

<b>Agenda Item</b>	<b>7</b>
<b>Report No</b>	<b>ECI/3/2022</b>

## **HIGHLAND COUNCIL**

**Committee:** Economy and Infrastructure

**Date:** 2 February 2022

**Report Title:** Draft National Planning Framework 4

**Report By:** Executive Chief Officer Infrastructure, Environment & Economy

### **1 Purpose/Executive Summary**

- 1.1 This report introduces Scottish Government's current consultation on Draft National Planning Framework 4 (NPF4), providing an overview of it and presents headline issues and comments (identified from officers' consideration so far) that are recommended to Committee for inclusion in the Council's response to the Draft.
- 1.2 Scotland's fourth National Planning Framework (NPF4) will be a long-term plan that will guide spatial development, set out national planning policies, designate national developments and highlight regional spatial priorities. Importantly Draft NPF4 sets out Scottish Government's proposed approach to how planning and development will help to achieve a net zero, sustainable Scotland by 2045. The Council made submissions at earlier stages of the preparation of NPF4 during 2020 and 2021, seeking to inform and influence its content.
- 1.3 Having considered earlier submissions, Scottish Government formulated Draft NPF4 and laid it in Scottish Parliament on 10 November 2021 alongside commencing the current consultation. The consultation runs until 31 March 2022. In view of the timescales, a Members Workshop is to be held on 25 February to hear more from the officers' review of Draft NPF4 and to further inform the Council's response. Subsequently that response will need to be finalised and submitted by the ECO Infrastructure, Environment and Economy during the pre-election purdah period.
- 1.4 Scottish Government is aiming for Scottish Parliament passing the finalised NPF4 in summer 2022. At that stage the NPF will be accorded its new status under the provisions of the Planning (Scotland) Act 2019: it will become part of the statutory, adopted Development Plan for the first time.

## 2.1 Members are asked to:-

- i. **Note** the Draft National Planning Framework 4 at <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>;
- ii. **Agree** that the headline issues identified in Section 5 of the report be subject of Council comment to Scottish Government and **Approve** the headline comments on those issues as set out in Section 5, to be worked up for submission;
- iii. **Note** that other issues and comments may be included in the Council's final response to the consultation;
- iv. **Note** that a Member Workshop is to be held on 25 February 2022 to further inform the Council's response to Draft NPF4 and **Agree** that the headline issues and comments in (ii) should form the basis for that discussion; and
- v. **Note** that the submission will be finalised by the ECO Infrastructure, Environment and Economy, which may include further consultation with the Chair of the Environment and Infrastructure Committee ahead of the pre-election purdah period.

## 3. Implications

- 3.1 **Resource** – The new legislation for development plan preparation including the requirements set out in NPF4 will have significant long term resource implications, along with the requirements for assessing new supporting information for development proposals. NPF4 indicates that the Scottish Government will bring forward regulations to revise planning fees to move towards a full cost recovery system, but it remains unclear as to whether this will fully cover the resources required to implement NPF4 and the new development planning functions.
- 3.2 **Legal** – Whilst the draft NPF4 carries very little weight as a material consideration for decision making, the final NPF4 will form part of the Development Plan and its policies will be used for the determination of planning applications and provision of pre-application advice. Moreover, as it will be more up to date than the majority of the Highland current Development Plans (the new IMFLDP is likely to be adopted after NPF4), its policies will take precedence over any equivalent policies in the current Local Development Plans and Supplementary Guidance.
- 3.3 **Community (Equality, Poverty and Rural)** – The development of NPF4 has to date been a collaborative process, with communities being asked (and having opportunity to be considered for Scottish Government funding) to input and feedback into its development. Nevertheless, it is noted that NPF4 is a long and complex document which raises significant issues and has a tendency to focus on the more urban centres of Scotland, as such actual Highland community involvement in its preparation is likely to be limited. It is felt that the Draft NPF4 does not adequately respond to Highland's priorities for the future and may compromise how they are addressed. However, we will highlight the importance of protecting, safeguarding and enhancing all Highland communities as part of the Council response, building on our previous submissions.

- 3.4 **Climate Change / Carbon Clever** – NPF4 is aimed at directly addressing climate change and transition to net zero through its strategy and policies. It will also have implications for how the Council achieves net zero through new requirements for assessment and determining applications. It is felt that the Draft NPF4 does not adequately recognise the increasingly critical contribution that Highland will continue to make in order that the national transition to net zero be achieved.
- 3.5 **Risk** - The delivery of NPF4, and our associated Indicative Regional Spatial Strategy for Highland, requires continued collaboration and coordination of local and national agencies to realise the ambition and scale and significance of opportunities outlined.
- 3.6 **Gaelic** – While there is no direct reference to Gaelic in NPF4, it is proposed that the Council response will seek greater recognition of the role of language in Scotland’s cultural heritage and identity.

