



## ***Development and Transport Policy Development and Scrutiny Panel***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

28 January 2021

A meeting of the **Development and Transport Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Tuesday 2 February 2021 at 9:30am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Minutes :-
  - (a) Confirm Draft Minutes of Meeting of Development and Transport Policy Development and Scrutiny Panel held on Tuesday 10 November 2020 (herewith)
  - (b) Confirm Draft Minutes of Meeting of Development and Transport Policy Development and Scrutiny Panel held on Tuesday 01 December 2020 (herewith)
5. Update - Local Bus Contracts and Community Transport Provision - report by Head of Operational Services (herewith)
6. 2020/21 Financial Performance - Month 6 Monitoring Report - report by

Head of Finance and Property Services (herewith)

7. Business Gateway and Employability Update - report by Head of Planning, Economic Development and Regeneration (herewith)
8. Scottish Government Interim Review of the Building Standards Verification Service and 2020 National Customer Survey to Support the Building Standards Verification Performance Framework - report by Head of Planning, Economic Development and Regeneration (herewith)
9. West Lothian Local Development Plan (LDP): Development Plan Scheme No.13 (DPS No.13) - report by Head of Planning, Economic Development and Regeneration (herewith)
10. Review of the Planning Enforcement Charter - report by Head of Planning, Economic and Regeneration (herewith)
11. National Planning Framework 4 Position Statement - report by Head of Planning, Economic Development and Regeneration (herewith)
12. Planning Performance Framework 2019-20 - report by Head of Planning, Economic Development and Regeneration (herewith)
13. Update on Scottish Planning Policy Finalised Amendment, Planning Advice Note (PAN) 1/202 and the West Lothian Housing Land Position - report by Head of Housing, Economic Development and Regeneration (herewith)
14. SESPlan Minute from meeting held on 25 November 2019 (herewith)
15. SESPlan Minute from meeting held on 16 March 2020 (herewith)
16. Lothian Regional Bus Committee Minute from meeting held on 8 June 2020 (herewith)
17. Workplan (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

## CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, [julie.whitelaw@westlothian.gov.uk](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621 [committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

## **SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE**

### **The objective test**

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

### **The General Exclusions**

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

### **Particular Dispensations**

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

### **The Specific Exclusions**

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

### **Categories of “other persons” for financial and non-financial interests of other people**

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL held within WEBEX VIRTUAL MEETING ROOM, on 10 NOVEMBER 2020.

Present – Councillors Cathy Muldoon (Chair), David Dodds, Tom Conn, Robert De Bold, Chris Horne, Tom Kerr and Dom McGuire

In Attendance

Malcom Hill (Joint Forum of Community Councils Representative)

Councillor Diane Calder, Broxburn, Uphall & Winchburgh Ward

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The panel confirmed the minute of its meeting held on 4 September 2020.

3. REVIEW OF PUBLIC REALM DESIGN GUIDE FOR BROXBURN AND UPHAL

Councillor Diane Calder participated in the following item of business in her capacity as a local ward member for Broxburn, Uphall and Winchburgh.

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a review of the public realm design guide relating to Broxburn and Uphall and the proposed updated to the Action Plan for the town/village centre.

It was recommended that the panel notes and considers the following recommendations which were intended to be submitted to Council Executive for approval after a consultation exercise had been undertaken:

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1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Planning Guidance relating to Broxburn & Uphall public realm;
3. Approves the content of the Planning Guidance Public Realm Design Guides for Broxburn & Uphall (Appendices 1, 2 and 3);
4. Approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself

have any significant environmental effects; and

5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

#### Decision

1. To note the contents of the report and of the Public Realm Design Guide for Broxburn and Uphall; and
2. To agree that the report be presented to a future meeting of Council Executive for approval following a period of consultation.

Due to technical reasons the panel meeting was adjourned and reconvened on 1 December 2020 when the remaining items of business were concluded.

MINUTE of MEETING of the adjourned DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL held within WEBEX VIRTUAL MEETING, on 1 DECEMBER 2020.

Present – Councillors Cathy Muldoon (Chair), David Dodds, Willie Boyle (substituting for Robert De Bold), Tom Conn, Chris Horne, Tom Kerr and Dom McGuire

Apologies – Councillor Robert De Bold; and, Councillors Pauline Clark, Sarah King and George Paul (invited guests)

In Attendance

Malcom Hill (Joint Forum of Community Councils Representative)

Councillor Kirsteen Sullivan (Whitburn & Blackburn Ward)

Councillor David Tait (Linlithgow Ward)

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS

The Chair ruled that she would be taking the Public Realm Design Guides in the following order:- Whitburn, Bathgate, Linlithgow and Armadale. The Chair also ruled that the Scheme of Delegation Report would immediately follow the design guides. This was to facilitate local ward members attendance and members of the Development Management Committee all of whom had been invited to participate in these particular items of business.

The Chair also advised the panel that agenda item 12 (Local Bus Festive Services), agenda item 13 (Response to Consultation on Free Bus Travel for People Resident in Scotland aged under 19) and agenda item 14 (A National Mission with Local Impact Draft Infrastructure Investment Plan for Scotland 2021-22 to 2025-26) would not be considered because they had since been presented to Council Executive for approval due to the need to progress these items of the business. It was confirmed that panel members had been consulted on the report contents prior to being submitted for approval.

3. REVIEW OF PUBLIC REALM DESIGN GUIDE FOR WHITBURN

Councillor Kirsteen Sullivan participated in the following item of business in her capacity as a local ward member for Whitburn and Blackburn.

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a review of the public realm design guide relating to Whitburn and proposed updates to the Action Plan for the town centre.

It was recommended that the panel notes and considers the following recommendation which are intended to be submitted to Council Executive for approval after a consultation exercise had been undertaken :-

1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Planning Guidance that relates to Whitburn's public realm;
3. Approves the content of the Planning Guidance 'Public Realm Design Guides for Whitburn (Appendices 1 and 2);
4. Approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects; and
5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

#### Decision

1. To note the contents of the report and of the Public Realm Design Guide; and
2. To agree that the report be presented to a future meeting of Council Executive for approval following a period of consultation.

#### 4. REVIEW OF PUBLIC REALM DESIGN GUIDE FOR BATHGATE

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the review of the public realm design guide relating to Bathgate and the proposed updates to the Action Plan for the town centre.

It was recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Planning Guidance for Bathgate Public



realm;

3. Approves the content of the Planning Guidance 'Public Realm Design Guides for Bathgate' (Appendices 1 and 2);
4. Approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects; and
5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

#### Decision

1. To note the contents of the report and the public realm design guide; and
2. To agree that the report be forwarded to a future meeting of the Council Executive for approval following a period of consultation.

#### 5. REVIEW OF PUBLIC REALM DESIGN GUIDE FOR LINLITHGOW

Councillor David Tait participated in the following item of business in his capacity as a local ward member for Linlithgow.

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a review of the public realm design guide relating to Linlithgow and proposed updates to the Action Plan for the town centre.

It was recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Planning Guidance as it relates to Linlithgow public realm;
3. Approves the content of the Planning Guidance 'Public Realm Design Guides for Linlithgow' (Appendices 1 and 2);
4. Approves the 'Screening Report' which is to be submitted to SEA

Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects; and

5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening.

The panel also requested that the link to the council's web pages where the design guides could be accessed be forwarded onto both members of the panel and local ward members.

#### Decision

1. To note the contents of the report and of the public realm design guide; and
2. To agree that the report be forwarded to a future meeting of Council Executive for approval following a period of consultation.

#### 6. REVIEW OF PUBLIC REALM DESIGN GUIDE FOR ARMADALE

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a review of the public realm design guide relating to Armadale and proposed updates to the Action Plan for the town centre.

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Planning Guidance relating to Armadale public realm;
3. Approves the content of the Planning Guidance 'Public Realm Design Guides for Armadale (Appendices 1 and 2);
4. Approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects; and
5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening

Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

### Decision

1. To note the contents of the report and the public realm design guide; and
2. To agree that the report be forwarded to a future meeting Council Executive for approval following a period of consultation.

## 7. PROPOSED AMENDMENT TO THE SCHEME OF DELEGATION AND OTHER PLANNING PROCEDURES

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposed changes to the scheme of delegation for planning applications and other consent. It was noted that a review of the scheme of delegation was required by legislation and that only one minor change to the scheme of delegation was proposed.

It was recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. Notes the proposed changes to the schemes of delegation and the reasons for them;
2. Approves the revised scheme of delegation in relation to planning applications and other consents and enforcement cases; and
3. Notes that if approved by Council Executive, the proposed changes to Part A of the scheme required to be submitted to Scottish Ministers for approval.

The panel undertook a discussion on the contents of the report and wished the following comments to be noted and included in the final report to Council Executive: -

- Definition of the Appointed Person should be made clearer;
- To consider the reasons that has to be stated on the form used by councillors to refer an application from the delegated list to Development Management Committee;
- To consider removing the ability of councillors being able to refer those applications recommended for refusal to Development Management Committee;
- To note the concerns of some members of the panel to possibly restricting councillors being able to refer applications recommended for refusal to the Development Management

Committee as this could potentially cause more applications to be directed towards to the Local Review Body, which was considered a more restrictive process; and

- To note the perception that the role of Community Council's in the consultation process was changing and possibly being diminished.

### Decision

1. To note the contents of the report;
2. To note that the report would be presented to the next meeting of Council Executive and would contain those comments made by panel members.

## 9. DRAFT SUPPLEMENTARY GUIDANCE: RENEWABLES & LOW CARBON ENERGY DEVELOPMENT (EXCLUDING WIND ENERGY)

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development Regeneration advising of the preparation of Draft Supplementary Guidance for Renewable & Low Carbon Energy Development and to set out the next steps towards finalisation and approval of the guidance. The guidance is required to support the West Lothian Local Development Plan (LDP).

It was to be noted that this Supplementary Guidance does not embrace wind energy related development as this subject is addressed by separate supplementary guidance

It was recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. Notes the comments received on the draft guidance following consultation;
2. Agrees the responses to the comments received during consultation on the draft Supplementary Guidance;
3. Approves the content of the Supplementary Guidance 'Renewables & Low Carbon Energy Development (excluding wind energy);
4. Approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects;
5. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant adverse environmental effects, and to report the outcome of the SEA screening process to a future

meeting of the Council Executive for information; and

6. Notes that if approved by Council Executive (and having secured exemption from additional SEA) the guidance will require to be submitted to Scottish Ministers for scrutiny and consideration before it can be adopted as statutory supplementary guidance in support of the West Lothian Local Development Plan.

Decision

1. To note the contents of the report; and
2. To agree that the report be presented to a future meeting of Council Executive for approval following a period of consultation.

10. LOW EMISSION ZONE SUPPORT FUND UPDATE

The panel considered a report which provided an update on completed works following grant funding from Transport Scotland which was secured through the Low Emissions Zone Support Fund for Public Transport Provision.

It was recommended that the Panel notes the spend of £110,000 funding from Scottish Ministers used to upgrade bus shelter infrastructure to improve access and promote bus travel along the main West Lothian to Edinburgh commuter routes.

Decision

To note the contents of the report

11. PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION MANAGEMENT PLAN 2020-21

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing a copy of the Planning, Economic Development and Regeneration Management Plan 2020/21.

The panel were asked to note the content of the report and attached plan.

Decision

To note the content of the report and the Planning, Economic Development and Regeneration Management Plan 2020/21

12. OPERATIONAL SERVICES MANAGEMENT PLAN 2020-21

The panel considered a report (copies of which had been circulated) by the Head of Operational Services a providing a copy of the Operational

Services Management Plan for 2020/21.

It was recommended that the panel notes the terms of the report and the attached plan.

Decision

To note the content of the report and the Operational Services Management Plan for 2020/21

13. QUARTERLY PERFORMANCE REPORT - QUARTER 2 OF 2020-2

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development Regeneration advising on current level of performance for all indicators that support the council's Corporate Plan and were the responsibility of the Development and Transport Policy Development and Scrutiny Panel.

It was recommended that the panel note the performance information and determine if further action or enquiry was necessary for any of the performance indicators in the report.

Decision

To note the contents of the report

14. WORKPLAN

The panel noted the contents of the workplan (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration.

Decision

To note the contents of the workplan

DATA LABEL: OFFICIAL - PUBLIC



## **DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **UPDATE – LOCAL BUS CONTRACTS AND COMMUNITY TRANSPORT PROVISION**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to update the Panel on the further impact of COVID 19 on the timescales for implementation of the Total Transport Review (TTR) outcomes and to inform the next steps required.

##### **B. RECOMMENDATION**

It is recommended the Panel;

1. Note the further impact of COVID 19 on the local bus network and the implementation of the TTR outcomes;
2. Note the recommendation to extend the current subsidised local bus contracts;
3. Note the recommendation to progress with community transport related TTR outcomes separate from the revised contract review period;
4. Note the recommendation to commence a community bus pilot;
5. Note the next steps.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The council has a policy of supporting public transport services where resources permit. The Transport (Scotland) Act 1985 states that it is the duty of the council, in exercising their power, to conduct themselves as not to inhibit competition in the commercial market.</p> <p>The council's procedures on dealing with petitions require that petitions are considered by Council Executive.</p>
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	The council has a target PI for Public Transport of having 90% of residents with access to an hourly or better daytime service

Monday to Saturday. It is possible that changes in the commercial and subsidised network could impact this PI.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The local bus network contributes to a number of outcomes by connecting communities with services and employment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The approved Public Transport budget for 2020/21 is £9.72 million
<b>VII</b>	<b>Consideration at PDSP</b>	
<b>VIII</b>	<b>Other consultations</b>	Financial Management Unit, Procurement Services and Legal Services.

## **D. TERMS OF REPORT**

### **D.1 Background**

At its meeting of 23 June 2020, Council Executive considered a report on the impacts of COVID 19 on local bus contracts and the Total Transport Review. It was agreed that both the redesign and retender of the subsidised local bus network and the implementation of the outcomes of the TTR would be delayed by 6 months in order to allow for sufficient recovery of the commercial local bus market. The agreed revised contract review period is contained within Appendix 1.

Given the uncertainty of both the pandemic and the recovery of the local bus network, it was also agreed that a further 6 months extension would be available should it be required.

### **D.2 Further Impact of COVID 19 on Local Bus Network**

As previously reported, the local bus network has been severely impacted by the Covid 19 pandemic. Although demand for public transport has increased slightly in comparison to the initial March 2020 lockdown, Transport Scotland is reporting that current demand levels are still reduced from 2019 levels by up to 80% impacting the commercial viability of bus services in West Lothian.

Local bus operators are currently supported by the Scottish Government's COVID 19 Support Grant which covers the gap between operational costs and the anticipated loss of fare-paying passenger revenue that bus operators experience due to physical distancing and reduced carrying capacity. This funding has permitted operators to operate services at approximately 90% mileage coverage on pre COVID 19 levels in order to ensure sufficient public transport links for essential journeys and key worker services.

The grant was extended on 7 August 2020 and 14 October 2020 with funding made available until 17 January 2021. Given the further advancement of the virus and heightened restrictions across Scotland, the Scottish Government further extended the funding on 15 December 2020 until 31 March 2021. However, the recent lockdown measures have placed further uncertainty on the recovery of the commercial local bus network.



### **D.3 Further Impact of COVID 19 on Contract Review Period and TTR Outcomes**

As the local bus network has been further impacted by COVID 19 and the viability of the commercial market is unknown, it further demonstrates that it is likely the commercial market may reduce post COVID 19 and council subsidy would potentially be required to cover existing connections. This increases the risk that the council would be unable to deliver a revised strategy based on new principals and that the commercial market would not be stable enough to sustain new long-term contracts.

It is therefore recommended that the contract review period is further revised by utilising the remaining 6-month extension to existing contracts in order to continue to assess the full impact of the pandemic and, in particular, understand the Scottish Government funding position post 31 March 2021. An example of a revised contract review period is contained within Appendix 2.

As there is an interdependency between the tender of new contracts and the TTR, an extension of the current contracts would further postpone implementation of some of the review outcomes. However, it is recommended that the outcomes related to the commencement of community transport solutions are separated from the review to become a stand-alone project and taken forward to explore community transport solutions which may be required to aid the recovery of the public transport network and ensure vital connections are available.

It would be anticipated that a report would be taken through committee in the new financial year outlining the potential community transport solutions which can be implemented within the current network utilising the £300,000 funding available in financial year 2021/22 previously agreed by Council Executive in February 2020.

### **D.4 Community Bus Pilot**

As part of the above recommendation, consideration has been given to the potential for a Community Bus Pilot in early 2021 to inform recommendations to Council Executive on potential Community Transport Solutions.

#### **D.4.1 Available Resources**

Discussions have been ongoing with HcL, who operate the council's Dial-A-Ride and Dial-A-Bus services. At the moment, Dial-A-Ride is operating as it is one on one transport however Dial-A-Bus is suspended due to the pandemic. This means HcL has vehicles and drivers spare that we could temporarily redirect to another service until such times as West Lothian moves far enough down the tiers that Dial-A-Bus can be reinstated.

As part of the TTR outcomes relating to community transport, there was a commitment to support HcL in obtaining the necessary licences to accept concessionary card holders on Dial-A-Bus services. Officers have been progressing this with HcL and, once completed, HcL can operate a fare taking service using their spare resources. This could potentially be used as a pilot for a community bus operation.

#### **D.4.2 Additional Considerations**

The commencement of the pilot is dependent on a number of factors whilst we move through the roadmap in the recovery from the Covid restrictions, including the following:

- Successful HCL application for Section 22 Permit granted by the Office of the Traffic Commissioner (OTC).
- Successful and timely purchase of Electronic Ticket Machines (ETMs) by HCL. Should these not be in place before the service is registered with the OTC, then fares cannot be charged. This would mean a decision would be required as to whether to delay the service start until these are in place, or provided.
- Application to and Confirmation from Transport Scotland of acceptance of HCL onto Concessionary Reimbursement Scheme.
- No objection from commercial operators in the operating area will determine whether HCL can request short notice registration of the new service from the OTC; otherwise the full 42 days notice period will have to be observed.

#### **D.4.3 Recommended Operating Area**

In order to obtain the maximum feedback possible from the pilot scheme, it is preferred that the operating area for a community bus pilot should meet the following criteria:

- Where the bus service will be connecting to amenities within the specific community within a reasonable mileage range;
- Where the bus service will connect to multiple community services including healthcare, food shopping, medicines and personal care;
- Where the routing of the bus can cover a wider residential area that is not currently serviced by traditional bus services;
- Where the bus service will connect to wider public transport services; and
- Where passenger engagement has already taken place.

Officers have reviewed the potential operating areas within West Lothian and it is recommended that Broxburn and Uphall should initially be utilised as a pilot area for a community bus scheme. The outcome of the pilot will be used to inform further recommendations on the implementation of additional community transport schemes using the TTR outcomes.

#### **D.4.4 Pilot Objective and Performance Monitoring**

In order to measure the success of the pilot the following objectives and performance monitoring will be implemented throughout the project:

- Improve independence and accessibility for key target groups within the pilot area;
- Review the need for ongoing town service local bus provision;
- Support local businesses within the pilot area;
- Support the development of local third sector community transport providers.

Public engagement has identified a feeling of isolation due to mobility issues and lack of public transport options for this target group. It is intended that the pilot would promote independence amongst this group and ultimately improve mental health by providing more accessible links back into the community. Users of the service would be surveyed on their views to measure the success of the pilot.

Publicity and promotion of the service will be key feature in ensuring we reach the target group, and it is intended that the pilot service will be promoted locally via the council website and social media outlets, as well as via local press and community groups. How users found out about the service can also be built in to the survey to gauge which media had the biggest impact on service usage.

The pilot will test the public appetite for the provision of town service in Broxburn. This will be monitored through the recording and review of passenger numbers and fares collected during the pilot to assess performance indicators such as average subsidy per passenger and average passengers per journey.

The pilot would ideally support local business and services by providing direct links from residential areas to 'main street', where this is currently not possible within the current bus network. This is especially significant under the current restrictions that are in place as a result of the COVID 19 pandemic, as this service will provide a means of accessing essential amenities for those who would benefit from this support. The Passenger Transport Service will liaise with the Broxburn & Uphall Traders Association to identify performance monitoring and engagement measures which would demonstrate the impact of the pilot on local businesses.

It is hoped the pilot will support HCL in their development as an operator, where council officers will guide and support this third sector organisation through registration process with the Office of the Traffic Commissioner with a view to increasing sustainable community transport solutions for people within West Lothian.

#### **D.5 Next Steps**

To report to the Council Executive meeting on 9 February 2021 seeking approval to amend the contract review period, vary the local bus contracts to extend by a further 6 months and implement a Community Bus Pilot.

To report back to Council Executive in Spring 2021 on the outcome of the community bus pilot with further recommendations on community transport solutions within West Lothian.

## **E. CONCLUSION**

Local bus services have been further impacted by the COVID 19 pandemic. The recovery of the market is unclear and it is highly unlikely that the commercial network will be reinstated without change. The current uncertainty and instability of the network further impacts the timeline for reviewing the passenger transport strategy and subsidised contracts.

The interdependency between the tender of new contracts and the TTR means that the extension of the current contracts would further postpone implementation of some of the review however the community transport related outcomes can be progressed as a stand-alone project. A community bus pilot would help inform recommendations for community transport solutions in West Lothian.

## **F. BACKGROUND REFERENCES**

None

### **Appendices/Attachments:**

Appendix 1 - Initial Revised Contract Review Timeline

Appendix 2 - Recommended Revised Contract Review Timeline

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**Jim Jack**

**Head of Operational Services**

**2 February 2021**

## Appendix 1 – Initial Revised Contract Review Timeline

<b>Task</b>	<b>Revised Date</b>
Prepare Revised Strategy	July - October 2020
Strategy Paper - D&T PDSP	November 2020
Strategy Paper - Council Executive	December 2020
Passenger Engagement	January - February 2021
Contract Redesign based on new strategy	January – March 2021
Contract Options Paper - D&T PDSP	May 2021
Contract Options Paper/ Tender Approval - Council Executive	May 2021
Contracts out to tender (Timescales dependent On Framework)	May 2021
Tender Close	June 2021
Tender Evaluation Deadline - including Passenger forecasts, cost per passenger estimates	June/July 2021
Ranking of Contracted Services	July 2021
Forecasts of budget implications of tender results	July 2021
Contract Award Paper - Council Executive Meeting	September 2021
Contract Award Letters to Operator	September 2021
Registration with Traffic Commissioner	September 2021
Contract Start Date	October 2021

## Appendix 2 – Recommended Revised Contract Review Timeline

<b>Task</b>	<b>Revised Date</b>
Passenger Engagement	February – May 2021
Contract Redesign based on Passenger Engagement	May – November 2021
Revised Strategy Paper - D&T PDSP	August 2021
Revised Strategy Paper – Council Executive	September 2021
Contract Options Paper - D&T PDSP	November 2021
Contract Options Paper/ Tender Approval - Council Executive	November 2021
Contracts out to tender (Timescales dependent On Framework)	November 2021
Tender Close	December 2021
Tender Evaluation Deadline - including Passenger forecasts, cost per passenger estimates	December 2021/ January 2022
Ranking of Contracted Services	January 2022
Forecasts of budget implications of tender results	January 2022
Contract Award Paper - Council Executive Meeting	March 2022
Contract Award Letters to Operator	March 2022
Registration with Traffic Commissioner	March 2022
Contract Start Date	April 2022

DATA LABEL: PUBLIC



## **DEVELOPMENT AND TRANSPORTATION POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **2020/21 FINANCIAL PERFORMANCE – MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Panel with an update on the financial performance of the Development and Transportation portfolio.

##### **B. RECOMMENDATION**

It is recommended that the Panel:

1. Notes the financial performance of the Development and Transportation portfolio as at month 6;
2. Notes that the Development and Transportation portfolio position at month 6 is part of the overall council budget position reported to Council Executive on 17 November 2020;
3. Notes any actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.
<b>III Implications for Scheme of Delegations to Officers</b>	No implications at this stage.
<b>IV Impact on performance and performance indicators</b>	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
<b>V Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

- VI Resources – (Financial, Staffing and Property)** An overspend of £568,000 is forecast for the Development and Transportation portfolio general revenue fund in 2020/221.
- VII Consideration at PDSP** A financial performance report will be presented to the Panel twice yearly on an ongoing basis.
- VIII Other Consultations** Depute Chief Executives, Head of Operational Services and Head of Planning, Economic Development and Regeneration

## D. TERMS OF REPORT

### D.1 Introduction

This report provides an update on the general fund revenue financial performance in respect of the Development and Transportation Policy Development and Scrutiny Panel (PDSP) portfolio of services. The council's revenue budget is operationally managed at a Head of Service level, and the financial position included within this report formed part of the overall council position reported to Council Executive on 17 November 2020. This report also includes the position on the delivery of approved budget reduction measures relevant to the Development and Transportation portfolio for 2020/21.

The budget monitoring process is undertaken in line with the council's budgetary control framework and procedures, which place particular focus on a risk based and pro-active approach to budget monitoring.

This report focuses on the financial performance of council services which further enhances the information presented to elected members to allow scrutiny of service and financial performance. The report contains reference to key performance measures for service areas which are contained within Service Management Plans and referenced in the 2018/19 Local Government Benchmarking Framework (LGBF) data-set. LGBF data for 2019/20 will be collated by the Improvement Service and will be made available later in the financial year.

### D.2 Financial Information for 2020/21 Month 6 Position

The table below summarises the position in relation to service expenditure for the portfolio area. As part of the monitoring exercise, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service	2020/21 Budget £'000	Month 6 Forecast £'000	Variance £'000
<b>GENERAL FUND REVENUE</b>			
<b>Operational Services</b>			
Public Transport	2,239	2,046	(193)
<b>Operational Services - Total</b>	<b>2,239</b>	<b>2,046</b>	<b>(193)</b>
<b>Planning, Economic Development and Regeneration</b>			
Planning Services	276	1,037	761
Economic Development and Regeneration	3,156	3,156	0
<b>Planning, Economic Development and Regeneration - Total</b>	<b>3,432</b>	<b>4,193</b>	<b>761</b>
<b>TOTAL EXPENDITURE GENERAL FUND REVENUE</b>	<b>5,671</b>	<b>6,239</b>	<b>568</b>



## **D.3 Summary of Main Issues in Service Expenditure Budgets and Impact on Performance**

### **D.3.1 General Fund Revenue - Operational Services**

#### Public Transport

Expenditure on Public Transport within the Development and Transport portfolio relates to concessionary travel and local bus subsidies for approximately 20% of the West Lothian bus network (the other 80% is commercially operated). The remainder of Public Transport relates to support for school transport and this is reported to the Education PDSP.

Overall there is projected to be a net underspend of £193,000 as the Covid-19 pandemic has reduced demand for rail and local bus services. This results in reduced costs incurred on concessionary rail and local buses of £463,000 being partially offset by £270,000 of lost income from local buses.

In terms of service performance, the key indicator is public access to an hourly bus service and the council has a target of 90% of residents having such access. The most recent reporting period would indicate that 91% of residents have access to an hourly service, the same level as the previous year. The most recent customer satisfaction survey for 2019/20 was not able to be undertaken due to Covid-19 restrictions.

### **D.3.2 General Fund Revenue – Planning, Economic Development and Regeneration**

#### Planning Services

An overspend of £761,000 is forecast mainly due to the implications of the Covid-19 pandemic and an under recovery of income within Planning.

There has been both supply and demand side implications for the building market arising from the pandemic. On the supply side, builders are likely to focus on developments that are either ongoing or already have planning permission. The demand for housing may be impacted by changes in consumer confidence and the availability of mortgages as a result of Covid-19 relates issues. Given this, both planning application and building warrant income are expected to be lower than budget, with the overall shortfall currently estimated at £761,000.

Service performance remains high with the majority of performance indicators within agreed targets and above the Scottish average. Areas where service delivery have been below target are major and housing site planning applications which have taken longer than anticipated, mainly as a result of the complex nature of these applications and the need to enter into related legal agreements to secure developer contributions towards infrastructure improvements.

#### Economic Development and Regeneration

Economic Development and Regeneration is forecast to break even this year.

A significant element of the expenditure within this area is funded by one-off external funding or time limited funds. The main areas of funding available are the Scottish Government Economic Growth Fund funding (£11.1 million), the Newly Self-employed Hardship fund (£674,000), the Jobs Taskforce funding (£400,000), the Climate Emergency fund (£801,000) and the time limited investments in training and employability projects, including the council's apprentice and graduate schemes.

In terms of the Economic Growth Fund package of £11.1 million, £6.2 million has been spend with a further £1.4 million in progress or committed. The remaining £3.5 million has been committed to the Jobs Task Force to help achieve sustainable and inclusive economic growth.

These funds will support new higher-value jobs in key sectors as well as upskilling/reskilling of staff to help firms to meet short to medium term economic challenges.

The council is ranked 17<sup>th</sup> in the LGBF for the percentage of unemployed persons that are helped into work programmes supported by the council and 7<sup>th</sup> for the number of business start-ups per population compared to 17<sup>th</sup> and 10<sup>th</sup> last year. Customer surveys indicate that the service constantly achieves or out performs targets which is particularly important at the present time given the increased demand for unemployment and business support.

### **D.3.3 General Fund Revenue – Monitoring of approved budget reductions**

For the Development and Transportation portfolio, savings in 2020/21 are anticipated to be fully delivered by the end of the financial year other than the following:

- Increase in income from planning applications (£75,000) – significant pressure currently due to Covid-19 but it is anticipated that this saving is achievable for future years.
- Increase in income from building warrants (£75,000) – significant pressure currently due to Covid-19 but it is anticipated that this saving is achievable for future years.

The operational delivery of the savings for future years is progressing well.

## **E. SUMMARISED BUDGET POSITION FOR 2020/21**

The month 6 position is a projected pressure of £568,000 within the General Fund Revenue budget for the Development and Transportation portfolio. The month 6 position was reported to Council Executive on 17 November 2020.

## **F. FUTURE BUDGET ISSUES AND RISKS**

There remains significant risks and uncertainties associated with the financial assumptions in the council's budget. In addition to the current increase in costs, there is a high risk that further significant costs will continue to be incurred during financial year 2020/21 and beyond given the current and likely future lockdown, social distancing and other requirements in place to manage the pandemic. However, it is recognised that the ongoing vaccination programme should help control certain of these costs in due course.

As council services continue to be delivered in accordance with Scottish Government guidance, there will be a substantial increase in the cost of service delivery. This will need to be closely monitored to ensure costs are fully identified and this will inform discussions with the Scottish Government over additional funding.

The council, in liaising with COSLA, will continue to lobby the Scottish Government to provide additional resources to the council to ensure that the financial implications of Covid-19 are fully funded.

In relation to medium term financial planning, whilst acknowledging that the planning assumptions are subject to uncertainty due to the planning time horizon, some of the general risks and uncertainties include annual confirmation of local authority funding from the Scottish Government, pay award, particularly given payroll costs are the council's largest expense, the implementation of the recently agreed trade discussions between the UK and EU, the outcome of continuing services and trade discussions between the UK and EU, policy changes by the government without adequate funding, demographic demands and inflationary pressures.

Specifically, for the Development and Transportation portfolio, the key risks and uncertainties include the general economic conditions continuing to negatively impact planning and building warrant income.

The council's risk based approach to budget monitoring will ensure that effective action is taken to manage risks during the course of the financial year. Officers will continue to provide updates on risks as part of the regular budget monitoring reporting to Council Executive at period 4, 6 and 9.

#### **G. CONCLUSION**

The forecast position for the Development and Transportation portfolio is a pressure of £568,000. As noted, the position for the Development and Transportation portfolio is part of the overall outturn forecast position for 2019/20 which was reported to Council Executive on 17 November 2020.

#### **H. BACKGROUND REFERENCES**

1. Council Executive 2020/21 General Fund Revenue Budget – Month 6 Monitoring Report – 17 November 2020
2. Local Government Benchmarking Framework

Appendices / Attachments:       None

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**Donald Forrest**  
**Head of Finance and Property Services**  
**Date: 2 February 2021**



DATA LABEL: PUBLIC



**DEVELOPMENT & TRANSPORTATION POLICY DEVELOPMENT & SCRUTINY PANEL**

**BUSINESS GATEWAY AND EMPLOYABILITY UPDATE**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of the report is to update the panel on the work of the Business Gateway & Employability teams from April 2020 to December 2020.

**B. RECOMMENDATION**

It is recommended that panel:

1. Notes the report and the work that the teams are carrying out in responding to the pandemic; and
2. Notes the continued and on-going work to support those businesses and individuals affected by the pandemic

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The report does not raise any Strategic Environmental Assessment, equality or health issues.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Performance has increased through the pandemic as the teams adjust to new ways of supporting clients.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 2 - We are better educated and have access to increased and better quality learning and employment opportunities.

Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

Outcome 4 - We live in resilient, cohesive and safe communities.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Additional resources have been made available through Scottish Government funding on Youth Guarantee Scheme and supported PACE activity.
<b>VII</b>	<b>Consideration at PDSP</b>	Regular updates on employability are provided to the panel.
<b>VIII</b>	<b>Other consultations</b>	Economic Recovery Group, Economic Partnership Forum.

## **D. TERMS OF REPORT**

This report focuses on two areas of work within Economic Development & Regeneration – Business Gateway and Employability.

### **D1 Business Gateway**

Economic challenge has always been considered as a driver of new start businesses. 2020 saw over 190 new businesses start-up with help from Council's Business Gateway advisers. The vision and commitment of local people to start their own business, especially in such challenging circumstances, is remarkable. The advisers delivered the range of start-up services to clients remotely. In terms of productivity, over 190 starts were achieved from only 252 initial meetings. This shows a determination to progress on the part of the customers; and it shows enhanced customer focus on the part of the advisers.

These new start firms have created over 240 new jobs. The main business sectors are personal, professional and local services. 20% of all early stage firms go on to take premises, employ staff and grow the scale of the business. New starts are worth over £7.55 Million to the local economy every year.

The Business Gateway team also includes advisers who deal with existing, growing and relocating firms to West Lothian. The advisers have dealt with almost 950 firms in 2020. In previous years, that figure would have been closer to 300 firms. Our priority sectors include Life Sciences – Manufacturing and Engineering – Hospitality – Construction – Enabling Technologies/ICT.

Of the 950 businesses who engaged with us, over 580 were understandably focused on Covid issues. It is testament to their resilience and entrepreneurialism that 370 firms were also exploring issues around premises, new markets, working capital, Research & Development, export regulation, digital marketing and carbon reduction projects. And while these firms employ over 8,300 staff, it is only 11% of total jobs in West Lothian. However, these firms account for more than 30% of the annual economic output in goods and services across West Lothian. Council's Business Gateway advisers support firms who have combined annual sales in excess of £1.41 Billion per annum.

In summarising the work to date of the Business Gateway team, it is not all about sales and wider economic impacts. The advisers have the trust of local people, some of whom pre-Covid had stable and established businesses. Covid-19 has damaged the economic wellbeing of many local firms. The Business Gateway advisers try to find solutions in complex circumstances. This is sometimes when businesses cannot see a viable way forward. For their empathy and compassion in dealing with our local firms, we ask panel to note the team's ongoing contribution to a sustained and inclusive economic recovery.

## **D2      Employability**

The Access2employment team supports individuals, via intensive 1:1 support and targeted support via employability training, personal development and a range of training. The service engages with clients both unemployed and in work but underemployed or in unsecure employment. The client groups supported include those that present with a wide range of preventative barriers including mental health, substance misuse, low skills, health conditions and long-term unemployment. Support is also provided to those who have been made redundant through PACE or are at risk of being made redundant.

In addition to 1:1 support the service delivers a range of intensive and short courses aimed at developing employability skills. One example is the services Women n2 Work and Men n2 Work courses, both 7-week personal development and employability courses aimed at vulnerable women or men with multiple barriers who were looking to return to the labour market.

Since April 2020 the service has moved provision and support online with clients being provided with support online through emails and social media, through video calls or via the telephone. One to one support is being provided to assist with job search, CV preparation, applications, cover letters and information on the latest local vacancies. Service support has been tailored to offer the chance to engage digitally and out with office hours, if clients want to, via the use of online forms to support the creation of CV's and advisor support being made available in the evening.

As unemployment has increased in West Lothian to 5.5 % in November from 2.8% in January 2020, engagement via online has been high from existing and new clients particularly those that have been made unemployed or are currently uncertain about their employment as a result of furlough. From the 1 April 2020 – 31 December 2020 the service has supported the following:

- 1,639 clients in total received support from Access2employment.
- 1,079 clients were existing clients that continued to engage or re-engaged with Access2employment service.
- 560 new employability clients were registered for support.

As a result of the support being provided during the period 147 clients progressed into employment with a further 12 progressing into education.

All courses and group interventions delivered by the service including the 7-week Women and Men n2 Work courses have continued to be delivered during the period via online platforms. The service has delivered 37 courses during the reporting period with 135 clients attending one or more courses. The online nature has meant that those that have struggled to travel or haven't been confident in meeting new people have engaged well with the delivery.

To support with job searching and supporting clients to engage remotely the service has developed a weekly bulletin. The bulletin, which is electronic, contains information on local vacancies by sector and how to apply. In addition to local vacancy information the bulletin also contained information on specific support available such as how to get help to create and update your CV and information on courses available at West Lothian College.

Clients sign up to receive the bulletin weekly, 630 clients currently receive the weekly bulletin. It is also distributed to 148 stakeholders who share it with their clients and users in addition to promoting it on social media.

The provision of good effective employability support will remain key over the coming months. The service has strong partnership links with key internal and external partners as well as a good service offer to support those that find themselves in need of employability advice and support.

## **E. CONCLUSION**

Both the Business Gateway & Employability team adapted their delivery to online very quickly to support the needs of their clients, performance has increased and the teams are highly motivated in delivering quality services in what is a difficult time. As this year progresses it will become even more challenging for our communities and the additional resources are to be welcomed so that we can respond to the expected increase in demand for our services.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix 1: Business Gateway Infographic

Appendix 2: Access2employment Infographic

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alice.mitchell@westlothian.gov.uk

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

2 February 2021



Total Value Of Grant  
Funding Approved  
**£895k**



Total number  
of Jobs  
Created from Funding  
**360**

**1524**

Business  
Interventions  
Including:

Unique Business Interactions **945**

COVID-19 Related Issues **584**

Total Number of Jobs **6000**

Sectors Supported Include:

- Enabling Technologies
- Manufacturing
- Local Services
- Construction
- Food & Drink
- Engineering



**191**

New Businesses Supported  
At Business Start-Up Stage

**16**

Expert Help Projects Approved  
For Business Owners In WL

# 1639

Clients  
supported  
Including:

Existing clients re-engaging

# 1079

New client registrations

# 560

Clients supported into employment

# 147

Clients supported into education

# 12



# 630

Clients

# 148

Stakeholders

Recieve  
the weekly  
vacancy  
bulletin

Promoted Sectors Include:

- Customer Service
- Warehousing
- Managagement
- Care
- Construction
- Retail

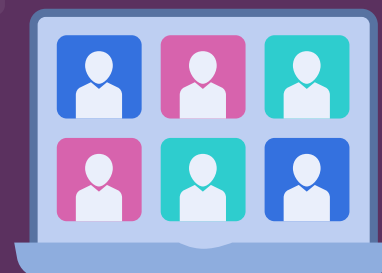


# 37

Online courses delivered

# 135

People attended courses



DATA LABEL: PUBLIC



**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**SCOTTISH GOVERNMENT INTERIM REVIEW OF THE BUILDING STANDARDS VERIFICATION SERVICE AND 2020 NATIONAL CUSTOMER SURVEY TO SUPPORT THE BUILDING STANDARDS VERIFICATION PERFORMANCE FRAMEWORK**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the outcome of the Scottish Government Interim Review of the council's Building Standards Verification Service and the Scottish Government commissioned Customer Survey for 2020 to support the building standards verification Performance Framework.

**B. RECOMMENDATION**

It is recommended that the panel:

- notes the positive feedback given in the Scottish Government Verification Service midterm review response (Appendix 1);
- notes the positive result given in the Scottish Government commissioned National Customer Survey to support the building standards verification Performance Framework (Appendix 2); and
- notes the good performance shown in the Performance Breakdown 2017/18 to 2019/20 (Appendix 3).

