and protect locally, regionally, nationally and internationally valued natural assets, landscapes, species and habitats. This is supported, there should however be mention of geodiversity and duty of LDPs to consider this.

Part b) presumes against development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives, and this is supported though the wording need to be stronger by replacing should with must.

Part c) protects European designation sites and requires 'appropriate assessment' and refers to the relevant statutory tests for such developments. This is appropriate and supported. Part d) protects National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve designations and refers to relevant statutory regimes. This is supported though the wording of 'should only be supported' needs to be stronger i.e. must only be supported.

In part e) similar protection is given to protected species and the relevant legislation and this is supported subject to the caveat given in part d). Part f) refers that developers should take into account legislation on non-native species and this is supported if the word "should" is replaced by "must".

For part g) where protection is given for a Local Nature Conservation Site or a Local Landscape Area, this would be better done by saying that development proposals will not be supported unless, referring to the acceptable approaches.

Part h) refers to the precautionary principle and as stated earlier this should be emphasised for the whole policy and not left to this part. Also, given that such landscapes are often valued for their historic environment such studies such be linked with the assessment of the Historic Environment. For part i) the protection offered to wild land is supported

Policy 34 Trees, Woodland and Forestry Q52 - The policy needs to make reference to trees in urban areas, their role in character, historic environment, climate change mitigation and in green-blue networks and flood risk mitigation. It also needs to make reference to where it requires woodland expansion rather than just supporting it.

Part a) sets out that LDPs should identify and protect existing woodland and potential for its enhancement or expansion, with the spatial strategy linking with the Forestry and Woodland Strategy required under the 2019 Act, this is supported but needs to be a requirement.

In part b) which sets out protection for a range of tree and hedge assets the wording should be amended so that proposals must not be supported where they result in loss or adverse impacts as listed.

Part c) on removal of woodland areas there needs to be greater clarity on the 'additional public benefits' which might justify removal rather than protection but essentially there should be a presumption in favour of retention, and acceptable proposals handled by exception. Compensatory planting should be required not generally expected. The wording should refer to trees as well as woodland given the role of trees in carbon mitigation.

In part d) on opportunities for new or expanded woodland associated with new development, the wording should refer to this being prioritised rather than considered.

In part e) the support for proposals which bring about enhancement, expansion and improvement of sustainably managed woodland is supported.

Policy 35 Coasts - Part a) sets out that LDPs should consider how to adapt coastlines to the impacts of climate change. This should be a requirement where relevant and must do so in the context of regional working where relevant through Regional Spatial Strategies, given that coastal impacts are dynamic and affected by change. It also needs to consider that nature-based solutions might conflict with historic environment concerns so needs alignment with these.

In part b) on proposals that require a coastal location being supported in developed coastal areas subject to not requiring coastal protection measures or adding to flood risk, this is supported. This though needs to be clearer as to what requires a coastal location rather than just being a development opportunity in a coastal area and if there is any reason not to support such an opportunity subject to other policy or technical requirements.

Part c) addresses circumstances in which proposals in the undeveloped coast might be supported, the principles of this are supported, however, the language needs to be much more prescriptive to deliver the desired policy outcomes, with use of 'should' replaced by 'must' to be more protective.