#### 4 **Draft NPF4 – An Overview**

- 4.1 [Draft National Planning Framework 4 \(NPF4\)](#) – which Committee is asked to note – sets out Scottish Government’s proposed approach to how planning and development will help to achieve a net zero, sustainable Scotland by 2045. The nation will need to future-proof places, be more innovative, and involve a wider range of people in planning. A shared spatial strategy can enable the investment and development that we will need but must be done in a way that benefits business and communities, our health and wellbeing and the environment. Scottish Government acknowledges that this will require working collectively to ensure that decisions made today are in the long-term public interest.
- 4.2 Amongst other things we now see in Draft NPF4 the outcome of Scottish Government’s consideration of earlier submissions made by organisations and individuals to the preparation process – including [The Highland Council’s earlier submissions](#) which were developed through considerable engagement within the Council (Members and Officers) and in discussion with a range of external organisations. For example, we now get to see Scottish Government’s proposals for the national spatial strategy with ‘regional’ expressions, national developments and national planning policies. Once NPF4 has been finalised and adopted, for which the target is summer 2022, the NPF will for the first time become part of the Development Plan used by the Council and others on a day-to-day basis.
- 4.3 Draft NPF4 comprises five parts:-
- **Part 1 - National Spatial Strategy**  
The national spatial strategy sets out a shared vision where each part of Scotland can be planned and developed to create: Sustainable, Liveable, Productive and Distinctive places. Underpinning the national spatial strategy are a series of spatial principles. The spatial strategy also highlights five action areas, mapped in a broadly indicative manner and overlapping. Three of those five action areas include parts of The Highland Council’s area: ‘North and west coastal innovation’, ‘Northern revitalisation’, ‘North east transition’ (the other two being: ‘Central urban transformation’, ‘Southern sustainability’).

- **Part 2 - National Developments**  
National developments are significant developments of national importance that will help to strongly support the delivery of the spatial strategy. Designation as a national development establishes the need for it but does not remove requirements for relevant consents to be obtained before development can begin.
- **Part 3 - National Planning Policy**  
The fourth National Planning Framework (NPF4) will incorporate Scottish Planning Policy which will contain detailed national policy on a number of planning topics. For the first time, spatial and thematic planning policies will be addressed in one place. Draft NPF4 sets these out under the four themes indicated in Part 1: Sustainable, Liveable, Productive and Distinctive places.
- **Part 4 - Delivery**  
Delivering the NPF4 strategy and realising collective ambitions will require collaborative action from the public and private sectors and wider communities. Actions will range across different scales and include a mix of strategic and project investments. This section will be developed into a standalone, live delivery programme once NPF4 has been approved and adopted.
- **Part 5 – Annexes**  
Annexes provide information on how statutory outcomes are being met, Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland, along with a Glossary of terms.

## **5 Headline Issues and Comments Recommended for Inclusion in Council Response to Draft NPF4**

- 5.1 Officers are making progress with reviewing Draft NPF4, discussing issues together and making notes towards drafting of the Council's response. In view of the size of the task of considering Draft NPF4 across the Council's services (Draft NPF4 being a considerable, wide-ranging and quite detailed document), this section of the report has only been able to present to Committee some emerging headline issues and comments that officers recommend for inclusion in the Council's response to Draft NPF4. This is only a summary and the intention is that fuller comments would be submitted based on them. As such not all policies and/or sections or elements of NPF4 are commented below, and additional issues and comments may be included in the Council's submission. In addition, Members should note that there are two separate and important consultations underway on topics related to NPF4; these are the Scottish Government's Onshore Wind Policy Statement Refresh 2021, and also Developing with Nature prepared by NatureScot. An update on these papers will be provided separately in Bulletin Items reported to this Committee and there will be an opportunity to discuss these at the proposed Member Workshop on 25 February.
- 5.2 Turning again to the Draft NPF4 response, the following headlines are presented under the headings of the main parts of Draft NPF4, together with a heading for General Issues/Comments at the end of this section of the report.
- 5.3 **Part 1 – A National Spatial Strategy for Scotland 2045**
- Overarching comments:-
- The fundamental aims of the National Planning Framework in providing a new spatial strategy for Scotland are welcomed, but in the Action Areas and National Developments identified there is considered to be an inadvertent bias towards urban areas combined with a crude application of a rural label to Highland which misses the very significant urban context and opportunities of parts of our area.

It is felt that NPF4 and the strategy and action areas could do much more to address the disparities and inequalities between communities across Scotland, particularly the larger area authorities with networks of communities that are most distant from each other and therefore face greater challenges and require more significant per capita investment to achieve net zero.