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Acceptance of a Scottish Government interim review is a statutory requirement.</p> <p>Completion of an annual Scottish Government commissioned report on Customer Survey to support the building standards verification Performance Framework is a statutory requirement.</p> <p>The report itself does not raise any Strategic Environmental Assessment, equality or health risk issues.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	There are no implications for the Scheme of Delegation to officers.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The Performance Framework sets out a range of indicators which indicate the council's performance across a range of building standards activities.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 8</b> – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time that feedback has been reported to the panel.
<b>VIII</b>	<b>Other consultations</b>	No consultations were required in the preparation of this report.

## **D. TERMS OF REPORT**

### **D1 Background**

On 1 May 2017 the Scottish Government re-appointed West Lothian Council, as a strong performing verifier for the geographical area of West Lothian for a further period of six years. The appointment periods awarded to local authorities at this time were for either one, three or six year periods with direct action being taken by Scottish Government as required for those authorities on one year terms.

Appointment is contingent on satisfactory performance being achieved in line with the building standards Performance Framework and its associated Key Performance Outcomes (KPO's) with interim reviews being carried out midterm to assess performance of authorities over a three year period from 2017/18 to 2019/20.

KPO returns are submitted on a quarterly basis with a national customer survey being commissioned by the Scottish Government on an annual basis. The Scottish Government reviews the KPO returns and produces a scored Performance Breakdown RAG rating (Appendix 3) for each authority based on these submissions. West Lothians performance breakdown over the three year period 2017/18-2019/20 was scored at 186 out of a maximum 210 with four of the eight scored indicators achieving the maximum possible score.

West Lothians interim review was scheduled for 14 May 2020 however due to the pandemic this was rescheduled for 15 December 2020.

The Scottish Government commissioned annual customer survey of customers who dealt with the service in 2019/20 was carried out between 28 September 2020 and 3 November 2020 and was advertised nationally. The outcome of this survey was received on 21 December 2020.

## **D2 Verification Service Midterm Review Feedback**

Following a video-conference review with Building Standards held on 15 December 2020 the Scottish Government's response of 8 January 2021 noted that:

- it was encouraging to see that the council are taking a proactive approach to ensure they sustain their position as a strong performing verifier;
- it acknowledged that the council's digital processes have allowed the council to maintain high levels of service delivery and resilience during the pandemic;
- the council's customer service excellence (CSE) accreditation demonstrates the council's customer focused approach to service delivery and that this is evidenced in the national customer survey ratings, which exceed the national target;
- the level of re-investment into the verification service is apparent and this has been reflected in the council's overall performance levels;
- the positive attitude shown by service management and the team is recognised;
- the Scottish Government will update Kevin Stewart, Minister for Local Government, Housing and Planning about:
  - the progress made with the building standards service.
  - the support provided by senior management and assure him of the council's ongoing commitment to resourcing and developing the verification service.

## **D3 Further General Review Comments**

The Scottish Government noted that West Lothian are committed to supporting career progression and longer term succession planning within Building Standards and highlighted their [Workforce Strategy](#) launched on 1 October 2020 which aims to embed succession planning into Building Standards services along with the Competency Assessment System also being developed, in partnership with Local Authority Building Standards Scotland (LABSS), to standardise how competency is measured and assessed across the profession.

Further highlighted was the on-going work at a national level in response to the current public health crisis including the Construction Leadership Forum has supported the restart of construction activity in Scotland and developed and published a recovery plan which recognises the role of building standards verifiers and their contribution to sustainable economic development: <https://www.constructionforum.scot/recovery-plan/>

The Scottish Government concluded with noting that it was conducting a further review of the Operating and Performance Frameworks this year, including a review of the National Customer Satisfaction Survey model and will be consulting on this work in due course.

#### **D4 National Customer Satisfaction Survey to Support the Building Standards Verification Performance Framework**

The 2020 Scottish Government commissioned survey gave West Lothian an overall customer satisfaction rating of 8.1 in 2020. This was a reduction from the 2019 performance of 8.7 however is still well above the national average of 7.5.

For comparison purposes West Lothian's performance compared to both the National and South East Scotland Building Standards Consortia (SESBSC), which comprises City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council, over 2018/19 and 2019/20 was as follows.

	2019/20 Overall Customer Satisfaction Rating	2018/19 Overall Customer Satisfaction Rating
West Lothian Council	8.1	8.7
Scottish National Average	7.5	7.4
South East Scotland Building Standards Consortia	7.0	6.8

The customer comments received from the survey are being analysed to identify any areas for improvement and any actions from this review will be taken forward as improvement actions over the coming year.

#### **E. CONCLUSION**

Performance of the Council's Building Standards service continues to be high in comparison to other services in Scotland and this is reflected in recent feedback from customer surveys and the Building Standards Division of the Scottish Government.

#### **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Three

Appendix 1: Verification Service Review Response

Appendix 2: 2020 National Customer Survey

Appendix 3: Performance Breakdown (2017/18 – 2019/20)

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

2 February 2021

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Building Standards Division



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**Building Standards Manager**  
West Lothian Council

(By email)

(Copy to Planning Services Manager; Senior Surveyors)

Our ref: A31264461

8 January 2021

Dear Chris

## VERIFICATION SERVICE

I'm writing to follow up on our recent video-conference held on 15 December 2020. As you are aware West Lothian Council were appointed as verifiers on 1 May 2017 for a period of six years. It is encouraging to see that you are taking a proactive approach to ensure you sustain your position as a strong performing verifier.

I acknowledge your electronic processes have allowed you to maintain high levels of service delivery and resilience during the pandemic. Your customer service excellence (CSE) accreditation demonstrates your customer focused approach to service delivery and this is evidenced in your national customer survey ratings, which exceed the national target. The level of re-investment into your verification service is apparent and this has been reflected in your overall performance levels. It was interesting to hear that you have an internal 15 day target to ensure you can achieve 100% against the 20 day national target.

You provided an insight into the challenges that your authority and local authorities in general are facing. The positive attitude shown by you and your team is recognised.

You explained that West Lothian are committed to supporting career progression and longer term succession planning within the team and that there are a number of new appointments across the team. This is particularly welcome since the [Workforce Strategy](#) launched on 1 October 2020, aims to embed succession planning into building standards services. As you are also aware, a Competency Assessment System is also being developed in partnership with LABSS to standardise how competency is measured and assessed across the profession.

You also presented a comprehensive overview on all aspects of your service, including Remote Verification Inspection and the benefits this was bringing to your service delivery. I

was interested to read the statistics you have gathered to quantify the uptake of remote inspections and alternative evidence which has been embraced by the team at West Lothian.

You will no doubt be aware of the on-going work at a national level in response to the current public health crisis. The Construction Leadership Forum has supported the restart of construction activity in Scotland and developed and published a recovery plan which recognises the role of building standards verifiers and their contribution to sustainable economic development: <https://www.constructionforum.scot/recovery-plan/>

As discussed, the weekly business continuity updates by verifiers in Scotland is utilised by Scottish Government to identify any further guidance or special measures which may be required as we move into the recovery phase. I would like to pass thanks to you and your team for continuing to keep us informed on a weekly basis.

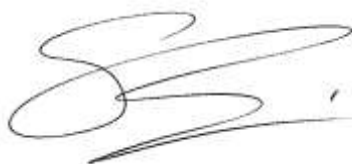
We explained changes to the appointment process last year with the introduction of a scoring criteria to improve how overall performance is analysed and presented during the appointment process. We will also be conducting a further review of the Operating and Performance Frameworks this year, including a review of the National Customer Satisfaction Survey model and will be consulting verifiers on this work in due course.

I will update Kevin Stewart, Minister for Local Government, Housing and Planning about the progress made with your building standards service. I will also share that there is support from Chief Officers and senior management and assure him of your ongoing commitment to resourcing and developing the verification service.

As discussed at the meeting, we're committed to continuing dialogue with your team and providing feedback to assist you with any areas which require attention.

I hope you found the meeting productive and I look forward to continuing to work in partnership with you to support your efforts to deliver a high quality building standards service.

Yours sincerely



**STEPHEN GARVIN**  
**Head of Building Standards Division**





Pye Tait Consulting

**National Customer  
Satisfaction Survey to  
Support the Building  
Standards Verification  
Performance Framework**

**Report for:**

**West Lothian Council**

December 2020

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# 1. Introduction

## 1.1 Background to the survey

The building standards system in Scotland was established under the Building (Scotland) Act 2003. The Act gives powers to Scottish Ministers to make building regulations, procedure regulations, fees regulations and other supporting legislation as necessary to fulfil the purposes of the Act. The purposes include setting building standards and dealing with dangerous and defective buildings.

The remit of the building standards system is to protect the public interest by setting out the standards to be met when building or conversion work takes place, to the extent necessary to meet the building regulations.

The standards are intended to:

- Secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings;
- Further the conservation of fuel and power; and
- Further the achievement of sustainable development.

The role of the building standards verifier is to protect the public interest by:

- Providing an independent check of applications for building warrants to construct buildings, provide services, fittings or equipment in buildings, or to convert buildings;
- Granting or refusing building warrants;
- Carrying out an independent check of construction activities through the process of reasonable inquiry; and
- Accepting or rejecting completion certificates.

Verifiers are appointed by Scottish Ministers and the Act provides for a variety of verifiers should they be required. At present, the only appointed verifiers are the 32 Scottish local authorities, each covering their own geographical area.

In 2011 Pye Tait Consulting, on behalf of the Scottish Government, developed a set of nine national Key Performance Outcomes (KPOs), which were implemented as part of the 'Building Standards Verification Performance Framework' and launched on 1<sup>st</sup> May 2012. The intention of these was, through more accurate and effective comparisons, to ensure consistency and quality in terms of outputs and overall service, along with a greater focus on peer review, benchmarking and sharing of best practice. Additionally, the KPOs underpinned a strong culture of continuous improvement.

In 2013/14 the Scottish Government commissioned Pye Tait Consulting to develop and run the first national customer satisfaction survey for building standards. This was predicated on the need to obtain nationally consistent data on customer perceptions of their local authority building standards service. The first survey provided baseline data for trend analysis in subsequent years and was repeated in 2015 and each year since then.<sup>1</sup>

## 1.2 Changes from May 2017

In 2015, the Scottish Government commissioned Pye Tait Consulting to evaluate the performance of local authorities in their role as verifiers,<sup>2</sup> with an aim to inform Scottish Ministers in the lead-up to the next appointment of verifiers from May 2017. The evaluation identified various considerations including the scope for a review and refresh of the performance framework.

In 2016, the Scottish Government completed this review in consultation with Local Authority Building Standards Scotland (LABSS) and with independent input from Pye Tait Consulting. The 32 local authorities were re-appointed on 1<sup>st</sup> May 2017 for varying lengths of time based on their prior performance, some of which were subsequently re-appointed for a further period from 1<sup>st</sup> May 2020. A full review of appointment periods is planned to be undertaken before 1<sup>st</sup> May 2023.<sup>3</sup> The new 'Building Standards Performance Framework for Verifiers' was also implemented from May 2017.<sup>4</sup>

Two of the seven new KPOs, categorised under 'Quality Customer Experience', aim to ensure that verifiers adhere to the commitments in the building standards customer charter and meet or exceed customer expectations. The 2020 survey

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<sup>1</sup> The Scottish Government (2014) National Customer Satisfaction Survey to Support the New Verification Performance Framework (Phase 2 report). Available at: [www.gov.scot/Resource/0045/00456855.pdf](http://www.gov.scot/Resource/0045/00456855.pdf)

<sup>2</sup> The Scottish Government (2016) Evaluation of the performance of local authorities in their role as building standards verifiers. Available at: <http://www.gov.scot/Resource/0049/00495402.pdf>

<sup>3</sup> Further details about the 2017 re-appointment of verifiers are available at: <http://www.gov.scot/Topics/Built-Environment/Building/Building-standards/verification/>

<sup>4</sup> The Scottish Government (2017) Building Standards Performance Framework for Verifiers. Available at: <http://www.gov.scot/Resource/0051/00516415.pdf>

aligns with KPO4 – titled ‘Understand and respond to the customer experience’. The purpose of this KPO is for local authority verifiers to monitor customer satisfaction with the building standards service and ensure it meets or exceeds customer expectations.

### 1.3 Survey methodology

The 2020 survey questionnaire was identical to the 2019 version (a copy is presented in Appendix 1).

The scope of the survey was all building standards customers between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020, defined as:

- a. Applicants for building warrants (including any agents);
- b. Submitters of completion certificates (including any agents); and
- c. Others that have interacted with the Building Standards service.

Local authorities supplied their customers’ contact details (name and email address only) to Pye Tait Consulting for the express purpose of being invited to participate in the survey. On advice from the Information Commissioner’s Office (ICO) following GDPR coming into force in May 2018, the national customer satisfaction survey is in the legitimate interests of the buildings standards system and its customers. However, prior to GDPR, customers may have previously opted out of being contacted for the purpose of this survey, and local authorities double-checked with these customers if they still wished to opt out of their details being shared with Pye Tait.

The survey opened on 28<sup>th</sup> September 2020 and closed on 3<sup>rd</sup> November 2020. It was hosted online and customers with email addresses were directly invited by Pye Tait Consulting to participate. Local authorities were also at liberty to promote the survey to their own customers (i.e. those within scope) as appropriate.

When completing the survey, customers were presented with a link relating to the specific local authority to which their response related. Customers of multiple local authorities were presented with links for each local authority of which they had been a customer and thus could complete the survey multiple times, once for each local authority.

### 1.4 Presentation of results

Customer satisfaction survey reports have been produced at a national (Scotland) level, for seven consortium groups and for all individual local authorities in Scotland.

This report presents the findings for customers of **West Lothian Council**.

**The findings are anonymous and based on the perceptions of customers responding to the survey. They indicate possible strengths and weaknesses in customer service although they do not explore the extent to which any particular issues may be within or outside of local authority control.**

The results have not been subject to statistical tests to determine the significance of any apparent patterns and should therefore be treated with caution. Percentages shown in charts may not add up to precisely 100% due to the impact of rounding.

Certain charts in this report refer to a base number of 'respondents' (meaning total customers answering that particular survey question) and others refer to a base number of 'responses' (total boxes ticked for survey questions where customers could choose more than one answer).

The following colour key applies to Tables 2 to 4.

Colour key	Numerical rating questions	Percentage questions
Green	7.5 and higher	75% and higher
Amber	Between 6.5 and 7.4	Between 65% and 74%
Red	6.4 and below	64% and below

Note that the colour-coding metrics used reflect The Scottish Government's updated performance measurement requirements.



## 2. Results

### 2.1 Total survey responses

Total survey responses for West Lothian are shown in Table 1. This includes a comparison between the response rate for West Lothian and the national (Scotland) response rate.

**Table 1 Achieved sample and response rate**

A	Number of customer email addresses supplied to Pye Tait:	<b>607</b>
B	Of these – number of customers unique to West Lothian (i.e. not also customers of other local authorities):	<b>432</b>
C	Total survey responses attributed to West Lothian:	<b>75</b>
D	Response rate for West Lothian (C as a percentage of A):	<b>12.4%</b>
E	Response rate for Scotland (for reference):	14.5%

### 2.2 Overall satisfaction

Customers were asked to rate their overall satisfaction with the local authority Building Standards service on a scale from 1 'not at all satisfied' to 10 'completely satisfied' (Table 2).

**Table 2 Overall satisfaction with the Building Standards service**

	All customers	Direct applicants/ submitters	Agents	Other
<b>2020 average rating:</b>	<b>8.1</b>	<b>7.9</b>	<b>8.9</b>	-
2019 average rating:	8.7	8.7	8.8	-
2018 average rating:	7.6	7.5	7.8	-
2020 average rating for Scotland (national comparison)	7.5	7.5	7.5	6.8

## 2.3 Meeting expectations

Customers rated the extent to which they felt the local authority Building Standards service had met their expectations, on a scale from 1 'not at all' to 10 'completely' (Table 3).

**Table 3 Extent to which the service met expectations**

	All customers	Direct applicants/ submitters	Agents	Other
<b>2020 average rating:</b>	<b>8.1</b>	<b>7.8</b>	<b>9.3</b>	-
2019 average rating:	8.7	8.6	9.1	-
2018 average rating:	7.7	7.6	7.9	-
2020 average rating for Scotland (national comparison)	7.5	7.5	7.6	6.4

## 2.4 Main results and comparisons

Table 4 presents the 2020 headline customer satisfaction results.

The colour coding shows at a glance the trend in the local authority's results between the 2018 survey, 2019 survey, and the 2020 survey.

The 2020 Scotland-wide national results are also shown for information.

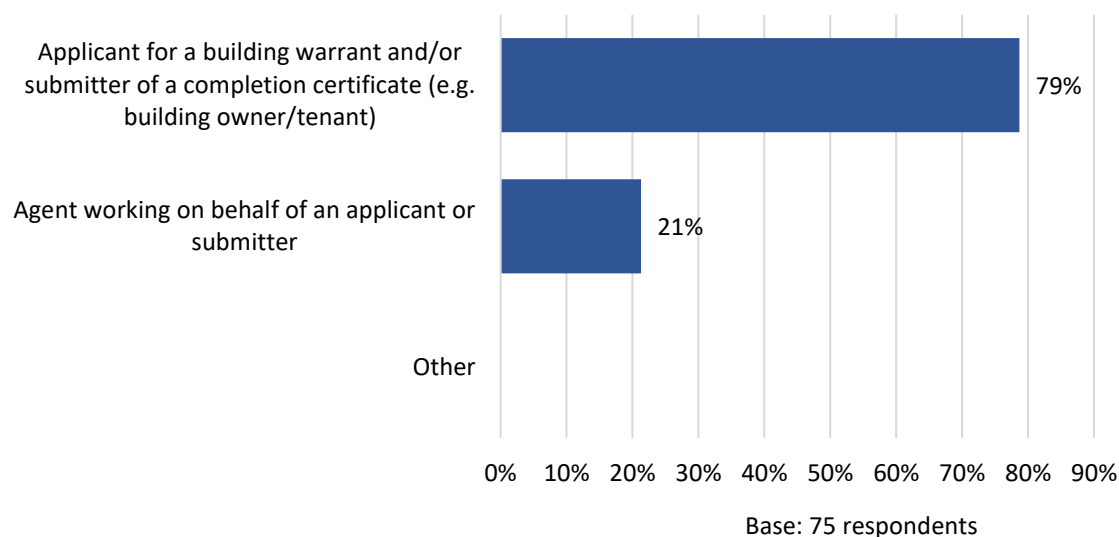
**Table 4 Main results and comparisons**

<b>Measures</b>	<b>Scotland 2020</b>	<b>West Lothian 2020</b>	<b>West Lothian 2019</b>	<b>West Lothian 2018</b>
<b>OVERALL SATISFACTION</b>				
Overall satisfaction with the service received (out of 10)	7.5	8.1	8.7	7.6
<b>MEETING EXPECTATIONS</b>				
Extent to which the service met expectations (out of 10)	7.5	8.1	8.7	7.7
Very/fairly satisfied with the timeliness of various aspects of the service	58%	72%	79%	74%
Kept very/fairly well informed about the progress of an application or submission	61%	72%	83%	71%
<b>QUALITY OF SERVICE</b>				
Strongly agree/agree to some extent that sufficient advice and guidance was received to meet needs	67%	81%	87%	72%
Strongly agree/agree to some extent that Building Standards service staff were polite and courteous	82%	91%	94%	88%
Yes – an inspection visit was undertaken by Building Standards staff	52%	86%	86%	85%
Very/fairly satisfied with the quality of the advice and guidance received from inspection staff	55%	82%	88%	78%
Yes – aware of the need to notify the Building Standards service prior to commencing work	95%	97%	99%	100%
<b>COMMUNICATIONS</b>				
Satisfied with the <u>accuracy</u> of written information (out of 10)	8.1	8.3	8.9	8.2
Satisfied with the <u>quality</u> of written information (out of 10)	8.0	8.5	8.8	8.1
<b>ACCESSIBILITY</b>				
Building Standards service staff are accessible if I want to meet them in person	51%	72%	71%	61%
Building Standards service staff are approachable	72%	81%	84%	75%
Very/fairly satisfied with the reception service	86%	72%	100%	65%

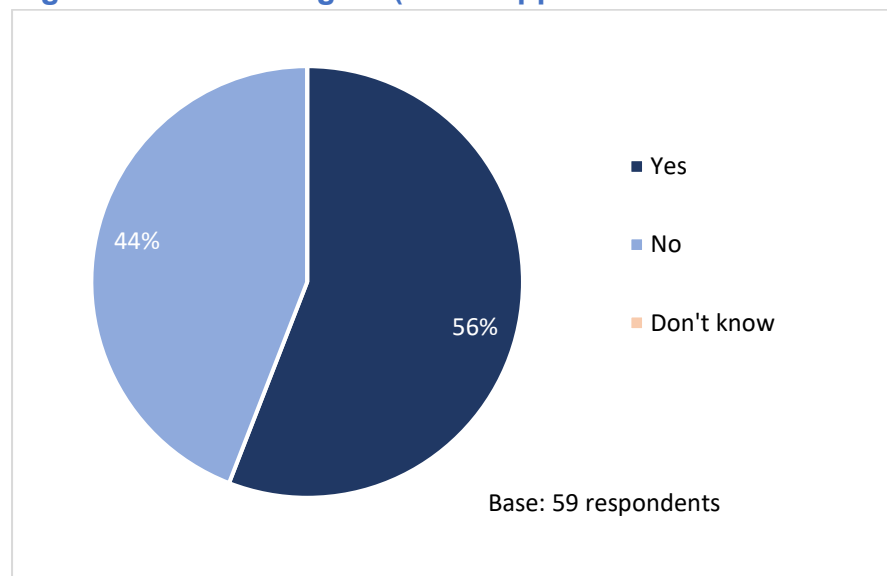
### 3. Respondent Profile

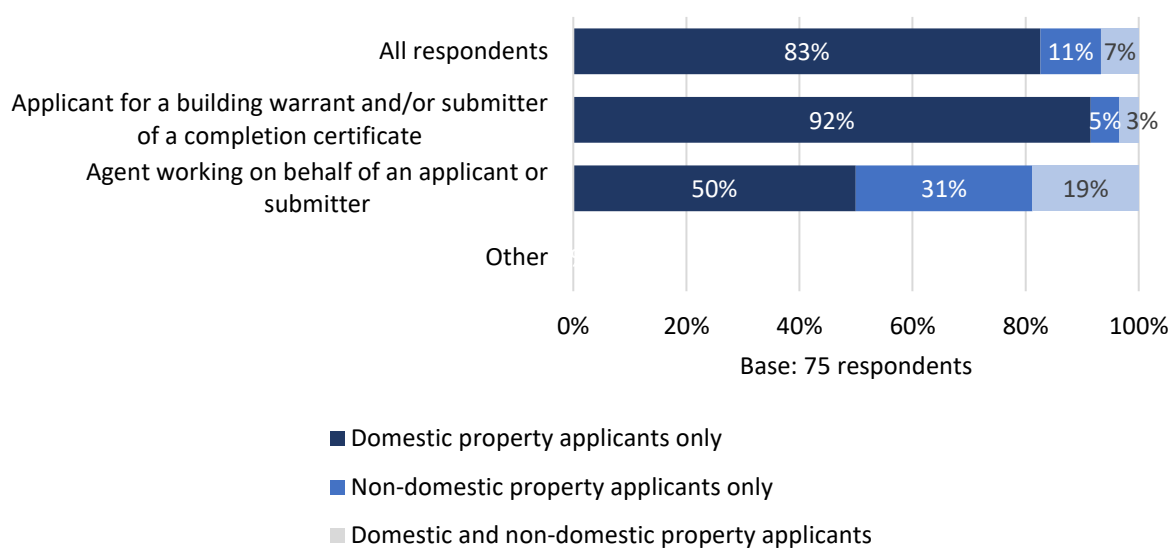
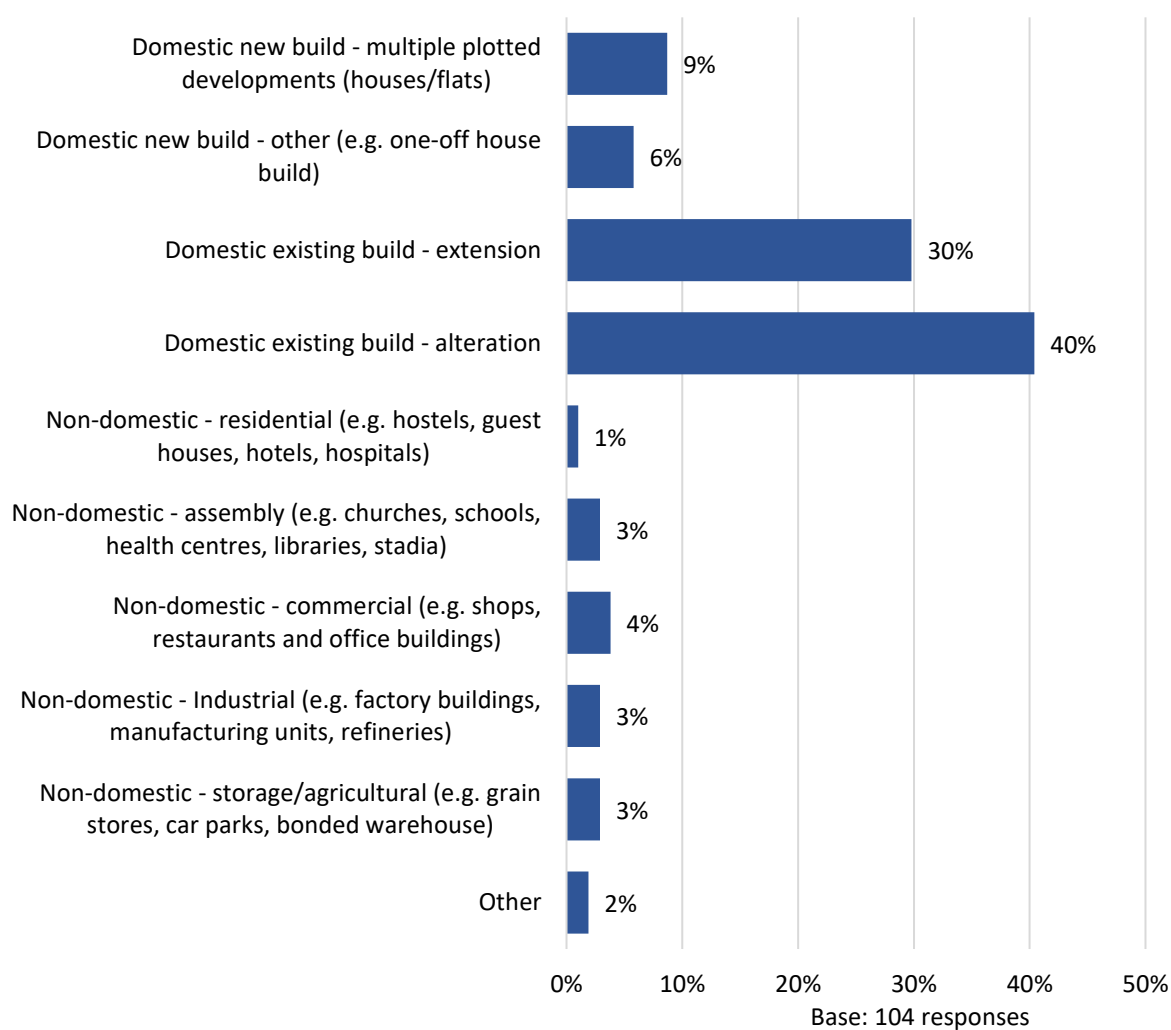
This section sets out the profile of survey respondents for West Lothian based on specific criteria.

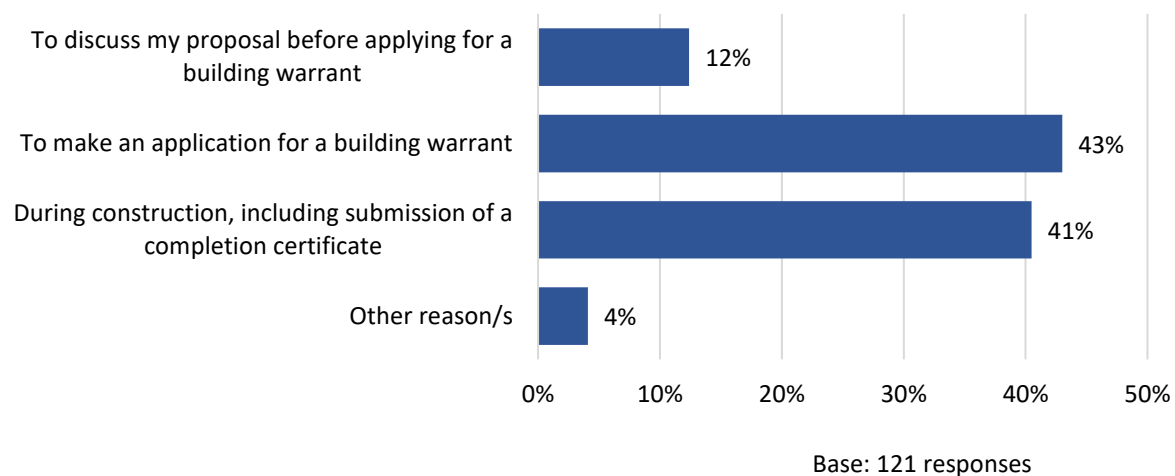
**Figure 1 Customer type**



**Figure 2 Use of an agent (direct applicants/submitters only)**



**Figure 3 Customer type by category of application****Figure 4 Categories of building work**

**Figure 5 Reasons for making contact with the Building Standards service**

# Appendix 1: National Survey Questionnaire

## 2020 Customer Satisfaction Survey for Building Standards Please tell us what you think

### Introduction

The Scottish Government (Building Standards Division) would like to obtain your views and feedback about the local authority Building Standards service in Scotland. This is a national survey that is being administered separately to customer feedback questionnaires issued by individual local authorities.

As a Building Standards customer since April 2019, we would like to hear about the quality of service you have received, for example when applying for a building warrant and/or submitting a completion certificate. We are interested in your views on the customer service you have experienced as opposed to the actual decision made in response to an application.

### How to complete the survey

You will be asked to identify which local authority your feedback relates to. If you have been a customer of more than one local authority and would like to provide additional feedback, please complete a separate survey.

The survey should take approximately 10 minutes to complete (this may take a little longer depending on how much feedback you wish to give). Please note, the final question asks you for any additional comments or feedback not covered by the previous questions.

As you progress through the survey, you will only be presented with those questions that are relevant to you. If you are unable to answer any questions, or if you feel they are not applicable, please leave them blank.

### Reassurance

Pye Tait Consulting is carrying out this survey independently on behalf of the Scottish Government and all 32 local authorities in Scotland. The findings from the survey will be treated confidentially and reported anonymously by Pye Tait Consulting under the Data Protection Act 2018 and the Market Research Society (MRS) Code of Conduct.

If you have any queries, please contact Tom Wilson at Pye Tait Consulting, via [t.wilson\[at\]pyetait.com](mailto:t.wilson@pyetait.com) or by telephoning 01423 509433

Thank you for taking the time to complete this online survey. To continue, please select a local authority to provide your views and feedback. Please note that after you press 'submit' at the end of this survey, you will return to this page and your response for this local authority will be marked as 'completed' (below).

**PART 1: About you and your application: [Local authority selected]**

**Q1.** In order to minimise selection error, customers were no longer presented with this drop-down list of 32 local authorities to manually select which to provide feedback about. Instead, this information was either pre-filled (for customers of one local authority) or a dynamically controlled reduced list was presented for customers of more than one local authority (typically agents).

Which ONE of the following local authorities are you responding about in this survey? (Please tick the appropriate box and complete a separate survey for any other local authorities of which you have been a customer since April 2019).

<input type="checkbox"/>	Aberdeen	<input type="checkbox"/>	Highland
<input type="checkbox"/>	Aberdeenshire	<input type="checkbox"/>	Inverclyde
<input type="checkbox"/>	Angus	<input type="checkbox"/>	Midlothian
<input type="checkbox"/>	Argyll and Bute	<input type="checkbox"/>	Moray
<input type="checkbox"/>	City of Edinburgh	<input type="checkbox"/>	North Ayrshire
<input type="checkbox"/>	Clackmannanshire	<input type="checkbox"/>	North Lanarkshire
<input type="checkbox"/>	Comhairle Nan Eilean Siar	<input type="checkbox"/>	Orkney
<input type="checkbox"/>	Dumfries and Galloway	<input type="checkbox"/>	Perth and Kinross
<input type="checkbox"/>	Dundee	<input type="checkbox"/>	Renfrewshire
<input type="checkbox"/>	East Ayrshire	<input type="checkbox"/>	Scottish Borders
<input type="checkbox"/>	East Dunbartonshire	<input type="checkbox"/>	Shetland
<input type="checkbox"/>	East Lothian	<input type="checkbox"/>	South Ayrshire
<input type="checkbox"/>	East Renfrewshire	<input type="checkbox"/>	South Lanarkshire
<input type="checkbox"/>	Falkirk	<input type="checkbox"/>	Stirling
<input type="checkbox"/>	Fife	<input type="checkbox"/>	West Dunbartonshire
<input type="checkbox"/>	Glasgow	<input type="checkbox"/>	West Lothian

**Q2.** In what capacity have you been a customer of the Building Standards service? [Tick one only]

<input type="checkbox"/>	Applicant for a building warrant and/or submitter of a completion certificate (e.g. building owner/tenant)
<input type="checkbox"/>	Agent working on behalf of another applicant/submitter
<input type="checkbox"/>	BOTH of the above, i.e. direct applicant/submitter AND agent
<input type="checkbox"/>	Other

If 'Other' – please specify: \_\_\_\_\_

**Q3.** [Only asked if Option 1 selected to Q2] Did you use an agent to act on your behalf as part of the application process?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	Don't know



**Q4.**For which of the following reasons did you make contact with your local authority Building Standards service? [Tick all that apply]

<input type="checkbox"/>	To discuss your proposal before applying for a building warrant
<input type="checkbox"/>	To make an application for a building warrant
<input type="checkbox"/>	During construction, including submission of a completion certificate
<input type="checkbox"/>	Other reason/s

If 'Other' – please specify: \_\_\_\_\_

**Q5.**For which of the following categories of work have you submitted an application? [Tick all that apply]

<input type="checkbox"/>	Domestic new build – multiple plotted developments (houses/flats)
<input type="checkbox"/>	Domestic new build – other (e.g. one-off house build)
<input type="checkbox"/>	Domestic existing build - extension
<input type="checkbox"/>	Domestic existing build - alteration
<input type="checkbox"/>	Non-domestic – residential (e.g. hostels, guest houses, hotels, hospitals)
<input type="checkbox"/>	Non-domestic – assembly (e.g. churches, schools, health centres, libraries, stadia)
<input type="checkbox"/>	Non-domestic – commercial (e.g. shops, restaurants and office buildings)
<input type="checkbox"/>	Non-domestic – Industrial (e.g. factory buildings, manufacturing units, refineries)
<input type="checkbox"/>	Non-domestic – storage/agricultural (e.g. grain stores, car parks, bonded warehouse)

If 'Other' – please specify: \_\_\_\_\_

## **PART 2: Meeting your expectations: [Local authority selected]**

**Q6.**Overall, to what extent did the service you received from the local authority Building Standards service meet your expectations? Please rate on a scale from 1 'not at all' to 10 'completely'?

**Q7.**Please provide your reasons for this rating:

**PART 3: Progressing your application: [Local authority selected]**

**Q8.**How satisfied were you with the time taken by the local authority Building Standards service to undertake each of the following? [Leave any statements blank if don't know or not applicable]

	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied
Respond to telephone enquiries					
Respond to written enquiries					
Issue the first report for a building warrant application (e.g. detailing non-compliance or further information requested)					
Process the application and grant a building warrant					
Respond to a request for a site visit					
Accept a completion certificate					

**Q9.**How satisfied are you with the way you were informed about the progress of your application? [Leave blank if don't know or not applicable]

	Very satisfied
	Fairly satisfied
	Neither satisfied nor dissatisfied
	Fairly dissatisfied
	Very dissatisfied

**Q10.** [Only asked if 'fairly dissatisfied' or 'very dissatisfied' to Q9] What are your reasons?

--

**PART 4: Quality of service: [Local authority selected]**

**Q11.** To what extent do you agree or disagree with each of the following statements about the advice and guidance you received from local authority Building Standards service staff? [Leave any statements blank if don't know or not applicable]

	Strongly agree	Agree to some extent	Neither agree nor disagree	Disagree to some extent	Strongly disagree
I received sufficient advice and guidance to meet my needs					
The advice and guidance I received was consistent					
The advice and guidance I received was helpful					

**Q12.** To what extent do you agree or disagree with each of the following statements about the quality of service received from Building Standards service staff? [Leave any statements blank if don't know or not applicable]

	Strongly agree	Agree to some extent	Neither agree nor disagree	Disagree to some extent	Strongly disagree
Staff were polite and courteous					
Staff were helpful					
Staff were efficient					
Staff were knowledgeable					
I felt as though someone took ownership of my enquiry					
Any problems that arose were adequately resolved					
I felt valued as a customer					

**Q13.** [Only asked if 'Strongly Agree' to any components of Q11 or Q12] You have stated **STRONGLY AGREE** to at least one of the above statements with respect to the advice, guidance and quality of service you have received. Please can you explain what was particularly good?

--

**Q14.** [Only asked if 'Strongly Disagree' to any components of Q11 or Q12] You have stated **STRONGLY DISAGREE** to at least one of the above statements with respect to the advice, guidance and quality of service you have received. Please can you explain your reasons?

--

**Q15.** Are you aware of the need to notify the Building Standards service before warrantable work commences?

	Yes
	No

**Q16.** Are you aware of the new Construction Compliance Notification Plan (CCNP) which is issued by the local authority at the same time as the building warrant is granted?

	Yes – aware but not familiar
	Yes – aware and familiar
	No – not aware

**Q17.** Did you have an inspection visit by Building Standards service staff?

	Yes	<a href="#">Route to Q18</a>
	No	<a href="#">Route to Part 5</a>
	Don't know	<a href="#">Route to Part 5</a>

**Q18.** How satisfied were you with each of the following aspects of the inspection visit?  
[Leave any statements blank if don't know or not applicable]

	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied
Flexibility of dates and times to meet my needs					
Professionalism of the inspection staff					
Quality of the advice and guidance received from the inspection staff					
Your understanding of the next steps following the inspection					

**PART 5: Communications: [Local authority selected]**

**Q19.** In which of the following ways did you interact with the local authority Building Standards service? [Tick all that apply]

	Email
	Telephone
	Letter
	On-site visit
	At the Building Standards service offices
	Other

If 'Other' – please specify: \_\_\_\_\_

**Q20.** On a scale from 1 'very poor' to 10 'very good' - how would you rate each of the following aspects of the local authority's written information and documentation:

	1,2,3,4,5,6,7,8,9,10
Accuracy	
Quality	
Helpfulness	
Layout and presentation	
Use of plain English	

**Q21.** Have you visited the Building Standards section of the local authority's website?

	Yes
	No

**Q22.** How satisfied are you with each of the following forms of electronic communication made available by the local authority Building Standards service? [Leave any statements blank if don't know or not applicable]

	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied
Website					
Email					
SMS/text message					
e-newsletter					

**Q23.** [Only asked if 'fairly dissatisfied' or 'very dissatisfied' to any of Q22 A to D] You stated FAIRLY DISSATISFIED or VERY DISSATISFIED to at least one of the options in the last question about electronic communication. What are your reasons?

**Q24.** Generally, in what ways (if any) do you think the local authority Building Standards service could improve its communications?

## PART 6: Accessibility: [Local authority selected]

**Q25.** How easy was it to make contact with the local authority Building Standards service via each of the following methods? Please rate on a scale from 1 'very difficult' to 10 'very easy'

	1,2,3,4,5,6,7,8,9,10
In general	
By phone	
By email	
In person	

**Q26.** Please provide reasons for your ratings:

**Q27.** To what extent do you agree or disagree with the following statements in relation to the local authority Building Standards service? [Leave any statements blank if don't know or not applicable]

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
Building Standards service staff are accessible if I want to meet with them in person					
Building Standards service staff are approachable					

**Q28.** Did you visit the offices of the local authority Building Standards service?

	Yes	<a href="#">Route to Q29</a>
	No	<a href="#">Route to Q30</a>

**Q29.** How satisfied are you with each of the following aspects of the Building Standards service offices? [Leave any statements blank if don't know or not applicable]

	Very satisfied	Fairly satisfied	Neither satisfied nor dissatisfied	Fairly dissatisfied	Very dissatisfied
Reception service					
Waiting time					
Privacy for discussions					

## **PART 7: Overall satisfaction and final comments: [Local authority selected]**

**Q30.** Overall, how would you rate your satisfaction with the Building Standards service?  
Please rate on a scale from 1 'not at all satisfied' to 10 'completely satisfied'

Finally, do you have any final comments about how you believe the local authority Building Standards service could be improved in the future?

## Appendix 2: Survey Invitation Email

Email subject: Building Standards in Scotland – Customer Feedback Questionnaire

Dear {Name}

We are writing to you as a customer of the local authority Building Standards service in Scotland.

This means that since 1st April 2019 you may have submitted a building warrant application, completion certificate, used the services of your own agent, or made other enquiries through your local authority Building Standards service. You may also have been an agent acting on behalf of an applicant.

The Scottish Government would like to obtain your views and feedback on the customer service you received. This will help identify which aspects are working well and any areas where improvements need to be made in the future.

We would be grateful if you would spare 5 or 10 minutes to complete the online survey.

If you have been a customer of more than one local authority Building Standards, you will have the opportunity to provide feedback on the service provided by each.

### **PLEASE CLICK HERE TO START THE SURVEY**

Your feedback is important to us, even if you are not able to answer all questions or have had limited contact with the local authority Building Standards service.

Further information, including our contact details, can be found via the survey link (above).

Many thanks for your time and contribution.

Kind regards,

Pye Tait Consulting (on behalf of the Scottish Government, Building Standards Division)

You may choose not to receive further e-mails about this research from Pye Tait Limited simply by clicking [UNSUBSCRIBE](#). Pye Tait Limited registered address: Royal House, 110 Station Parade, Harrogate, North Yorkshire, HG1 1EP.



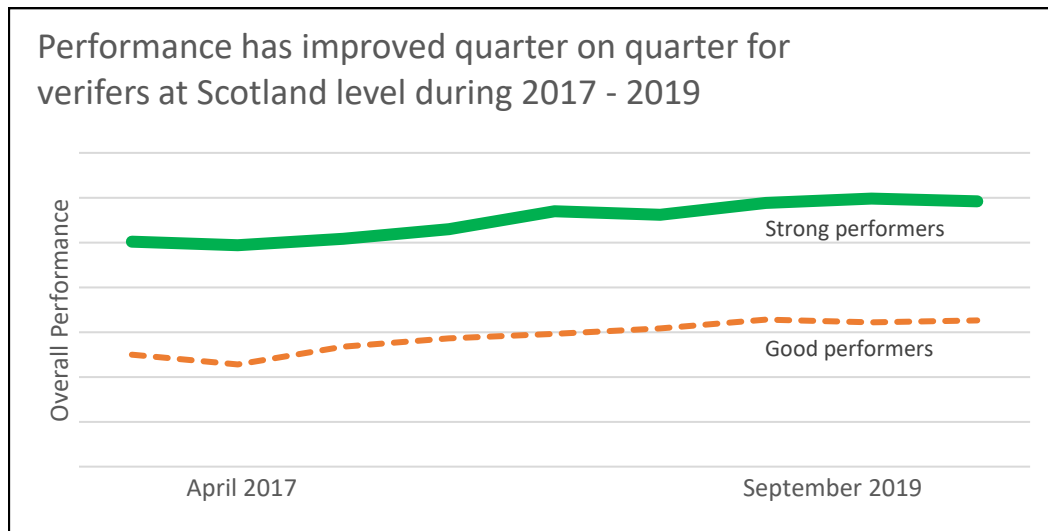
## PERFORMANCE BREAKDOWN (2017-2019)

ANNEX A

### Scotland level performance

Performance levels across Scotland (Figure 1) have been gradually improving since 2017.

Scottish Government, Building Standards Division have collaborated with colleagues in the Analytical Services Division and Local Authority Building Standards Scotland (LABSS) to agree how performance should be measured. The Key Performance Outcome (KPO) targets have been weighted and Red, Amber, Green (RAG) criteria applied to assess the overall performance of the verification service for the period 2017-2019.



**Figure 1 – Performance Trends**

### Appointment periods

Different appointment periods were first introduced in 2017 with specific terms and conditions which reflected each verifier's overall performance and level of risk. This same approach has been used for the appointments in 2020.

### Continuous improvement

Appointments can be subject to an audit and specific terms and conditions focused on improving performance and mitigating any risks which could affect the sustainability of the service. Building Standards Division offer tailored support to verifiers to develop improvement actions where performance or other issues emerge.

### Financial governance

The total fee income has been added and divided by the total verification staff cost for the same period to provide an overall percentage for KPO 5.1.

Note. No scoring has been applied to KPO5 to recognise fee income being out with a verifier's control.

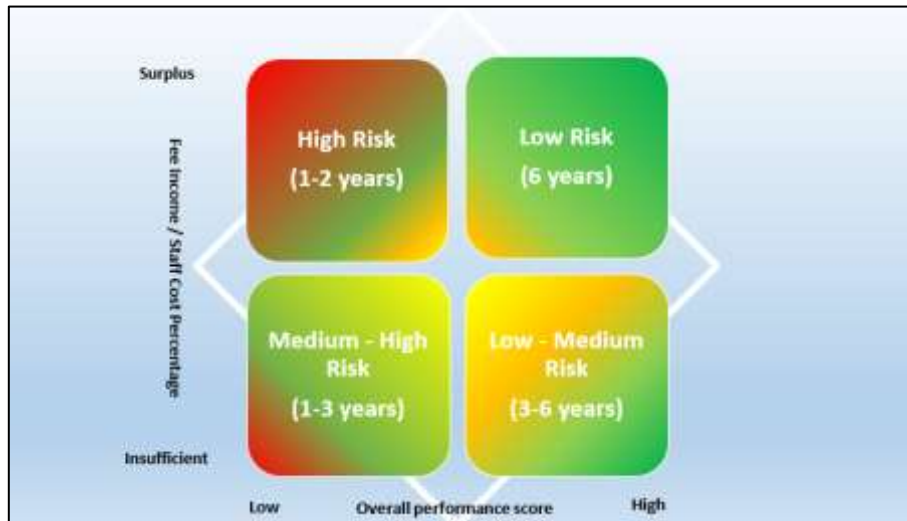
## PERFORMANCE BREAKDOWN (2017-2019)

## ANNEX A

### Overall performance

Verifiers with **strong** performance scores and surplus income are considered low risk and are appointed for **6 years**. They have consistently met performance targets and have sufficient income to continue to invest and develop their service.

Verifiers with **good** performance scores and surplus income are considered higher risk and are appointed for **3 years**. They have not met performance targets despite having sufficient income to invest and develop their service (Figure 2).

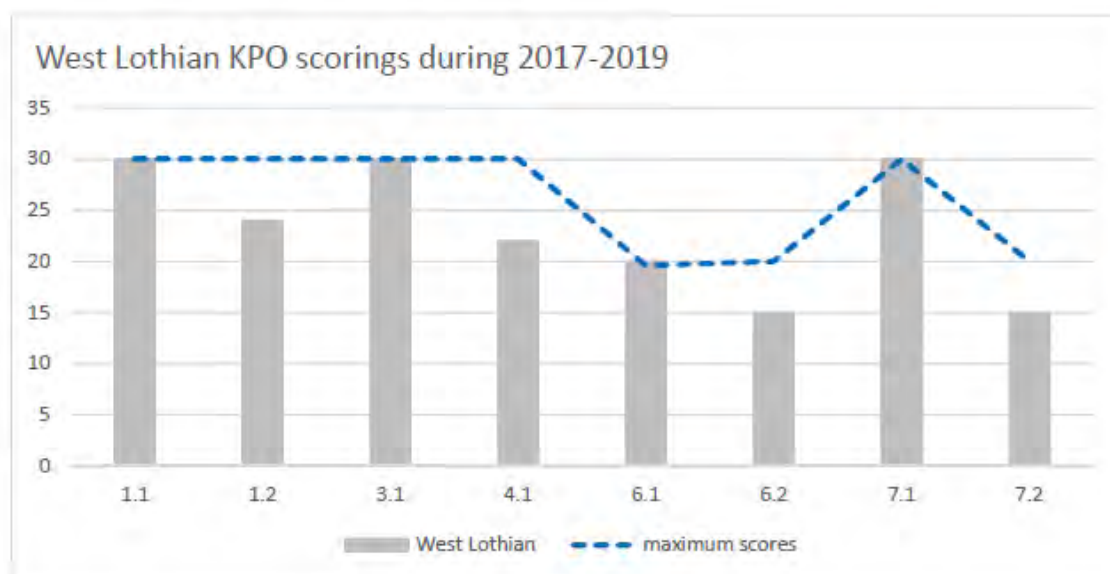


**Figure 2 – Risk Matrix**

### KPO scoring

The RAG from all ten quarters in the period (2017-2019) has been weighted to establish an overall score. A detailed breakdown is provided (Figure 3).

Note. No scoring has been applied to KPO2 as targets have yet to be developed as part of a wider review.



**Figure 3 – Verifier Performance**

# PERFORMANCE BREAKDOWN (2017-2019)

## ANNEX A

Meeting Date - 2 February 2021  
Item No.8

Key Performance Outcomes and Targets			RAG criteria	Weighted score	Verifier score	Maximum score
KPO1	Minimise time taken to issue a first report or to issue a building warrant or amendment to building warrant	1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	Red 0 - 84.9%	0	30	30
			Amber 85 - 94.9%	1		
			Green 95 – 95.9%	2		
			Above target 96 – 100%	3		
		1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	Red 0 - 79.9%	0	24	30
			Amber 80 - 89.9%	1		
			Green 90 – 90.9%	2		
			Above target 91 – 100%	3		
KPO2	Increase quality of compliance assessment during the construction processes	2.1 Targets to be developed as part of future review of KPO2.	N/A			
KPO3	Commit to the building standards customer charter	3.1. National customer charter is published prominently on the website and incorporates version control detailing reviews (frequency of reviews to be at least quarterly).	Red Not published	0	30	30
			Amber Published prominently (no review)	1		
			Amber Published but not prominently (with review)	2		
			Green Published prominently and reviewed	3		
KPO4	Understand and respond to the customer experience	4.1 Minimum overall average satisfaction rating of 7.5 out of 10.	Red 0 - 6.4	0	22	30
			Amber 6.5 - 7.4	1		
			Green 7.5 - 7.5	2		
			Above target 7.6 - 10	3		
KPO5	Maintain financial governance	5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	N/A			
KPO6	Commit to eBuilding Standards	6.1. Details of eBuilding Standards are published prominently on the verifier's website.	Red Not published	0	20	20
			Amber Published but not prominently	1		
			Green Published prominently	2		
		6.2. 75% of each key building warrant related process being done electronically • Plan checking • Building warrant or amendments (and plans) being issued • Verification during construction • Completion certificates being accepted	Red 0 or 1 out of 4	0	15	20
			Amber 2 or 3 out of 4	1		
			Green 4 out of 4	2		
KPO7	Commit to objectives outlined in the annual performance report	7.1. Annual performance report published prominently on website with version control (reviewed at least quarterly).	Red Not published	0	30	30
			Amber Published prominently (no review)	1		
			Amber Published but not prominently (with review)	2		
			Green Published prominently and reviewed	3		
		7.2. Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 - March 2017).	Red Includes no performance data	0	15	20
			Amber Includes partial performance data	1		
			Green Includes all performance data	2		
(2017-2019) OVERALL PERFORMANCE SCORE					186	210



DATA LABEL: PUBLIC



**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME No.13  
(DPS No. 13)**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the proposed Development Plan Scheme (DPS No. 13) for the West Lothian Local Development Plan (LDP 2).

**B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendation which is intended to be submitted to the Council Executive:

1. Approves the content of Development Plan Scheme No.13 (Appendix 1).

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The Planning etc. (Scotland) Act 2006 introduced a new statutory basis for development planning in Scotland. It inserted a new 'Part 2' into the Town and Country Planning (Scotland) Act 1997 ('the Act') requiring the replacement of structure plans and local plans with strategic development plans (SDPs) and local development plans (LDPs).</p> <p>West Lothian LDP 1 forms part of the development plan alongside the Strategic Development Plan (SDP 1) and provides the statutory framework for land use planning in West Lothian.</p> <p>The Planning (Scotland) Act 2019 came into force in July 2019 and has removed the requirement to prepare SDPs. The obligation to prepare LDPs has however been retained. Secondary legislation is awaited to set out details arising from the 2019 Act.</p>

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The West Lothian LDP provides the policy and development framework to support improving opportunities in West Lothian and sustainable growth. The Development Plan Scheme sets out a programme for replacement of the LDP.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Much of the development proposed in the West Lothian LDP will require new supporting infrastructure and the LDP explains that this is expected to be funded in part by the council through the capital programme but also by the development industry itself. Supplementary Guidance setting out developer contribution rates has been prepared in support of the LDP. The council's Local Infrastructure Fund and City Region Deal may also have a part to play in assisting with forward funding some improvements.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time DPS No.13 has been reported to the panel.
<b>VIII</b>	<b>Other consultations</b>	No consultations were required in the preparation of this report.

## **D. TERMS OF REPORT**

### **D1 Background**

Section 20B of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare a development plan scheme (DPS) at least annually for the LDP. The DPS is a document which sets out the programme for preparing, reviewing and consulting on the next LDP and it must be in place by 31 March each year. Once agreed it requires to be publicised and lodged with Scottish Ministers.

LDP 1, prepared in the context of SDP, was adopted by the council on 4 September 2018 and provides the spatial land use policy and development framework for West Lothian for the next ten years. The LDP is a vital component in ensuring economic growth and business support, seeking to meet housing need in all tenures, and ensuring the protection/enhancement of built and natural heritage resources, all within an overarching aim of protecting and enhancing the environment.

The council's strategy for preparing the next LDP requires to be informed by The Planning (Scotland) Act 2019 which was enacted in July 2019 and which makes substantive changes to the Town & Country Planning (Scotland) Act 1997.

The most significantly relevant changes include:

- removing the requirement to prepare Strategic Development Plans;
- making the National Planning Framework (NPF) part of the Development Plan;
- introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at regional level;
- introducing potential for local communities to prepare new Local Place Plans

SDP 2 was rejected by Scottish Ministers on 16 May 2019 and the Planning (Scotland) Act 2019 has in any event removed the requirement for strategic development plans in the four largest city regions.

Instead it has introduced a requirement for all authorities, working together, to prepare Regional Spatial Strategies (RSS) setting out strategic development priorities. Details of requirements for the preparation of RSSs are to be set out in secondary legislation but this is not expected before the end of 2021. The council has, nevertheless, been working collaboratively with the other SESplan member authorities to prepare a RSS and which will help inform an emerging new National Planning Framework 4 (NPF 4). An 'interim' RSS was drafted and submitted to Scottish Government at the end of 2020 and is intended be finalised in early 2021.

This does, however, create something of a void in terms of strategic spatial planning direction in the interim, and it also creates a very practical 'real time' dilemma with regard to identifying the housing land requirements for the next LDP. These would ordinarily have been identified in SDP 2, but now that it has been abandoned there is no consensus on what these figures should be.

A key significance of NPF 4 is that it will take over the task of defining housing land requirements for all local development plan areas and for all tenures and set out a long-term spatial strategy for Scotland with a time horizon to 2050. It will also incorporate Scottish Planning Policy (SPP) which will have enhanced status as part of the statutory development plan as a consequence.

However, the Coronavirus pandemic has already delayed the publication of NPF 4, pushing it back to autumn 2021 and it ultimately remains dependent on the Scottish Parliament finding the time to conclude it in the context of a crowded and competing legislative programme. While it is currently anticipated that NPF 4 will be adopted by Summer 2022 this cannot be guaranteed and it will be appreciated that the council will therefore be unable to make substantive progress in relation to housing land allocations in the plan until this issue resolves.

Another new element introduced by the Planning (Scotland) Act 2019 which will require to be addressed in LDPs is the concept of 'Local Place Plans' (LPPs). While LPPs are not part of the development plan per se, they are intended to stimulate and encourage debate in local communities about the future of a place and the planning authority is required to have regard to them in the preparation of LDPs. Guidance on the preparation of LPPs is to be brought forward by Scottish Government early in 2021. LPPs are the communities' plans and planning authorities will not be leading this process.

## **D2 Development Plan Scheme No.13**

In view of the foregoing it is proposed that the council should commence preliminary preparation of LDP 2 in the early part of 2021 and for this to be done within the context of the current legislative framework established by The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006). It is, however, recognised that LDP 2 will most likely require to be concluded and adopted under the new regulatory regime introduced by The Planning (Scotland) 2019 Act.

Scottish Government published [Transitional Guidance](#) in November 2020 which recognised that planning authorities across Scotland were at varying stages in the development plan process and advises that only proposed local development plans that are published before June 2022 will be able to proceed to adoption under the existing procedures and that emerging local development plans which have been commenced but which have not yet reached Proposed plan stage would be subject to the new process introduced by the 2019 Act.

As it is unlikely that the council can accelerate the preparation and completion of its second LDP from a standing start to June 2022, especially given the current Coronavirus pandemic and the limitations which this imposes on the ability to effectively consult and engage with our communities, it is almost inevitable that the preparation of LDP 2 will have to have regard to both existing and new regulatory regimes. It will, therefore, need to be sensitive and alert to the content and procedural changes that have yet to be enacted in order to ensure that the document can be satisfactorily aligned and made compliant with the requirements of the new Act at this later date and this will present additional challenges. At this time, the key changes envisaged will be to reflect the first new Regional Spatial Strategy and the emerging NPF 4 and consolidated SPP.

Taking this into account a draft DPS (DPS No.13) for the next West Lothian Local Development Plan (LDP 2) has been prepared and is attached as Appendix 1.

It will be appreciated that the absence of a comprehensive framework of legislation relating to the new development plan preparation process at this time, coupled with an ever-changing Coronavirus situation, significantly impacts on the ability to reliably forecast programming and timetabling for development plan preparation and it is therefore important to recognise that dates shown in the proposed DPS No.13 may be subject to change as events unfold.

Because of this, it is intended that an interim DPS incorporating an updated timetable for the production of LDP 2 will be brought forward later in 2021 once there is more clarity. It does however remain the council's aspiration to achieving the adoption of LDP 2 sometime in 2024.

Notwithstanding the current state of flux in terms of legislation, it has always been the intention to make best use of the time available to 'front load' work to inform the preparation of LDP 2 in order to enable the plan to be brought forward for adoption as soon as possible and this remains the case.

Thorough evidence gathering exercises will be required to inform LDP 2 prior to its publication. Despite the planning system facing unprecedented challenges as a consequence of the Coronavirus pandemic, it is nevertheless proposed to conduct a programme of focused public engagement events in accessible locations throughout West Lothian, albeit that this will be dependent on the public health situation improving and in compliance with prevailing government guidance at the time.



A formal Participation Statement setting out proposals for engagement and interaction with interested parties (and also for those who wish to progress the preparation of Local Place Plans) will be prepared at a future date.

Over the coming months it is intended that timely reports will be presented to elected members to ensure they are kept advised on the progress of LDP 2.

## **E. CONCLUSION**

There is a legislative requirement for the council to prepare a DPS for the LDP at least annually. The DPS sets out the council's programme for preparing and reviewing the Local Development Plan and indicates what will be involved at each stage. Once the council has agreed and adopted the DPS it requires to be given publicity and sent to Scottish Ministers.

DPS No.13 advises that LDP 2 is to be commenced in the context of the current legislative framework but will in due course transition to being concluded under the new regulatory regime introduced by The Planning (Scotland) 2019 Act once the associated regulations and guidance is expected to come into force in Spring/Summer 2022, in line with the publication of NPF 4 and RSSs. Further alterations to the timetable for the preparation of LDP 2 may require to be made at a future date to reflect emerging legislative requirements and progress on NPF4.

Officers will engage with communities and stakeholders and initiate a programme of consultation events when it is meaningful and practicable to do so to and a formal Participation Statement will be issued in due course. However, in the meantime, no consultation is anticipated before March 2021.

## **F. BACKGROUND REFERENCES**

- [West Lothian Local Development Plan](#)
- [DPS No.12](#)

Appendices/Attachments: One – West Lothian Local Development Plan Development Plan Scheme No.13 (DPS No. 13)

Contact Person: Steve Lovell, Principal Planning Officer, Development Planning, 01506 282430  
Email: [steve.lovell@westlothian.gov.uk](mailto:steve.lovell@westlothian.gov.uk)

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

2 February 2021

**APPENDIX 1**



West Lothian Local Development Plan  
**DEVELOPMENT PLAN SCHEME**

**DPS No.13**

**FEBRUARY 2021**

*Approved by West Lothian Council Executive on TBC*

Development Plan Scheme No.13 is available to view online at  
<https://www.westlothian.gov.uk/article/33809/Local-Development-Plan-Scheme-DPS->

During the plan-making process, regular progress updates will appear on the council's website  
at <https://www.westlothian.gov.uk/LDP>

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## What is a Development Plan Scheme (DPS)?

1. Planning legislation requires each planning authority in Scotland to prepare a **Development Plan Scheme** (DPS) at least annually. The scheme is to set out the authority's programme for preparing and reviewing their Local Development Plan and to indicate what will be involved at each stage.
2. The DPS must include a **Participation Statement** stating when, how and with whom consultation on the plan will take place and authorities are expected to make use of a range of innovative techniques and activities for consulting stakeholders, tailored to local circumstances and the issues being dealt with in the plan.
3. Once the authority has agreed and adopted a DPS it requires to be sent to Scottish Ministers and given publicity and will therefore be published online on the council's [web site](#). However, due to the ongoing Coronavirus pandemic, the Coronavirus (Scotland) Act 2020 has placed a requirement on local authorities to consider if any of its actions would give rise to a significant risk of transmission of the virus and has meant that the opportunity to inspect documents at a physical location such as a council office or a library has had to be suspended at this time.



4. This is the thirteenth Development Plan Scheme for West Lothian and replaces the previous scheme (February 2020). This new edition recognises reforms made to the development planning system arising from the [Planning \(Scotland\) Act 2019](#) and sets out the council's programme for the preparation and adoption of what will be the second West Lothian Local Development Plan (LDP 2).

## What is a Development Plan?

5. A development plan is a document that sets out policies and proposals for the future development and use of land and identifies where development should or shouldn't take place. It seeks to identify the most appropriate locations for new development while at the same time protecting the places people value or which are environmentally sensitive. Once adopted it becomes the basis for assessing and making decisions on applications for planning permission.
6. Development Plans are also supported by an **Action Programme (AP)** which outlines how and when the policies and proposals of the plan are to be delivered. The AP is an important part of the framework for how the council monitors the performance of the LDP.
7. The adopted development plan for West Lothian is provided by the [Strategic Development Plan for Edinburgh and South East Scotland 2013](#) (SDP 1) which was approved with modifications by Scottish Ministers on 27 June 2013, and the [West Lothian Local Development Plan 2018](#) (LDP 1) which was adopted on 4 September 2018.
8. To support policies of LDP 1 and to assist decision making, the council has prepared a comprehensive suite of statutory and non-statutory [planning guidance](#). These documents have been subject to public consultation, approved by Council Executive, and in the case of statutory guidance, subjected to additional scrutiny by Scottish Ministers before being adopted. Some of the guidance has yet to be completed, however this continues to be addressed by the council and it, and all of the other guidance will remain in force until LDP 1 has been superseded.
9. Work to replace the Strategic Development Plan had been at an advanced stage but in May 2019 the Scottish Ministers rejected the proposed second [Strategic Development Plan for South East Scotland](#) (SDP 2) and the constituent local authorities of the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) collectively decided not to prepare a revised SDP. This however ceased to be an issue when the Planning (Scotland) Act 2019 came into force (also in May 2019) and disbanded strategic planning authorities and abolished Strategic Development Plans. Arrangements for formal wind up of SESplan are awaited from Scottish Government.
10. For as long as LDP 1 remains in force there are a number of ongoing tasks which require to be undertaken, one of which is updating the Action Programme (AP) that runs alongside and supports the delivery of the LDP. Under the new Planning (Scotland) Act 2019, Action Programmes are renamed 'Delivery Programmes' and West Lothian Council will adopt this terminology when preparing the second update of the Action Programme in 2021.
11. Planning authorities are ordinarily required to update their APs at least every two years. However, the Scottish Ministers have specifically required that the West Lothian Local Development Plan Action Programme is updated and re-published annually until the end of the current LDP plan period.
12. The council is required to consult on draft versions of the Action Programme with the Key Agencies, the Scottish Ministers and anyone the council proposes specifying by name in the Action Programme. The council must also consider their views when finalising the Action Programme for adoption. The [first annual revision](#) was approved by Council Executive on 15 December 2020.

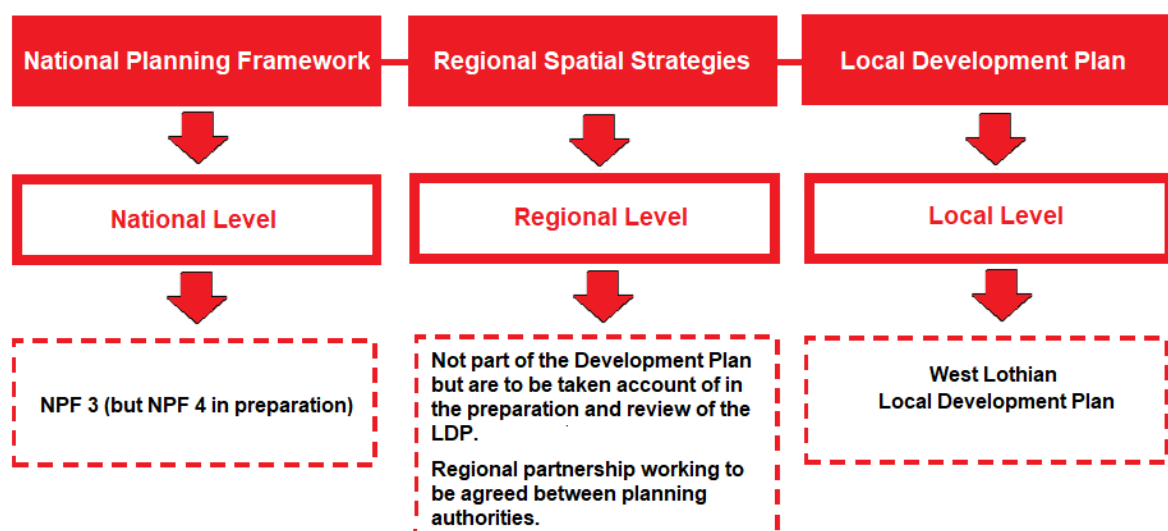
## The Changing Legislative Position

13. The new Planning (Scotland) Act 2019, enacted in July 2019, makes substantive changes to the Town & Country Planning (Scotland) Act 1997 and specifically the process for preparing development plans. The Scottish Government's overarching aim is to make development plans more delivery focused, effective and achieve greater community involvement.
14. The most significantly relevant changes include:
  - removing the requirement to prepare Strategic Development plans;
  - removing provisions which allowed statutory Supplementary Guidance to form part of the development plan;
  - incorporating Scottish Planning Policy (SPP) into the National Planning Framework;
  - making the National Planning Framework part of the Development Plan;
  - introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at regional level;
  - replacing Main Issues Reports with a new "Evidence Reports"
  - changing regulations to allow the Proposed Plan to be more of a consultative document;
  - changing the current 5-year timescale for development plans to 10 years; and
  - introducing the potential for local communities to prepare new "Local Place Plans"
15. While secondary legislation to enable implementation of the new Act has begun to come forward (with some sections of the Act already commenced) much of the guidance and detailed transitional arrangements have been delayed, due in part to the Coronavirus pandemic, and they are now not expected to be in place until the early part of 2022. The Scottish Government is progressing a detailed work programme which will implement the new Planning Act and which can be linked to [here](#).
16. This, together with the fact that LDP 2 had been premised on SDP 2 being adopted in 2019 (but which is no longer feasible) has required the council to reassess and modify the arrangements for preparing LDP 2 previously set out in DPS No.12.
17. It remains the council's intention to commence preliminary preparation of LDP 2 in the early part of 2021 and for this to be done within the context of the current legislative framework established by The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006).
18. It is however recognised that LDP 2 will most likely require to be concluded and adopted under the new regulatory regime introduced by The Planning (Scotland) 2019 Act. Transitional guidance issued by Scottish Government in November 2020 advises that only proposed local development plans that are published before June 2022 will be able to proceed to adoption under the existing procedures and it states that emerging local development plans which have been commenced but which have not yet reached that stage are to be subject to the new process introduced by the 2019 Act.

19. Notwithstanding, preparation of LDP 2 will be sensitive and alert to the content and procedural changes that have yet to be enacted in order to ensure that the document can be satisfactorily aligned and made compliant with the requirements of the new Act at this later date with minimal need for adjustment. At this time, the key changes envisaged will be to reflect the first new Regional Spatial Strategy and the emerging NPF 4 and consolidated SPP.
20. Evolving changes to the development plan process coupled with the unpredictability of the Coronavirus situation creates unprecedented challenges in setting out detailed work programmes and engagement activity. There is a requirement to build in enough flexibility to be able to commit resource to contribute to the plan making processes and all that is involved in developing an approach suitable for West Lothian which will also fit within the new Act. As a consequence the council gives notice that the programming and timetabling set out in the DPS should be recognised as aspirational and which may be subject to change as events unfold.

### The New Development Plan Process Explained

21. Following the introduction of the Planning (Scotland) Act 2019, there are to be two levels of development planning in Scotland – the National Planning Framework (informed by Regional Spatial Strategies) and Local Development Plans.



### The National Planning Framework for Scotland (NPF)

22. The NPF is authored by the Scottish Government and sets out a long-term spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be development priorities. The [Third National Planning Framework for Scotland](#) (NPF 3) was published in June 2014. It references a number of 'National Developments' and other provisions. Those impacting on West Lothian include the Central Scotland Green Network and High-Speed Rail.
23. NPF 3 is however scheduled to be replaced and the most recent update from the Scottish Government suggests the publication of a draft NPF 4 in autumn 2021 when it will be laid before Scottish Parliament and a finalised version in spring/summer 2022. It is however important to be aware that the timetable has already been impacted by the Coronavirus pandemic and further delays cannot be ruled out.

## DATA LABEL: PUBLIC

24. Significantly, NPF 4 will incorporate [Scottish Planning Policy \(SPP\)](#) which contains detailed national policy on a number of planning topics and for the first time spatial and thematic planning policies will be addressed in one place. NPF 4 has also been made the vehicle for identifying the housing land requirements for LDPs, taking over this role from the soon to be abolished SDPs, and its enhanced status as an integral part of the development plan will give it a much stronger role in informing day to day decision-making.
25. As a consequence, NPF 4 is expected to look very different from NPF 3, with a longer time horizon to 2050, fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment. NPF 4 will also be capable of being amended at any time.
26. Further information on changes to the planning system is available on the [Scottish Government](#) webpage.

## Regional Spatial Strategies

27. The Planning (Scotland) Act 2019 removed the requirement to prepare SDPs and instead requires the preparation and adoption of **Regional Spatial Strategies** (RSS). Although not part of the Development Plan, these documents will provide a framework for both the preparation of the NPF and Local Development Plans. They are long-term spatial strategies which identify the need for strategic development, the outcomes to which strategic development will contribute, the priorities for the delivery of strategic development and proposed locations, all shown in the form of a map or diagram. West Lothian Council has worked collaboratively with the SESplan member authorities to prepare a RSS and this will help inform the emerging National Planning Framework 4. An 'interim' RSS was drafted and submitted to Scottish Government at the end of 2020 and was finalised in early 2021. It can be viewed [here](#).

## Local Development Plans (LDP)

28. As before, LDP's are prepared by local planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings over a 10-year period. The new Local Development Plan preparation process under the requirements of the Planning (Scotland) Act 2019 is however to firstly comprise of an **Evidence Report** setting out the council's position on a range of social, economic and environmental planning matters. This is then submitted to Scottish Ministers for review (referred to as a 'gatecheck').
29. Following confirmation that the Scottish Ministers are content with the Evidence Report, Local Planning Authorities are then enabled to progress with the Proposed Plan. This requires to be submitted to Scottish Ministers and is subject to Examination. Following this, Planning Authorities can then adopt their Local Development Plan, taking account of the findings and recommended modifications from the Examination.
30. Under the new Planning (Scotland) Act 2019 provisions relating to supplementary guidance are repealed, so that it will no longer be possible for local planning authorities to prepare non-statutory supplementary guidance that forms part of the development plan. However, the ability to continue to prepare non-statutory guidance in order to support the delivery of the plan strategy and policies is retained.



## Local Place Plans (LPPs)

31. The Planning (Scotland) Act 2019 introduces the concept of **Local Place Plans**, and while these are not part of the development plan they are intended to stimulate and encourage debate in local communities about the future of a place and are to be taken account of by the planning authority in the preparation of an LDP.
32. Formal guidance on how Local Place Plans are to be prepared is to be brought forward by the Scottish Government early in 2021 but it has already been made clear that these will be the communities' plans and that local planning authorities will not be required to lead this process.

## The West Lothian Local Development Plan (LDP 2) Process and Timeline

33. It is the council's intention to devote time during the early part of 2021 to 'front load' work to inform the preparation of LDP 2 in order to enable the plan to be brought forward for adoption as quickly as possible once all of the relevant new legislative and procedural arrangements are known and have been confirmed.
34. Figure 1 sets out the process and timeline for the preparation of LDP 2 on the basis that it is commenced under current regulations. The dates shown are however provisional and may be subject to change.

Figure 1: West Lothian Local Development Plan 2 (LDP 2) Process and Timeline

Q1 2022	Publication of Main Issues Report, Monitoring Report and Strategic Environmental Assessment (SEA)
Q4 2022 / Q1 2023	Publication of Proposed Plan including Environmental Report and Action Programme
Q2 2023	Submission of Proposed LDP, representations and a summary of unresolved issues to the DPEA for examination
Q4 2023 / Q1 2024	Examination Report
2024	Anticipated Adoption of LDP 2

35. Under this regime, the Plan will contain a spatial strategy, proposals map, action programme for identified developments and a schedule of the local authority's land interests affected by LDP policies or proposals. It will focus on specific proposals for the period up to Year 10 from the date of adoption.



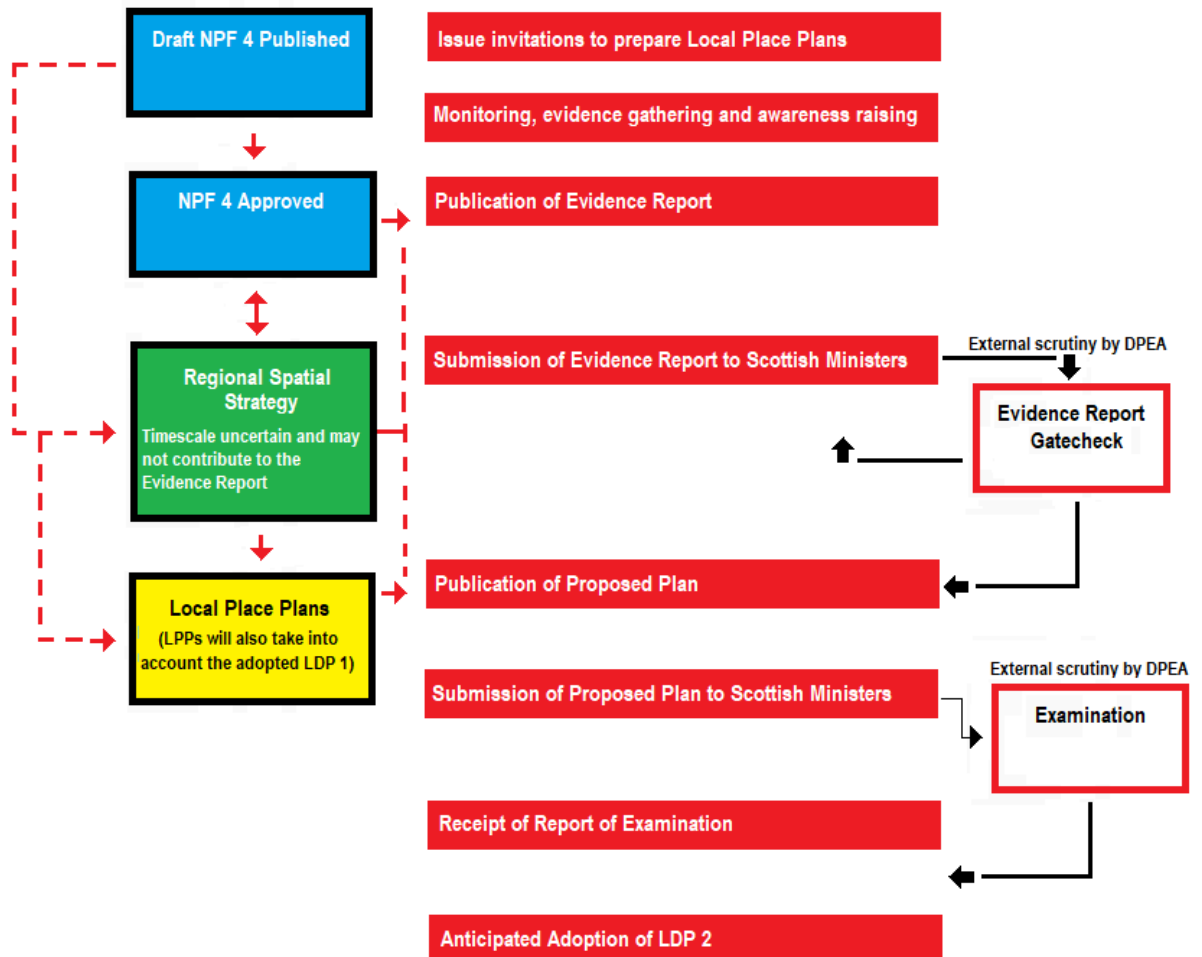
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36. The purpose of the LDP is to provide a clear basis for determining planning applications and to allocate land to meet the needs and targets (previously set out in the Strategic Development Plan) but now enunciated in the [Regional Spatial Strategy](#) which are to form part of NPF4.
37. The key components of the Plan are as follows:
  - **Publish the Development Plan Scheme (DPS)**
  - **Main Issues Report (MIR)**
38. The MIR is accompanied by an Environmental Report and Monitoring Statement. It is a consultation document that sets out the options for LDP 2. A wide range of stakeholders are consulted at this time including members of the public, community councils, community groups, businesses, infrastructure providers, key consultation agencies, neighbouring authorities and the Scottish Government. The MIR is the main consultation stage of the LDP process.
  - **Proposed Local Development Plan**
39. The Proposed LDP provides a stronger view of proposed development locations proposed by the council, informed by consultation responses at the previous stage. There is a formal consultation period following the publication of the Proposed LDP which provides an opportunity for formal representations (both in support and against the plan).
  - **Examination**
40. Following the consideration of representations, the Proposed LDP and a summary of unresolved issues is submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) for examination. The Examination process is largely expected to be undertaken by way of written submissions but it is not uncommon for there also to be a number of hearing sessions to which interested parties are invited by the Examination Reporter to attend.
  - **Adoption**
41. The LDP is published and adopted with changes recommended by the Reporter.
42. An Action Programme is also adopted and published. The Action Programme identifies what developments are to be taken forward, who is responsible for delivery of these and when they will be delivered.
43. To ensure the LDP takes account of effects on the environment and does not adversely affect protected European nature conservation sites or any particular social group, the following assessments require to be undertaken as a part of the LDP preparation:
  - Strategic Environmental Assessment (SEA)
  - Equalities and Human Rights Impact Assessment
  - Habitats Regulations Appraisal
  - Monitoring Statement
  - Action Programme
  - Transport Appraisal

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44. For information, Figure 2 illustrates the new process for preparing local development plans under the Planning (Scotland) Act 2019 and which LDP 2 will likely be transitioned to as it is progressed.

Figure 2: West Lothian Local Development Plan 2 (LDP 2) Process



## Engagement and Participation

45. Regardless of which legislation governs the preparation of LDP 2, engagement and consultation will continue to be key elements of the plan-making process. As a place-based document that is designed to meet local planning needs and aspirations, it is important that LDP 2 reflects as far as possible the land use changes that people would wish to see in their communities.
46. The Planning etc. (Scotland) Act 2006 requires that a Development Plan Scheme includes a **Participation Statement** which describes how and when people can get involved in the preparation of LDP 2.