- Conversely, we are not confident that draft NPF4 provides adequate coverage and a comprehensive framework to describe how the priorities for Scotland's rural areas will be addressed, such as those set out in our IRSS. It is felt that this compromises the national ambition for appropriate rural repopulation, for which there is significantly less detail than expected in draft NPF4.
- There is a sense that Highland's integral role in the national spatial strategy is significantly underplayed; it feels that the sheer diversity of Highland's strengths and contribution to national strategies and priorities, across a wide range of sectors, has in some way played against it being recognised for those – some other areas have clear recognition but on just one or two strengths or priorities. This is especially true in Draft NPF4's packaging and graphics, with a number of our regional priorities (such as short and longer term Digital, North Coast 500) either generalised within nation-wide priorities or almost lost within the text. Visually there is an impression that Draft NPF4 is biased towards supporting the most urban areas and, combined with the Islands Bill which provides dedicated support to island authorities that are not physically connected to the mainland and, notwithstanding the need to fulfil the Inverness and Highland City-Region Deal, this leaves Highland and some neighbouring authorities in a less certain and supported position. This is particularly prevalent in the infrastructure based National Developments identified, which fail to recognise Highland's critical role in supporting the wider Highlands and Islands Region.
- The labelling and overlap between Action Areas causes some confusion, with Highland being covered by three overlapping Action Areas that need to be overlaid to understand the full implications for the Highland region. The apparent desire to express strategy through a number of action areas has, we feel, forced differences of approach between areas when that is not always justified. For example, we contend that digital is already being relied upon for modernisation of service delivery and remains a high priority for further investment in the short and longer term in all areas.
- The national spatial strategy is confusing – we welcome that it highlights Inverness but are concerned that on turning to the Action Areas there seems little for Highland and little sense of Highland, which is particularly disappointing given the Indicative Regional Spatial Strategy that we had prepared with input from a wide range of other organisations, to inform NPF4. We believe the style and presentation of the mapping, and the boundaries used for any sub areas, needs to be carefully reconsidered. By comparison, we note that the southern sustainability area captures the character of the whole region and refers positively to the ambition of the area. Indeed, many of the priorities and opportunities mentioned against specific Action Areas are prevalent beyond the boundaries identified, and in some cases are national issues, and should therefore be appropriately broadened.
- Further analysis of the Action Areas will be undertaken and discussed with Members at the proposed workshop.

## 5.4 Action Areas

### ***North and west coastal innovation***

- This area broadly comprises the island communities of Shetland, Orkney, the Western Isles, and parts of Highland and Argyll and Bute including the north and west mainland coastline. We agree with many of the priorities identified for this Action Area but we believe they are prevalent beyond the boundary identified and in some cases are national issues. For example, there is a strong reference to peatland restoration, yet the action area has been drawn to exclude a significant part of the Flow Country and the text makes no reference to it, albeit that it is referenced under Northern Revitalisation. Whilst we welcome the fact that Draft NPF4 acknowledges a number of Highland's ports and harbours in the area, we do not feel that this adequately recognises the role of all ports and harbours in supporting renewable energy towards net zero, particularly when compared to the focus given by Draft NPF4 to the Outer Hebrides Energy Hub.

### ***Northern revitalisation***

- This includes Highland with parts of Argyll and Bute, Moray and much of the national parks. Again, while we agree with the issues, priorities and actions for this area we believe they extend beyond the boundary identified.
- Not entirely comfortable with the reference to revitalisation in the title as we do not believe that revitalisation is the over-riding priority for the Highland region. Similarly badging the area as 'rural' is also not helpful and this should instead acknowledge the vibrancy of Highland's city and communities that combine with the unique natural and built landscape and heritage. We are concerned that the Draft NPF4 does not do enough to achieve the aspiration for resilient communities for all of Scotland. For example, where draft NPF4 indicates that a low carbon future in Highland could involve transport improvements, we contend that it **must** include transport improvements as per our cNDs and spatial priorities - particularly the special case we made for Highland and community resilience.
- This Action Area fails to recognise the unique and disproportionate contribution that Highland already plays, and will increasingly play in the future, to address national ambitions for net zero and particularly the decarbonisation of energy networks. This importantly includes the Opportunity Cromarty Firth project, which is referenced within the text, but this reference fails to recognise the national impact and significance, irrespective if OCF is awarded Greenport / Freeport status, that this project could have for the country in terms of renewables investment and hydrogen development, whilst concurrently acting as the catalyst for net zero. The Crown Estate Scotland Ports Study identified the area as a frontrunner for the creation of a strategic national renewables hub. The recently released Strategic Infrastructure Assessment (SIA) undertaken by the Scottish Offshore Wind Energy Council (SOWEC) identifies the Cromarty Firth as the 'most suitable location in Scotland for platform fabrication and manufacture, with the two ports of Invergordon and Nigg acting as the focus of effort to secure platform fabrication and manufacture.' In direct comparison to the north east transition Action Area which clearly outlines national developments and investment to manage the transition from oil and gas.

### **North east transition**

- This area broadly includes Aberdeen City and Aberdeenshire with links through Moray towards Inverness, and south towards the Tay estuary. Whilst it is noted as being one of the most prosperous parts of Scotland, poor infrastructure investment (especially little progress on the A96 dualling programme) is restricting growth and the transition to net zero. Furthermore, Aberdeen is noted as being an important transport hub with lifeline routes to the Isles, but no mention of Inverness Airport and its lifeline routes and its important work on zero carbon flights is included.