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47. There will be several consultation periods and initiatives during the preparation of the LDP:
  - Publication of statutory notices in the locally circulating newspapers (Lothian Courier and the Linlithgow Journal and Gazette) giving details of the consultation including where and when documents can be accessed/viewed and how to submit comments;
  - Publication of the consultation on the West Lothian Council website; and
  - Publication of where documents can be examined, principally West Lothian Council Libraries and Partnership Centres (Coronavirus restrictions permitting)
48. Additionally, public input will be obtained through a range of techniques and may include surveys, questionnaires and bespoke invitations to key agencies, community representatives, the West Lothian Citizen Panel, 'difficult to reach groups', neighbouring planning authorities and Scottish Government to comment.
49. While the planning system is facing unprecedented challenges during the Coronavirus pandemic the council nevertheless proposes to conduct a programme of focused public engagement events in accessible locations throughout West Lothian, albeit that this will be dependent on the public health situation prevailing at the time. Should this prove impractical it will endeavor to communicate and engage through video conferencing and social media.
50. Following the close of this public consultation period, representations will be recorded and reported to Council Executive for consideration.
51. Publication of the Proposed Plan will be confirmation of the council's settled view on the policies and proposals that make up LDP 2. However, there will be a final opportunity for representations to be made to the Proposed Plan.
52. In the event that there are remaining unresolved representations they will be notified to Scottish Ministers who would then appoint an independent planning Reporter as part of a public examination of the plan. Depending on the volume and nature of the representations the Examination could take many months and it could therefore be some time before a Report of Examination is issued to Scottish Ministers to consider.
53. Ministers may approve the plan with or without requiring modifications to be made. In the case of the former, the planning authority would be invited to modify the Plan as necessary, re-submit it to the Scottish Ministers and advertises its intention to adopt the Plan. The Plan may then be adopted after 28 days unless the Scottish Ministers direct otherwise.
54. An interim Participation Statement and a Participation Strategy are required and these are provided as Appendices A & B respectively.
55. A review of LDP 1 will commence in early 2021 and will include a policy review and a sustained period of evidence gathering which will focus on the views of a wide cross-section of groups on land use related matters.
56. Drawing on the review, feedback from the early engagement exercise and the conclusions of technical background work, the council will prepare a Monitoring Report setting out its views on the characteristics of West Lothian and addressing the capacity of infrastructure and the requirement for any additional development land.

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57. The council is aware that the Planning (Scotland) Act 2019 introduces a particular requirement to consult with disabled persons, gypsies and travellers, and children & young people and undertakes to have particular regard to these social groups notwithstanding that the new plan is to be commenced under current regulations.
58. The new Act also requires a planning authority to make arrangements that they consider appropriate to promote and facilitate participation by children and young people in the preparation of the LDP. This in addition to the public sector equality duty established in the Equality Act 2010 which includes a requirement for public authorities in the exercise of their functions to advance equality of opportunity between people who share a relevant protected characteristic and those who do not, and it is once again intended that these matters are taken account of.
59. An Equality Impact Assessment (EqIA), which assesses the impact of the plan on the identified protected characteristics groups (which include age, disability, and race – including gypsies and travellers) will be published in the course of preparing LDP 2.

### LDP 2 Programme Summary

60. In terms of the timetable for the production of LDP 2, it is known that the current Coronavirus pandemic is affecting the Scottish Government's own timescales for producing NPF 4 and associated guidance. Detailed timescales for key stages of development are anticipated to be confirmed once there is more clarity around content and expectations and at which time the council would propose to [republish the Development Plan Scheme](#) with an updated timetable for production of LDP 2.

	2021				2022				2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Publish MIR, Monitoring Report and SEA																
Publish Proposed Plan including Environmental Report and Action Programme																
Submit Proposed Plan for Examination																
Examination Report Published																
Adopt LDP 2																

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## Keeping You Informed

West Lothian Council undertakes to keep the public, interested parties and stakeholders informed and engaged throughout the LDP 2 process and will have due regard to the provisions of the Scottish Government's [Planning Advice Note 3/2010](#) on 'Community Engagement'.

We have established a contact mailing list to enable you to be kept advised on the progress of LDP 2, particularly at key stages in the process when the council will be actively seeking input. To register, click [here](#) and enter 'LDP 2 - PARTICIPATE' in the subject line of the email that opens up. Then enter your name, email/postal address and phone number in the body of the email and press 'send'. Receipt will be acknowledged within 3 working days and you will be provided with a copy of our data sharing privacy notice.

Alternatively, you can:

- visit the Local Development Plan website at:  
<https://www.westlothian.gov.uk/developmentplans>
- email us at:  
[wldp@westlothian.gov.uk](mailto:wldp@westlothian.gov.uk)
- phone us on:  
[01506 280000](tel:01506280000)
- write to us at:  
[Development Planning & Environment, Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF](#)

## APPENDIX 1: PARTICIPATION STATEMENT



- Participation in the plan-making process is open to everyone.
- The Planning (Scotland) Act 2019 puts particular emphasis on empowering and engaging with local communities in the preparation of local development plans, and the council is committed to adhering to these principles.
- The council is mindful of its responsibilities to be as inclusive as possible and will make a particular effort to reach out to previously 'hard to reach' groups and overcome barriers to their participation.
- We will make the best use of our resources to establish and maintain meaningful engagement with all stakeholders. This includes individuals, local communities, employers, community councils, community planning partners, community interest groups, key agencies, the development industry, infrastructure providers, council service providers and Scottish Government.
- This will include an explanation of **why** we are consulting, **how** we will be consulting and **what** will happen with the responses that we hope to receive.
- We want to ensure that anyone taking the time and making the effort to actively engage in the process can do so in the knowledge that their contribution matters and can make a difference.

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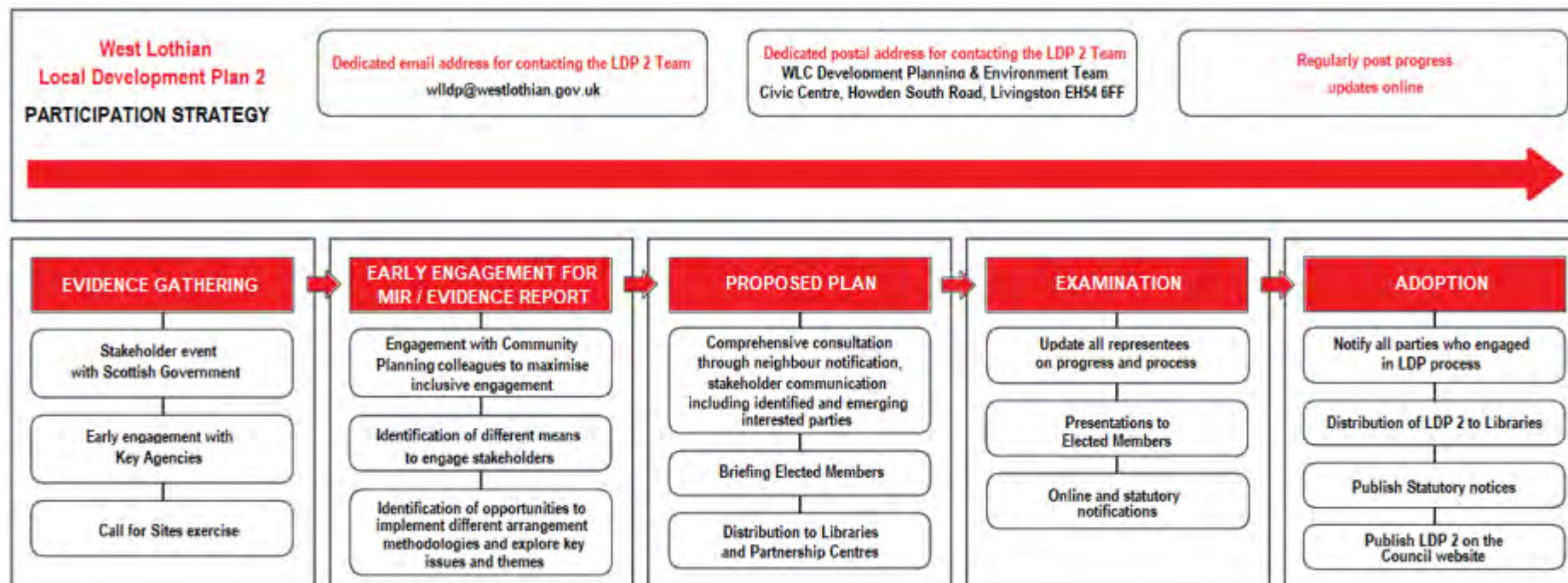
- It is important that people are aware of the process and of the opportunities to comment, particularly at key stages in the production of LDP 2, and we will use the media, newspaper notices and the council's website to achieve this. We will also employ the council's extensive community planning network and will work through our community councils to share and distribute information.
- We will make every effort to produce clear, concise and accessible documents that are written in everyday language and which people can readily understand.
- We will engage with communities and stakeholders and initiate a programme of consultation events as soon as it is meaningful and practicable to do so to. However, no consultation is expected in the period to March 2021 and the [council's website](#) will be updated as and when there is anything new to report.
- While it is anticipated that an increasing amount of engagement and exchange of information is likely to take place via the internet, we recognise that not everyone has access to an online facility or broadband and some people may choose not to use them. We will therefore seek to adopt and offer alternative consultation and engagement methods wherever possible.
- Above all, the council is committed to actively engaging and involving all communities and all stakeholders in the preparation of the second West Lothian Local Development Plan.



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APPENDIX 2:

## PARTICIPATION STRATEGY





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If you have any questions specifically relating to the preparation of LDP 2  
please email the Development Planning & Environment team at [wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk)

If you have any questions of a more general nature related to the Development Planning process or  
you want to provide feedback and comments on our service, please email the Development Planning  
and Environment team at [DPgeneral@westlothian.gov.uk](mailto:DPgeneral@westlothian.gov.uk)

### Development Plan Scheme (DPS) No. 13

Approved by West Lothian Council Executive      DATE TO BE INSERTED

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road,  
Livingston, EH54 6FF

Tel: 01506 28 00 00    Email: [wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk)





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**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**REVIEW OF THE PLANNING ENFORCEMENT CHARTER**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the proposed revisions to the Planning Enforcement Charter. The charter sets out the duties and responsibilities of the planning enforcement service within the Development Management section of Planning Services.

**B. RECOMMENDATION**

It is recommended that the panel notes the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

- notes the comments received on the reviewed Enforcement Charter following consultation;
- agrees the responses to the comments received during consultation on the reviewed Enforcement Charter;
- approves the content of the reviewed Enforcement Charter,
- notes that enforcement is a discretionary power and that formal enforcement action should be seen as a last resort in terms of dealing with unauthorised development and activities.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Enforcement is a discretionary activity delivered within the framework of the Planning Act and related regulations and guidance.</p> <p>The charter does not raise any Strategic Environmental Assessment (SEA), equality or health risk issues, although these might be considerations in individual enforcement cases.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	There are no implications for the Scheme of Delegation to officers.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Measures about the speed and effectiveness of enforcement activity are part of the annual Planning Performance Framework reporting and KPI monitoring.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 4</b> – We live in resilient, safe and cohesive communities</p> <p><b>Outcome 8</b> – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	No specific financial implications for the council are identified.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first consultations at PDSP of the reviewed Enforcement Charter.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Planning legislation gives local authorities enforcement powers to deal with a range of unauthorised land use activities. These generally involve the failure to obtain planning consent in advance of carrying out works or changes of use on land or to property, or failure to comply with a condition of a planning consent. The powers also allow the council to respond issues of loss of amenity resulting from with land or property which is in an untidy or derelict state.

### **D2 The Enforcement Charter**

The council is required, under section 158A of the Town and Country Planning (Scotland) Act 1997, to produce and distribute an Enforcement Charter, which sets out:

- a statement of the authority's policies for taking enforcement action;
- an account of how members of the public are to bring any suspected breach of planning control to the attention of the council;
- how any complaint to the authority over a suspected breach is to be made; and
- the council's procedures for dealing with any such complaint.

The council's charter was previously reviewed in 2018. The Act requires it to be updated and republished regularly and this review discharges that requirement.

No significant changes are proposed to the charter through this review. The 2021 update provides additional information on the criteria officers will use when determining whether to report a case to the Procurator Fiscal, based on both evidential and public interest tests, noted within Pages 10 & 11 of the Charter.

In addition, in line with The Planning (Scotland) Act 2019 which was passed by Royal Assent on 25 July 2019, the update provides a statement on page 14 of the authority's monitoring of compliance with planning permission for major developments, which is to be brought into force by Quarter 1 2021, together with guidance on such monitoring.

The charter continues to set out the relevant matters which the council can take enforcement action against, those matters which cannot be addressed under the legislation, and the circumstances under which the enforcement service will act. It sets out the enforcement process and indicates the timescales for responses to initial complaints.

The council receives some 350 enforcement related complaints annually and the reviewed charter, in line with government guidance, sets out the nature of those complaints that will be investigated and those which will not be pursued, having regard to the wider public interest and the impact of a breach of planning control on residential and visual amenity.

Subject to council executive approval, the reviewed Enforcement Charter will be placed on the council's website and a copy will be sent to all elected members, community councils and amenity bodies within West Lothian.

### **D3 Consultation Arrangements**

It is proposed that public consultation on the reviewed Enforcement Charter will be carried out over a six-week period following consideration by the panel.

The reviewed Enforcement Charter will be published on the council's web site and invitations to comment will be issued through social media and to all community councils. Comments will be reported to the Council Executive together with the council's draft responses at a later date.

Further revisions to the Enforcement Charter may of course be identified following consultation with third parties.

## **E. CONCLUSION**

The reviewed Enforcement Charter sets out a clear route for reporting suspected breaches of planning control and provides an update on service contact details. The charter sets out the actions which can be taken in an attempt to resolve matters in advance of progressing enforcement action. It also sets out the public interest tests that will be applied when deciding if action is warranted.

## **F. BACKGROUND REFERENCES**

Town and Country Planning (Scotland) Act 1997  
[http://www.legislation.gov.uk/ukpga/1997/8/pdfs/ukpga\\_19970008\\_en.pdf](http://www.legislation.gov.uk/ukpga/1997/8/pdfs/ukpga_19970008_en.pdf)

The Planning (Scotland) Act 2019

<https://www.legislation.gov.uk/asp/2019/13/section/44/enacted>

Appendices/Attachments: One

Appendix 1: Enforcement Charter 2021

Contact Person: Claire Johnston, Planning Officer, Development Management, 01506 282312

Email: [claire.johnston@westlothian.gov.uk](mailto:claire.johnston@westlothian.gov.uk)

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

2 February 2021

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# PLANNING ENFORCEMENT CHARTER



West Lothian  
Council

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## INTRODUCTION

Planning permission is required for all development that takes place in Scotland, but some of it is 'permitted development' and, therefore, does not require a planning application. Sometimes, however, landowners, developers or householders carry out development which does requires planning permission without submitting an application or having their application approved, or fail to keep to the terms of a permission which has been granted.

Councils, as Planning Authorities, have powers to enforce planning controls in such cases, if they consider it is in the public interest to do so. Councils monitor developments to ensure planning controls are being followed but there is also a role for the public in alerting the council to any problems they become aware of.

Enforcement is one of the most complex parts of the planning system and can affect many members of the community. Therefore, it is important that the council's adopted procedures are fair, reasonable, and consistent, and that interested parties are fully aware of the procedures involved in the process, the powers available to the council, and the limits of those powers.

The aim and objectives of the Planning Enforcement Charter are, therefore, as follows:

- To provide a framework for the investigation of alleged breaches of planning control.
- To set out the range of action that can be taken where it is considered appropriate to do so.
- To monitor proactively the implementation of planning permissions.

The council has statutory powers to investigate breaches of planning control and the conditions attached to planning consents, and to take formal action where a satisfactory outcome is not achieved by negotiation. However, enforcement is a discretionary power which means that, even where there is a breach of planning control, the council has to consider if it is in the public interest to take enforcement action. The council is not obliged to take any particular action on a specific breach of planning control and, indeed, can decide that no action is necessary. There is also a right of appeal and the council should have regard to the likelihood of a case being sustained at appeal before it commences such action.

We hope you will find this charter useful. Please let us know if you think it is unclear or have any suggestions about how we could improve the service further.

# WHAT IS A BREACH OF PLANNING CONTROL?

## PLANNING BREACHES

The majority of planning enforcement investigations involves one of the following alleged breaches:

- Building work or engineering operations carried out without planning permission;
- Unauthorised change of use of land or buildings;
- Development which has not been carried out in accordance with an approved planning permission;
- Failure to comply with a condition or legal agreement attached to a planning permission; or
- Any contravention of permitted development rights, which are set out in the [General Permitted Development Order](#).
- Demolition taking place in conservation areas where permission is required;
- Works carried out to a listed building which affect its historic character or setting, without listed building consent being granted;
- Removal of, or works carried out, to protected trees without consent being granted or proper notification given; and
- The unauthorised display of advertisements. (Please note that the wording and images on an advertisement are not covered by planning control, but by the Advertising Standards Authority, Mid City Place, 71 High Holborn, London WC 1V 6QT. Complaints should be sent to [enquiries@asa.org.uk](mailto:enquiries@asa.org.uk) or online at [www.asa.org.uk](http://www.asa.org.uk))

## NON PLANNING BREACHES

The council regularly receives correspondence about matters which are not breaches of planning control. While the Planning Enforcement Team may not be able to deal with such matters there may be other legislative controls open to a complainant. The most common examples are:

- Neighbour nuisance, boundary and land ownership disputes. These are civil matters rather than planning matters. Further advice can be obtained from a solicitor, or, if the property is owned by the council, [Property Services](#) should be contacted.
- Unauthorised development on the highway, footway or verge that is covered by highway legislation is the responsibility of the council's [Roads and Transportation Service](#).
- [Dangerous structures](#) are investigated by [Building Standards service](#).
- Anti-social behaviour including noise and smell are the remit of the council's [Environmental Health service](#).

These services can also be contacted via the Council's Customer Contact Service on 01506 280000.

If we receive a complaint which involves another council service we will pass it to the relevant service and we will inform you who we have contacted on the matter. If it involves an external agency - an agency out with the council - we will advise you who should be contacted.

## PRINCIPLES OF GOOD ENFORCEMENT

The council does not condone the carrying out development without having first established the requirement for, and then having obtained the necessary planning permission or approvals. That said, the main purpose of the Planning Enforcement Team is not to punish mistakes but to remedy the undesirable effects of unauthorised development, particularly on the amenity of neighbours, to bring unauthorised activities under control as soon as practicable and to maintain public confidence in the credibility of the planning system. It is important to be aware that planning enforcement is a discretionary power and that it is for the council to take a view on whether or not to exercise that power. In making that decision the council will carefully consider whether the degree of harm the unauthorised development is causing, or is likely to cause, warrants its intervention.

‘Harm’ can be defined in many different ways but is generally considered to arise through a combination of factors, including;

- Adverse impact on visual amenity due to poor design or inappropriate materials.
- Loss of privacy or overshadowing and loss of natural light.
- Inappropriate development that is harmful to the landscape or the setting of a heritage asset.
- Untidy land and run down or derelict buildings that present a very poor-quality environment and/or prejudice community safety.
- Failure to comply with a condition of a planning permission leading to an adverse impact on amenity.
- Danger and disturbance due to significantly increased traffic flows.
- Loss of protected trees.
- Loss or damage to listed buildings and demolition of buildings in a conservation area.
- Disruption or nuisance arising from the construction or operation of the development.

Harm, for the purposes of planning, does not however include:

- Breaches of title deeds or restrictive covenants.
- Private disputes.
- Competition between businesses.
- Ownership disputes, loss of an individual’s view or trespass onto their land.
- Damage to property.
- Reduction in value of land or property.
- Loss of a view.

The council follows these guiding principles in relation to planning enforcement:

- |                         |  |
|-------------------------|--|
| <i>Consistency:</i>     | To ensure that similar enforcement activities are dealt with in the same manner.   |
| <i>Fairness:</i>        | To ensure equitable and fair enforcement.  |
| <i>Proportionality:</i> | To ensure that enforcement action relates directly to the degree of breach of planning control.  |
| <i>Clarity:</i>         | To ensure that any enforcement action taken by the council is easily understood by citizens, organisations and businesses.   |
| <i>Equality:</i>        | To ensure that any decision is not influenced by the ethnic origin, gender, age, religious or political beliefs or sexual orientation of the offender or interested parties. |

Provided that there is the prospect of an appropriate resolution being achieved, and in a timely manner, the council will first seek to negotiate compliance before pursuing formal enforcement action in all but the most serious cases. Negotiations aim to achieve one or more of the following outcomes:

- To have the developer undertake work to comply with the planning permission granted.
- To have the owner / developer apply for retrospective planning permission for the works undertaken, or a variation to the works that are more likely to secure permission.
- To remove an unauthorised development.
- To cease an unauthorised use.
- To remove disruption or nuisance arising from the construction or operation of the development.

However, negotiations will not be allowed to impede or delay whatever formal enforcement action may be required to make the development acceptable in planning terms, or to compel it to stop.

**In considering whether to take enforcement action, the decisive issue for the council will be whether the breach of planning control would unacceptably affect amenity. In other words, the council will need to be satisfied that the breach of planning control is causing harm, and that enforcement action to remedy that harm would be in the public interest, and ultimately defensible if the action is appealed or otherwise challenged. The council will not take enforcement action solely to regularise an otherwise acceptable development which is causing no demonstrable harm.**

## **HOW WE INVESTIGATE POSSIBLE BREACHES OF PLANNING CONTROL**

### ***Registration***

**Each new case is recorded on our database and given a unique reference number within three working days. As part of this process the priority will be assessed and a case officer will be allocated. An acknowledgement email or letter will be sent to the complainer.**

We encourage people who contact us to give full contact details, as this allows us to provide updates, or to contact them for further information if necessary.

In accordance with the Environmental Information (Scotland) Regulations 2004 we will treat the identity of complainants in confidence. The council will only release information regarding the identity of a complainant where it is in the public interest to do so, as a result of a ruling by the Scottish Information Commissioner or directed to do so by a court of law.

### ***Priorities***

The resources available to respond to reports of alleged breaches of planning control are finite and the Planning Enforcement Team must, therefore, ensure that it makes the most

effective use of these by prioritising what it does according to the seriousness and the degree of harm being caused.

Notwithstanding the above, the Planning Enforcement Team undertake to visit the site of all alleged breaches of planning control within 10 working days of receiving a complaint. If it is of a particularly serious nature a visit will be made by an officer on the same day wherever possible.

### *Investigation*

An investigation begins with an officer visiting the site, to gather information before a decision is made on how to proceed. The complainer will be informed of the initial site visit findings and the action proposed or taken.

The service standards relating to these steps, including timescales can be found in Appendix 1. If the council cannot meet this timescale, the complainer will be contacted within the given timescale, informing of the reason(s) for the delay and the likely timescale for a response.

The length of time required to resolve a case or take action can be affected by a number of factors. Progress can be delayed because of the need to gather further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay resolution of the case.

The council recognises that delays can be a source of considerable frustration to those submitting information, particularly if they consider their amenity is affected. Consequently, interested parties will be kept informed of significant stages in the progress of a case and contact details of the officer handling the case will be provided. You may wish to contact the case officer directly for a more regular update.

### *Closing an enforcement complaint*

Complainants will be notified of the outcome of a case within 10 working days of the case being closed, with an account of the outcome provided.

## **WHAT HAPPENS WHEN A BREACH IS CONFIRMED?**

### **INITIAL ACTION**

#### *Voluntary Compliance through Negotiation*

Where it is considered that the breach of planning control is unacceptable, the council will initially attempt to negotiate a solution without recourse to formal enforcement action, unless the breach is causing irreparable harm. Negotiations may involve the reduction or cessation of an unauthorised use or activity, or the modification or removal of unauthorised development.

#### *Retrospective Planning Application*

Where a breach of planning control has occurred and any harm being caused might be removed or alleviated by the imposition of conditions on a planning permission, a

retrospective planning application will be sought. If a retrospective application is not submitted and registered within one calendar month of a written request to do so, the council will consider taking formal enforcement action.

### *No Further Action*

Scottish Government Circular 10/2009: Planning Enforcement explains that on conclusion of the initial investigation a council may decide that there has been no breach of planning control or that there is insufficient evidence to pursue the matter further. In situations where there has been a breach, the council may nevertheless come to the view that it is of such a minor nature or so insignificant that it would not be in the wider public interest to take formal action. Generally, the council will not take action against a breach of planning control which does not cause demonstrable harm.

## **FORMAL ACTION**

### *Enforcement Notice*

If development has been carried out without planning permission an Enforcement Notice can be served on all parties with an interest in the land requiring remedial works to be carried out to deal with any harm caused by the breach. Failure to comply with the terms of an Enforcement Notice within the time specified is an offence, and may lead to the imposition of a fine in the Sheriff Court.

There is a right of appeal to the Scottish Government's Planning & Environmental Appeals Division (DPEA) against an enforcement notice; if an appeal is lodged the notice will be suspended until the appeal has been determined, and will be actioned if the notice is upheld.

### *Temporary Stop Notice*

These can be issued if the council considers that an unauthorised activity is causing such immediate and serious harm that it should cease immediately. The notice must be displayed on the land to which it relates and ceases to have effect after 28 days. It is a criminal offence to fail to comply with its requirements.

### *Stop Notice*

Where a breach of planning control consists of an activity considered to be causing serious harm, a Stop Notice can be served, in conjunction with an enforcement notice. There is no right of appeal against a Stop Notice, and it is a criminal offence to fail to comply with its requirements.

### *Breach of Condition Notice*

If planning permission has been granted subject to conditions and these have not been complied with, a Breach of Condition Notice can be served on the person(s) responsible for carrying out the development, or on the owner of the land, requiring compliance with the condition. There is no right of appeal against a Breach of Condition Notice and it is a criminal offence to fail to comply with its requirements.

### *Notice requiring an application for planning permission*

These can be issued on a landowner, requiring the submission of a planning application to rectify development which has been carried out without permission. Whilst there are no

penalty provisions for failing to comply with this notice it constitutes formal enforcement action under the planning act and leaves it open to the council to pursue further action in terms of an enforcement notice. The notice will also appear on any property enquiry should the owner seek to sell the property.

### ***Notice requiring information as to interests in land***

These can be issued on any occupier of land requiring them to confirm in writing their interest in the land along with details of any other party with an interest in land. In addition it can require information on what the land is being used for, when that use began and the time when any activities being carried out began. It is often used to gather information prior to pursuing enforcement action. It is an offence under Section 272(5) (Town and Country Planning (Scotland) Act 1997) to fail to comply with its requirements.

### ***Planning Contravention Notice***

This can be served on an owner of land, any person carrying out operations on land, or who is using the land for any purpose. The notice requires the recipients to confirm whether the use or activities alleged in the notice are being carried out, when they began and details of those engaged in the use/activities. The notice also seeks information on any planning permission that may exist for the use/activities, or any reason why permission is not required. It is a criminal offence to fail to comply with its requirements.

### ***Amenity Notice***

These can be served on anyone with an interest in land where the condition of the land is considered to have an adverse impact on the amenity of an area. There is a right of appeal to the DPEA.

### ***Listed Building Enforcement Notice***

This is similar to a Enforcement Notice but relates specifically to unauthorised works affecting the character of a listed building. It is a criminal offence to fail to comply with the requirements of a listed building enforcement notice. There is a right of appeal to the DPEA.

### ***Advertisement Enforcement Notice***

This is similar to enforcement notice but relates to unauthorised advertisements. There is a right of appeal to the DPEA.

### ***Advertisement Discontinuance Notice***

Where an advertisement enjoys deemed consent under the advertisement regulations (which means it is exempt from having to apply for advertisement consent) but the council requires its removal, a discontinuance notice may be served. This can be appealed to the DPEA.

### ***Replacement Tree Notice***

Where a tree protected by a Tree Preservation Order (TPO) is removed, damaged, uprooted or destroyed the planning authority can issue a replacement tree notice requiring the owner of the land to plant a replacement tree or trees. A notice can be appealed to the DPEA.



It is a criminal offence to remove, damage, uproot or destroy a tree protected by a TPO and anyone who carries out such actions can be reported to the Procurator Fiscal for prosecution.

### *Interdict*

The council can apply to the Courts to restrain a breach of planning control and the court may grant an interdict if it is considered appropriate in terms of public interest to prevent the breach.

## **WHAT HAPPENS AFTER A NOTICE IS SERVED?**

The recipients of a notice/order will respond in one of three ways:

- Comply fully with the notice/order – at which point the Planning Enforcement Team will close the case.
- Contest the notice/order by way of an appeal to the Scottish Government's [Planning and Environmental Appeals Division](#).
- Fail to comply, fully or in part, with the notice.

Where a case goes to appeal there can be a significant delay in reaching a resolution. If the appeal against the notice is allowed and/or planning permission is granted this will normally be the end of the matter. If the appeal is dismissed, or no appeal is made, continued failure to comply with the requirements of the notice/order result in the council pursuing a prosecution.

### *Fixed Penalty Notice*

Where an enforcement or breach of condition notice has not been complied with, the council can issue a fixed penalty notice as an alternative to prosecution. The fixed penalty amounts to £2,000 for each step not complied with in an enforcement notice and £300 for each step not complied with in a breach of condition notice. There is no right of appeal against these notices, although timeous payment prevents the council from reporting the non-compliance with the original notice to the Procurator Fiscal.

### *Direct Action*

Failure to comply with the requirements of an Enforcement Notice, Breach of Condition Notice or an Amenity Notice may result in the council carrying out works required by that notice. Any costs incurred in carrying out such works can be recovered from the landowner.

### *Prosecution*

Most breaches of planning control are not a criminal offence. However, non-compliance with the requirements of a formal notice is a criminal offence and on conviction the person served with the notice could be subject to a fine. Where a transgressor has failed to comply with a formal notice the council may report the matter to the Procurator Fiscal, the body responsible for instigating prosecution proceedings.

A prosecution report will normally only be submitted to the Procurator Fiscal regarding a business or individual, where one or more of the following criteria exists:

- Endangering the health, safety or wellbeing of people.



- Deliberately, negligently or persistently breaching legal obligations likely to cause material loss, harm or nuisance to others.
- Deliberately or persistently failing to act on, or comply with, previously issued formal warnings or notices, having been given reasonable opportunity to do so.
- There is a history of similar breaches and/or previous convictions.
- Assault or obstruction of an enforcement officer in the course of their duties.
- It is considered that the defendant will be unlikely to establish any relevant statutory defences.

A prosecution report will only be prepared when the case has passed both the evidential test and the public interest test.

The principles outlined below apply equally to the other types of enforcement action that are available:

#### Evidential Test –

- The enforcement officer must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against an accused on each charge.
- A 'realistic prospect of conviction' is an objective test that means that the Procurator Fiscal, and ultimately the Sheriff, is more likely than not to convict the accused of the charge/s alleged.

#### Public Interest Test –

- The public interest must be considered in each case where there is enough evidence to provide a 'realistic prospect of conviction'.
- Before submitting a report to the Procurator Fiscal consideration must be given to balance the factors for and against any proposed report carefully and fairly.
- Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the accused.
- Some factors may increase the need to submit a report to the Procurator Fiscal but others may suggest that another course of action would be more appropriate.

### *The decision to prosecute*

The decision whether or not to prosecute is one entirely for the Procurator Fiscal (PF). Before proceeding with a case, the PF must be satisfied by way of corroborated evidence

- that the case is within the jurisdiction of the court;
- that an offence has been committed;
- that the alleged offender committed that offence and is therefore liable to prosecution; and
- that there is sufficient evidence to prove beyond reasonable doubt both that the offence was committed, and by whom.

The criteria that the FP will consider are explained in the Crown Office and Procurator Fiscal Service Prosecution Code. This sets out the criteria for decision making and the range of options available to prosecutors dealing with reports of crime. When reporting agencies send the PF reports of crime, the PF will decide whether to begin criminal proceedings or whether to take alternative action. Such decisions must reflect the values of the department namely:

- impartiality;
- thoroughness;
- integrity;
- sensitivity;
- co-operation;
- professionalism

If any one of these criteria is not met, the case must be marked "no proceedings". The PF may, however, request further information or clarification before reaching a decision. If the PF is satisfied that all four have been met, he or she has a number of options open to them and discretion is very wide. The PF may choose to prosecute and the choice of court is one entirely for the PF.

Even if there is sufficient evidence to justify proceeding the PF can still decide that it is not in the public interest to prosecute

## **IMMUNITY FROM ENFORCEMENT ACTION**

### **Time Limits**

- For building, engineering, mining or other operations unauthorised development becomes immune from enforcement action four years after the operations are substantially completed.
- For the change of use of a building, or part of a building, to use as a single dwellinghouse, development becomes immune from enforcement action four years after the change of use first occurred.
- For all other changes of use and breaches of conditions, development becomes immune from enforcement action ten years from the date the breach of planning control first commenced.

These time limits do not apply where the council considers that the unauthorised development has been deliberately concealed or where the council commences any action within the 4 or 10 year time limits.

### **Lawful Development Certificates**

If owners of land or property consider that a breach of planning control has become immune from enforcement action they may apply for a Certificate of Lawfulness (CLU) for an existing use. The decision to approve or refuse an application for a CLU will be dependent on the applicant submitting sufficient documentation to establish that the existing development has been in place for at least four years (in the case of a building operation) or for at least ten years (for a change of use). In the case of a change of use, evidence of 10 years' continuous use must be submitted.

## WHAT HAPPENS IF YOU ARE THE SUBJECT OF AN INVESTIGATION?

The council understands that in many cases a breach of planning control is not intentional and can be the result of a misunderstanding or a lack of an awareness of planning legislation. Therefore, if you receive a letter from the council or a visit from a Planning Enforcement Officer, the council encourages you to respond positively and provide the information which we need to resolve the matter. It is in the interests of all parties if an identified breach can be addressed at an early stage.

The council has a duty to investigate complaints alleging a breach of planning, even if they prove to be unfounded. If you are contacted about an alleged breach you are entitled to know what the allegation is and to have the opportunity to explain your side of the case. However, please be aware that the council will not disclose the identity of complainants unless it is statutorily or legally required to do so. The matter can be resolved quickly if it is determined that there is no breach. In other cases a resolution may be negotiated, however this does not mean that you can delay any response or action. The council expects you to respond within the stated timescales and we will pursue prosecutions for failures to respond to formal notices. The council will not allow protracted negotiations to distract it from taking appropriate action.

In many cases, particularly where the development is likely to be acceptable, the council might invite you to submit a retrospective planning application, although this is on the understanding that it will not prejudice any decision the council may take. In cases where planning permission has been obtained and the deviation from the approved plans is minor, you may be entitled to apply for a [non-material variation](#) to your planning permission.

You should be aware that Planning Enforcement Officers have legal rights of entry to land and property in order to investigate alleged breaches of planning or compliance with Enforcement Notices. The Planning Enforcement Officer will make themselves known to the landowner/ tenant/developer when they visit a site but will not normally give advance warning of a visit.

The council will use the information gained from a site visit to help assess the harm being caused and what further action, if any, needs to be taken. In addition, you may be served with a Planning Contravention Notice which requires you to provide information concerning the alleged breach, and ownership of the land.

If negotiations are unsuccessful or are not appropriate, Planning Enforcement Officers will explain the implications of any action the council may pursue. Whilst we will endeavour to advise you on the planning merits or otherwise of an unauthorised development, Planning Enforcement Officers will not act as your advisor and cannot make decisions on your behalf.

If you receive a letter or notice from the Planning Enforcement Team, you may wish to consider seeking independent advice from a qualified planning consultant, architect, or another appropriate property or legal professional. Alternatively, there is the option of contacting Planning Aid, a voluntary service offering free independent, professional planning advice.

It is important to be aware that if you decide to try and sell a property which has been subject to unauthorised works or an unauthorised change of use, there is a strong likelihood that you will encounter significant delays and legal difficulties. Potential purchasers who instruct standard property searches will be provided with the details of any notices which have been served on the property and also made aware of any breaches of planning permission. It is, therefore, in the best interests of sellers to ensure that any outstanding planning breaches are satisfactorily resolved before any sale is initiated.

## REPORTING BREACHES OF PLANNING CONTROL

Members of the public have a vital role in reporting breaches of control. Any concerns should be raised with the council at the earliest opportunity. The council has an [online interactive complaint form](#) for reporting any suspected breaches of planning control.

The council will do its best to honour requests for confidentiality, including refusing requests for disclosure of the identity of complainers under the Freedom of Information Act. It should be borne in mind; however, that total confidentiality cannot be guaranteed if the Information Commissioners Officer requires the release of the information or if the case leads to court proceedings. This is an extremely unlikely outcome in most cases.

Members of the public can have an important role in monitoring conditions placed on planning consents, which are detailed on the decision notice and can be viewed in the case file on the council's website. The council dealt with over 1,000 planning and other applications in 2018 and it is not possible for us to monitor all conditions attached to them. Your involvement is invaluable in providing information where it is believed that conditions attached to a consent are not being complied with. To report conditions which aren't being complied with, please use the enforcement complaint form.

## MONITORING MAJOR DEVELOPMENTS

The Planning (Scotland) Act 2019 was passed by Royal Assent on 25 July 2019 and the implementation of the legislation is to be enacted by early 2021. This includes the requirement for planning authority enforcement charters to include a statement on the authority's monitoring of compliance with planning permission for major developments to be brought into force by Quarter 1 2021, together with guidance on such monitoring.

It is anticipated at this stage that the planning officer handling the major planning application would receive, discharge and monitor conditions for prior and post development and would be the point of contact for the developer.

- If the planning officer is unable to resolve matters for any outstanding conditions, within a reasonable timescale, the planning officer would advise the developer that the matter was being referred to the Planning Enforcement team for further action. The planning officer would notify the Planning Enforcement team and an enforcement case would then be created and investigated.
- If there are specific conditions that the planning officer would like monitored during the course of construction works i.e. landscaping works, external materials, boundary treatment, the planning officer would notify the Planning Enforcement team and an enforcement case would be created and monitored at regular intervals. This may involve site visits being undertaken and in consultation with the planning officer, identifying whether there are any significant changes from the approved drawings.

## **MAKING A SUGGESTION OR COMPLAINT ABOUT THE ENFORCEMENT SERVICE**

The council tries hard to meet customers' expectations and we hope that you will be satisfied with the service you receive. However, if you have any concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures or shortcomings.

We will consider seriously any complaints made about the way an enforcement enquiry was dealt with. In the first instance, complaints should be discussed with the member of staff involved. If you are still dissatisfied, you can submit a [formal complaint via our website](#).

Written complaints about the enforcement service will be acknowledged and then fully and promptly investigated. If you are unsatisfied with the outcome from the council's complaints process, you have the right to take your complaint to the Scottish Public Services Ombudsman, at: Freepost SPSO, telephone: 0800 377 7330, or [spsos.org.uk/online-contact](https://www.spsos.org.uk/online-contact)

Generally, you must contact the Ombudsman within 12 months of the date of the complaint.

## **FURTHER INFORMATION – ENFORCEMENT POWERS**

The council's authority to take enforcement action comes from government legislation. Fuller information on the use of enforcement powers can be found in the Scottish Government publication [Planning Circular 10/2009: Planning Enforcement](#).

## **APPENDIX 1 - PLANNING ENFORCEMENT SERVICE STANDARDS**

- Sites which are the subject of a complaint will be visited by an enforcement officer within 10 working days.
- A further response, detailing the findings of the initial visit and any action that is proposed or has been taken to remedy the alleged breach, will be sent to the complainer within five days of the initial visit. If the alleged breach is not to be the subject of any further action this response will give the reasons for that decision.
- If it proves impossible or impractical to respond within the above timescale, the complainer will be contacted giving information on the reason(s) for the delay and indicating the likely timescale for response.
- The complainer will be notified of the outcome of the case within 10 working days of the case being closed by the case officer, with an account of the outcome

DATA LABEL: PUBLIC



**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**NATIONAL PLANNING FRAMEWORK 4 POSITION STATEMENT**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of publication by Scottish Government of a Position Statement on National Planning Framework 4 (NPF4) for informal consultation and to set out the council's proposed response to that consultation.

**B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. notes the terms of the report; and
2. agrees the response as set out in Appendix Two for submission to Scottish Government as the council's response to the consultation.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>There are no policy implications arising at this time. Once approved following parliamentary process NPF4 will form a part of the statutory development plan for West Lothian and will be a material consideration in the determination of planning applications.</p> <p>There are no equality, health or risk assessment issues associated with the guidance.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>SOA: 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>SOA: 4 We live in resilient, cohesive and safe communities.</p> <p>SOA: 7 We live longer, healthier lives and have reduced health inequalities.</p> <p>SOA: 8 We have the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	There are no resource implications anticipated at this time. Resource implications will be more readily identifiable upon publication of the draft NPF4 and its submission to Scottish Parliament for scrutiny.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first consideration of the NPF4 Position Statement by the PDSP.
<b>VIII</b>	<b>Other consultations</b>	Energy Manager, Roads and Transportation Manager.

## **D. TERMS OF REPORT**

### **D1 Background**

The Planning (Scotland) Act 2019 is now being implemented. One of the key requirements set out in the Act is the preparation of National Planning Framework 4 (NPF4), a timetable for which has been announced by Scottish Government. In the fullness of time NPF4 will require parliamentary approval and form part of the statutory development plan, informing day to day planning decisions. The fourth National Planning Framework (NPF4) will show what Scotland, as a place, could and should look like in 2050. The current National Planning Framework (NPF3) and Scottish Planning Policy remain in place until NPF4 is adopted by Ministers.

It is anticipated that NPF4 will provide fuller regional coverage than the current NPF3 and align with the outcomes in the National Performance Framework; respond to the shift to inclusive growth; improve health and well-being for the people of Scotland, improve equalities and eliminate discrimination; provide a spatial planning response to the global climate emergency; provide a renewed focus on rural development including rural repopulation; and give a stronger steer on housing delivery and diversification including the setting of targets on land for housing. NPF4 will also for the first time incorporate Scottish Planning Policy (SPP) and will take on an enhanced status as part of the statutory development plan.



## **D2 NPF4 Position Statement**

The NPF4 Position Statement sets out the Scottish Government's current thinking on NPF4 following consideration of evidence received from stakeholders through the NPF4 Call for Ideas. Scottish Government advise that the Position Statement aims to inform further discussions as work progresses towards a consultation draft NPF4 in Autumn 2021. Comments are invited by 19 February 2021. Further consultation on NPF4 is to follow in Autumn 2021. The Position Statement is attached as Appendix One.

Scottish Government expect that NPF4 will focus on achieving four key outcomes - net zero emissions, resilient communities, a wellbeing economy and better greener places. To achieve this the Position Statement lists 12 key opportunities to achieve net-zero emissions by 2045:

1. support for development that reduces the need to travel in line with the concept of 20 minute neighbourhoods and guiding change in a way that also helps to transform existing places.
2. introducing a stronger preference for reusing existing buildings before new development proceeds.
3. shifting future development away from greenfield land and actively enabling the redevelopment of vacant and derelict land.
4. strengthening support for development in town centres and restricting out-of-town retail and leisure to help a transition away from car-dependent developments towards those that enable walking, cycling, wheeling and public transport accessibility.
5. stimulating new models of low carbon living in rural areas as well as towns and cities, by facilitating further investment in digital infrastructure, building in more space for people to work remotely and creating community hubs.
6. expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments.
7. strengthening policies to secure low carbon heating solutions.
8. supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks.
9. harnessing the potential for rural development to act as a lever to facilitate woodland creation and expansion.
10. expanding green infrastructure, biodiversity and natural spaces to make our places greener, healthier and more resilient to the impacts of climate change.
11. restricting peat extraction and development on peatland, and facilitating restoration through permitted development rights.

12. removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

In line with ongoing planning reform, the Scottish Government propose to do more to ensure its national spatial strategy and policies will be delivered. Alignment with the Infrastructure Investment Plan, and the Scottish Government's response to the recommendations of the Infrastructure Commission for Scotland are identified as being key to achieving this.

In the Position Statement the Scottish Government sets out how it proposes to address the 4 key themes and potential policy changes. A summary of the proposed approach is set out below:

#### **A Plan for Net-Zero Emissions**

- prioritising the types and locations of development that will help meet emission reduction targets.
- building on the Climate Change Plan and taking forward advice provided by the UK Climate Change Committee.
- future places will be planned in a way that reduces the need to travel and builds in natural solutions.
- buildings will be more energy efficient and designed to be sustainable.
- actively facilitate decarbonised heating and electricity generation and distribution.

#### **A Plan for Resilient Communities**

- focus on people and the quality of areas where we live.
- introduce, for the first time, an infrastructure-first approach to neighbourhood planning, including natural networks and sustainable travel, to ensure fair access to the services needed to help make communities a great place to live.
- apply concepts such as 20 minute neighbourhoods across cities, towns, and rural areas so that the places where we live and work are more resilient and sustainable.
- NPF4 will align with the Scottish Government vision for housing in 2040 and set out a long term view of the homes required to meet our future needs, focussing on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.
- underpin this with policies which support the Scottish Government's six public health priorities, promote inclusion and equality, and help places adapt to the long term impacts of climate change.

#### **A Plan for a Wellbeing Economy**

- create healthier, fairer and more prosperous places and ensure future development contributes to a green, sustainable, and inclusive economic recovery.
- support development in the parts of Scotland where quality jobs and investment are most needed. Policies will refocus on community wealth building and sustainability.
- identify and support development that works with our assets, key sites and opportunities for strategic investment.
- support development that helps to maintain and strengthen strategic transport and digital connectivity.
- take a flexible and enabling approach to future business and employment uses.

### **A Plan for Better, Greener Places**

- support development that reflects the character and identity of our distinctive places and neighbourhoods, safeguards and restores our natural assets, and tackles geographic disadvantages including areas needing regeneration and promoting the re-use of vacant and derelict land and buildings.
- build on the review of the Town Centres Action Plan, the Land Use Strategy and the Place Principle to ensure that our approach to development focuses more on place.
- include stronger and updated policies on design and place-making.
- policies on city and town centres and on the re-use of historic buildings will be broadened to better reflect a wider range of potential uses in anticipation of continuing change.
- future-proof Scotland's natural and historic assets and coasts and work to restore the health and resilience of Scotland's ecosystems, so that our natural capital can further support our economy and our wellbeing.
- significantly enhance policies on vacant and derelict land to encourage innovation and redevelopment and promote a brownfield-first approach to development.
- policies on rural development will positively encourage development that helps to repopulate and sustain rural areas and stimulate rural economic growth and sustainability.

Healthy, sustainable places and the opportunity to create conditions required to support economic growth, whilst at the same time contributing to the climate change agenda and protection of the environment, are key matters which NPF4 proposes to consider and address. Following research commissioned by Scottish Government, it is recognised that NPF4 has a role to play in setting out a policy position which would require development proposals to assess the impact on air quality and set out any requirements for mitigation needed. This, as with other national policies would remove the need for Local Planning Authorities to develop their own individual policies; however, the report does emphasise that there may be local factors that require a more tailored approach within local authority planning documents.

Candidate proposals for national developments are being assessed for inclusion in NPF4. The list of national developments that Ministers will propose to designate in NPF4 is to be set out in the draft which will be laid in parliament in autumn 2021.

In terms of delivery of the development strategy to be set out in NPF4, the proposed approach to be applied is "infrastructure first". The strategy is to be accompanied by a delivery programme that will form the basis of continuing collaboration to ensure it is effectively implemented. Recommendations from the Infrastructure Commission for Scotland are to be taken on board.

The review of existing developer contributions mechanisms, such as planning obligations, is to inform future policy approach. This includes not only NPF4, but also potential updates to Circular 3/2012 and implementation of the infrastructure levy, powers for which are contained in the Planning (Scotland) Act 2019.

### **D3 Proposed Consultation Response**

The consultation sets out a series of five questions as prompts. The proposed response to these is set out in Appendix Two. In previous responses to Scottish Government on NPF4, as reported to the Council Executive on 24 March 2020, the council has advised that it is imperative that Scottish Government adopt a joined-up approach and ensure the alignment of strategies which will impact on a future spatial strategy for Scotland. This includes alignment of spatial strategy, transport projects review and infrastructure.

It is heartening to note that this has been taken on board and that Climate Change will also be the overarching priority for the spatial strategy. NPF4 will seek to ensure that planning plays a positive role in facilitating a green recovery and will be key to addressing climate change.

Plans for an 'infrastructure first' approach and more joined up thinking around how priority transport infrastructure is embedded into the appraisal and assessment of development proposals is to be welcomed. However, it is imperative that this is supported by sufficient investment in both the provision of new infrastructure and the upgrading of existing assets if desired outcomes are to be achieved.

Although the Position Statement sets out an approach to housing land in that there will be a shift away from the calculation of the five-year effective housing land there is little reference to how NPF4 will set out housing land targets to allow for this to be reflected in local development plans. The focus is on quality of design and promoting a more inclusive society. Without a clear direction on housing land requirement local authorities will continue to find themselves defending the development plan at appeal.

## **E. CONCLUSION**

The NPF4 Position Statement is to be welcomed. If the current direction of travel as set out in the Position Statement is to be achieved this should in the fullness of time allow for a more sustainable future which addresses climate change and provides for a more inclusive society. Further detail will be set out in the draft NPF4 when it is laid before the Scottish Parliament in Autumn 2021.

## **F. BACKGROUND REFERENCES**

[National Planning Framework 4 – Regional Collaboration](#) - Report to Council Executive 3 December 2019

[National Planning Framework 4 \(NPF4\) – Informal Consultation by Scottish Government and Ratification of Edinburgh and South East Scotland City Deal Response to NPF4](#) - Report to Council Executive 24 March 2020

Appendices / Attachments – Two

- 1) National Planning Framework Position Statement
- 2) Proposed Response to consultation

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**2 February 2021**







# Scotland's Fourth National Planning Framework Position Statement

November 2020



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# Ministerial Foreword



**Kevin Stewart MSP**  
Minister for Local Government,  
Housing and Planning

## The quality of our places really matters.

Scotland has many strengths and assets that we have depended on throughout the global pandemic. We have an exceptional environment with great buildings and a strong sense of character and identity. Many of us live in places that can provide the facilities we need within a short walk from our homes. However, that experience hasn't been shared by everyone. By not always considering the needs of all people, irrespective of their age, gender, geography, disability or socio-economic status, it has become clear that decisions about our places that were made in the past have locked in future problems. Inequality persists – within our society, and between the places where we live. Too often, places don't do enough to support our health and wellbeing and we still have more to do to build the homes that people need. COVID-19 has shown us that people can feel more isolated where there are too few accessible local amenities or nearby green spaces for play or physical activity.

Our [Programme for Government](#), recognises the important role that our National Planning Framework, along with local development plans and local place plans, can have in redesigning our communities to best respond to the pandemic. Emerging regional spatial strategies also have a great deal to contribute to the future of long-term planning in Scotland.

National Planning Framework 4 will set out a new plan for Scotland in 2050. The strategy will have to make some big decisions about our future development. Our ambitious targets for addressing climate change demand a fresh approach and significant investment in infrastructure, as well as a new understanding of how zero carbon living might work. We need to anticipate and plan for our changing population to focus more on improved health and wellbeing and a better natural environment for everyone in Scotland. It is clear that good quality homes must be delivered in the right places, alongside the services and facilities that communities need. It is essential that planning supports our green economic recovery in the short term, as well as enabling strategic investment in the long term. And all of this must be achieved through a highly performing planning system that improves our places: our cities; towns; villages; rural; and island areas.

The preparation of National Planning Framework 4 is a significant task that cannot be achieved by government alone. Our approach has been open and collaborative from the start, and I am very grateful to all those who have taken the time to share their thinking on a new spatial plan and policy changes. This Position Statement brings together the thoughts and ideas we have heard so far with wider Scottish Government commitments to begin to set a new course for planning in Scotland.



# Our future places

Our places will look and feel different in the future. A significant shift is required to achieve net-zero emissions by 2045.

We cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made. We will make these choices next year as we move towards a draft National Planning Framework 4 for public consultation and Parliamentary scrutiny, but it is already clear that significant effort will be required. We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions. We will need to focus our efforts on actively encouraging all developments that help to reduce emissions. This is not about restricting development. Our aim is to help stimulate the green economy by facilitating innovation, greener design and place-based solutions.

## **Key opportunities to achieve this, as set out in this Position Statement, include:**

1. Building 20 minute neighbourhoods. We can plan our homes together with everyday local infrastructure including schools, community centres, local shops and healthcare to significantly reduce the need to travel. This is not just about new buildings – we want to guide change in a way that also helps to transform our existing places.
2. Introducing a stronger preference for reusing existing buildings before new development proceeds.
3. Shifting future development away from greenfield land including by actively enabling the redevelopment of vacant and derelict land.
4. Strengthening our support for development in town centres and restricting out-of-town retail and leisure to help us transition away from car-dependent developments towards those that enable walking, cycling, wheeling and public transport accessibility.
5. Stimulating new models of low carbon living in our rural areas as well as our towns and cities, by facilitating further investment in digital infrastructure, building in more space for people to work remotely and creating community hubs.



6. Expecting low and zero carbon design and energy efficiency, for example by actively encouraging much wider use of sustainable and recycled materials in new developments.
7. Significantly strengthening our policies to secure low carbon heating solutions.
8. Supporting renewable energy developments, including the re-powering and extension of existing wind farms, new and replacement grid infrastructure, carbon capture and storage and hydrogen networks.
9. Harnessing the potential for rural development to act as a lever to facilitate woodland creation and expansion.
10. Expanding green infrastructure, biodiversity and natural spaces to make our places greener, healthier and more resilient to the impacts of climate change.
11. Restricting peat extraction and development on peatland, and facilitating restoration through permitted development rights.
12. Removing the need for planning permission for active travel and electric vehicle charging points to ensure that we can roll-out new infrastructure widely and quickly.

# A Plan for Scotland in 2050

We are preparing a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment. The fourth National Planning Framework (NPF4) will show what Scotland, as a place, could and should look like in 2050. It will include national planning policies, providing a clear and coherent plan for our future development. And it will have the status of development plan, informing day to day planning decisions.

NPF4 will embed the UN Sustainable Development Goals<sup>1</sup> and Scotland's national outcomes<sup>2</sup>. The Place Principle<sup>3</sup> will be a key driver for ensuring that planning focuses on our places, and is supported by a much wider range of interests to ensure that proposals and policies are delivered on the ground.

No decisions have been made yet. At this stage we have taken stock of what we have learned so far about the priorities for NPF4, and set them out in this Position Statement. Much of our thinking is informed by views and ideas we received from our initial engagement in early 2020. Over the year ahead we will continue to work collaboratively with a wide range of stakeholders to further develop these proposals. We expect to lay the draft NPF4 in the Scottish Parliament in autumn 2021, and will consult publicly on our fuller proposals at that stage. NPF4 will be presented digitally as part of a new spatial data platform.

This Position Statement sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context. The final content of NPF4 will only be established following consultation and consideration, and approval, of the draft revised framework by the Scottish Parliament.

The current National Planning Framework (NPF3) and Scottish Planning Policy remain in place until NPF4 is adopted by Ministers.

## Outcomes for 2050

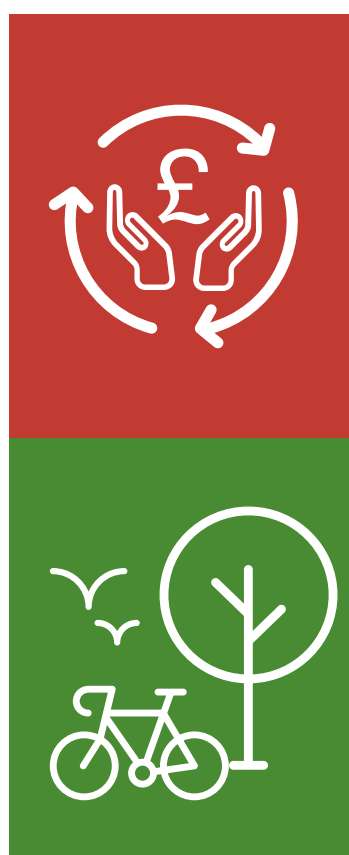
The long-term strategy will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets. Many places are already vulnerable to the impacts of climate change and we must build future resilience by making better choices. This can also improve our places.

We currently expect that NPF4 will focus on achieving four key outcomes:



**Net-Zero  
Emissions**

**Resilient  
Communities**



**A Wellbeing  
Economy**

**Better, Greener  
Places**

In line with ongoing planning reform, we will also do more to ensure our national spatial strategy and policies will be delivered. Alignment with the Infrastructure Investment Plan, and our response to the recommendations of the Infrastructure Commission for Scotland, will be key to achieving this.

To open up wider conversations to further inform the future draft NPF4, this statement considers each of these outcomes in turn. Each section reflects views we have heard so far, emerging spatial priorities, and potential policy changes.

# A Plan for Net-Zero Emissions



We will prioritise the types and locations of development that will help meet our emission reduction targets.



We will build on the Climate Change Plan and take forward advice provided by the UK Climate Change Committee. The recommendations of the Just Transition Commission will also inform our actions<sup>4</sup>.



Our future places will be planned in a way that reduces the need to travel and builds in natural solutions.



Our buildings will be more energy efficient and will be designed to be sustainable.



We will actively facilitate decarbonised heating and electricity generation and distribution.

## You told us...

- We need a swift and decisive response to the global climate emergency at all levels – national, regional, local and community.
- The time is right to give greater weight to climate change as a crucial factor influencing decision making on our future land use.
- We should be addressing long term climate change in a way that benefits communities and the economy more widely.
- Views vary on the most effective solutions. Some suggest a targets-based approach at either a national or a regional level. Others propose increasing the requirements for new developments, and want to make it easier to put in place new infrastructure that would help to reduce emissions.
- Heat, energy efficiency, housing, green infrastructure, onshore and marine renewables have all been highlighted as development priorities for planning to address.
- Policies should reflect the importance of growing the green economy, including renewable energy and the circular economy, to help meet our climate change targets and secure good quality jobs and investment.
- Challenges around this include balancing the need for new infrastructure with minimising impacts on communities and the environment. We will also need flexibility to ensure our policies keep pace with future technological change.
- It is essential that we plan our future land use together with our transport network to actively reduce the need to travel and promote low carbon transport options.
- Land can generate, and reduce, emissions. It will be important to align with wider land use management to tackle issues including woodland creation, peatland restoration, natural flood management, bioenergy and improving biodiversity.
- NPF4 is an opportunity to consider long term change at a national scale, as well as focusing in on geographic 'hot spots' of development and infrastructure that could be prioritised and supported as part of a national effort to reduce emissions.





## Our new spatial strategy will:

### Prioritise emissions reduction

Climate change will be the overarching priority for our spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it.

No single development or planning policy can achieve this. The strategy as a whole will be designed to minimise emissions from new development. We will work alongside the development of Scotland's next Land Use Strategy to guide long-term land use change in a way that helps to reverse patterns of behaviour that are already contributing to emissions. We will do this in a way that achieves economic, health and other environmental benefits through a just transition.

To help inform this, we will bring together and reflect emerging regional spatial strategies and their proposals for strategic development that helps to reduce emissions and aligns with emerging thinking on wider regional land use. The transition from energy intensive to zero carbon economies is a key challenge that is being actively considered across national and regional scales. It is increasingly recognised that the impacts of climate change may be best tackled at a strategic scale – i.e. managing flooding through upland management, and capturing carbon through tree planting and strategic peatland restoration. These are some ways in which regional spatial strategies are reflecting these opportunities. Early work shows that there are opportunities for planning to support a transition to a lower carbon economy in areas that include the Firth of Forth, the North East and island communities.

### Integrate land use and transport

The location of development determines the intensity of emissions that it will generate throughout its lifetime. Our strategy will promote future patterns of development that embed the National Transport Strategy 2 (NTS2) Sustainable Travel Hierarchy<sup>5</sup> in decision making. We will seek to promote high quality walking, wheeling and cycling environments, public transport and shared transport options in preference to single occupancy private car use. This will help us to meet our climate change targets and transition towards healthier, more local, zero carbon living and working. Clear choices will need to be made to direct development to locations which reduce the need to travel and are already well served by sustainable transport options.

Our approach will ensure transport options that focus on reducing inequalities and the need to travel unsustainably are prioritised. We also need to maintain and safely operate existing transport infrastructure and services, and ensure our transport networks can adapt to the impacts of climate change. Only after that should investment involving targeted infrastructure improvements be considered. Ultra-low emission vehicles (ULEV), including electric vehicles will have a role to play, particularly with regard to shared transport, and so we will also plan for electric vehicle infrastructure.

## Facilitate design solutions and innovation

We will ensure planning policies support the very significant reductions in emissions from buildings that we need to see. This is not just about new development – our existing buildings and places will need retro-fit solutions and we will make use of the embedded carbon across the built environment. Planning can facilitate low carbon methods of construction, which create a whole building approach to emissions including construction and decommissioning. We will support developments that make use of low energy and emission materials as well as natural and micro-climate features which reduce the resource demand of the development. We will align our strategy with Building Standards to create a consistent approach, and actively encourage buildings that go beyond current standards where there is appetite to do so. We will also enable and encourage deployment of renewable and zero emissions heating, including by facilitating development of the networks they require.

## Promote nature-based solutions

The climate and nature crises are intrinsically linked. It is estimated that around a third of the global mitigation effort needed to deliver the goals of the Paris Climate Agreement could be achieved through nature-based solutions.

Scotland's natural environment plays a vital role in removing carbon from the atmosphere and securing it in natural habitats on land and in our seas. Promoting nature-based solutions to climate change, including tree planting and peatland protection and restoration, and tackling emissions related to soil disturbance and agricultural land use, will be essential to reduce emissions from our land and increase carbon sequestration. They can also help to sustain and grow rural communities and improve the quality of our built environment. Our spatial strategy will explore how we can promote nature-based solutions to climate change, which also protect and restore biodiversity and deliver wider benefits.

## Deliver infrastructure to reduce emissions

We expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments. We have made good progress in transitioning from reliance on fossil fuels to renewable electricity generation in a way which is compatible with our environmental objectives. Scotland is a net exporter of electricity and in the past decade renewable electricity output has grown markedly. However, significant further investment will be needed to support new technologies for carbon capture and storage; hydrogen; sustainable and active travel; electricity grid capacity (including subsea links to the islands); and decarbonisation of heating, our transport networks and vehicle fleets<sup>6</sup>.

As a priority, our strategy will need to facilitate the roll-out of renewable electricity and renewable and zero emissions heat technologies. We will need to switch to low and zero carbon fuel sources, and support the delivery of associated infrastructure, such as grid networks and gas pipelines. We will ensure that NPF4 helps to deliver on our wider energy strategies including the Scottish Energy Strategy<sup>7</sup> (including any updates), our Energy Efficient Scotland route map<sup>8</sup>, the forthcoming Heat in Buildings Strategy, our vision to 2030 for Scotland's electricity and gas network and the Infrastructure Investment Plan<sup>9</sup>.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at [www.transformingplanning.scot](http://www.transformingplanning.scot) and include, for example: carbon capture and storage infrastructure; on and offshore renewable energy generation and networks; clean hydrogen production and distribution; energy innovation zones; heat networks; and walking, wheeling and cycling infrastructure.

# Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for net-zero emissions:

- Strengthening support for retaining and reusing existing buildings to maximise the use of the embodied energy of our building stock. We will consider how carbon assessments can ensure that the carbon stored in buildings is accounted for in decision making.
- Making it more difficult for new developments that generate significant emissions, across the lifecycle of a development as a whole, to gain planning permission.
- Supporting the use of materials with low embodied emissions, that can act as an emissions store and where the materials can be re-used with minimal re-processing at end of life of the building to avoid release of the embodied emissions.
- Embedding of the National Transport Strategy 2 Sustainable Travel and Investment Hierarchies into the appraisal and assessment of development proposals as well as the proposals themselves. This will also be achieved through an infrastructure-first approach to future development.
- Actively planning future development in a way that helps us to achieve zero carbon living that minimises the need to travel by unsustainable modes, for example by helping to create 20 minute neighbourhoods where achievable.
- Facilitating development that is highly energy efficient and which meets greenhouse gas emissions standards, including making provision for zero carbon energy generation.
- Setting out a consistent policy for meeting Section 3F of the Town and Country Planning (Scotland) Act 1997 in relation to emissions policies.
- Clarifying where net-zero building approaches may allow development to proceed by offsetting emissions.
- Promoting nature-based solutions to climate change, including woodland creation and peatland protection and restoration.
- Integrating development with natural infrastructure, including blue-green networks, to deliver multiple benefits including carbon sequestration, community resilience and health improvement.
- Strengthening our support for re-powering and expanding existing wind farms.
- Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site specific assessments.
- Introducing new policies that address a wider range of energy generation technologies for example for electrical and thermal storage, and hydrogen.
- Setting out a more practical and outcome-focused approach to accelerating a transition to renewable and zero emissions heating in buildings, including by linking with wider policies for green and blue infrastructure and vacant and derelict land and properties.
- In line with the Bank's primary mission, the Scottish National Investment Bank has the opportunity to use its investments to be part of the drive towards a just transition to net zero emissions.



# A Plan for Resilient Communities



We will focus on people and the quality of areas where we live.



We will apply concepts such as 20 minute neighbourhoods across our cities, towns, and rural areas so that the places where we live and work are more resilient and sustainable.



NPF4 will align with our vision for housing in 2040 and set out a long term view of the homes required to meet our future needs. We will focus on the location, quality and type of homes needed for people of all ages, reflecting long term population and household trends.



We will introduce, for the first time, an infrastructure-first approach to neighbourhood planning, including natural networks and sustainable travel, to ensure that we have fair access to the services we need to help make our communities a great place to live.



We will underpin this with policies which support our six public health priorities<sup>10</sup>, promote inclusion and equality, and help our places adapt to the long term impacts of climate change.

## You told us...

- We need to do more to ensure that a much wider range of people get involved in planning, promoting collaborative approaches over conflict.
- Planning needs to be proactive and make clear decisions about future development and investment priorities that are in the long term public interest.
- Places, particularly the places where we live, can make a big difference to our health and wellbeing. The experience of COVID-19 has underlined this.
- Improving health should be a key priority. Quality of place and sense of belonging are essential for our wellbeing and central to our aim of tackling longstanding health inequalities. Access to healthy food, physical activity, active travel, plus issues such as air quality, pollution, noise, decontamination and stabilisation of former mine workings are all priorities for planning.
- The quality of our homes really matters, and the way we plan for housing needs to change. There are many different ideas about the best approach but wide agreement that we should focus more on quality and the types of homes we will need in the future, rather than only on numbers of units.
- Our policies should reflect our diverse housing and accommodation needs, including the housing needs of older people, disabled people, students, Gypsy/Travellers and those living in rural communities. A wider range of new and innovative delivery solutions should also be supported.
- We need to consider, and address, the impacts of new development on local infrastructure including schools, healthcare, transport, green space and other community facilities. Places should be planned on the basis of an infrastructure-first approach so that everyone, irrespective of age, disability, gender, ethnicity or socio-economic status has ready access to essential services and facilities.
- Blue-green infrastructure should be an integral part of place-making and our policies on this can be strengthened. Good quality open spaces and green networks play a crucial role in supporting our quality of life and should be an integral part of place-making.
- Natural flood risk management, flood prevention and green infrastructure are key opportunities to manage our environment whilst achieving wider benefits for people, place and environment.
- Everyday travel, including walking and cycling and access to low carbon transport options contributes to the livability of our places and neighbourhoods, and there is support for stronger alignment of future development with existing and planned local transport infrastructure capacity.



## Our new spatial strategy will:

### Apply the concept of 20 minute neighbourhoods

Our spatial strategy and policies will reflect the needs and aspirations of people living throughout Scotland by building quality places that work for everyone. 20 minute neighbourhoods have the potential to reduce emissions and improve our health and wellbeing. We will explore how a new emphasis on living locally could work in different parts of Scotland, from remote rural communities to our towns and cities, taking into account the needs of everyone in society so that equality is built in from the start.

The 20 minute neighbourhood concept doesn't exist in isolation but scales up to include larger geographies and networked areas providing access and opportunities for the wide range of facilities and services that communities require. The ability to access goods and services through high quality walkable and accessible environments is increasingly recognised as providing strategic competitive advantage to attract and retain people and investment.

This vision will be supported by new and improved planning policies that bring together services and homes, giving life to the Place Principle and supporting public health and wellbeing and reducing inequality.

### Strengthen community resilience

A focus on neighbourhoods and local living will help our places to adapt to the impacts of climate change. Our climate is getting warmer and wetter, and more frequent extreme weather events will affect people and places. In summer, more intense rainfall could increase surface water flooding. In winter, more frequent rainfall could bring increased flooding from rivers. Sea level rise could affect the viability of some coastal communities through flooding and erosion. Scotland's Climate Change Adaptation Programme<sup>11</sup> promotes a joined-up approach to place-making that reflects local diversity.

Some places will be more vulnerable to the impacts of climate change than others: flood risk may be particularly acute in parts of our cities, whilst the livability and accessibility of our smaller towns could be significantly affected by flooding events in the future. By future-proofing the design of our streets and buildings and investing in natural infrastructure, including creating and restoring habitats upstream in catchments, we can substantially reduce our communities' exposure to flooding and the risks from changing temperatures. This also has the potential to provide equality, health, economic and wellbeing benefits for communities.

### Promote inclusion and equality and eliminate discrimination

The Scottish Government is committed to promoting equality, tackling discrimination and fostering good relations between people in all of our communities. We want to ensure that every person and every community in our country is able to achieve their full potential. The changes we are making to the planning system aim to strengthen public trust and encourage engagement in decisions about the future of our places. The Planning (Scotland) Act 2019 introduces local place plans. Linked to the NPF and local development plans they will provide the opportunity for communities to influence the development of their neighbourhoods in a way which builds on community empowerment across Scotland. These and wider changes also underline the importance of engaging with a wider range of people to develop our places, including children and young people.

We will consider how our future policies can learn from the experience of COVID-19 including by responding to the Social Renewal Advisory Board's recommendations and learning from their work to capture our shared experience of delivering equality and social justice.

The spatial strategy will be supported by new policies to encourage more people to get involved in planning, to improve equality and eliminate discrimination. The 2016 National Standards for Community Engagement, together with the Place Standard Tool<sup>12</sup>, provide a framework for involving people in planning their places. The Place Principle also recognises the need for a more joined-up and collaborative approach to decisions so that the combined impacts on places are understood and actively managed. We will look at how this can support techniques which encompass collaborative approaches to community engagement.

NPF4 is required to explain how our spatial strategy will contribute to improving equality and eliminating discrimination. People living in the most deprived areas and neighbourhoods are more exposed to environmental conditions and other factors that negatively affect health and access to opportunities – including those relating to transport, access to green space, pollution effects, housing quality, fuel poverty, community participation, and social isolation. Our future places and spaces need to be considered through the lens of gender, ethnicity, age and disability to ensure they are inclusive.

Many different planning policies have potential to directly and indirectly contribute to this, including those which aim to meet housing need, policies promoting community facilities and green space, and those relating to accessibility and design of the public realm. The development of the strategy is being supported by a range of impact assessments which will provide evidence on the impacts of policies on different people in society, and help to inform an approach which is fair for everyone.

### **Improve our health and wellbeing**

NPF4 will be redesigned to support the population's health and wellbeing and address longstanding health inequalities. We know that planning and place can compound problems such as poor diet and obesity, noise or air pollution, or it can be part of a solution. We will

help to deliver a wide range of policies and strategies, including Scotland's six Public Health Priorities<sup>13</sup>, the Active Scotland Delivery Plan<sup>14</sup> and associated commitments to increasing active travel; the new air quality strategy which will replace the current Cleaner Air for Scotland strategy in 2021; Scotland's Diet and Healthy Weight Delivery Plan<sup>15</sup>; Scotland's alcohol and drug harm prevention and reduction strategies; Scotland's Mental Health Strategy<sup>16</sup>; Scotland's Social Isolation Strategy<sup>17</sup>, and the National Health and Social Care Delivery Plan<sup>18</sup>. The Place Standard also underlines the importance of better health outcomes from joined-up, targeted action in our places.

Tackling health inequalities, as well as supporting the everyday healthcare needs of communities, require a long term plan. The quality of places has impacts on our health and wellbeing, from early years to later life. Planning can do more to directly support positive health outcomes and improve childhood experiences. More people living in Scotland in the future will be older, and we will also need to factor this in to ensure NPF4 properly anticipates our future needs.

Our approach will look at how the built environment can help prevent the need for healthcare spend in the first place, and increase our healthy life expectancy, by improving public health. Inclusive and accessible design, access to infrastructure, including healthy travel choices, and other measures to improve health should no longer be regarded as optional or a discretionary benefit, but a firm requirement for development to address. We will look to promote high quality design and development in sustainably accessible locations that attract investment, create opportunities and alleviate fuel and transport poverty. Natural (blue and green) infrastructure helps build community resilience, and in turn supports our health and wellbeing. Access to quality green space also has direct benefits for both mental and physical health and can help to tackle the impacts of inequalities.



## Actively plan and support the delivery of good quality homes

Our homes make an essential contribution to our health and quality of life and we recognise that good housing is the cornerstone of strong communities. Our future homes will be at the heart of a spatial strategy that puts people first. We expect that our spatial strategy will focus on delivering a wider range of homes to meet the needs of our changing population, in the right places. Our Housing to 2040 route map will be a plan for a well-functioning housing system to deliver good quality, energy efficient, zero carbon housing and housing-related services. The vision will set out how, by 2040, we want our homes to be accessible, affordable, well-designed and energy-efficient with the right homes in the right places to support both urban and rural communities. As a first step, we have already committed to review the current housing adaptations system and make recommendations on how best to improve and streamline the system and maximise the impact of investment. This will help to make best use of existing and planned housing stock to provide homes for as many people as possible and enable people to stay in their homes for longer. We will explore how planning can support this, including through an emphasis on type, accessibility, affordable living, quality, choice and energy efficient homes.

Our strategy will do more to guide housing to sustainable locations in a way which still allows for a local approach to be taken to address local issues and opportunities. We will encourage development planning to help shape this in different parts of Scotland.

To significantly simplify the system as a whole, we will set out the land required in each local authority area to support local development plans over the life of the plan, informed by national analysis with local input. This will ensure a nationally agreed approach to housing land is used as a starting point for local development plans, and is aligned with local housing strategies and wider strategic investment priorities.

Our spatial strategy will also consider the long term changes that we can expect, including: sustainable rural living, prioritising sustainable and accessible locations; prioritising new homes on brownfield land where appropriate; redevelopment of existing buildings; city and town centre regeneration; and more people working remotely or more locally in the future. Policies will work with these challenges and assets to create great places to live now and in the future. Energy efficiency, in both new homes and the existing stock, is a key objective that will help address fuel poverty and contribute to meeting our climate change targets.

We want to see design at the heart of any new housing development. Details that may seem insignificant in isolation – such as – orientation; colours; shapes; heights; materials and access to public and play spaces – collectively create better development that supports our wellbeing. Our aim is to plan and facilitate the delivery of new places that anyone would be proud to call home.

To build the right types of homes that we want and the amount that we need, we need everyone to work together. Planning can do more to enable development, but it cannot do this on its own. We are considering how our policies can actively support delivery and provide certainty to house builders and communities by providing good, shovel ready land that can be developed in the short term whilst also maintaining a steady pipeline of land that will come forward in the future. We are looking at how we can incentivise house builders to build on sites that have already been deemed suitable for housing by providing a mechanism for more land to be released from the longer term supply, once building begins on sites that already have planning permission. In line with the recommendations of the Infrastructure Commission for Scotland, an infrastructure-first approach will play an essential role in ensuring allocated sites are a viable proposition to be built out in line with the plan's delivery programme.

Gypsy/Travellers require a positive planning approach so that not just their future, but their current accommodation needs are met. Guidance has previously been published on this, and we have taken steps to raise this with planning authorities. NPF4 is a real opportunity to expand on our current planning policy to support Gypsy/Travellers in their human rights to travel and in their aspirations to invest in their own homes, taking into account research on the distribution of existing sites across Scotland<sup>19 20</sup>, as well as the provisions of the Planning (Scotland) Act 2019.

### **Promote an infrastructure-first approach to community development**

It is crucial that the services and facilities we use on a day to day basis are fairly, easily and affordably accessed. A wide range of facilities are required to support our wellbeing including health services, transport, accommodation and support for an ageing population, education, energy networks, water and drainage, digital, community centres, places of worship, cemeteries and crematoria, libraries, retail including local healthier food outlets, markets, pubs, restaurants and cafes, banks, community growing space, green space, play and sports facilities and public toilets. During the passage of the Planning (Scotland) Act 2019, the Scottish Parliament emphasised the importance of planning these services, infrastructure and facilities for communities across Scotland. 20 minute neighbourhoods are a great opportunity to embed where appropriate, an infrastructure-first approach to our future places.

NPF4 will help to prioritise the infrastructure investment needed for people to live better, and more locally, in the future. By taking an infrastructure-first approach to planning future development, we will be able to reduce the need to travel and minimise spend on additional transport infrastructure construction, contributing to an overall reduction in emissions from the transport sector. We will link with infrastructure

plans to encourage place-based investment in local infrastructure to work alongside planned future housing developments. We will reflect and embed travel and investment hierarchies as set out in the Infrastructure Investment Plan and National Transport Strategy 2 within the appraisal and assessment of potential development options to inform the spatial strategy from the outset.

We will also explore the types of community services that will be required in the future, such as hubs for remote working and shared facilities, co-location and future-proofing. Natural (blue and green) infrastructure will be an integral part of a strategy for people, rather than an afterthought, helping to achieve multiple benefits for nature, communities and businesses.

The detailed consideration of infrastructure and service provision and implications are central to the preparation of spatial strategies and future land use decisions. Development plans can help to ensure the right infrastructure and services are in place at the right time to serve the needs of communities. We expect that the new requirement for an evidence report, examined through a 'gatecheck' early in the plan preparation process, will help to achieve this.

As part of the ongoing planning reform programme, we are carrying out a review of existing developer contributions mechanisms such as planning obligations. This was one of the recommendations made last year by the Scottish Land Commission in their advice to Scottish Ministers on land value uplift capture. The review will evaluate the effectiveness of planning obligations as a means of securing timely contributions to – and delivery of – the infrastructure and affordable housing that are necessary to create high quality places. This will help to inform NPF4's approach to infrastructure funding and delivery. We will also align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

## Enhance and expand natural infrastructure

Our strategy will enhance and promote open and green spaces and green networks as an integral part of successful place-making. By bringing together green and blue infrastructure, we will modernise our existing policies to ensure that our natural networks are nurtured and expanded to support our health and wellbeing, and contribute to our climate and biodiversity goals. We are aiming to strengthen our policy so that blue and green infrastructure are not an added benefit but an integrated requirement for future planning and development. For example, there is scope for new policies for planning green spaces and play. We also expect that much can be learned from innovation in green infrastructure planning as demonstrated by the Glasgow and Clyde Valley Green Network Partnership and Central Scotland Green Network.

Blue and green infrastructure will be an essential part of our approach to building our long term resilience to climate change and can also contribute to reducing emissions and carbon sequestration. In particular, opportunities for natural infrastructure to address the long term risk of flooding, water and drainage issues, temperature management and everyday livability of places will inform our approach to planning and enhancing our spaces and places. As part of this, consideration will also be given to the integration of ecological networks to protect and restore biodiversity and ensure that habitats and species can adapt to a changing climate.

## Achieve more sustainable travel

We will refocus our existing transport policies to specifically draw out how land use planning can build in sustainable travel choices. Scotland's second National Transport Strategy<sup>21</sup> set out a vision for a sustainable, inclusive, safe and accessible transport system, helping to deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. NPF4 is being prepared alongside the second Strategic Transport Projects Review and we expect, in time, that future Regional Spatial Strategies will align with Regional Transport Strategies. The Active Scotland Delivery Plan; the 2030 Vision for Active Travel; and the Active Travel Framework<sup>22</sup> also provide an important policy framework for NPF4 to align with.

By guiding development to the right locations, we can reduce the need to travel unsustainably. To achieve stronger local communities and reduce emissions that are harmful to the environment and our health, and in line with the NTS2 sustainable travel hierarchy, there will need to continue to be a sustained and significant shift away from use of the private car towards walking, wheeling, cycling, public transport, taxis and shared transport. This will need to be embedded in the land use decision making process and will require policies that can be directly and consistently applied, to avoid compromising on our climate change and health objectives.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at [www.transformingplanning.scot](http://www.transformingplanning.scot) and includes, for example: regeneration projects; large mixed use developments; settlement expansions; housing proposals; rural development projects; community-led development; social infrastructure; flood protection; natural infrastructure; and active travel networks. We will also consider whether this would help to deliver proposals that emerge from the Strategic Transport Projects Review 2.

# Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for resilient communities:

- Promoting innovative place-based solutions to reflect a new approach to localism, including 20 minute neighbourhoods, an infrastructure-first approach and a move towards more mixed land uses to improve local areas. A stronger focus on place-based actions will also help us to adapt to long-term climate change.
- Introducing an overarching principal policy that puts the needs of people and their health and wellbeing at the heart of the planning system; encouraging people to engage with decisions about their communities, providing for a more joined-up, collaborative, and participative approach, achieving better outcomes for everyone by enabling communities to shape their own places.
- Minimising and mitigating environmental hazards and pollution, and embedding an evidence-based approach to the avoidance and alleviation of health impacts from new development. We will also include new policies to improve air quality alongside reducing climate change emissions.
- Ensuring that the full range of policies and proposals included in NPF4 will work together to support a fairer, more inclusive and equalities-based approach to planning in the future.
- Promoting places which create the conditions for healthier, more sustainable living, including by addressing the links between planning, transport, place, food and drink and other lifestyle choices, and the retail environment.
- Refocusing our policies on housing on quality and place, and linking with wider housing investment so that the needs of everyone, including older people and disabled people, can be met. We expect to strengthen requirements for affordable housing provision and include policies that help to diversify delivery and reflect the future needs and aspirations of communities.
- Replacing the current focus on maintaining a 5 year supply of effective housing land with a longer term perspective so that future plans can promote immediate deliverability and viability, but also proactively steer development to appropriate locations in line with the plan's spatial strategy, informed by an infrastructure-first approach. We could seek to monitor the pace of land take-up through completions and to trigger the release of additional land, in line with the development plan, when the need for additional capacity is clearly demonstrated. Housing Land Audits will help us understand programming and we are considering how they can be clearer and more consistent.
- Proactively bringing forward good opportunities for quality homes in places that would benefit from them, including town centres, remote rural and island communities, vacant and derelict land and adaptation and re-use of disused properties. An infrastructure-first approach should be an integral part of site selection to assist with development viability and minimise the need for the construction of new infrastructure and its associated costs to the public and private sectors.



- Promoting self and custom build/self-provided housing, co-housing and other innovative approaches to delivery, also linking with the potential for Masterplan Consent Areas. This will link with the new requirement to prepare and maintain a list of people interested in self-build introduced by the Planning (Scotland) Act 2019. We will also support purpose-built build to rent homes in contributing to meeting need and demand.
- Providing a consistent national planning policy that proactively addresses the comprehensive evidence on the needs of the Gypsy/Traveller population. This could include criteria against which ad-hoc proposals for public or private permanent sites or temporary transit sites can be assessed. We will also address the specific accommodation needs of Scottish Showpeople.
- Setting out clearer requirements for infrastructure to support developments and more proactively considering how it will be delivered. We will explore the level of service provision that can reasonably be expected by communities where development takes place, particularly for health and education. New policies will provide a framework for taking into account the impacts of proposed new development on infrastructure, including by prioritising areas where there is existing capacity. This will be supported by a clearer and more consistent framework for developer contributions.
- Ensuring well-designed, high quality provision and long term maintenance of natural infrastructure in new development, recognising its contribution to goals for climate change mitigation and adaptation, biodiversity and health and wellbeing, including clean air, place-making and community resilience.
- Promoting multifunctional blue and green networks, accessible to all, supporting active travel, recreation and habitat connections for nature. Our policies will also focus on the quality, functionality, usability, accessibility, inclusiveness, and future maintenance of green space. We will plan for allotments and community growing spaces given their benefits for health and wellbeing, community and quality of life.
- We will introduce a new policy to address play and playability, covering both informal and formal play and considering spatial opportunities for play as part of wider place planning.
- Promoting natural flood risk management and strengthening our policies on the water environment and drainage infrastructure to address the future impacts of climate change to build the resilience of our communities.
- Reducing the need to travel unsustainably by embedding the Sustainable Travel and Investment Hierarchies into decisions about locations for change. This should guide development to places which can currently be sustainably accessed, or have the ability to become so, with minimal cost to the public and private sectors arising from the need to subsidise public transport or invest in new infrastructure resulting from the need to rely on the private car. We will consider the accessibility and needs of different groups – for example of children and young people in accessing schools and opportunities for play.
- Restricting development in flood risk areas that generate the need for additional flood risk management measures and which put pressure on drainage systems.
- Align with our Capital Investment Plan in terms of the role of private capital in developing sites of strategic importance to Scotland.

# A Plan for a Wellbeing Economy



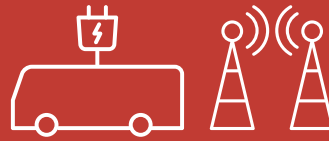
We will create healthier, fairer and more prosperous places and ensure future development contributes to a green, sustainable, and inclusive economic recovery.



We will support development in the parts of Scotland where quality jobs and investment are most needed. Policies will refocus on community wealth building and sustainability.



We will identify and support development that works with our assets, key sites and opportunities for strategic investment.



We will support development that helps to maintain and strengthen strategic transport and digital connectivity.



We will take a flexible and enabling approach to future business and employment uses.

## You told us...

- Planning must do all it can to support our green recovery and long-term economic priorities.
- The future needs of businesses and investors cannot be fully predicted, and so our proposals and policies must be flexible.
- Planning can proactively enable the future development of Scotland's food and drink sector, a key contributor to our economy as a whole. People want planning to say more about the value of productive land and to help the aquaculture industry to fulfil its potential in a sustainable way.
- There is a need for a managed approach to tourism, which helps to realise the significant potential for the sector whilst managing its impacts on quality of life, including in both urban and rural communities.
- The benefits of the historic environment, culture, the arts and the creative industries for our collective identity and economy should be recognised. Culture and creativity can also be a catalyst for regeneration and town centre vibrancy and strengthen our sense of place.
- Planning should enable energy from waste infrastructure, with a growing need arising from the forthcoming ban on landfilling of biodegradable municipal waste. Views vary on how the impacts should be managed, from policies to address specific impacts to a moratorium on new incinerators.
- Our approach to minerals should reflect wider government commitments on climate change and continue to protect communities from inappropriate development.
- Strategic transport connections will be essential, and there will be a need for infrastructure investment to support the transition to low carbon freight as well as lifeline links to our islands and remote communities.
- Improving digital connectivity continues to be essential. This is of critical importance to our rural areas, given its role in sustaining existing and future businesses and employment and supporting the wider objectives of rural repopulation and climate change mitigation. The latter stages of the early engagement were also an opportunity to reflect on the lessons learned from COVID-19, including home working, online learning, telehealth and online retail and leisure activities.



## Our new spatial strategy will:

### Support a sustainable and green economic recovery

Collaborative spatial planning at a national, regional and local scale, will help us to recover from the impacts of COVID-19 through a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery. We have an opportunity to actively promote strategically important locations for future investment and business growth as part of a coherent vision for sustainable, inclusive growth.

Our policies on planning for business development will recognise the fundamental role Scotland's natural capital plays in supporting our economy and will aim to achieve sustainable, inclusive growth by protecting and investing in our natural assets and supporting the health and wellbeing of our communities. This will support Scotland's ambitions to build a wellbeing economy. Planning can enable sustainable, inclusive growth by attracting investment, sustaining future employment, restoring natural capital and seizing the new economic opportunities created by our transition to a net-zero, circular economy. Our natural assets can play a key role in securing our path to net-zero by 2045 and achieving the long-term vision of our Environment Strategy<sup>23</sup>.

Our strategy will be informed by emerging regional scale spatial and economic strategies which will align with city and regional growth deals and the work of Regional Economic Partnerships. For example, early thinking in Argyll and Bute indicates the significant potential for place-based approaches that unlock the potential for jobs that make use of the area's natural resources, such as aquaculture. Orkney's emerging spatial strategy sets out a strong vision for development that capitalises on the area's exceptional natural energy resources and marine connections, underpinned by an emphasis on innovation and research. Moray is exploring how its natural assets can help to build a place-based approach to future development and

investment in key sectors, such as the whisky and outdoor recreation industries. Community wealth building is also being explored at a regional scale, for example in an emerging regional spatial strategy for North, East and South Ayrshire which links with the area's growth deal and economic strategy and promotes place-based investment. Sustainable tourism is emerging as a key theme for regional spatial strategies to consider, including for the National Parks. Enabling business growth, alongside visitor management and low carbon accessibility are shared themes that can inform a national spatial strategy that will guide us to 2050.

### Reduce inequality and improve health and wellbeing

A shift from economic growth towards a wellbeing economy provides us with an opportunity to consider how development and investment can help us to address longstanding health and wellbeing inequalities.

Sustainable and inclusive growth will depend on a planned approach to ensure that development happens in locations that provide the greatest benefits for society as a whole. Economic performance and access to employment vary across Scotland and spatial planning has the potential to close the gap between the highest and lowest performing areas by intervening to create opportunities which are accessible to everyone. The spatial strategy will need to consider where we want to target future investment, and the land and premises required to support the sectors that we expect to grow in the future.

We will continue to actively enable investment in sustainable locations across Scotland – both urban and rural – including key investment sites and strategic opportunities for Scotland to attract international investment. Our approach will aim to strengthen the economy of our diverse cities and towns, and enable development that supports a vibrant rural economy. In the past, industrial and business areas have tended to be located at a distance from residential areas. As our economy continues to evolve, there may



be scope for greater integration of work and living as inter-related land uses. The climate change agenda may benefit from a strategy that broadens choice and flexibility, for example through the provision of community hubs and flexible workspaces. These types of initiatives could complement other strategies such as revitalising our town and community centres and helping to create footfall that supports local traders.

This strategic approach to future investment and infrastructure will be brought together with our other aims of localism and quality of place to provide a coherent spatial vision for Scotland as a whole. We may need to make choices to ensure that all areas play to their strengths with complementary, rather than competing proposals. Digital infrastructure, remote working and our current re-evaluation of the future working environment are expected to feature in a new approach to planning the distribution of our future jobs.

### **Provide certainty and flexibility to encourage investment**

Planning can stimulate investment and growth by providing certainty. At the same time, recent months have shown that our planning policies must be flexible enough to respond to rapid and significant economic and social change. Whilst many of our existing policies on business and employment remain relevant, we can improve on them so that they reflect our aspirations for a wellbeing economy.

We will consider how this can be supported by local development planning which is underpinned by a stronger evidence base at the local level for local land use decisions. We will review the role of business land audits and consider the extent to which they link with local economic strategies. We will also explore whether the resilience of investment sites would benefit from fuller risk assessments to help business adapt to the impacts of climate change.

### **Grow our food and drink sector**

Planning can support our internationally renowned food and drink sector by protecting our natural assets that underpin production and facilitating the development of production and processing facilities.

This includes fishing and aquaculture, farming, food and beverage manufacturing. It is significant for employment in the islands and accounts for a high proportion of employment across rural Scotland. Our current policies recognise the importance of high quality agricultural land but there is scope to more fully reflect the importance of land as a finite resource that delivers many benefits for society. Wider policies will inform our approach. For example, the Land Use Strategy sets out that where land is highly suitable for a primary use this should be recognised in decision making so that multiple benefits can be secured. Links with our rural policies, flood management, water catchment management and carbon storage will also be important.

We will look to enable the sustainable growth of the finfish and shellfish sectors, including by guiding new development to coastal locations that reflect industry needs and take into account wider marine planning. Scottish aquaculture and its wider supply chain is of particular significance for some of our most remote rural communities. Farmed salmon has one of the lowest carbon footprints by production of health protein foods. The industry's growth strategy for 2030 aims to double the economic contribution of the sector to £3.6 billion and double the sector's jobs to 18,000. The Scottish Government continues to work with the Aquaculture Industry Leadership Group to achieve this.

## Support sustainable tourism development

Our strategy and supporting policies will include a renewed focus on enabling sustainable development that helps to strengthen and grow our tourism sector.

Tourism plays a major role in our economy – in 2018, spending by overnight tourists and day visitors in Scotland was around £10.4 billion. This generated around £12 billion of economic activity in the wider Scottish economy and contributed around £7 billion to Scottish GDP. The Sector also employed 218,000 people accounting for 1 in 12 jobs in Scotland.

The sector has been significantly impacted by the pandemic. The Scottish Tourism Emergency Recovery Group, and now the Tourism Recovery Taskforce has provided a partnership-driven response. The Taskforce report focuses on recovery, investment and stimulating demand. Whilst overall levels of employment in Scottish tourism are highest in Edinburgh and Glasgow, as a proportion of all jobs tourism is of particular significance in rural areas such as Argyll and Bute and Highland. Tourism will have to continue to adapt to further influences including climate change and its impact on travel, and the economic challenges ahead. NPF4 will reflect the priorities set out in our Tourism Strategy.

Our many great places and exceptional natural environment, landscapes and wildlife are assets that the sector depends on, and so a sustainable, planned approach to future development will help to ensure the long term future of the industry. Destinations such as island and rural locations often have a 'carrying capacity' that is placed under threat by the influx of large tourism numbers. Consequent impacts on the environment and communities have to be managed, through visitor management facilities, investment in appropriate infrastructure or by striking the right balance between tourism accommodation and maintaining an adequate housing supply to support and retain the existing population. Temporary accommodation for the sector's workforce in rural areas is often a challenge that can be addressed by positive planning policies.

## Stimulate culture and the creative industries

We will recognise the importance of creativity, culture and the arts to our collective identity and future places. Culture defines our diverse places and many of our buildings reflect our architectural, social and economic history that contributes to part of our sense of wellbeing, heritage and economy. Regeneration and development has used culture and creativity to inspire new futures, from Dundee Waterfront where the V&A has helped to transform the city centre, to Paisley where creativity has been used to stimulate a new future for the area. Despite this, culture has not featured prominently in our suite of national planning policies to date and there is significant scope to improve on this in NPF4.

Scotland's Culture Strategy<sup>24</sup> sets out a vision for strengthening and transforming culture, and using it to empower communities as well as individual lives. The strategy aims to ensure that culture is embedded into all policies, so that its transformative potential can be fully realised. It outlines the significance of the creative industries as our second fastest growing sector that accounts for 3.3% of employment in Scotland and is made up of numerous small businesses.

## Transition to a circular economy

We will update our policies on zero waste to reflect the new opportunities arising from a shift towards a circular economy. Planning can support development which reflects the waste hierarchy, prioritising the reduction and re-use of materials, and facilitate the delivery of new infrastructure required to achieve this. Our policy on this was updated in 2016<sup>25</sup> and the Climate Change Plan and emissions reduction targets are relevant, together with the more detailed policies including the forthcoming ban on landfilling of biodegradable municipal waste. At a European level, the European Commission also launched a Circular Economy Action Plan<sup>26</sup> in March 2020, which aims to mainstream and support action in this area, including in relation to buildings and construction.

Minimising construction waste and promoting the sustainable use of the existing built environment has an important role to play as part of this. Infrastructure to support the circular economy, including for collecting, sorting, processing and re-manufacturing materials, that can help reduce the demand on primary sources of materials, will also need to be considered. This might take the form of increasing capacity at existing sites or the provision of new sites and there will be choices to be made on opportunities for example for co-location of facilities.

### **Promote sustainable resource management**

Our spatial strategy and supporting policies will continue to set out proposals and policies that safeguard workable mineral resources whilst ensuring demand for primary materials, where required, can be met in a safe and acceptable way, including continuing to safeguard air quality. The substantial decline in the demand for coal for energy production, suggests there is also an opportunity to review our policy approach for this sector.

Peatland also has a critical role to play as a nature-based solution in supporting our climate change targets as well as providing many other long term benefits, and so our strategy and policies will help support both the phasing out of the use of horticultural peat and our investment in the restoration of peatlands. We will also consider how we can restrict further development on peatland given its role in carbon sequestration.

We have already committed to including our policy position<sup>27</sup> on unconventional oil and gas in our draft NPF4. This is currently contained in a Statement of 3 October 2019 and sets out that the Scottish Government does not support the development of unconventional oil and gas in Scotland. This means development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane.

### **Secure strategic transport connectivity**

Our spatial strategy will work with, and plan for, our future strategic transport network. Connectivity, physical and virtual, is essential for inclusive growth. National Planning Framework 3 identifies key connections including airports, high speed rail, long distance walking and cycling routes and some freight facilities as national developments. The National Transport Strategy and Scotland's Economic Strategy recognise the importance of strategic transport connections, links and gateways. Brexit will heighten the importance of connectivity with external markets in the future.

Our new strategy will inform, and be informed by, the second Strategic Transport Projects Review, identifying key transport hubs and intermodal nodes that support connections within Scotland and with the wider world. We recognise the importance of long-term strategic road, rail, air and sea networks and will consider their role in relation to health and quality of life for their neighbouring communities.

There are plans to decarbonise Scotland's passenger railways by 2035, scheduled flights within Scotland by 2040 and an ambition to phase out the need for new petrol and diesel cars and vans by 2032, with public bodies taking the lead to phase these out from 2025. We will also ensure that rural and island communities can travel sustainably to access the services they need where those are not provided locally.

The new technologies which are emerging to make vehicles less dependent on fossil fuels will contribute to achieving the net-zero target. However, that will not be enough. We will not plan infrastructure to cater for forecast unconstrained increases in traffic volumes. Instead, we will manage demand and reduce the need to travel by unsustainable modes. Not taking steps to effectively manage demand for car use is no longer an option and our approach will focus on encouraging people not to make unnecessary journeys. Some of our existing infrastructure will need to be adapted for anticipated climate change that may make their location more vulnerable to erosion, flooding, land instability or heat for example.

Freight also has strategic transport needs and it may be that larger settlements, towns and cities require to identify land where distribution centres can be located to enable long distance goods vehicles to be unloaded ahead of onward distribution by smaller and alternatively fuelled vehicles and cargo bikes. Consideration of the location of additional dedicated rest stops or services areas will also be needed.

Connectivity is emerging as a shared priority, and a challenge to be addressed across the range of spatial scales; from local, through regional to national – this is evident in the emerging regional spatial strategies. Whilst the importance of transport links is recognised, we will need to consider how strategies can take forward an infrastructure-first approach which minimises the need to travel. We will use existing infrastructure capacity to direct where growth can happen in a way that is consistent with the travel and infrastructure investment hierarchies.

## Improve digital connectivity

We will reflect future plans for investment in digital infrastructure and consider implications for our long-term spatial development. Our spatial strategy will continue to support the roll-out of digital infrastructure across Scotland. This will play a key role in maintaining and growing our communities in both urban and rural Scotland, and has potential to form the foundations of a new emphasis on localism.

Scotland's Digital Strategy<sup>28</sup> aims to stimulate innovation and investment in digital technologies and industries across Scotland. Connectivity has a central role to play in unlocking the potential of our places and the economy and in opening up more remote parts of Scotland for investment and community expansion. We have already created permitted development rights for digital infrastructure and recently consulted on proposals to expand these further. These proposed changes need to be delivered in a way that minimises the negative impacts on the natural and built environment and safeguards air safety. Physical distancing arising from COVID-19 has also demonstrated that the planning service is well-placed to drive forward digital engagement in planning and decision making, creating opportunities for a wider range of people to get involved in more strongly influencing the design of their places.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at [www.transformingplanning.scot](http://www.transformingplanning.scot) and includes, for example: business and industrial developments; strategic investment areas; energy parks; advanced manufacturing; spaceports; aquaculture hubs; food production projects; tourism projects and infrastructure; strategic transport interventions; and digital networks.



# Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for a wellbeing economy:

- Promoting a place-based approach to investment across all development plans, in line with the Infrastructure Investment Plan, priorities of the Scottish National Investment Bank, and the recommendations of the Advisory Group on Economic Recovery.
- Explicitly supporting development that can demonstrate its contribution to a wellbeing economy and fair work. This could include, for example, the introduction of new requirements from investment to secure social and environmental value and the delivery of our Public Health priorities.
- Creating certainty for investors whilst providing flexibility to allow the planning system to respond more effectively to market opportunities.
- Facilitating new ways of working such as remote working, homeworking and community hubs, in line with our emphasis on localism and to help reduce demand for motorised travel.
- Ensuring that we reflect the vision, objectives and framework of Scotland's upcoming third Land Use Strategy. We will consider how spatial planning at regional and local scales can protect and enhance the multiple benefits that can be gained from our land including food production and access to local markets.
- Reflecting any development and infrastructure needs arising from changes to wider markets, linking with our proposals for strategic freight connectivity.
- Continuing to grow Scottish aquaculture in a way which balances production with environmental quality. This could include criteria for assessing aquaculture proposals that can be consistently applied and which are sufficiently flexible to respond to changes in practice.
- Revisiting the interface between terrestrial and marine planning to ensure our policy properly reflects more recent developments in marine planning and associated research and evidence.
- Encouraging the expansion of tourism and associated infrastructure in an inclusive and sustainable way to ensure local communities have a share in tourism benefits, and safeguard environmental and community assets. We will explore how relevant tourism management considerations can be built into decisions on future development – for example by supporting developments that redistribute tourist uses and alleviate pressure on the capacity of sensitive areas. We will also build on investment through the Rural Tourism Infrastructure Fund.
- Providing greater flexibility for housing development that provides accommodation for rural businesses.
- Tackling the impact of short term lets in pressured areas by providing a framework for decision making on planning applications.
- Actively enabling development that supports expansion of the creative sector.

- Reflecting the importance of cultural facilities in different types of places, such as city and town centres and more rural communities and to stimulate more creative approaches to place-making and regeneration, for example in temporary uses of vacant spaces or in animating public spaces.
- Protecting existing cultural assets from inappropriate development including through the Agent of Change principle.
- Promoting the broader circular economy agenda and considering how it can improve our approach to place-making more broadly, including by making best use of existing buildings, and by prioritising waste prevention through innovation in design and construction. We will also look to ensure that, where feasible, existing materials are salvaged and reused or recycled.
- Encourage new buildings to connect to existing heat networks where located in a Heat Network Zone, wherever feasible; and encouraging applications for energy from waste facilities to provide a connection to a heat network, taking into account the practical considerations involved.
- Enabling the development of future zero carbon infrastructure in a way that supports wider spatial objectives, including mixed use and sustainable connectivity. This could include larger scale facilities as well as small scale interventions to support communities and households to make the transition to a circular economy.
- Updating our policies on fossil fuel extraction to reflect our climate change objectives and wider energy policy. Policies will mitigate certain environmental and health effects of minerals developments. We will also reflect wider policies on unconventional oil and gas and fossil fuels and confirm that we do not support applications for planning permission for new commercial peat extraction for horticultural purposes.
- Supporting heat network opportunities that can safely utilise former deep mining areas.
- Reviewing our approach to calculating and maintaining a suitable landbank for aggregates that reflects the 10 year development planning timescale.
- Decarbonising our transport system in relation to car and light commercial vehicles, Scotland's passenger railways and scheduled flights within Scotland.
- Setting out the key considerations to be taken into account when considering proposals for strategic low carbon transport infrastructure and ensuring that local development plans factor in strategic transport connectivity as part of their spatial strategy.
- Supporting the roll-out of digital infrastructure across Scotland in a way which allows planning authorities to manage its impact. We will encourage the redevelopment of existing infrastructure, including retrofitting and shared use of facilities.
- Introducing stronger requirements for new housing and business developments to build in connectivity and connecting the planning of future development with existing and future digital infrastructure capacity.
- Providing a framework to manage the impacts of development on digital networks.
- A new values-led approach to Inward Investment that will focus our efforts to build a technologically enabled, net zero economy with the principles of fair work and sustainable, inclusive growth at its heart.

# A Plan for Better, Greener Places



We will support development that reflects the character and identity of our distinctive places and neighbourhoods, safeguards and restores our natural assets, and tackles geographic disadvantages including areas needing regeneration and promoting the re-use of vacant and derelict land and buildings.



We will build on the review of the Town Centres Action Plan, the Land Use Strategy and the Place Principle to ensure that our approach to development focuses more on place.



We will future-proof our natural and historic assets and coasts and work to restore the health and resilience of Scotland's ecosystems, so that our natural capital can further support our economy and our wellbeing.



We will include stronger and updated policies on design and place-making.



We will significantly enhance our policies on vacant and derelict land to encourage innovation and redevelopment and promote a brownfield-first approach to development.



Our policies on city and town centres and on the re-use of historic buildings will be broadened to better reflect a wider range of potential uses in anticipation of continuing change.



Our policies on rural development will positively encourage development that helps to repopulate and sustain rural areas and stimulate rural economic growth and sustainability.

## You told us...

- Good design should be required rather than optional. We should consider issues including density, building heights, diverse user needs and built form fully, whilst also allowing flexibility in response to the distinctive character of our places.
- Many of our existing policies on the natural environment are fit for purpose. Building on this, we need to go further in securing positive effects for biodiversity from development, helping to address the global challenge of biodiversity loss in line with the new statutory outcome for NPF4.
- There is support for a national nature/ecological network, and some people suggested that we review our policies on ancient woodlands, Ramsar Sites, and wild land. Other priorities raised include national parks and regional parks, soils, and woodland creation and protection.
- People value our historic buildings, places and landscapes and recognise their importance to our sense of place, common history and future wellbeing. Their interest extends beyond designated sites and buildings to include locally important assets such as traditional housing stock and local landmark buildings.
- The pace of change for town centres is accelerating, and we need planning to work with others to secure a strong future for them, including by moving beyond a focus on retail, to promote a wider range of uses. The engagement feedback also highlighted the different roles of town centres across the country, from rural towns to city regions.
- Our strategy should set out a new agenda for rural development, with flexible policies which reflect the diversity of Scotland. Active intervention is needed to tackle depopulation and the particular challenges for our most remote areas, along with careful consideration being given to further development in pressured and more accessible areas. By linking development with infrastructure investment, we will be able to unlock development across rural Scotland and ensure its long term economic and social sustainability.
- We can strengthen our approach to vacant and derelict land, given the development challenges and potential benefits for climate change and quality of life. Ideas include use of this land for renewable energy, green infrastructure/naturalisation, community growing or city farms, employment and investment and housing. There is support for stronger prioritisation of brownfield development over the release of greenfield land. Development viability and the use of delivery mechanisms to unlock brownfield land and redevelop buildings at risk are also key considerations.
- The spatial strategy and policies will need to consider the long term impacts of climate change on our coasts, and provide a framework for protecting coastal communities and assets. Key issues include flood risk management and coastal protection and the interface between planning on land and at sea is important.





## Our new spatial strategy will:

### Focus on place-based outcomes

The Place Principle<sup>29</sup> means that all action and investment should be place-based to secure multiple benefits. Our spatial strategy will focus on the qualities and character of our places. We want to ensure that all parts of Scotland play to their strengths to support our wider objectives of community resilience, inclusive growth and environmental sustainability. Our strategy will support existing successful places and reflect on those that have not served us well, by considering how Scotland's cities, towns, rural areas, coasts and islands work together to form a uniquely rich and diverse country where everyone benefits from our wealth of natural assets. We will also focus on opportunities for regeneration to ensure our most disadvantaged and fragile communities are prioritised for development and investment.

Climate change action needs to work with our places so that we can effectively focus on climate vulnerable communities and tailor action for a just transition that improves our neighbourhoods. We need to build the resilience of our infrastructure and lifeline links through adapting to the challenges around our changing climate, as well as our unique natural, coastal and historic environment assets. Protecting, restoring and enhancing our natural and cultural heritage should form the foundations of a place-based approach to our future development.

Regional spatial strategies are considering ways in which our land and natural assets can form the basis of a green recovery. The two national parks are exploring their contribution to the quality of life of people living across Scotland, and identifying priorities including affordable housing as key to unlocking their potential. Urban futures will also contribute to this. Emerging priorities from the Glasgow conurbation focus on unlocking the potential of land along the Clyde, across local authority boundaries, to attract investment, strengthen communities and improve the quality of our places. Addressing vacant and derelict land is a common theme across the emerging regional spatial strategies.

### Achieve higher quality design

We will promote the planning and development of healthier, inclusive, sustainable and well-designed places across Scotland. Good quality development will stand the test of time and provide much wider benefits for people's health, wellbeing, the economy and environment. The public realm, including the design, layout and accessibility of our streets and spaces, has an essential role in creating better places. We will build on the six qualities of successful places to maintain a cross-cutting policy on design and place-making. We will ensure that more specific sectoral or place-based policies incorporate design considerations that reflect the diverse needs and aspirations of people.

Many existing plans and strategies reflect the importance of design and place-making including Creating Places and the Place Standard.

### Re-imagine city and town centres

We will look at how our policies can help our city and town centres to respond to current and future challenges so that they can adapt and be vibrant, creative, enterprising and accessible places to live, work and visit.

Scotland's city and town centres were already facing significant challenges prior to the global pandemic. Our living and working patterns in recent months have raised further fundamental questions about their future and wider objectives including climate change and how community empowerment will influence how our town centres will evolve in the future. A new emphasis on localism raises opportunities for town centres that will require a planning policy response, building on our existing approach, to diversify and balance the use of land and buildings, provide services and activities for people of all ages, and stimulate new investment especially in the maintenance and re-use of existing buildings and infrastructure as part of a circular economy.

We will reflect on the Town Centre Action Plan, continue to embed the Town Centre First Principle in decision making and respond to the outcome of the ongoing review of the plan to ensure our policies help to create more vibrant, healthier inclusive and greener town centres. Greater consideration will be given to the provision of more good quality homes in town centres, with access to shops and facilities, which can bring life back into town centres and create good places to live including by making sustainable and efficient use of the existing building stock.

City and town centres have the potential to contribute a great deal to our response to climate change, and to meeting the future needs of our diverse population. By making better and more creative use of our settlement centres, we can significantly reduce the need to travel unsustainably whilst maintaining and enhancing the character and identity of our towns and cities to create vibrant places that meet our future needs. Although the approaches will vary to reflect local circumstances, we will highlight shared opportunities to reinvent town centres and strengthen our networks of settlements.

### **Re-use vacant and derelict land and empty buildings**

There is a clear case for acting now to prioritise the use of vacant and derelict land and properties. This has the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions as an integral part of our future sustainable and circular economy.

Scotland has too much vacant and derelict land – this is rightly regarded as unacceptable and an issue of national concern that needs to be urgently addressed. The consequences come at too high a price, directly impacting on health and blighting economic, social and environmental recovery. Vacant and derelict land introduces a level of redundancy that our society

can ill afford. Whether it is large scale long-term dereliction, or small scale short-term vacancy, we need to set out a stronger policy framework that will give confidence to communities and public and private sectors that vacant and derelict land represents an opportunity to stimulate a positive future whilst building on the legacy of the past.

Our national planning policies can complement wider work on vacant and derelict land. The Vacant and Derelict Land Taskforce has identified longstanding vacant and derelict sites which the planning system could play a role in bringing back into use and this is a key priority highlighted by the Scottish Land Commission which proposes this as a national priority for NPF to address, and the Vacant and Derelict Land Fund seeks to provide funding solutions to the issues.

We must change the perception of vacant and derelict land from being a liability to becoming an asset. We could do much to inspire innovation and imagination in considering how we can achieve this. The strategy can set out spatial priorities and opportunities that help to guide future investment.

The relationship between town centres and suburbs and the role of the green belt will also benefit from a long term spatial perspective that reflects our net-zero and environmental ambitions. We will develop a vision for the future use of vacant and derelict land so that regional strategies and local development plans can work collectively to unlock the potential of land within our existing settlements to provide multiple benefits. Supporting this, stronger policies to limit greenfield development and recognise the potential for green belts to form a part of multifunctional green networks could help to achieve positive effects for biodiversity whilst also helping to realise the health and climate benefits of growth within existing urban areas.

## Actively promote working and living in rural Scotland and the islands

The issues arising from COVID-19 and future impacts of Brexit mean that the time is right for a fundamental rethink on how we can support a positive future for rural Scotland. Development planning in Scotland is now required by the Planning (Scotland) Act 2019 to contribute to increasing the population of rural Scotland, particularly in depopulated areas. Last year we commissioned research<sup>30</sup> to explore how future planning policy can support strong and vibrant rural communities and economies in the coming years, and identified scope for significant policy changes in NPF4. Our National Islands Plan<sup>31</sup> identifies how we can improve outcomes for our island communities and our approach will be informed by an island communities impact assessment.

We are currently exploring significant changes to our policies on rural and island development, to support prosperous and sustainable communities and businesses whilst protecting our unique natural assets. Our rural areas and islands are one of our greatest assets and our strategy will reflect our ambition to build low carbon rural communities where the quality of life is exceptional. We will identify opportunities to build the long term sustainability of our more fragile areas by highlighting infrastructure requirements and facilitating development that strengthens their future. While it is right that rural and island areas are developed in a different way to our urban centres, people still need to be able to access goods, services, healthcare, education, work and recreation in a fair, affordable and low carbon way for health and wellbeing. Access to low carbon heat options and water supplies are of critical importance for households that are not connected to wider networks. Local authorities have been working together to explore what low carbon rural living will look like in the future and this will inform a new national spatial strategy with supporting policies.

NPF4 will need to align with a wide range of policies relating to rural development including our National Islands Plan, Forestry Strategy, the Rural Economy Action Plan and the Land Rights and Responsibilities Statement. There are particular opportunities to link planning more closely to the Land Use Strategy and Regional Land Use Partnerships, to achieve an approach to future development at national, regional and local scales, that more fully supports, and is supported by, wider land use management.

Rural repopulation is a key theme for emerging regional spatial strategies including for the South of Scotland, Argyll and Bute, Western Isles, Orkney and Highland, where authorities are exploring how the areas' high quality of life and environment, growth of local economic development together with a growth in remote working can unlock new futures for rural communities and businesses. Emerging strategies are also exploring how the challenge of an ageing population can be addressed through long term planning.

## Protect and restore Scotland's natural environment

Our spatial strategy will strengthen our approach to protecting and restoring the health and quality of Scotland's natural environment. We will ensure that our approach to planning supports Scotland's role in responding to the twin global crises of biodiversity loss and climate change, including by strengthening policies designed to protect and restore Scotland's biodiversity and natural assets and to improve their long term resilience to the impacts of our changing climate.

Our national planning policies include measures to protect Scotland's unique natural environment, reflecting the hierarchy of natural heritage designations, from international networks to locally important landscapes and nature conservation sites. Building on this, we will strengthen policies to protect and restore

biodiversity and natural assets. For example, the Planning (Scotland) Act 2019 requires NPF4 to set out how development will contribute to securing positive effects for biodiversity and we are keen to build on existing good practice in Scotland and elsewhere. It also requires planning authorities to prepare Forestry and Woodland Strategies for their areas as a way of guiding future woodland creation and supporting the sustainable management of existing woodlands to increase the social, environmental and economic benefits they can deliver. We will look to align NPF4 with the vision and outcomes of Scotland's new Environment Strategy and the principles set out in the Land Use Strategy as well as considering the issues for the natural environment arising from the Climate Change Plan and Adaptation Strategy.

Our approach will recognise the fundamental role that a healthy and resilient natural environment plays in supporting Scotland's economy and the health and wellbeing of our communities. It will help to ensure that our natural assets are managed in a sustainable, regenerative way so they can continue to provide the benefits Scotland's people and businesses rely on.

### **Protect and enhance our historic buildings and places**

'Our Place in Time – the Historic Environment Strategy for Scotland'<sup>32</sup> sets out a vision for how we will care for, understand and promote access to our historic environment. It recognises the important contribution that historic sites and buildings make to communities across Scotland; promoting a sense of belonging and identity, encouraging civic participation and supporting local economies. Our policies for the historic environment will aim to respond to the outcomes and objectives of the Strategy.

Like our natural environment, our historic buildings and townscapes are key assets that contribute to our sense of belonging, economy and quality of life. Planning should provide

the framework in which change in the historic environment can be managed sensitively to preserve the special characteristics of our buildings and places, while also ensuring that we capitalise on the opportunities they offer. In doing so, we will acknowledge that the historic environment is itself an asset that can help us to deliver our wider policy ambitions for example, for mitigating climate change, improving health and providing housing.

Since NPF3 was adopted, Historic Environment Scotland (HES) has been established as our lead public body for the historic environment. In 2019, HES published Historic Environment Policy for Scotland (HEPS). We will consider our policies for the historic environment in relation to HEPS to ensure a consistent framework for decision making.

### **Adapt our coastline to the impacts of climate change**

We will consider how the future development of our coastal areas and communities can be achieved in a way that helps them adapt to long term challenges. Terrestrial and marine planning come together in our coastal areas, and NPF4 will align with Scotland's National Marine Plan as well as sectoral plans for offshore wind and aquaculture, emerging regional marine plans, plans for our ports and harbours and the Blue Economy Action Plan. The Scottish Crown Estate Act 2019 will also provide opportunities for coastal communities to benefit from their own assets, opening up new opportunities for strengthening their future.

We will consider whether proposed national developments can help us to deliver on this vision. The full list of proposals we have received is available to view at [www.transformingplanning.scot](http://www.transformingplanning.scot) and includes, for example: area-based environmental transformation projects; green and nature networks; town centres; regeneration projects; rural developments; and redevelopment of vacant and derelict land.



# Potential policy changes

We are currently considering the following priority policy changes to support a spatial strategy for better, greener places:

- Embedding the Place Principle throughout NPF4.
- Promoting the value of good design in creating great places. We will continue to reflect the 6 principles of successful places and consider the extent to which they can be developed further to reflect wider priorities, such as climate change, biodiversity and public health, including the health benefits from clean air and access to nature and quality green space. We will also consider scope to provide a framework for bringing forward Masterplan Consent Areas within this context.
- Embedding the use of the Place Standard Tool to reflect the importance of public involvement in a collaborative approach to place-making and the links between place, environment, health and wellbeing.
- Refreshing 'Designing Streets' to bring it up to date, clarify specific issues such as inclusive and sustainable design, and strengthen its applications, particularly in the context of 20 minute neighbourhoods.
- Broadening the mix of uses in town centres in the future. As part of this, we will look at how our policies can help to deliver the Town Centre First Principle and associated work on regeneration as a key contributor to achieving a new emphasis on localism and sustainability. We will promote new opportunities to increase town centre living, for example by stimulating the re-use of empty properties and gap sites and actively promoting homes for people of all ages, with greater recognition of the contribution these can make to housing requirements whilst following the agent of change principle. We will also look at how our policies can respond to current and future expected changes to the retail sector and harness the energy of the cultural heritage, historic environment and arts economy, including the evening/night time economy, to support town centre regeneration.
- Reconsidering the evidence, monitoring and appraisal required to inform spatial strategies in development plans, such as town centre health audits and strategies, transport and emissions modelling of land use options.
- Aligning the strategy with the Land Use Strategy and identifying opportunities to align emerging Regional Spatial Strategies with future Regional Land Use Partnership Frameworks.
- Prioritising the use of vacant and derelict land ahead of greenfield land through a 'brownfield first' approach. As part of this, we will consider the various definitions of vacant and derelict land, buildings at risk and their respective implications for planning policies.
- Strongly incentivising the imaginative and sustainable re-use of vacant and derelict land and buildings by highlighting the wide range of potential temporary and permanent uses it could support and providing a positive policy framework for achieving long term positive outcomes.

- Promoting a plan-led approach to re-use and remediation of sites, linking with wider delivery tools such as design briefs and local place plans. We will consider the evidence required to inform spatial strategies as part of this.
- Actively encouraging sustainable, innovative and low carbon development and re-use of existing buildings or vacant and derelict land.
- Tackling the challenges of viability arising for some types of development on vacant sites, by considering how plans can be supported by a wide range of delivery mechanisms. We will look at, for example, how we can promote proactive land assembly to enable the re-use of land and disused buildings.
- Updating our green belt policy to provide greater clarity on acceptable uses whilst also recognising its role as part of multifunctional natural infrastructure.
- Proactively rebuilding the resilience of rural communities and economies by enabling well designed, sustainable development. This will include policies to strongly support rural investment and diversification and enable the development of essential infrastructure for rural areas including affordable housing. As part of this we will take into account the specific circumstances of island communities.
- Strengthening the links between development proposals and wider sustainable land use objectives, contributing to the outcomes of Scotland's Environment Strategy. This includes reframing policy to reflect the fundamental role of our natural environment and biodiversity in providing essential natural services and benefits for our economy, health and wellbeing, and climate resilience. We will explore opportunities to ensure that our approach to using and managing natural assets is sustainable and regenerative, restoring and enhancing our stocks of natural capital.
- Strengthening the consideration given to the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions where peat and other carbon rich soils are present.
- Securing positive effects for biodiversity from new developments. We are developing ambitious new proposals which deliver positive outcomes for biodiversity from development without the need for overly complex metrics, and will consider how they can support wider approaches to natural infrastructure.
- Strengthening policy on woodland protection and creation in association with development, aligned with new provisions on forestry and woodland strategies.
- Clarifying our policies on locally important built and natural assets where required.
- Given the new requirements in the Planning (Scotland) Act 2019 to support the repopulation of rural Scotland, we will consider whether our policies on wild land need to change, while ensuring effective safeguards for our natural environment and landscapes.
- Maintaining, strengthening and clarifying our policies for the historic environment to ensure planning policies align with the vision set out in our Historic Environment Strategy and the operational policy framework in HES's Historic Environment Policy for Scotland.
- Enabling the continuing use, or re-use where appropriate of historic buildings given their importance in making sustainable use of embedded carbon as part of a circular economy.
- Considering whether Heritage Impact Assessments should be mandatory for all listed building and conservation area applications.
- Supporting development and infrastructure needed to realise the potential of the blue economy and coastal communities, including opportunities to enhance natural infrastructure. We will also factor in long term coastal vulnerability and resilience in order to future-proof development decisions.
- As part of delivery against the missions set for it, the Scottish National Investment Bank can support improving places and regeneration in order to reduce inequality, and improve opportunities and outcomes for people and communities through its investment activity.