## **5.5 Part 2 – National Developments**

'National Developments' are projects noted by the Scottish Government to be of significant national importance for the delivery of the National Spatial Strategy. Draft NPF4 has proposed the identification of 18 National Developments across Scotland, which range from single large scale projects to collections and networks of several small scale proposals, with others covering the whole country. It is felt that the Council could offer in-principle support for many of these. There are a number of national developments identified in draft NPF4 that will directly impact Highland, as follows:-

- ND02: National Walking, Cycling & Wheeling Network – *we support its inclusion as it delivers on our cND06 suggestion.*
- ND05: Circular Economy Materials Management Facilities – *we support its inclusion as it delivers on our cND05 suggestion.*
- ND06: Digital Fibre Network – *we support its inclusion as it delivers on our cND10 suggestion.*
- ND09: Pumped Hydro Storage – *we support the inclusion of this National Development as it goes some way in delivering our cND03 suggestion, however we believe the text and map should be expanded to include pumped hydro schemes with permission or otherwise identified as vital for strategic reasons, not just the single one noted.*
- ND12: Strategic Electricity Generation & Transmission Infrastructure - *we support its inclusion, but will suggest the wording is amended to ensure a truly inclusive whole-system energy transmission, distribution, and consumption network is developed, which adapts to the 'smarter local energy model' to ensure energy generation and usage (including heat) is fully resilient and efficient in the future, to deliver a decarbonised net zero system in line our cND03 suggestion.*

5.6 However, looking across all 18 of the proposed national developments there is a notable bias towards the more populous urban areas and the enhancement of facilities and infrastructure around the biggest population centres. Examples of this bias are:

- ND01 (Central Scotland Green Network) which seeks to create green infrastructure for emissions sequestration; adaptation to climate change and biodiversity enhancement. However, our suggested candidate National Development (cND) 14 (The Land and Water Management, Protection and Restoration of our Natural & Biodiversity Assets, including our Peatland, Reforestation & Coastal Assets), sought to do this (and more) holistically across the whole of Scotland, not just the central belt.

- ND03 (Urban Rapid/Mass Transit Networks), which is focused on improving road and rail infrastructure, passenger facilities and methods of fuelling and powering the infrastructure across Aberdeen, Glasgow and Edinburgh. Whereas in our suggested cND01 (Rail Infrastructure Improvements) & cND02 (Trunk & Other Strategic Road Improvements) we promoted seeking improvements to the same infrastructure across the whole of Scotland, not just Scotland's main cities.
- ND15 (Aberdeen Harbour) which is assessed by the Scottish Government as helping to deliver a transition to net zero and is purely Aberdeen focused. We cannot see why Opportunity Cromarty Firth (our cND15 suggestion), which seeks to do exactly the same thing, but on a larger scale is excluded. We believe that OCF needs to be identified as a national development particularly given its proximity to offshore renewables locations.

## 5.7 Part 3 – National Planning Policy

### Overarching comments on Part 3

- An overall sense-check of the draft policies to ensure that any potential conflicts or questions over precedence can be ironed out would be beneficial, for example it is noted that there appears to be an unqualified support for the principle of development across various different, and potentially conflicting, policy themes. The general caveat on Page 3 of Draft NPF4 should be repeated at the beginning of Part 3.
- Many draft policies include a mix of instructions for the preparation of Local Development Plans and more specific planning policies. It is felt that the former should not be included within the specific policy and instead sit in the policy introduction text.
- It is noted that frequent use of a bold typeface is evident throughout the draft policies; officers are unsure of the relevance of the words highlighted and contend this emboldening should be removed in the final NPF4 to avoid user confusion.
- The majority of draft policies adopt the use of 'should' in terms of what the policy is trying to achieve. Officers are concerned that this significantly weakens and causes ambiguity over whether the policy must be complied with and as such, we should seek for this wording to be 'tightened up' in the final NPF4.

## 5.8 Sustainable Places (Universal Policies)

- **Policy 1: Plan-led approach to sustainable development** – This is the first of many NPF4 policies that relate to duties or functions to be carried out by LAs through their LDPs and for which we are unclear as to why they need to be specifically identified as development plan policies. This particular policy points to requirements that are set out in statute and it is therefore unclear why these need to be in the development plan as part of NPF4, especially as policy rather than simply cross-reference to context from supporting text.
- **Policy 2: Climate Emergency** – The introduction of a new national policy on climate change is most welcome in principle. However, the emissions and nature-based solution sections are very vague, and it needs to be more specific about how the policies will be implemented by applicants and development proposals and also how they will be assessed through decision making if they are to be fully understood and implemented.



- **Policy 3: Nature Crisis** – We are generally happy with policy content (and are proposing to carry it into IMFLDP2). The main concern with the draft policy is that it is restricted to the development site and seeks no off-site works and aquaculture being excused from the draft policy seems like a big omission. In general it is considered a strongly-worded and comprehensive policy, but some rephrasing, amendments and clarifications are required.
- **Policy 4: Human Rights & Equality and Policy 5: Community Wealth Building** – It is unclear why these need to be development policies in NPF4 as they are covered elsewhere in statute. It is unclear how they can be realistically applied to the assessment of planning applications.
- **Policy 6: Design, Quality & Place** – Draft policy reinforces and builds on the six qualities of successful places, this is welcomed and we would seek to have 'cultural assets' and 'trees and woodland' to be noted appropriately within the six qualities. The policy does lack reference to addressing climate change and our Proposed IMFLDP2 Placemaking policy goes further, which the NPF4 policy as written allows us to advance.