# Delivery

An infrastructure-first approach to development will guide how we deliver our strategy.

The Place Principle will help us to work together to deliver change that leads to better outcomes for our places. In line with the wider aims of planning reform, we will seek to strengthen public sector confidence in enabling development, and provide a clearer context for leveraging investment by the private sector.

Our strategy will be accompanied by a delivery programme that will form the basis of continuing collaboration to ensure it is effectively implemented.

We are currently working to strengthen links between development planning and future infrastructure investment. NPF4 is being prepared alongside a public consultation on our Draft Infrastructure Investment Plan for 2021/22 to 2025/26<sup>33</sup> and the second Strategic Transport Projects Review. As they evolve, our spatial strategy will ensure that a broader view of 'place' is built into these plans and that the priorities they identify for investment will inform where future development can take place. Our spatial strategy will build on our existing assets

and services, making best use of available capacity, ahead of requiring investment in new infrastructure. This aligns with the sustainable travel and investment hierarchies set out in our National Transport Strategy, and is an integral part of the proposed common investment hierarchy included in the Draft Infrastructure Investment Plan.

The Infrastructure Commission for Scotland<sup>34</sup> has made recommendations about NPF4 in relation to infrastructure. This includes putting in place an infrastructure-first approach to development planning, involving infrastructure providers, developers and other public bodies to ensure an integrated and coherent outcome-based approach to land use planning, and recognising the importance of implementation being supported at all scales. This approach is supported by responses to the early engagement, as many people have told us that they want to see a more strategic and joined-up approach to infrastructure investment to ensure delivery responds to our geographic strengths and challenges.

We are exploring the following opportunities for a collective approach to delivery, across the different scales of planning, to help achieve this:

- We will work with the national Infrastructure Delivery Group, involving the full range of public and private infrastructure delivery organisations, to consider the draft NPF4 as it emerges and identify how it can be supported by a delivery programme that relates to development planning at all scales. This type of improved collaboration with infrastructure providers will also play a key role in helping us to embed an infrastructure-first approach to planning and development within the context of the new system.
- We will continue to support planning authorities as they develop their early thinking on regional spatial strategies. We expect to broaden the conversation on this emerging thinking in the coming months and have published an update on progress alongside this Position Statement. Indicative strategies will continue to inform our national priorities. In turn, NPF4 can support the delivery of regional priorities by identifying significant place-based opportunities for infrastructure planning to reflect and respond to. Alignment with city and growth deals at this scale will also be critical to ensure that land use planning at a regional and national scale supports delivery of agreed priorities.
- We will also articulate how we expect an infrastructure-first approach to be embedded in the spatial strategies of local development plans. This includes ensuring that our plans are informed by evidence as recommended by the Infrastructure Commission for Scotland, focusing on need, demand, opportunities and geography. Part of this is the appropriate appraisal to determine the infrastructure requirements of potential spatial strategies at the start of the plan process, including who will fund and deliver it. This will ensure land use decisions are informed by these requirements rather than being developed after the land use decisions have been made. In the past this has led to sub-optimal infrastructure solutions that are not capable of being funded or delivered.
- Local place plans were also introduced by the Planning (Scotland) Act 2019, enabling communities to prepare plans for their own places. Community scale planning has an important role to play in the new system and we will consider its role in helping to deliver outcomes as we develop regulations and guidance alongside NPF4.
- We are carrying out a review of existing developer contributions mechanisms, such as planning obligations, which will inform our future policy approach. This includes not only NPF4, but also potential updates to Circular 3/2012 and implementation of the infrastructure levy, powers for which are contained in the Planning (Scotland) Act 2019. Subject to the findings of the review, we will explore how we can provide greater certainty, consistency and clarity around the scope and use of developer contributions, including to identify, fund and deliver infrastructure up-front. It will be important that any new approach is grounded in an understanding of development economics and delivery. For this reason we will consider the need for greater detail on the role of viability assessments in shaping both development plans and decision-making.

- Land assembly and compulsory purchase in our future planning system will also be considered. In particular, we will explore how future national planning policies could help to promote a more proactive and collaborative approach, and how such an approach can support planning and place-making objectives.
- Masterplan Consent Areas (MCA) will be a useful, proactive delivery tool to promote and incentivise investment in development, including new housing, and to support the delivery of local development plan strategies and particular local priorities. They will allow planning authorities to plan and enable delivery of quality development in their places; front-loading engagement, consideration of design, re-use of existing buildings, infrastructure and local assets at an earlier stage in the planning process and so placing authorities in a position of leading and enabling the planning of high quality places. Developed with community consultation, MCA schemes can be used to provide consent for specified types of development, subject to conditions in a particular area. They will be able to grant up-front consents for planned development, so adding certainty and removing much of the risk for potential investors, and supporting planned development and investment.

# Next steps

This position statement sets out our current thinking, drawing on the ideas and evidence we received from a broad range of people and organisations through our early engagement programme. We very much see this statement and any conversations that follow as an additional opportunity in the process, between our earlier Call for Ideas and the formal consultation with parliamentary process to come next year, to advance thinking towards the draft NPF4. Whilst we have intended that the Position Statement provides an idea of the direction of travel, there is still a lot of work to be done as we continue to shape and refine our thinking before we set out a full draft NPF4 for further consultation and scrutiny.

## Sharing your thoughts with us

We would welcome any thoughts on this position statement. We appreciate that stakeholders may not have much capacity to do so in the current climate, particularly if they have already shared ideas with us, and may prefer to reserve further input for the fuller consultation draft in autumn 2021. There will be no need to restate points made through the Call for Ideas process – we continue to use that evidence source as we take forward our policy development. We will continue to update our Programme for Engagement as work progresses towards a draft NPF4, ensuring opportunities for all to be involved.

**If you would like to comment now, we have set out these questions which will help to sense check the position statement.**

- 1. Do you agree with our current thinking on planning for net-zero emissions?**
- 2. Do you agree with our current thinking on planning for resilient communities?**
- 3. Do you agree with our current thinking on planning for a wellbeing economy?**
- 4. Do you agree with our current thinking on planning for better, greener places?**
- 5. Do you have further suggestions on how we can deliver our strategy?**
- 6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?**
- 7. Do you have any other comments on the content of the Position Statement?**

**Should you wish to comment, please can you do so by 19 February 2021 through the Scottish Government's consultation hub at <https://consult.gov.scot/planning-architecture/national-planning-framework-position-statement> or via email to [scotplan@gov.scot](mailto:scotplan@gov.scot)**



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- 34 Infrastructure Commission for Scotland, 2020, Key Findings Report  
<https://infrastructurecommission.scot/page/key-findings-report>





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## APPENDIX 2

### NATIONAL PLANNING FRAMEWORK 4 (NPF4) – POSITION STATEMENT – PROPOSED RESPONSE

QUESTION	PROPOSED RESPONSE
<b>Do you agree with our current thinking on planning for net-zero emissions?</b>	Yes; they will lead to more sustainable forms of development, protect scarce resources and assist in meeting the challenges ahead in tackling climate change. Retro-fitting is however a significant issue that must be addressed at the earliest opportunity. Closer integration between Planning and the Building Standards regulations to achieve more energy efficiency in buildings and an emphasis on quality design is welcomed.
<b>Do you agree with our current thinking on planning for resilient communities?</b>	Yes; the current pandemic has brought into sharp focus the need for more localised access to facilities and amenities as a means to promote physical and mental health as well as making more efficient use of infrastructure and resources and the promotion of digital technology.
<b>Do you agree with our current thinking on planning for a wellbeing economy?</b>	Yes; see comments above. Healthy, sustainable places and the opportunity to create conditions required to support economic growth, whilst at the same time contributing to the climate change agenda and protection of the environment, are key matters. A robust regulatory framework is required to allow local decisions to be upheld. This could include no right of appeal against decisions made by the local planning authority where the development plan is up to date.
<b>Do you agree with our current thinking on planning for better, greener places?</b>	<p>Yes; enhancement of the use of Place Principle should promote a greater understanding of community needs and aspirations at a local level. The re-use of derelict and vacant land and buildings should in time assist in the protection of green space and a shift from greenfield development and potential urban sprawl. Irrespective of any land supply arguments, developers should be required to demonstrate that there are no brownfield options for the delivery of the development proposal.</p> <p>Consideration should be given to allowing powers for local planning authorities to require effective maintenance of green spaces particularly landscaping and tree belts on housing sites where maintenance is vested to a factor. Many of these areas are now in need of effective management with the factor failing to do so.</p>

<b>Do you have further suggestions on how we can deliver our strategy?</b>	Yes; it is imperative that NPF4 sets out very clearly the housing land requirements for local development plans and the basis of their calculation in order to avoid repeated arguments at appeal and in order to emphasise the plan led system rather than planning by appeal. Delivery of housing should be clearly linked to the 'infrastructure first' approach and it should be clear that development cannot proceed until the necessary infrastructure is fully committed.
<b>Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?</b>	No comments.
<b>Do you have any other comments on the content of the Position Statement?</b>	None. The council would direct the Scottish Government to its response to earlier consultation on the NPF4 Position Statement and the Housing Technical Discussion Paper as approved by the Council Executive on 24 March 2020 – see link <a href="https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dh%94n%7D%89">https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dh%94n%7D%89</a>



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**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**PLANNING PERFORMANCE FRAMEWORK 2019-20**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the Scottish Government's feedback on the council's ninth Planning Performance Framework 2019-20.

**B. RECOMMENDATION**

It is recommended that the panel:

- notes the generally positive feedback given by Scottish Government in its feedback (Appendix 1) to the Planning Performance Framework 2019-20 submission (Appendix 2),
- notes that the nine 'green' ratings received in the report is the most received by the council since the inception of the Planning Performance Framework in 2012,
- notes that the COVID-19 Pandemic has caused the Scottish Government to pause the proposed changes to fees and other proposed changes, and
- notes that the Scottish Government is committed to ensuring that planning authorities are properly resourced.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Submission of an annual Planning Performance Framework (PPF) is a statutory requirement.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	There are no implications for the Scheme of Delegation to officers.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The PPF sets out a range of indicators which detail the council's performance across a range of planning activities.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 8</b> – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The pause on the proposed changes to fees limits the introduction of additional discretionary charging and delays any move to a full cost recovery model for the service.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time that feedback on the ninth PPF has been reported to the panel.
<b>VIII</b>	<b>Other consultations</b>	No consultations were required in the preparation of this report.

## **D. TERMS OF REPORT**

### **D1 Background**

In March 2012 the Scottish Government, in association with Heads of Planning Scotland (HoPS), introduced a Planning Performance Framework (PPF) to provide a mechanism for assessing the performance of each Scottish planning authority. This 'balanced scorecard' approach to performance enables each local planning authority to demonstrate its achievements, successes and individuality.

PPF submissions are made by the end of July each year and cover the preceding financial year. The Scottish Government reviews the submissions and produces a RAG (red, amber, green) rating for each authority based on these submissions.

### **D2 General Planning Update**

Although the PPF for 2019-20 mostly covers the pre-pandemic period, the Scottish Government notes that this has, nevertheless, been a difficult year for so many, and that the planning system has a vital role to play in Scotland's green recovery. The impact which the pandemic has had, has demonstrated how valuable planning is from ensuring that businesses can operate flexibly to the contribution that it can make to the places that are so important for our communities in terms of having access to the services they need, to greenspace and other areas where families can walk, wheel and cycle safely.

Last year's response noted that a consultation on Planning Performance and Fees was underway, including preparations for the new performance arrangements being introduced through the Planning (Scotland) Act 2019. The government's intention at that time being that the proposed changes would be implemented in Summer 2020.

The COVID-19 pandemic has required a rethink by the Scottish Government about the timing and a wider reprioritisation of its planning work. As a consequence, changes to the fees and performance legislation have been paused although the Scottish Government indicates it remains committed to ensuring that planning authorities are properly resourced and that planning fee levels are proportionate.

### **D3 Planning Performance Framework 2019-20 Feedback**

The feedback received for 2019-20 in relation to overall marking and performance continues to show progress from previous submissions with this year's response having the highest number of green ratings attained by the council and the lowest number of amber and red ratings since the inception of the PPF in 2012.

Of the 15 performance indicators in the PPF, West Lothian achieved 9 greens, 3 ambers and 1 red. Two indicators are not applicable.

The single red indicator was for the speed of processing applications which require a legal agreement (Section 75). Given the importance of securing necessary developer contributions to infrastructure it is important to ensure that legal agreements are robust. That can take some time to achieve. Nevertheless, the service is continuing to work with colleagues in legal services to look at ways of speeding up the legal agreement process. It should be noted, however, that the council is not wholly in control of the timescale.

The measures for decision making and continuous improvement are marked as amber. This is mainly because some of the processing times had increased. However, the report also notes that the service has been successful in reducing legacy cases (those applications which were dormant for a long period – often many years - but without a decision having been made on them. These applications when determined had a significant impact on average processing times.

Notwithstanding the progress noted above, there is a specific indicator relating to legacy cases and as 41 cases remained in March 2020 this indicator was also marked as amber.

### **D4 Planning Performance Framework 2020-21**

The Scottish Government has acknowledged that the COVID-19 pandemic will have impacted on the tail end of the 2019-20 reporting year and also appreciate the impacts on service delivery will show through more in the 2020-21 reporting year.

The Planning statistics for the first 6 months of the reporting year, which are due to be published early 2021, will provide the first indications of how the pandemic has affected the ability of authorities to determine applications.

The Scottish Government indicates that it would like to reassure local authorities that they will liaise with the High-Level Group on Planning Performance on how next year's reports will be assessed, so that authorities are not unfairly criticised due to circumstances out with their control.

Finally, the indicator for processing timescales is marked as amber. The reason for this is that the speed of processing major and non-householder applications is slower than the national average. The reason for this is mainly the number of Section 75 agreements which are required for these types of application. The council secures a higher level of developer contributions than most, if not all, other local authorities and as a result, the processing time for mainly residential applications is slower than elsewhere.

**E. CONCLUSION**

The Planning Performance Framework provides a high level over view of performance of the statutory planning system in West Lothian. The report details that in the year to 31 March 2020 the council's performance was the best that had been achieved since the introduction of the framework in 2012.

**F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Two

Appendix 1: Scottish Government Planning Performance Framework Feedback 2019-20

Appendix 2: Planning Performance Framework – 2019-20

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Email: [jim.mcginley@westlothian.gov.uk](mailto:jim.mcginley@westlothian.gov.uk)

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

2 February 2021



Minister for Local Government and Housing  
Kevin Stewart MSP



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Graham Hope  
Chief Executive  
West Lothian Council

17 December 2020

Dear Graham,

## **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2019-20**

I am pleased to enclose feedback on your authority's ninth Planning Performance Framework (PPF) Report, for the period April 2019 to March 2020.

Firstly, I would like to take this opportunity to thank you and your staff for enabling planning services to continue to operate during the Covid-19 pandemic. This has been a difficult year for so many, and our planning system has a vital role to play in Scotland's green recovery. The impact which the pandemic has had, has demonstrated how valuable planning is from ensuring that businesses can operate flexibly to the contribution that it can make to the Places that are so important for our communities in terms of having access to the services they need, to greenspace and other areas where families can walk, wheel and cycle safely.

Turning to the 2019-20 PPF reporting year, I believe that good progress continues to be made by Scotland's planning authorities. Overall, there has been an increase in the number of green ratings awarded this year, with a subsequent reduction in red ratings, however, there remains some variation across some authorities and markers. I have been particularly pleased to see improvements in the speed of determination of major planning applications in some authorities.

When I wrote about performance reporting last year, I indicated that a consultation on Planning Performance and Fees was underway, including preparations for the new performance arrangements being introduced through the Planning (Scotland) Act 2019; with our intention at that time being that the proposed changes would be implemented in Summer 2020. However, the Covid-19 pandemic has required a rethink about the timing and a wider reprioritisation of our work programme.

I would like to reassure you that, while we have paused the changes to the fees and performance legislation, I am committed to ensuring that planning authorities are properly resourced and that planning fee levels are proportionate. We will pick this up again when the timing is more appropriate.

Finally, although the Covid-19 pandemic will have impacted on the tail end of the 2019-20 reporting year, I appreciate the impacts on service delivery will show through more in the 2020-21 reporting year. The Planning statistics for the first 6 months of the reporting year are due to be published in January, which will provide the first indications of how the pandemic has affected the ability of authorities to determine applications. I would like to reassure you that I will consider, in liaison with the High Level Group on Planning Performance, how next year's reports will be assessed, so that authorities are not unfairly criticised due to circumstances outwith their control. It could also provide an opportunity to recognise the vital actions taken by planning authorities to maintain the planning system and its contribution to recovery.

If you would like to discuss any of the markings awarded below, please email [chief.planner@gov.scot](mailto:chief.planner@gov.scot) and a member of the team will be happy to discuss these with you.

Yours sincerely



**KEVIN STEWART**

**CC: Craig McCorriston**

**PERFORMANCE MARKERS REPORT 2019-20**Name of planning authority: **West Lothian Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p><b>Major Applications</b></p> <p>Your average timescale of 53.2 weeks is slower than the previous year and slower than the Scottish average of 33.5 weeks. <b>RAG = Red</b></p> <p><b>Local (Non-Householder) Applications</b></p> <p>Your average timescale of 14.3 weeks is slower than the previous year and slower than the Scottish average of 10.9 weeks. <b>RAG = Red</b></p> <p><b>Householder Applications</b></p> <p>Your average timescale of 7.7 weeks is slower than the previous year and slower than the Scottish average of 7.2 weeks and within the statutory timescale of 8 weeks. <b>RAG = Green</b> <b>Overall RAG = Amber</b></p>
2	<b>Processing agreements:</b> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Green	<p>You encourage processing agreements in discussions and correspondence at pre-application stage. It is noted that the uptake has been steadily increasing. <b>RAG = Green</b></p> <p>Your report states that the availability of processing agreements is publicised on your website along with a template and guidance.. <b>RAG = Green</b> <b>Overall RAG = Green</b></p>
3	<b>Early collaboration</b> with applicants and consultees <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Green	<p>You provide a pre-application advice service which is publicised online, with a form, guidance and list of charges available. <b>RAG = Green</b></p> <p>Pre-application responses indicate what is required to support an application and that only information which is required to determine the application is requested. <b>RAG = Green</b> <b>Overall RAG = Amber</b></p>

4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Red	Your average timescale of 57.5 weeks for determining applications with legal agreements is slower than last year and the Scottish average. You have reviewed the processes for legal agreements to help minimise delays and we hope to see this resulting in reduced timescales next year.
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	Your enforcement charter was 13 months old at the end of the reporting year.
6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>progress/improvement in relation to PPF National Headline Indicators; and</li> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Amber	Your LDP and your enforcement charter are up to date. Decision-making timescales are slower overall than last years and your timescales for legal agreements have slowed. Your report suggests that you have managed to reduce the number of legacy cases. <b>RAG = Amber</b>  You have completed 4 out of 6 service improvements and provide evidence to support this. Furthermore, you provide 6 new commitments covering a range of services. <b>RAG = Green</b> <b>Overall RAG = Amber</b>
7	<b>Local development plan</b> less than 5 years since adoption	Green	Your local development plan was 1 year 6 months old at the end of the reporting period.
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>on course for adoption within 5 years of current plan(s) adoption; and</li> <li>project planned and expected to be delivered to planned timescale</li> </ul>	Green	Your next LDP is on track to be delivered within the required 5 year timescale although you have indicated that it is slightly behind schedule due to the lack of secondary legislation to implement the new Development Planning System from the Planning Act 2019. <b>RAG = Green</b>  Your LDP is project planned through your Development Plan Scheme with clear timescales for replacing the plan in the required timescale. <b>RAG = Green</b> <b>Overall RAG = Green</b>
9	<b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	It is expected that engagement will commence in 2021-22
10	<b>Cross sector stakeholders* engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	N/A	
11	<b>Regular and proportionate policy advice</b> produced on information required to support applications	Green	You have adopted Supplementary Guidance on Residential Development, Flooding and Drainage, Affordable Housing and Minerals during the reporting period which complements the collection of guidance which is already available. You have also produced guidance for those who wish to object to planning applications to ensure that when they do object these are on appropriate planning grounds.

12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You have provided some good evidence of working with other council services, such as reviewing the process for dealing with contaminated land consultations to avoid duplication and confusion. You also work with other council services and community planning partners to align future infrastructure. Evidence of working with economic development and regeneration is also provided. The roll out of Surface Pro's to Planning Enforcement team.
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	You provide evidence of working with other councils and explain how benchmarking is driving a culture of continuous improvement. You also have been working with the SG on Digital transformation, NPF4 and SPP. You have been working with Midlothian Council on Developer Contributions and contaminated land, with Edinburgh on cross boundary transport and with fife on good practice with major housing developments.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You have cleared 46 cases during the reporting year, with 41 cases still awaiting conclusion. This is a good reduction from last year with clear progress being made to reduce the number of legacy cases you have. It is hoped that the improvements mentioned under marker 4 assist in reducing the number of legacy cases further.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan); and</li> <li>• in pre-application discussions</li> </ul>	Green	Policy included in LDP and Supplementary Guidance. <b>RAG = Green</b>  We note that developer contributions are part of your pre-application discussions. <b>RAG = Green</b> <b>Overall RAG = Green</b>

## WEST LoTHIAN COUNCIL

### Performance against Key Markers

Marker		12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
1	Decision making timescales								
2	Processing agreements								
3	Early collaboration								
4	Legal agreements								
5	Enforcement charter								
6	Continuous improvement								
7	Local development plan								
8	Development plan scheme								
9	Elected members engaged early (pre-MIR)	N/A		N/A	N/A	N/A	N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)	N/A		N/A	N/A	N/A	N/A	N/A	N/A
11	Regular and proportionate advice to support applications								
12	Corporate working across services								
13	Sharing good practice, skills and knowledge								
14	Stalled sites/legacy cases								
15	Developer contributions								

### Overall Markings (total numbers for red, amber and green)

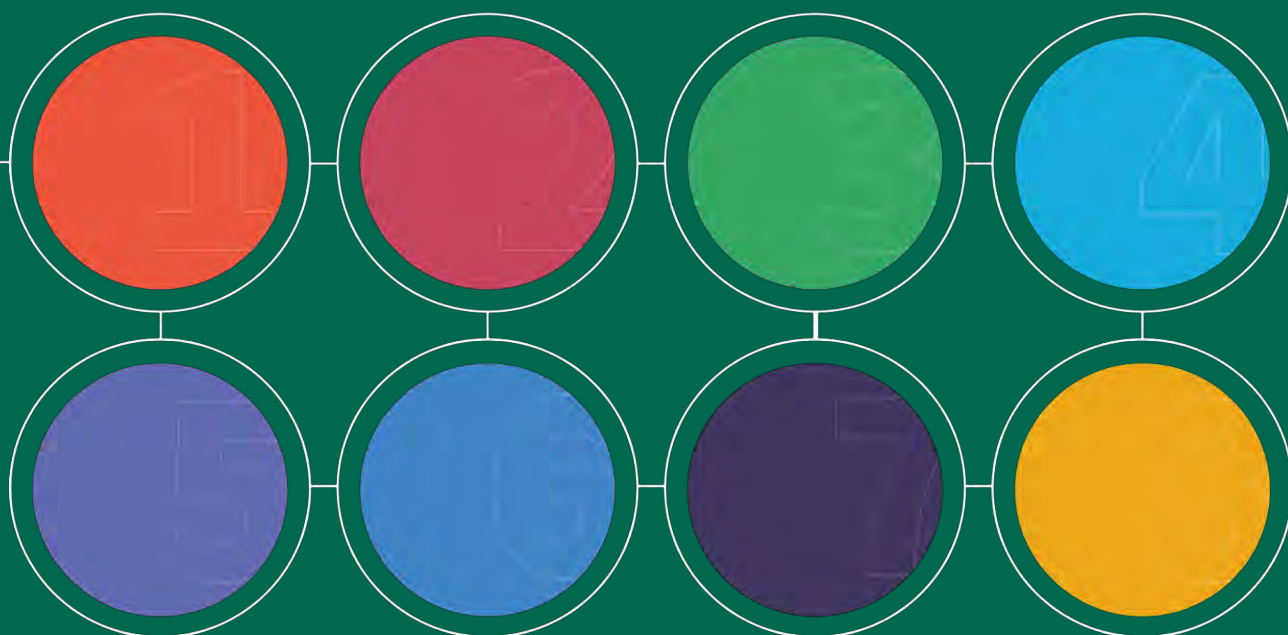
<b>2012-13</b>	4	6	3
<b>2013-14</b>	3	6	6
<b>2014-15</b>	2	7	4
<b>2015-16</b>	1	5	7
<b>2016-17</b>	3	8	2
<b>2017-18</b>	6	3	4
<b>2018-19</b>	1	4	8
<b>2019-20</b>	1	3	9

### Decision Making Timescales (weeks)

	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	2019-20 Scottish Average
Major Development	124.8	102.1	48.2	67.1	30.8	30.2	49	53.2	33.5
Local (Non-Householder) Development	22.7	13.5	11.9	11.3	11.8	9.8	13.3	14.3	10.9
Householder Development	7.7	6.0	5.0	5.7	5.6	6.5	6.7	7.7	7.3

# Planning Performance Framework

# 9



## Annual Report 2019/20

**Planning Performance Framework 2019/20****Contents**

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## Planning Performance Framework 2019/20

### Foreword

#### Welcome to West Lothian Council's ninth Planning Performance Framework Report.

The council's Planning Service strives to provide an excellent service to local residents and investors in West Lothian, in a time of increasing financial pressures on the council. The central focus over this past year has been to consolidate past improvements and to continue to utilise the full benefits of technology to provide a service which is interactive, customer focused and agile, responding to the needs of our customers.



# Planning Performance Framework 2019/20

## 2019/2020 Overview



West Lothian Council achieved a **Scottish Award for Quality in Planning** for **West Lothian Partnership Centres**, in recognition of our delivery of a vision which they had stuck to in order to create more efficient use of resources for communities

The enforcement team dealt with 399 enforcement enquiries and closed 389 during the year.



Adopted 5 Statutory Guidance Documents with a further 8 drafted and awaiting Council Executive Approval prior to sending to Scottish Government.

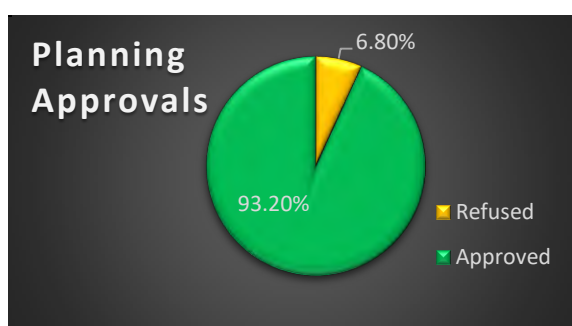
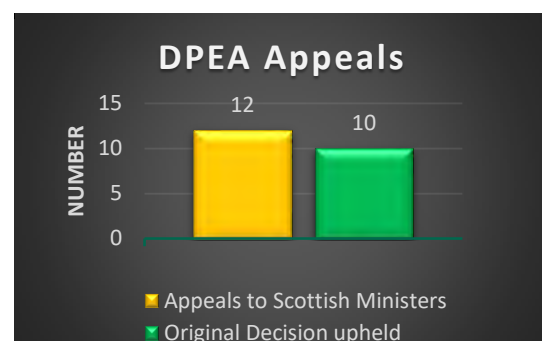
Adopted 2 Planning Guidance Documents with a further 7 drafted and awaiting Council Executive Approval.

West Lothian Council achieved a **Scottish Award for Quality in Planning** for **Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure**, in recognition a true partnership in the style of 'put your money where your mouth is' whereby there was an innovative financial approach to getting the delivery of a major housing expansion scheme



There were 15 Local Review Body (LRB) submissions made of which 9 were upheld in favour of the original decision.

There were 12 appeals to Scottish Ministers made of which 10 were upheld in favour of the original decision.



Determined 879 planning applications with a 93.2% approval rate.

## Planning Performance Framework 2019/20

# Part 1: Qualitative Narrative and Case Studies

The council's ninth Planning Performance Framework (PPF) reflects on the progress and performance of the service over the financial year 2019/20. It responds to the issues identified in PPF8 and the performance markers report from the Scottish Government and looks ahead to the potential for improvement over the next year and addressing the inevitable challenges, particularly in the wake of the 2020 Covid-19 pandemic and the impacts this has had in West Lothian.

## 1.1 Quality of Outcomes

Throughout the past year Planning Services has retained a strong commitment to providing a high-quality service, against a background of financial constraints and particularly latterly in the fast-changing working practices allied to the COVID-19 pandemic.

During the year the service was awarded two Scottish Award for Quality in Planning in 2019:

- [West Lothian Partnership Centres](#) and
- [Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure](#).

These awards, both in the partnership category, reflected the commitment and work carried out over the previous years and can be demonstrated in the judges' comments for both categories.

### West Lothian Partnership Centres

*"It illustrated the delivery of a vision which they had stuck to in order to create more efficient use of resources for communities – whether this involved the restoration of old buildings or the building of new ones. Careful consideration was also always given to accommodating specific needs within communities. This tailored approach to communities and places was welcomed by the Judges."*

### Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure

*"this was a true partnership in the style of 'put your money where your mouth is' whereby there was an innovative financial approach to getting the delivery of a major housing expansion scheme. There was no doubt that the 'unlocking' not only had an impact but was also delivering."*

## Planning Performance Framework 2019/20

The ongoing Winchburgh and East Calder core development areas have seen the approval, and initial site work commence, on an investment in excess of £70 million by West Lothian Council, in conjunction with Hub South East Scotland, which consists of two 3 storey secondary schools, a 2-storey primary school and a combined sports facility in Winchburgh and a 2-storey primary school in East Calder. Case Study 4 highlights the benefits of engagement with the community in delivering such a high-profile development and the positive outcomes for service delivery; the on-site development itself and the community empowerment that this engenders.

The council was also shortlisted in the “Plans” category for its Planning Guidance on Air Quality in the Scottish Award for Quality in Planning in 2019.

### Local Development Plan

The council formally adopted the West Lothian Local Development Plan (LDP) on 4 September 2018.

The Local Development Plan sets out a local interpretation of the requirements of national and strategic policy. In particular, it conforms to the approved Strategic Development Plan (SDP 1) which was prepared by the strategic development planning authority (SESplan) and was approved (with modifications) by Scottish Ministers on the 27 June 2013. Supplementary Guidance to identify the individual housing requirements for Local Development Plan areas was also prepared by SESplan and was similarly approved by Scottish Ministers and formally adopted on 28 October 2014 as part of the development plan.

The LDP comprises a written statement and a proposals map. The written statement provides the general policy context against which planning applications for new development proposals will be assessed. This is supported by the proposals map which shows the range of development opportunities and constraints within the area.

Adoption of the LDP, while a significant milestone and an achievement in its own right, does not however mark the end of the development planning process.

### Local Development Plan Action Programme

The LDP Action Programme is an important document marking the transition from the plan making stage to the delivery stage and focusing on the specific infrastructure required to facilitate the implementation of the West Lothian Local Development Plan.

The Planning etc. (Scotland) Act 2006 requires a Local Planning Authority to publish an Action Programme to accompany its LDP which sets out how the local authority proposes to implement the plan to which it relates. The

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Action Programme must contain a list of actions required to deliver each of the plan's policies and proposals; identify the appropriate parties that are required to carry out the action(s); and provide an indicative timescale for completing these actions. In preparing the Action Programme the council is required to consult and consider the views of the key agencies and those parties specified by name in the document.

The first Action Programme was published and submitted to Scottish Ministers in February 2019 and there is an ongoing obligation on the council to review and update the Action Programme annually and for the lifetime of the LDP.

The Second Action Programme is currently being drafted, although at the time of writing it has yet to be reported to the Council Executive for consideration and sign off.

Items identified in the LDP Action Programme essentially fall into four main topic areas: education, transportation, green infrastructure and community services. The current status of projects has been identified and some twenty-five actions have already been completed.

West Lothian is one of the fastest growing areas in Scotland and development continues apace in the Core Development Areas with areas such as Winchburgh, East Calder and Mossend contributing significantly to the supply of new housing. During the period 1 April 2019 to 31 March 2020, there were in excess of 1,100 new house completions, a figure which is broadly comparable to what was being achieved prior to the 2008 economic downturn. Of these, more than one third were categorised as 'affordable housing'.

A number of high-profile development proposals have been successfully delivered, for example a new High School in West Calder. The council has also agreed to invest almost £60m in two new secondary schools and a new primary school in Winchburgh, one of the largest investments in education anywhere in Scotland.

### Development Plan Scheme

Having successfully secured the adoption of the first West Lothian Local Development Plan, consideration is now turning to the successor plan.

The Planning etc. (Scotland) Act 2006 requires the publication of an annual Development Plan Scheme (DPS). The DPS sets out the programme for preparing and reviewing the Local Development Plan and explains what is involved at each of the key stages. It creates an awareness of the LDP preparation process and how and when people can engage with the process.

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The most recent scheme is Development Plan Scheme No.12 (DPS No.12) which was published in February 2020 and has been submitted to Scottish Ministers for information. It anticipates that LDP 2 will replace the current West Lothian Local Development Plan (LDP 1) and it sets out a provisional timetable for doing this.

<b>Early 2022</b>	<b>Publication of Draft LDP 2 Monitoring Report and Strategic Environmental Assessment (SEA).</b>
<b>Winter 2022/2023</b>	<b>Publication of Proposed Plan including Environmental Report and Action Programme.</b>
<b>Spring 2023</b>	<b>Submission of Proposed LDP, representations and a summary of unresolved issues submitted to the DPEA for examination.</b>
<b>Winter 2023</b>	<b>Examination Report</b>
<b>Spring 2024</b>	<b>Anticipated Adoption of Plan</b>

It is a requirement that the LDP must be in compliance with the approved Strategic Development Plan and, in time, National Planning Framework 4 (NPF 4) and to have regard to the Regional Spatial Strategy for the plan area. The timetable for producing the West Lothian LDP 2 is set out in Figure 2 of the DPS but may be subject to further change given the confirmed delay to NPF 4 and other secondary legislation as a consequence of the Covid 19 emergency.

**Planning Performance Framework 2019/20****Case Study 1 - The Shale Trail**

<b>Case Study Title</b>
The Shale Trail
<b>Location and Dates</b>
West Calder to Winchburgh via Livingston & Broxburn
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Environment</li> <li>• Active Travel</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Almond Valley Heritage Trust</li> <li>• Community Development Trusts (West Calder, Winchburgh and Broxburn)</li> </ul>
<b>Overview:</b>
£310,000 (i.e. £100k from Heritage Lottery Fund and £200k from LEADER, which is a European rural development fund, part of the EU Common Agricultural Policy (CAP), and delivered in Scotland through the Scottish Rural Development Programme (SRDP) with a further £10k from WLC as grants leverage), was secured to develop a 16-mile walking and cycling Shale Trail across West Lothian from West Calder to Winchburgh, via Livingston (Almond Valley Heritage Centre which included the Scottish Oil Shale Museum) and Broxburn (using the Union Canal) and is due to launch in Autumn 2020 after the involvement of three Community Development Trusts and local schools.
<b>Goals:</b>
<ul style="list-style-type: none"> <li>• Successful launch of the Shale Trail that utilises existing rights of way and core paths which pass sites that could tell the story of oil shale in West Lothian and involvement of the local community via their Community Development Trusts as well as local schools.</li> <li>• Legacy of the project to involve annual meeting of interested parties, chaired by Planning Services and consider a Phase 2 extension of the Shale Trail to Tarbrax in South Lanarkshire.</li> </ul>
<b>Outcomes:</b>
<ul style="list-style-type: none"> <li>• The Shale Trail route is on schedule to open in Autumn 2020, despite the Covid 19 shutdown delays and restrictions on contractors.</li> <li>• Creation of website and associated heritage material to allow further interpretation and information on oil shale as it relates to numerous sites and areas along the Shale Trail route.</li> </ul>



**Planning Performance Framework 2019/20**

- The “Greening the Shale Trail” report has assessed the environmental opportunities for c100 actions, 500m on either side of the 16 miles route on public land between West Calder & Winchburgh. Subject to external grant funding, this will allow for community volunteer activity.

**Name of Key Officer**

Chris Alcorn

Lothian & Fife Green Network Partnership (L&FGNP), of which West Lothian Council is a member, secured £310,000 (i.e.; £100k from Heritage Lottery Fund and £200k from LEADER, with £10k from WLC as grants leverage), in spring 2019 to develop a 16-mile walking and cycling Shale Trail across West Lothian from West Calder to Winchburgh, via Livingston (Almond Valley Heritage Centre that included the Scottish Oil Shale Museum) and Broxburn (using the Union Canal).

**Shale Trail – Winchburgh Canal**

As L&FGNP went into abeyance shortly afterwards due to funding issues, Edinburgh & Lothians Greenspace Trust (E&LGT) stepped in and hosted a Shale Trail Project Manager for 18 months to deliver the scheme and specify and oversee a contract to undertake path improvements along the rights of way and core paths that form the route.



## Planning Performance Framework 2019/20

Heritage consultants were also appointed to develop an associated Shale Trail web site with a major focus on children, involving 150 school pupils from five primary schools along the route over a seven-month period.

One open meeting was held with the public in October 2019 to explore themes and content for the web site, as well as the style and form of the Shale Trail logo that was to be used in way-marking of the route.



**Shale Trail – Five Sisters**



**Shale Trail – Almond Pools**

## Planning Performance Framework 2019/20

Planning Services (Development Planning & Environment Team - DP&E), have been a key member of the Shale Trail Steering Group providing guidance on physical planning and other issues and contacts along the route, including setting up meetings with WLC Transportation and Street Lighting colleagues on road safety and signage issues.

DP&E also provided the brief for the related “Greening the Shale Trail” consultants study (undertaken by Mark Hamilton Landscape Studies), completed in March 2020. This identified and costed c100 environmental actions straddling the route that could be carried out by either contractors, or volunteers from surrounding communities. The budget for these works will be raised from external grant funding sources and WLC Countryside Services will organise the volunteer activity.

The Shale Trail Project has brought together various resources to create an active travel route across West Lothian that can be undertaken in one day, or as a series of shorter loops. Alongside the waymarked and physically improved route, is a large interactive website with a vast array of further heritage subjects related to the unique story of Oil Shale in West Lothian which allows for this geodiversity issue to be explored in greater detail.

**Planning Performance Framework 2019/20****Case Study 2 - Kirk Lane Housing Development**

<b>Case Study Title:</b>
Kirk Lane Housing Development
<b>Location and Dates:</b>
Livingston Village, 2018-2019
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
3, 6, 14 & 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Placemaking</li> <li>• Community Engagement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Community Council</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>The former Kirkton Business Centre had become derelict and was subsequently demolished leaving a vacant site.</p> <p>The redevelopment of the site had stalled with an application minded to grant but undetermined with a legal agreement remaining unsigned.</p> <p>A new application resulted in the successful redevelopment of the site with input from Planning Services and the local community resulting in a good design and placemaking outcome.</p>
<b>Goals:</b>
To regenerate the site, bring it back into an appropriate use for the area; get the design of the development to link to the adjacent conservation area and to feed into the council's housing land supply targets.
<b>Outcomes:</b>
The site is still under construction; when completed it will make an attractive and pleasing residential community, benefiting the area as a whole by redeveloping a derelict site adjacent to a conservation area. The council also benefited from the payment of developer contributions towards education, cemeteries, as well as on-site provision of affordable housing.
<b>Name of key officer</b>

**Planning Performance Framework 2019/20**

Matthew Watson
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The Kirk Lane site is brownfield site having been the site of the former Kirkton Business Centre and is adjacent the Livingston Village Conservation Area. The site extends to 1.5 ha in area. A nursing home that adjoins the conservation area had been granted planning permission immediately south of the site.