## 5.9 Liveable Places

- **Policy 7: Local Living** – The creation of resource-efficient communities where people can live, work and relax within '20-minute neighbourhoods' is strongly supported as a concept for the urban areas (such as Inverness, Fort William, Nairn, Wick etc). However, the concept is harder to apply across much of Highland rural areas, where residents have to travel considerable distance to access shops and services and the policy as currently written does not adequately address this. Additionally, the draft policy currently lacks details on how to assess applications to deliver a 20-minute neighbourhood.
- **Policy 8: Infrastructure First** - The focus of the policy (contrary to its title) is on delivering new and/or extending existing infrastructure rather than making best use of capacity in existing infrastructure; this is a fundamentally missed opportunity.
- **Policy 9: Quality Homes** – The primary focus of the draft policy is on the Housing Land Requirement and ensuring housing sites are deliverable through a 'housing land pipeline' - which provides a way for Planning Authorities to ensure land-banking of large sites does not prevent the delivery of housing. However, what is proposed is somewhat vague and will require further clarification. There is a new requirement for 50+ house sites to provide a 'statement of community benefit', which may be supported, but we should suggest it is renamed to avoid confusion with planning gain/developer contribution. Policy also includes a sensibly worded section with a qualified, positive presumption and stated exceptions on 'Gypsy/Traveller & Travelling Showpeople Sites', which may be supported. On housing generally, the draft policy reinforces the importance of developing allocated sites, except in a few exceptions, some of which will require to be rephrased to ensure the policy is robust. Policy is lacking in the 'Quality' aspect and delivering an inclusive range of homes (such as wheel-chair accessible/ageing population homes and HMOs), which should be noted in our response.

- **Policy 10: Sustainable Travel and Transport** – It is much welcomed that national policy will now cover transport issues and take forward the ambitions of NTS2. However, the policy places too much emphasis on the duty of Councils to safeguard the trunk road whilst lacking detail on the significant transformation required to reduce the dependence on private car journeys. There is some concern at the absence of national developments to enable and support modal shift within and between Highland communities, especially when compared to the measures proposed in the central belt.
- **Policy 11: Heat & Cooling** – Draft policy is very focused on heat networks, the number of which across Highland will be limited. It is therefore suggested that a more fabric first, on-site generation/storage and siting and design starting point should be adopted, similar to our Proposed IMFLDP2 Low Carbon Development policy.
- **Policy 12: Blue and Green Infrastructure, Play & Sport** – Whilst there are clearly linkages in the policy content, we contend that ‘blue and green infrastructure’ should not be in the same policy as ‘sport and play’. The principle of identifying, safeguarding and improving blue and green infrastructure and open space is supported. However, NPF4 should outline a consistent, map-based methodology for all Local Authorities to undertake assessment of appropriate need, as all too often blue and green spaces do not bring the anticipated benefits, because of poor management, poor design and lack of appropriate provision. In terms of ‘Play’, whilst the draft policy is primarily focused on children (it should be broadened to encourage appropriate adult equipment – such as outdoor gyms), its content is welcomed and supported. However, full consideration of long-term maintenance and renewal of play equipment must also be considered at the outset, which is currently lacking from the draft version. The draft policy refers to ‘replacement & improved play provision’ and outlines a list of criterion this equipment should meet. However, it should be noted that the replacement of play equipment generally does not require formal planning approval and would therefore be outwith the scope of the draft policy.
- **Policy 13: Flooding** – This is crucial policy to deliver on the climate and ecological emergency declaration. Policy proposes a significant change to the definition of the floodplain - ‘Future Functional Flood Plain’, which is to be defined as greater than 0.5% probability of flooding by 2080, this will result in more areas being identified as being at risk from flooding, which is likely to result in a number of sites currently allocated within the Council LDPs being reassessed in respect of flood risk. The policy also deals with surface-water flooding and drinking water supply. It is a strongly-worded and comprehensive policy, but some rephrasing, clarifications and additions are required.
- **Policy 14: Health & Wellbeing** – New policy direction which brings in a new ‘Health Impact Assessment’ requirement. Unfortunately, the draft policy is lacking in detail as to when these will be required, what they will entail and who has the expertise to assess them. The policy deals adequately with air quality, community food growing and noise nuisance, but lacks any reference to other pollutants/statutory nuisances, such as vibration assessments (required for blast quarrying). Given ‘Health & Wellbeing’ is an emerging strand of planning, this draft policy is considered rather light and lacking robust content and is therefore a missed opportunity.
- **Policy 15: Safety** – Very high-level policy aimed at hazardous consent applications and nuclear sites. No concern over content, but we could suggest it is broadened to include policy advice on design to prevent crime.

## 5.10 Productive Places

- **Policy 16: Business & Employment** - We generally agree with the draft policy, which aims for a wellbeing economy as core to the recovery from the pandemic. However, it is a somewhat high level and reactionary policy that would benefit from some refinement and perhaps a more ambitious approach could be taken – with policy tools more different from normal planning practice. Our Proposed IMFLDP2 policy for Industrial Land is, we suggest, less reactionary and also includes reference to the ‘agent of change’ principle, which Draft NPF4 only mentions in the Culture and Creativity section. Draft NPF4’s policy does include a brief framework for addressing home-working, live-work units and micro-businesses, which is welcomed. The content on site restoration is also welcomed, though the policy could commit to this more fully than as drafted.
- **Policy 17: Tourism** – Draft policy essentially supports tourism development that delivers economic benefits. Whilst areas where the environment or communities are already being adversely impacted are picked up in the policy as a consideration, the policy needs to be more rounded, taking account of environmental, cultural, and amenity impacts of the proposed development itself, even where areas are not already adversely impacted by tourism. Support could be given to proposals which offer new destinations which can better distribute tourists. We are not convinced that the draft policy for Tourism is the most appropriate location for referencing huts and hutting, given that huts are not suitable as tourism accommodation.
- **Policy 18: Culture and Creativity** - Whilst we agree with some of the provisions of the draft policy for it could be clearer as to the role it anticipates for LDPs in recognising and supporting opportunities for jobs and investment in the sector and perhaps NPF4 could give clear direction at the national level. Museums are a central component of the infrastructure and should be specifically mentioned. On public art, the draft policy appears to miss an opportunity to clear up confusion and seems to promote a very narrow approach, thereby missing opportunities for example to secure schemes of enhancement within the historic street-scene.
- **Policy 19: Green Energy** - as drafted effectively requests that we provide a spatial framework for all types of green energy – in order to facilitate its development – but neither explicitly refers to a spatial framework nor provides an opportunity or procedure for preparing such a framework, beyond it seems the clear protection of National Parks and National Scenic Areas from wind farms. The wording of the policy is perhaps needing further work to make it consistent (e.g., in terms of the policy tests) or lead to less repetition. The test of whether a scheme is “unacceptable” is a matter of opinion and does not provide the opportunity to re-balance the planning system as sought by the spatial strategy. Indeed, it could lead to the proposal being unfairly disadvantaged in the assessment process. There needs to be a clearer policy test to match the aspirations of the document, similar to the test in our HwLDP Policy 67 where it sets out that proposals will be supported unless they are “significantly detrimental overall”; this provides a much clearer test and is more likely to allow the clear balancing role of the planning system to be undertaken. Such alternative wording would also serve well the section of the policy dealing with solar arrays; as drafted, the bar is set very high and that could ultimately undermine effective development management.

Some aspects of the policy – in respect of energy generation for manufacturing or industrial developments and proposals for negative emissions technologies and carbon capture – may sit better as standalone policies or under other policies of NPF4 and greater clarity is needed about what is expected to be covered in the decarbonisation strategies expected of applicants. The policy criteria in respect of historic environment assets should rely on the glossary definition of what that includes (or otherwise list all the asset types it covers), rather than mention just some of the types in the policy. An additional policy criterion should be introduced to cover impacts on forest and woodland resource, recognising the importance of productive forestry as a sustainable resource, in line with the SG policy on the control of woodland removal, and the Forest and Woodland Strategy. In broader terms there needs to be further consideration of how this policy relates back to the strategy and national developments. Further, there need to be linkages to other relevant energy policy and strategy of the Scottish and UK governments. A national decarbonisation strategy would have been helpful to steer decision making on individual applications – otherwise the approach continues to be market led.

- **Policy 20: Zero Waste** – draft policy goes a small way to make our places more resource efficient, but not nearly far enough. It focusses substantially on EFW (with tougher requirements to be met for schemes to be supported) rather than on circular economy principles. Zero waste and the waste hierarchy would be taken into account but the policy as drafted does not go far enough to ensure future plans embed the principles of a circular economy. The policy is unlikely to have any significant and practical impact beyond dedicated waste management developments. It contains little on how the aims should be demonstrated and little on accountability. It would be good to have more detail about what services and facilities will be supported. Will there be additional funding to improve the service delivery? The principle of reusing existing building stock should be extended to all development, regardless of size. The reuse of existing buildings is a recurrent theme but there is currently no incentive for developers to reuse existing historic buildings and no planning control over demolition.
- **Policy 21: Aquaculture** - the draft policy should better reference the importance of sensitive siting and design of both terrestrial and marine aquaculture infrastructure in relation to the historic environment.
- **Policy 22: Minerals** - Whilst there are a number of provisions of the draft policy that may be supported, there are a number of improvements that should be considered. It is neither clear as to whether the requirement for a landbank referred to should be a maximum or minimum requirement, nor clear as to whether existing sites with remaining capacity require to be identified in the LDP and safeguards included there. Such aspects of the policy require greater clarity and should be accompanied by a clear national steer on market areas and how the landbank should be assessed, whilst ensuring that the required information will be available in practice. The bar set within the draft policy in respect of consideration of environmental impacts requires careful consideration – it is set high as drafted; there is a balance to achieve here, achieving appropriate protection whilst providing confidence that sufficient schemes are likely to be able to come forward under the policy and a more sophisticated policy approach may be necessary, possibly akin to that used for consideration of onshore wind energy proposals. The policy as drafted covers aggregates but no other, more specialist minerals and stone used for construction, which also need to be captured and supported in principle. With respect to proposals for exploration / development for the production of fossil fuels will, the policy could simply state that proposals will not be supported.

Rather than provide for exceptions within the policy, any exceptions could be put forward by the developer as 'other material consideration', with such a proposal being a significant departure from the Development Plan, to be determined as such. The tests for establishment of borrow pits should be higher than for a mineral site. It would be helpful if the policy could indicate that mineral permissions should be temporary and time limited, with how long being at the decision maker's discretion; a period of no longer than 15 years is advised. It would also be helpful if the policy could include a hierarchy for site selection, following sequentially preferable locations; this could be considered for introduction in the LDP. Support could also be expressed for proposals which involve the utilisation of secondary and recycled aggregates as a mineral resource. In order to fulfil the policy's provisions for safeguarding mineral resources, we need existing permissions mapped as a GIS constraints layer and it would be beneficial if this could be through the creation (and updating) of a national database of mineral sites (which would help inform monitoring / landbank assessments). This may also be a useful online resource for developers, local contractors and site operators. There are a number of policy criteria which we feel can be improved from the current draft e.g., around settlement impacts. We also think there may be opportunity for and benefit to promoting a central government universal restoration guarantee scheme.

- **Policy 23: Digital Infrastructure** – the policy as drafted will remove impediments, it will not ensure that all of our places will be digitally connected. Direct, fully funded provision would ensure it. What constitutes “appropriate, universal” digital infrastructure as referred to in the policy needs to be better defined – like 5G mast sharing between mobile phone companies. Also, the policy as drafted provides a ‘blank cheque’ support – this should be changed to caveated support, given that a site or proposal may be inappropriate – e.g., on a prominent hill in an NSA. We are not sure that LPA DM officers will have detailed knowledge of some of the matters mentioned as policy considerations: adverse effect on the operation of existing digital infrastructure or on the delivery of strategic roll-out plans. Perhaps this could be partly addressed by formalising the need to consult with digital infrastructure network providers and/or applying the Agent of Change principle for new developments near existing masts and other infrastructure.

## 5.11 Distinctive Places

- **Policies 24: Centres, 25: Retail, 26: Town Centre First Assessment & 27: Town Centre Living** – There is general agreement with the approach to this package of policies although it would benefit from some wording changes to tighten up the policies. The clear restriction of out of town retail is welcomed but officers feel consideration could be given to extending to other non-retail uses. There is no mention of the importance of preserving, enhancing and creating new green space and green infrastructure (including trees) within city, town, commercial and local centres which significantly contributes to healthier urban living.
- **Policy 28: Historic Assets and Places** - Throughout the draft policy there is a lack of consistency in wording/language which would benefit from being standardised, along with tightening up of wording throughout the policy to provide a clear and consistent meaning and remove ambiguity. This policy provides no additional support for the reuse of redundant/neglected historic buildings beyond what is already in place in current policy, which itself provides little support.

The existing SPP refers to local Historic Environment Records (HER) but this reference has been dropped in the draft NPF4, which is of some concern. The HER is an essential tool in development management and place-based planning, for developing spatial strategies and is a key resource in determining the impact of development on any designated or non-designated historic environment asset. The HER should be referenced in NPF4. In respect of the draft policy's provisions for battlefields, we are unclear how any development proposal would enhance a battlefield's cultural significance, key landscape characteristics, physical remains or special qualities.

- **Policy 29: Urban Edge** - Although the Highland Council has not designated a Greenbelt, we feel we can support the policy provision proposed.
- **Policy 30: Vacant and derelict land** – We are generally supportive of the reuse of disused land and buildings and agree that policy needs to allow for more proactive reuse of sites. However, there is concern that an unqualified support for the reuse of brownfield sites could lead to inappropriate uses or development. More focus could be placed on low impact temporary uses which would not preclude further reuse. We should also suggest that greater emphasis is placed on the retention of historical building stock capable of reuse and not otherwise protected, particularly in rural areas.
- **Policy 31: Rural Places** – We have significant concerns regarding this policy. It is poorly written and structured, with overlap between points and inconsistency throughout, which will make it challenging to interpret and apply. The overall approach in the policy would result in our Hinterland type restrictions applying to new housing proposals across **all** rural areas. Clarification is required on certain aspects of the policy e.g., requirements for what constitutes 'previously inhabited'. Furthermore, it would appear as though the rural repopulation agenda is to be supported through a broad support for the resettlement of previously inhabited areas. This is considered to be a crude approach with little strategic value that does not adequately cover, comprehend or address rural housing needs.
- **Policy 32: Natural Places** – This is a broad policy area which seeks to protect and 'restore' natural places; it effectively collates a number of HwLDP policies into a single policy. However, policy advice outlined is primarily focused on protection rather than 'restoring'. In addition, it would seem sensible for this policy to include a section on *natural* world heritage sites (thinking about the proposed Flow Country WHS), and this should be highlighted in our response. In general, it is considered a strongly-worded and comprehensive policy, but some rephrasing, amendments and clarifications are required.
- **Policy 33: Peat and carbon rich soils** - draft policy is strong, but it is important to be clear that many of our peatlands (across the whole of Scotland, but also in Highland) are degraded or damaged in some way and that many are currently net carbon emitters. In some cases, this damage is the result of previous planning decisions and it is slowing our progress towards net zero, at the same time as having a negative impact on water quality, biodiversity and a range of ecosystem services. A more proactive approach could therefore be taken towards the restoration of peatland. In historic environment terms, peatland restoration is potentially very damaging where appropriate mitigation is not in place and should restoration be given more prominence in the policy, the importance of protecting and preserving the historic environment should be referenced as a key consideration in any proposal coming forward.

- **Policy 34: Trees, Woodland & Forestry** - We feel that there is an opportunity to split this policy into two, with the first policy covering the protection and principle of development within woodland, with a second policy to cover the site-specific mitigation, with reference to British Standard 5837. The draft NPF4 has removed reference to TPOs and trees in relation to conservation areas and these both need to be re-introduced into this policy. Various wording changes are needed to strengthen and clarify the policy.
- **Policy 35: Coasts** - The detail of the draft policy is generally positive. It is good to see the issues around further coastal protection addressed and clearly stating new proposals should not result in additional coastal protection measures.

## 5.12 Part 4 – Delivering Our Spatial Strategy

- The approach to delivering NPF4 as outlined is supported in principle subject to sufficient resources being available to carry out the various new duties that have been brought about. In particular, there will be a need for new and additional specialist skills and funding to suitably prepare, carry out and assess the various new reports, audits and processes required, along with the support to be provided to local communities for the preparation of Local Place Plans. The significant requirements for new assessments, audits and other statutory development plan work should be recognised and considered in any work to explore and update the arrangements for resourcing of the planning system.
- In addition, it is felt that the final NPF4 document, and the background data and monitoring information used to prepare it, should be published in an online interactive format rather than simply a downloadable document. As the hunger grows for consistent and up to date data to prepare place plans and development plans at all scales we feel that there is an opportunity for Scottish Government to set the standard for digital innovation and engagement in the planning system to make it easier for planners to carry out the enabling and coordinating role that is expected.

## 5.13 Annexes

- **Annex A – NPF4 Outcomes Statement** – The prominence of biodiversity as one of the six outcomes is welcomed, highlighting its importance.
- **Annex B - Housing Numbers** - The Minimum All-Tenure Housing Land Requirement (MATHLR) published in the Draft NPF does appear to have taken into account most of the issues we raised in our response to the NPF4 Housing Figure consultation request. We note and welcome the acceptance and recognition that some Local Authorities have valuable robust locally available data sources which can offer improvements on data that is derived from a decade old Census and Household Surveys with limited local area completions. The minimum figures (and the clear clarification that these form a baseline only) in the NPF4 Draft reflect those in our most recent HNSA submission at the Highland Council area wide level. It is further welcomed that there is clarity in the framework that these figures can be revised upwards as Local Development Plans are prepared where robust evidence supports this.
- **Annex C – Glossary of Definitions** – We welcome the glossary inclusion, but contend it needs to be more comprehensive and consistently applied throughout NPF4 and with some form of linkage between the main text and defined words (i.e. defined words in italics).

## 5.14 General Issues/Comments on Draft NPF4

- Disappointment is expressed at the format of the draft NPF4 document being presented as primarily a downloadable static PDF document and webpage, especially at a time when both the Council and Scottish Government are actively looking at ways to better use digital platforms (the Council now regularly uses an [Interactive GIS StoryMap](#) approach) to displaying these sort of documents. In this instance the length of the document compounds this issue and shows a lack of ambition on behalf of the Scottish Government.
- Concern is also expressed over the accuracy and quality of the geographical mapping in relation to the Spatial Strategy (an example of this, is identifying if Inverness sits within the 'North-east Transition' Action Area). The final version should ensure all mapping is accurate, with proposed boundaries easily identifiable.

## 6. Next Steps

- 6.1 An online Members Workshop on Draft NPF4, to which all Council Members have been invited, is to be held on Friday 25 February 2022. Together with Committee's consideration of this report, the outputs from the subsequent workshop will inform officers' further working up, supplementing, refining and finalising of the Council's response to Scottish Government. Officers will email Members with further preparatory information in advance of the workshop as officer consideration of Draft NPF4 progresses further. The intention is that the headline issues and comments at section 5 of this report will form the basis for that discussion and Committee is invited to agree so.
- 6.2 In view of the issues to be considered and the timescales involved, the Council's submission on Draft NPF4 to Scottish Government will need to be finalised by the ECO Infrastructure, Environment and Economy. This may include further consultation with the Chair of the Environment and Infrastructure Committee ahead of the pre-election purdah period. Committee is asked to note this process.

Designation: Executive Chief Officer Infrastructure, Environment & Economy

Date: 14 January 2022

Author: Scott Dalgarno, Development Plans Manager  
David Cowie, Principal Planner  
Jennifer Mair, Planner  
Matthew Hilton, Planner / Urban Designer

Background Papers: - Draft NPF4 is available to read on [website](#)  
- The Highland Council's previous submissions to Scottish Government on NPF4 are available on our [website](#)  
- The Scottish Government's engagement pages for NPF4 are available on [website](#)