The redevelopment of the site had stalled as an application for planning permission in principle for an indicative 29 house development, which was submitted in April 2013, was minded to grant but remained undetermined.

Persimmon Homes made a full planning application in March 2018 for 40 houses. During the period for comments on the application, Livingston Village Community Council objected to the planning application. Their objection centred on the considerable difference in density between the minded to grant application and the Persimmon application.

At this point, officers discussed with the points raised with Persimmon and asked that they attend a meeting with the Chair of the community council, which was agreed.

At the meeting, in addition to points made about density, the community council also raised concern over the lack of variety in the pallet of materials proposed. All of the house types were proposed to be finished in red brick. The meeting allowed for a discussion around density where it was highlighted the minded to grant scheme was for housing at a very low density. Council officers were able to explain that our aim is to make best use of urban land and that the density proposed was slightly higher than a typical suburban development, but was not hugely dense for a brownfield site in an urban area. Discussion around materials led Persimmon to suggest they could use a variety of bricks through the site and also use render and reconstituted stone. The council added that the use of render and reconstituted stone would work well at the south of the site, as the consented nursing home is proposed to be finished with natural stone.

A further meeting was organised for Persimmon to present revised plans to the council and the community council. The revisions included the use of render and reconstituted stone at the south of the site and three different colours of brick across the rest of the site. Council officers and the community council agreed the revisions resulted in a better design for the development that was more visually interesting. It was agreed that these revisions should be put forward as the finalised designs for the house types.

The revisions allowed the community council to discuss the application at their meeting and resulted in them dropping their objection to the development. The application could then be determined under delegated powers.

The development is now well underway with over half of the development completed and the affordable housing close to being fully delivered.



## Planning Performance Framework 2019/20

The result of the council's input and joint working with the community council has resulted in the redevelopment of a long-standing brownfield site and a better design and placemaking outcome for a development adjacent to a conservation area.



**Major developments delivered on the ground during 2019/20**

## Planning Performance Framework 2019/20

During 2019/20 the following major developments have been delivered on the ground, establishing West Lothian as a key location and destination for sustainable economic growth within the central belt: -

- Restoration of the former Auldcathie landfill site at Winchburgh ready for redevelopment as a major District Park.
- Completion of the final houses and infrastructure in Winchburgh Phase 1 by Taylor Wimpey and start of Phase 2 delivery of housing by Bellway.
- Completion and handover of final phases of council houses at Kirkhill and the former Vion site in Broxburn and adjacent to Almondvale Stadium in Livingston.
- Completion of ground works for new Lidl and Home Bargains stores in Broxburn.
- Completion by Barratt of 112 houses at the former Buchanan House site in Livingston and 90 houses in the first phase of development at Limefields near Polbeth.
- Completion of 148 houses in the Heartlands strategic development area.
- Completion of 173 houses in the Calderwood Core Development Area (CDA).
- Commencement of the construction of 200 houses by Bellway and Millers at Murieston in Livingston.
- Commencement of the construction of 54 houses by Cala in Linlithgow.
- Commencement of the construction of 130 houses by Bellway at Eliburn.
- Commencement on the construction of 146 affordable flats in Livingston town centre, including 70 flats for social rent and 45 elderly amenity flats.
- Commencement of the operation of the Phase 1 thermal treatment plant at Levensheat Waste Management Site with Phase 2 obtaining planning permission during 2019. The Levensheat Waste Management Site covers some 17 hectares and includes a 2 million cubic metre non-hazardous landfill and a range of recycling facilities including a waste to energy thermal treatment plant, waste sorting, aggregates washing and grading, block composting, and in-vessel composting. The extension to the overall site capacity, from 400,000 tonnes to 750,000 tonnes was granted in May 2019.

## Planning Performance Framework 2019/20

### 1.2 Quality of Service and Engagement:

The Planning Service offers to meet early in the design process with developers through [pre-application discussions](#) to front load the application process and, in some cases, this has helped with a more streamlined process and better quality of outcomes. This paid for [pre-application enquiry](#) service continues to prove popular with applicants as in 2019/20 the service saw a 103.7% increase in requests for the service from 79 to 161 which either sought a meeting or, more often, written advice.

These requests can be submitted either online or by mail and Planning Services will assess the proposal against development plan policies and issues such as privacy, overshadowing and other impacts it might have on neighbours. In addition to an assessment of the proposal against policy, advice is also given on any [developer contributions](#) that may be payable along with what information should be submitted with the application to ensure that it is dealt with as speedily as possible.

If insufficient information is provided to assess the proposal against development plan policies then further information will be requested. Any further information requested will be clear and proportionate in that it will only be requested if required to determine the proposal against development plan policies.

The major benefit of the written advice which is offered through the [pre-application enquiry](#) service is the certainty that is provided to the developer.

For general planning enquires a separate call back duty service is provided by the Planning Service.

This year has seen an increase in the submission of applications for a [Certificate of Lawfulness](#) for proposed development. These are now being submitted by regular agents as a means of obtaining a formal decision notice for their client's proposals, ranging from garage conversions and extensions to changes of use. Agents have recognised the value of this process for all parties which in turn has streamlined the general enquiry service and reduced the number of emails seeking opinions on minor proposals.

[Developer contributions](#) are identified through the Local Development Plan (LDP) policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas). These policies advise that the council will seek contributions ([developer contributions](#)) that are in accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.

## Planning Performance Framework 2019/20

The Service continues to promote the use of [processing agreements](#), which are published on the [How is a planning application processed](#) page of the website. These [processing agreements](#) encourage a closer working relationship between the council and the applicant. In 2019/20, seven applications were the subject of processing agreements.

The Service continues to seek to provide new services to the community. A potential service under consideration at the moment is the provision of a 'certificate of completion' for planning applications, which would provide applicants with a formal notice confirming that all conditions attached to a planning consent have been discharged.

Through our Economic Development & Regeneration Service Planning officers, in association with our colleagues in Building Standards, engage with potential and existing inward investors in helping to identify and expand both potential and existing sites. These customer engagements are especially beneficial to SME's who may not have the ready experience or financial resources available as do some larger organisations. Even with this early engagement Planning Services allow the SME's additional time to adjust their proposals as required to meet the constraints of the LDP. It is felt that it is more beneficial to the local economy to work with these organisations longer and gain the necessary approval rather than determine the application early to improve the average time taken to determine a SME application.



**Planning Performance Framework 2019/20****Case Study 3 - Planning Guidance on Air Quality**

<b>Case Study Title</b>
Planning Guidance: Air Quality
<b>Location and Dates</b>
West Lothian Civic Centre
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Project Management</li> <li>• Process Improvement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other Authority Staff</li> </ul>
<b>Overview:</b>
This guidance is part of a larger programme of statutory supplementary guidance and non-statutory planning guidance that is being rolled out following the adoption of the LDP.
<b>Goals:</b>
The guidance is aimed at informing and guiding developers in support of the policies of the LDP.
<b>Outcomes:</b>
The guidance will provide clear guidelines on the information relating to air quality that will require to be submitted with a planning application i.e. an air quality impact assessment, explain the council's requirements for the methods that should be used when carrying out air quality impact assessments for development management purposes and advise on what type of mitigation measures may be required to reduce or offset air quality impacts.
<b>Name of Key Officer</b>
Margaret Stone

The Scottish Awards for Quality in Planning (SAQP) is one of the Government's most prestigious awards. It celebrates achievements in planning, from the detail of processing to the bigger picture of creating places for our communities to thrive.

## Planning Performance Framework 2019/20

Working with colleagues in the Council's Environmental Health Service, the Development Planning team produced Guidance on the subject of Air Quality in support of the West Lothian Local Development Plan and submitted it under the 'plans' category in so far as it demonstrated innovative working in development planning.

The council has a responsibility to ensure that health-based air quality standards are achieved to protect the health of its citizens. It also has a responsibility through the planning system to ensure no new pollution hotspots are created or introduce new human exposure where there could be existing poor air quality.

The Planning Guidance explains how the council will process and assess planning applications which have distinctive air quality issues and it expands on the details of Local Development Plan Policy EMG 4 (Air Quality) in particular. This policy requires developers, where appropriate, to provide information on the impact of their proposals on air quality as an integral element of a planning application. Where air quality is deemed likely to be affected, developers must identify and submit details of potential mitigation measures and make provision for planning obligations to secure these measures.

The Planning Guidance provides developers and their consultants with an understanding of how the council will consider the issue of air quality within the planning process and it explains the circumstances when an air quality impact assessment is likely to be required; what should be included in an air quality impact assessment; and practical suggestions for mitigating air quality impacts.

The Planning Guidance also makes clear that proposals which have been assessed to have an unacceptable impact on air quality will be unlikely to be supported.

The Guidance was the subject of wide-ranging consultation with SEPA, community councils, developers and other parties with a specific interest or concern relative to the subject of air quality. For officers of the council it brought together two separate regulators (Planning and Environmental Health) and for the first time provided a "one-stop shop" for setting out and sharing technical guidance for conducting air quality impact assessments and yielded an air quality impact assessment evaluation checklist.

Air quality has a particular resonance in West Lothian given that three Air Quality Management Areas (AQMAs) have been declared. These are located in Broxburn, Linlithgow and Newton. The council gave a commitment in the West Lothian LDP to prepare planning guidance to help inform and address this complex subject matter and external consultees were engaged to provide technical input to the document.

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West Lothian Council was one of the first planning authorities in Scotland to prepare such guidance and it was approved by the council in December 2018.

The Guidance was submitted for the Scottish Awards for Quality in Planning (SAQP) in May 2019 and was one of 34 entries successfully shortlisted.



**Planning Performance Framework 2019/20****Case Study 4 - Restoration and Realisation on the ground in Winchburgh**

<b>Case Study Title:</b>
Restoration and Realisation on the ground in Winchburgh
<b>Location and Dates:</b>
Winchburgh, West Lothian, 2019 -20
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Quality of service and engagement</li> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
1,2,3,4,15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Regeneration</li> <li>• Masterplanning</li> </ul>
<b>Stakeholders Involved</b>
<ul style="list-style-type: none"> <li>• Authority Other Staff</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
This year has once again seen several key milestones in the expansion of Winchburgh. The most significant have been issuing the planning permissions for the provision of 3 new schools, alongside the completion of the restoration of the former Auldcathie landfill site and start of the verification process for this work.
<b>Goals:</b>
One of the main goals for the council in supporting the concept of Core Development Areas (CDAs) was that they would bring about the delivery of key school infrastructure for West Lothian. In the 2009 West Lothian Local Plan, the delivery of two new secondary schools at Winchburgh was the key objective in the council's education strategy, whilst the restoration of Auldcathie was a significant environmental objective.
<b>Outcomes:</b>
Issuing of both the infrastructure and school building planning permissions during 2019 and early 2020 was a major milestone in the overall settlement expansion of Winchburgh which has allowed a site start on the major ground works for the schools. At the same time, the completion of the restoration work at the former landfill site fulfils a 25-year-old environmental priority for both the council and the community. This has demonstrated the importance of having a plan-led system with policies which identified and addressed infrastructure and environmental deficiencies in the local authority area, together with the importance of collaboration between the

**Planning Performance Framework 2019/20**

local developers; the council's development partners, the regulatory functions of the council and the local community.

The final verification process for the restoration can now run alongside the development of the school buildings whilst keeping the community up to date and engaged with the processes.

<b>Name of key officer</b>
Wendy McCorriston

### Restoration and Realisation on the ground in Winchburgh

The key goals to moving the masterplan development at Winchburgh into its second phase, which are set out as triggers in the 2012 permission, were securing the delivery of two new secondary schools and a primary school before the occupation of 551<sup>st</sup> house together with the need to commence the restoration and remediation of the former Auldcathie landfill site.

It is to the credit of West Lothian Council that over the last year, working in partnership with the developer, Winchburgh Developments Limited and the Scottish Government, it has been able to meet the significant milestones of securing the necessary commitments to the school provision, alongside the implementation of the restoration of the landfill site.

The detailed planning permission for the restoration works was issued in March 2019 and work commenced on site within a few months. The technical remediation works are now complete and represent a major achievement in the overall package of improvements that the development will bring to the area and one which the local community has long anticipated.



**Former landfill restoration works underway**

## Planning Performance Framework 2019/20

Joint working between council officers and the overall developer's master plan team and increased consultation with the public has also resulted in a more positive relationship and wider engagement with the community on recent planning applications. This has been particularly evident in the proposals for the three new schools. Meetings to discuss these proposals, including the formal public consultation following the Proposal of Application Notice (PAN) submission, were particularly well attended. This resulted in only one representation being submitted to the formal planning applications.

The development of the school site has only been possible due to the innovative partnership approach between the council, the developer and the Scottish Government to secure the complex funding package needed to deliver this major infrastructure project. This approach secured the council a Scottish Award for Quality in Planning but, more importantly, has seen the extensive ground works get underway at the site. The works were well advanced but had to stop due to the Covid-19 restrictions. It is hoped that the ground work can be completed and the main contractor for the school building project can start on site before Summer 2020.

This school project is an exciting development which puts Winchburgh and West Lothian Council in the forefront of innovative and sustainable building design which will ultimately bring about not only educational but social, economic and environmental benefits for West Lothian's pupils, residents and businesses.



**Proposed Secondary School Buildings**

## Planning Performance Framework 2019/20

### 1.3 Governance:

#### Decision Making

Our governance is underpinned by the Development Management Committee who meet every four weeks and West Lothian Planning Committee meetings who meet 10 times a year as required.

The delegation scheme has been reviewed and reported to the Council's Development & Transport Policy Development and Scrutiny Panel (PDSP) and it is now expected the revised scheme will be going to Council Executive in August 2020, dependant on COVID-19 business and subsequently forwarded on to Scottish Government for approval by Scottish Ministers in September 2020.

In terms of decision making 92.9% of applications were approved with 95.4% of these under delegated powers by the Appointed Officer. The Major and Strategic decisions are made by the West Lothian Planning Committee in line with Scottish Government Policy although this may change going forward in line with the new Act. The Local Review Board meets every four weeks if required and over the year 15 cases were presented to the board of with **60%** of decisions made by the Council being upheld.

#### Staffing

A Planning Services wide restructure was concluded in July 2019 which has seen a Planning Services Manager managing 3 service units, Building Standards, Development Management and Development Planning & Environment. See staffing structure in Part 6.

All customer enquiries are now by telephone only and are logged through our customer relations management software. A planning officer, on a rotational basis, is responsible for all calls for that day and these are responded to over a short time period in the afternoon.

#### Discretionary Charging

As mentioned in the quality of service and engagement section, the Planning Service offers to meet early in the design process with developers to front load the application process and in some cases, this has helped with a more streamlined process and better quality of outcomes. This paid for [Pre-Application Advice](#) continues to prove popular with applicants.

In the financial year 2019/20 the service saw a 103.7% increase requests for the service from 79 to 161 which either sought a meeting or, more often, written advice.



## Planning Performance Framework 2019/20

### Average Performance

A combination of the development management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined in Scottish Government figures, from 583 to 652, a 11.84% increase, resulted in average timescales increasing slightly across all application types.

The number of major decisions increased from 6 to 8 this year, a 33.33% increase, which resulted in the average timescale increasing.

The number of local development (non-householder) decisions increased from 282 to 329 this year, a 16.67% increase, which resulted in the average timescale increasing.

The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing.

### Shared Service

A shared service with East Lothian Council has been utilised throughout this year using East Lothian Council's Contaminated Land Officer to check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions.

This has proven beneficial to both services with the contaminated land officer being able to fully utilise their time on the core business of contaminated land issues. This arrangement provided better value than outsourcing the requirement to another consultant

**Planning Performance Framework 2019/20****Case Study 5 – Review of TPO Register**

<b>Case Study Title</b>
Review of tree Preservation Order (TPO) Register
<b>Location and Dates</b>
West Lothian Civic Centre
<b>Element of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Quality of service and engagement</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Greenspace</li> <li>• Online System</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Other Authority Staff</li> </ul>
<b>Overview:</b>
The review of the TPO Register provided opportunity to collate records; store these in a central point; digitise associated mapping; and identify priorities for review of the Register in the coming years.
<b>Goals:</b>
<p>The review of the TPO Register is to allow for a comprehensive record of all TPOs in West Lothian to be made available at a single point with a view to publication at a later date on the council's webpages and input to the TPO Module in Uniform.</p> <p>Improved accessibility of the TPO Register to the public.</p> <p>Efficiency in officer time spent on advising whether or not trees are covered by TPO.</p> <p>To support and inform the Development Management process.</p> <p>Going forward, populating the TPO module in Uniform to allow for all records of tree works to be stored in a central location.</p>
<b>Outcomes:</b>
The review of the TPO register will allow for priorities to be set in terms of review of the Register; enhanced data recording via use of the TPO module in Uniform.
<b>Name of Key Officer</b>
Fiona McBrierty/Sarah Collings/Rebecca Anderson

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The TPO Register had been overdue for review. Records relating to TPOs were held by two Service areas in the council – Legal and Planning Services however, it was found that the records were incomplete which led to the procurement of an outside Agency to search the Registers of Scotland to obtain a full and comprehensive record of TPOs which exist in West Lothian and which had been formally registered with Registers of Scotland.



**Houston House TPO, Uphall (1969)**

Attention was drawn to the need to review the TPO Register following a number of tree felling incidents which raised the profile of the council's approach to tree matters. This led to the formation of a cross-service working group to ensure that the council took a co-ordinated approach when responding to tree and greenspace matters. A Trees Action Plan was agreed; TPO records were reviewed on a Ward by Ward basis and, once a complete set of records was available a TPO Bulletin was issued to relevant council services to inform decision making and to ensure that all relevant services were aware of those areas where a TPO was in place.

Working with colleagues principally in the Council's Legal Service and NETS, Land and Countryside Service, the Development Planning team produced the review of the TPO Register which will now be used to input data to the TPO module in Uniform, inform priorities for review of extant TPOs and enhance customer experience once the Register is published on the webpage.

The council has authority to promote TPOs where this is expedient in the interest of amenity and/or, that the trees, groups of trees or woodlands are of cultural or historical significance. The protection of trees can promote quality environments, promote health and well-being and inform development management decisions and the identification of development sites and constraints to be considered in the LDP plan preparation process.

Whilst TPOs are a legal requirement they may not always have been digitised accurately. The review of the TPO Register has allowed for full digitisation of maps associated with the TPO and identification of anomalies which will require further investigation moving forward.

**Planning Performance Framework 2019/20****Case Study 6 -Statutory and Non-Statutory Guidance**

<b>Case Study Title:</b>
Statutory and Non-Statutory Guidance
<b>Location and Dates:</b>
Civic Centre Livingston
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of service and engagement</li> <li>• Governance</li> </ul>
<b>Key Markers:</b>
11, 12
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Local Development Plan &amp; Supplementary Guidance</li> <li>• Collaborative Working</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Key Agencies</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
A key substantive work stream which the Development Planning and Environment team has been engaged in since the adoption of the LDP has been the preparation of new statutory Supplementary Guidance (SG) and non-statutory Planning Guidance (PG).
<b>Goals:</b>
The guidance will provide additional detail on specific subject areas within the LDP, explain how planning policies will be implemented and at the same time be compliant with Planning Circular 6/2013: <i>Development Planning</i> , current national planning policies and the policies of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).
<b>Outcomes:</b>
<p>The guidance will provide certainty for residents, businesses and developers in West Lothian and will support the LDP, in particular with regard to developer contributions which have been approved as meeting the requirements of Planning Circular 3/2012: Planning obligations and good neighbour agreements.</p> <p>Significant progress has been made, particularly over the past twelve months and as can be evidenced from the list below.</p>
<b>Name of key officer</b>
Steve Lovell, Principal Planning Officer

**Planning Performance Framework 2019/20****Statutory and Non-Statutory Guidance:****Adopted or commenced new planning guidance supporting the Local Development Plan at 30 June 2020**

<b>Statutory Planning Guidance (SG)</b>	<b>Status</b>
<b>Flooding and Drainage</b>	<b>Adopted</b> April 2019
<b>Residential Development Guide</b>	<b>Adopted</b> April 2019
<b>Planning &amp; Noise</b>	<b>Adopted</b> February 2019
<b>Development in the Countryside</b>	<b>Adopted</b> March 2019
<b>Affordable Housing</b>	<b>Adopted</b> May 2019
<b>Planning &amp; Education</b>	SG has been the subject of public consultation and is awaiting the approval of the Council Executive before being sent to Scottish Ministers.
<b>Developer Contributions Towards Public Art</b>	<b>Adopted</b> January 2020
<b>Minerals (Including Restoration Bonds)</b>	<b>Adopted</b> May 2019
<b>West Lothian Place-Based Green Network Guidance</b>	SG drafted and consulted on. A new iteration of the SG is being drafted.
<b>Developer Contributions Towards Cemetery Provision</b>	SG has been the subject of public consultation and is awaiting the approval of the Council Executive before being sent to Scottish Ministers.
<b>Developer Obligations for General Infrastructure for Site Delivery</b>	SG approved by Council Executive awaiting conclusion of SEA process before being sent to Scottish Ministers.
<b>Developer Contributions Towards Transport Infrastructure</b>	SG approved by Council Executive awaiting conclusion of SEA process before being sent to Scottish Ministers.
<b>Wind Energy</b>	SG drafted and awaiting Council Executive Approval before being sent to Scottish Ministers.
<b>Renewables &amp; Low Carbon Energy Development (excluding Wind Energy)</b>	SG drafted and due to be consulted on subject to committee approval.

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<b>Contaminated Land</b>	SG drafted and due to be consulted on subject to committee approval.
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<b>Non-Statutory Planning Guidance (PG)</b>	<b>Status</b>
<b>West Lothian Active Travel Plan</b>	<b>Adopted</b> April 2016
<b>Health Impact Assessment</b>	<b>Adopted</b> March 2017
<b>Air Quality</b>	<b>Adopted</b> April 2019
<b>Planning for Nature</b>	<b>Adopted</b> April 2020
<b>Mobile Snack Bars</b>	<b>Adopted</b> May 2020
<b>Shop fronts and Advertisements in Broxburn and Uphall, Linlithgow, Kirknewton, Livingston, Mid Calder and Torphichen Conservations Areas</b>	<b>Adopted</b> May 2020
<b>Controlling Obtrusive Lighting</b>	<b>Adopted</b> March 2020
<b>House Extension and Alteration Design Guide</b>	PG drafted and awaiting Council Executive approval.
<b>Non-employment Uses within Employment Areas</b>	PG drafted and awaiting Council Executive approval.
<b>Public Realm Design Guides for Armadale, Bathgate, Broxburn &amp; Uphall, Linlithgow and Whitburn</b>	PG drafted and due to be consulted on subject to committee approval.
<b>Areas of Built Heritage and Townscape Value – The Shale Miners Rows</b>	PG drafted and awaiting Council Executive approval.

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### 1.4 Culture of Continuous Improvement

The Planning Service has continued over the last 12 months to embed a culture of continuous improvement into its delivery of the services, despite the challenging financial climate. [The Management Plan](#) (current online version 2019/20) is updated annually and as a document is a record of proposed service improvements for 2020/21 and really focusses in on those changes that are required by legislation, the introduction of new technology and customer demand. The Management Plan for 2020/21 has been prepared but will be published once approved by the relevant Performance, Development and Scrutiny Panel. Due to the current Covid 19 situation this has been delayed at this time.

The Employee Annual Development and Review programme plays an important part in identifying training opportunities and service improvements through the holding of individual review meetings. Senior Management Team meetings are held:

- monthly to provide an opportunity to ensure staff are well briefed on corporate issues,
- weekly in Development Management to provide an opportunity to:
  - share concerns,
  - identify pressing issues with applications nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.
- Fortnightly in Development Planning to:
  - share concerns,
  - identify pressing issues with projects nearing target,
  - prioritise or reallocate workload and
  - identify needs for training and sharing of ideas for best practice.

West Lothian Council has continued over the last 12 months to arrange regular leadership meetings led by either a Depute Chief Executive or Head of Service and provides an opportunity to network and focus on common themes that cut across the Council.

In addition, the Chief Executive and Depute Chief Executives invite all Heads of Service and third/fourth tier managers to at least an annual update which provides an opportunity to network and focus on common themes that cut across the wider Council.

In 2019/20 staff from Planning Services attended the following training/CPD events or forums to share/develop good practice:



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### Training/ CPD events

West of Scotland Archaeological Service (WoSAS) presentation by Hugh McBride with case studies and best practice.

Coal Authority presentation with an update on processes and consultation requirements.

Officer walk over of CDA development areas at Winchburgh and Calderwood with Roads and Transportation colleagues and at council house sites in Broxburn and Bathgate with Housing colleagues to review the developments.

Presentation by Winchburgh engineering consultants (SWECO) and their infrastructure provider to Planning and Environmental Health and discussion on Electric Vehicle Charging and electrical infrastructure.

INEOS visit to present current requirements and issues regarding pipeline inspection and safety.

Digital Planning, All Partner Event. Presentation by the SG on digital strategy and how this may impact on the future of planning.

Design in Planning Applications workshop at Glasgow, hosted by Timothy Crawshaw.

Implementing the Planning (Scotland) Act 2019 event at Edinburgh, presented by Craig McLaren.

Permitted Development Rights Introduction by the Improvement Service.

Training session by Environmental Health to Planning Enforcement on evidence gathering and interviewing under caution.

Planning Appeals training by DPEA/Improvement Service.

Training on Applying the Place Principle at Highland Council.

Seminar presentation by Brodies on Optimising Subsidy Free Wind.

Development Viability training by the Improvement Service.

Planning (Scotland) Act 2019, Improvement Service Webinars.

Presentation on Bathgate Regeneration Plan hosted by WLC Regeneration.

Planning for Environmental Risk training by the RTPI.

Event on Delivering Climate Resilient Places hosted by SEPA.

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Training on Place and Design held by the Improvement Service/West Dunbartonshire Council.

Designing Places in a Climate Emergency event hosted by Ecosystems.

Internal courses on: Supporting attendance at work; Interviewing skills; Records management; Health & safety at work and Cyber Security.

### **Good Practice Forums**

Heads of Planning Conference

Scottish Awards for Quality in Planning

Heads of Planning Executive Committee

Heads of Planning Development Plans Sub-Group

Heads of Planning Development Management Sub-Group

Heads of Planning Climate Change, Energy & Resources Sub-Group

Heads of Planning Enforcement Forum

Developing Leadership Forum – West Lothian Council

Transport Scotland Events

Scottish Government NPF4 events

Scottish Government RSS events

Special Reporting Agency training conference by the Procurator Fiscal

**Planning Performance Framework 2019/20****Case Study 7 – Improving Eliburn Housing Layout**

<b>Case Study Title:</b>
Improving Eliburn Housing Layout
<b>Location and Dates:</b>
Houston Road, Eliburn, Livingston. Planning application determined 25/6/19. Early stages of construction with around 10 houses under various stages of build.
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Quality of outcomes</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers (please select all that apply):</b>
3, 6, 11, 12, 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Design</li> <li>• Planning Applications</li> <li>• Interdisciplinary Working</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Authority Other Staff</li> </ul>
<b>Overview:</b>
<p>In striving for improved living environments and high-quality place making for the benefit of residents in West Lothian, a key obstacle that is becoming more prevalent is the potential impact of noise from existing roads and railway lines on new homes. Road noise is a particular issue in Livingston which was built 50 years ago with a focus on movement and accessibility by car. As place making strategies have changed and we look to reduce our reliance on motor vehicles and promote sustainable pedestrian friendly environments, the legacy of the fast and efficient road network through Livingston now requires particular planning skills and design techniques to address. Eliburn was one of those sites where noise impacts had to be considered carefully to come up with a design layout which would satisfy noise mitigation criteria but also meet the council's objectives for high quality place making.</p>
<b>Goals:</b>
<p>The goal was to ensure that there was compliance with the recently adopted statutory Supplementary Guidance on Planning and Noise which in turn would benefit residents, making the new housing development an attractive and pleasant place for individuals and families whilst make a positive contribution to the streetscape and counting towards the council's housing land supply requirements.</p>
<b>Outcomes:</b>

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The outcome was significant and positive, producing a broader range of house types including terraced houses, semi-detached and bungalows which make the development more inclusive both for a broader demographic and budget but also meet the technical requirements of the new SG Planning and Noise.

**Name of key officer**

Steven McLaren

Planning permission in principle was submitted to the council for the development of an area of land in Livingston for the construction of residential properties in 2013 (Ref: 0822/P/13). The decision on this permission in principle was granted on 15 June 2018. It took approximately four and a half years to issue the decision on that application due to status of the adopted local plan at that time. In 2013 the adopted plan, the West Lothian Local Plan, set this land aside for employment use however, a review of land allocation in the district was under way and there was an intention to re-allocate some of the employment land in Livingston to residential. In 2013 therefore, the proposals were contrary to the Development Plan. Following the adoption of the West Lothian Local Development Plan in 2018 and the allocation of the site for residential purposes, the granting of permission in principle was in accordance with the newly adopted plan.

The permission in principle approved an indicative layout with blocks of flats and terraced houses to the front of the site fronting Houston Road and a mix of detached and semi-detached houses at the rear of the site towards the Edinburgh-Glasgow railway line. The resultant layout submitted for the MSC application bore no resemblance to this indicative plan.

Conditions were set including the need for an updated noise report in accordance with the council's most recent Supplementary Guidance: Planning and Noise. This, now statutory SG, had been approved in April 2017 and adopted in February 2019 with the result being that the standards set for noise disturbance for sensitive receptors had changed during the intervening period and higher bar had been set to ensure the long-term residential amenity for residents.

In carrying out the revised noise assessment it was found that the noise from the railway line and the 40mph Houston Road would exceed the new standards set. The railway line was at an elevated level which meant that a simple acoustic fence would not suffice and the location of a tree belt meant that a raised bund could not be formed without substantially impacting on the area of development land. Similarly, a simple acoustic fence would not be appropriate to the front of the site. For the fence to be effective, it would need to be over 2m high and sited at the rear edge of the footpath along the public road, resulting in a very poor public frontage to the detriment of the visual amenity of both passing traffic and residents within the new estate.

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Colleagues from Environmental Health were instrumental in the preparation of the guidance of noise and their assessment of the noise reports was critical in determining the likely impact of noise on residents within the estate. The layout as submitted was unimaginative and was dominated by detached 2-storey villas with land set aside for affordable housing. The result of this layout was that on both the north and south boundaries of the site, bedroom windows would face the railway and road, resulting in unacceptable noise disturbance.

The site was green field and as such the SG required an assessment on open windows (there is a relaxation on brown field sites). The developer's initial solution was to use a combination of acoustic fencing, bunds and a higher standard of double glazing to reduce the impact of noise on residents when windows were closed. This approach was not acceptable in terms of the resultant place making and a number of meetings were held with the developer and Environmental Health in order to resolve the situation. There was close collaboration between Development Management and Environmental Health and ideas and potential solutions put to the developer to allow them to come up with a design layout which would satisfy the criteria set out in the SG.

Whilst Environmental Health was fair and proportionate in the application of the SG, there were some areas where upgraded windows had to be used such as at the site entrance but this was kept to a minimum. The developer brought forward a new 1.5 storey design of house with bedrooms facing into the site and incorporating bungalows and cottage flats with amended interior layouts, again keeping bedrooms inward facing. These revised house types and layout, in conjunction with acoustic fencing and landscape bunds, resulted in compliance with the noise SG and a much more interesting range of house designs, inclusivity and layout to the benefit of both residents and the surrounding area.



**Planning Performance Framework 2019/20****Case Study 8 – Update on Developer Contribution Tracking**

<b>Case Study Title:</b>
Update of Developer Contribution Tracking System
<b>Location and Dates:</b>
West Lothian, 2019-2020
<b>Elements of a High-Quality Planning Service this study relates to:</b>
<ul style="list-style-type: none"> <li>• Governance</li> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers:</b>
4, 15
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Development Management Processes</li> <li>• LDP &amp; Supplementary Guidance</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• Authority Planning Staff</li> <li>• Local Developers</li> </ul>
<b>Overview:</b>
The council now uses Exacom, a software package developed with Midlothian Council, to track all developer contributions required to enable development, ensuring that no triggers are missed and that all contributions paid are placed in the appropriate account and are available for audit.
<b>Goals:</b>
Continuous tracking of developer contributions, for transparency and effective use of contributions.
<b>Outcomes:</b>
<ul style="list-style-type: none"> <li>• The tracking system has been in operation for nearly 2 years, including the full financial year 2019/20</li> <li>• The Development Management service now employs a contributions officer whose task it is to update and monitor the tracker, ensuring accuracy and transparency</li> </ul>
<b>Name of key officer</b>
Mark Brooks

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The planning service has now been using an obligation tracking system (Exacom), which was trailed in PPF 7, for almost 2 years. Set up in conjunction with Midlothian Council, at the start of 2018, the system ensures that all payments which are made in accordance with the provisions of circular 3/2012 are made timeously. During 2019/20, 24 new Section 75 or Section 75A obligations were logged into the Obligation Tracker. This gives a cumulative total of 142 Section 75 or Section 75A legal agreements held by the tracking system where there were outstanding obligations to pay or deliver (including land transfer for affordable housing obligations) at the start of 2018.

The system was brought into use for formal tracking and invoicing purposes from 1 June 2018. In the last financial year, 2019/20, 21 invoices, relating to 14 planning applications, have been issued for Section 75 and Section 75A payments.

The financial contribution amounts received through the S75 and S75A invoices for the financial year to 31 March 2020 amounts to £9,532,952.33 and relates to the full range of developer contributions, from cemetery contributions and play area provision to contributions towards new and extended schools.

The system is now being managed by a technical officer but all planning case officers have access to the system and can obtain updates of the contributions received in respect of individual applications or the towards specific projects. The project tracking is carried out through the use of cost codes for allocating money towards specific projects. The cost codes/projects are based on the individual developer contribution requirements aligned to Policy INF1 (Infrastructure Provision and Developer Obligations) and Policy CDA 1 (Development in the Previously Identified Core Development Areas) of the adopted Local Development Plan and the associated Supplementary Guidance set out in Case Study 6. This tracking allows the council to run forecasts for expected income against specific projects, so that the timescales for implementation of projects and resource allocation can be properly managed.

The system has brought about significant benefits for the council in respect of project planning and will be particularly useful as we go into the coming months and possibly years of financial uncertainty following the impacts from Covid-19.



**Planning Performance Framework 2019/20****Case Study 9 – Planning Enforcement – Fixed Penalty Notice**

<b>Case Study Title:</b>
Planning Enforcement - Fixed Penalty Notice
<b>Location and Dates:</b>
West Lothian Civic Centre
<b>Elements of a High-Quality Planning Service this study relates to (please select all that apply):</b>
<ul style="list-style-type: none"> <li>• Culture of continuous improvement</li> </ul>
<b>Key Markers (please select all that apply):</b>
5, 6
<b>Key Areas of Work:</b>
<ul style="list-style-type: none"> <li>• Enforcement</li> <li>• Process Improvement</li> </ul>
<b>Stakeholders Involved:</b>
<ul style="list-style-type: none"> <li>• General Public</li> <li>• Authority Planning Staff</li> </ul>
<b>Overview:</b>
<p>Planning Enforcement had received a number of service complaints relating to a lack of action where an Enforcement Notice had been served and the recipient had failed to comply with the Notice, resulting in the breach of planning control remaining unresolved.</p> <p>In order to reduce the number of service complaints and to refine the level of service being provided, the team reviewed the legislative framework and current procedures for opportunities to maximise enforcement powers for resolving breaches and to improve service delivery.</p>
<b>Goals:</b>
To explore all powers the legislative frame work provides for Planning Enforcement to resolve non-compliance with Enforcement Notice's and to introduce new procedures to improve service delivery and reduce the number of service complaints received.
<b>Outcomes:</b>
<p>On review of the legislative frame work, it was noted that serving a Fixed Penalty Notice as a result of non-compliance provides planning authorities with an alternative process, in addition to the option to seek prosecution. The team introduced a new procedure for serving Fixed Penalty Notices for non-compliance with Enforcement Notices and Breach of Condition Notices.</p> <p>The income received from Fixed Penalty Notices being allocated for costs relative to taking Direct Action,</p>

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where is it deemed appropriate and in the public interest. The current legislation does not provide adequate cost recovery methods for taking direct action therefore the money received from the penalties allows the income to offset the cost of taking direct action to resolve outstanding breaches without relying on service budgets, thereby limiting the financial risk to the council.

**Name of key officer**

Claire Johnston

The council has in the past received a number of service complaints relating to a lack of resolution where an Enforcement Notice has been served however the owners have failed to comply with the requirements of the Notice within the stated timescales.

Previously when faced with non-compliance of Enforcement Notices the council would have considered whether to report the case to the Procurator Fiscal (PF) or to simply take no further action. The team have in the past reported cases to the PF however these were unsuccessful due to both being deemed not to be in the wider public interest and that the Council had failed to exhaust all available powers to have the matter resolved.

On reviewing the legislative framework it was noted that the council does have additional enforcement powers which have not been utilised in previous cases. These powers include the serving of Fixed Penalty Notices and taking Direct Action.

The team introduced Fixed Penalty Notices in December 2019, this involved drafting a Fixed Penalty Notice template covering all legislative requirements and creating an internal process for the raising of an invoice for payment of the fine. While it is the Enforcement Team who serve the Fixed Penalty Notices through royal mail delivery systems, the council's revenue team produce and post the invoice for payment of the Fixed Penalty to the Notice recipient. The decision to have the council's revenue team post the invoice means that the amount to be paid is carefully tracked and on non-payment is progressed through the same channels as any other outstanding debt to the local authority.

The council also has powers to take direct action to resolve non-compliance with Enforcement Notices however as with many other local authorities, the council has to identify substantial savings. In addition, there must be significant public interest in order to finance the resolution of a breach in planning control using public funding.

As noted above, the money received from the fixed penalty notices has been allocated to the direct-action budget, and will be used on cases where it is deemed appropriate.

To date, the enforcement team have served five Fixed Penalties for non-compliance with a range of Enforcement Notices and have successfully received all outstanding money. The council can also confirm that all recipients of the Fixed Penalties have then gone on to resolve the outstanding breaches in line with the original

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enforcement notice requirements.

By introducing the new procedure of serving Fixed Penalty Notices, the council has seen a reduction in the number of service complaints received with regards to the planning enforcement teams service delivery. The new procedures have also been successful in creating a financial income which can be used to offset any costs incurred through direct action when all other enforcement powers have been exhausted.

## Part 2: Supporting Evidence

Information contained in this report was drawn from evidence from a variety of sources such as:

- Planning, Economic Development and Regeneration Service Management Plan
- Scottish Quality Awards in Planning
- Case Studies
- Benchmarking
- Partnership Working
- Committee Reports
- Local Development Plan Scheme
- Housing Land Audit 2019 and Draft Housing Land Audit 2020

Supporting evidence for Planning Performance Framework 9 is integrated into the body of the report, using hyperlinks to relevant documents and website information.

The Planning pages of the council's website are reviewed continuously, taking note of comments received from customers through the web team and the Customer Service Centre.

The Service has consistently played its part in the council's accreditation for Customer Service Excellence. The council makes extensive use of performance monitoring tools, and the Planning Service's performance consistently meets the exacting standards which are set for the determination of planning applications and the resolution of planning breaches.

The council uses complaints as a tool for learning, and complaints which are received by planning services are scrutinised for any lessons which can be learned, a process which has in the past led to changes in our practice.

Our culture of continuous improvement includes:

- seeking out constructive criticism from the members of the Development Management Committee, which has led to a change in the way reports are presented by officers. This is an ongoing process, which has also identified additional training requirements for members.
- annual customer survey of applicants, agents and those who make representations through the development management process from which a [You Said, We Did Development Management](#) update is produced.
- annual customer survey of those who make representations through the development planning process from which a [You Said, We Did Development Planning & Environment](#) update is produced.
- The results of the 2019/20 survey are currently being analysed to identify potential areas of improvement.

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The table below identifies the key areas of work that are covered by the Case Studies which are embedded within the PPF.

<b>Case Study Topics</b>	<b>Page Number</b>	<b>Case Study Number</b>
Design	35	7
Regeneration	22	4
Environment	9	1
Greenspace	27	5
Masterplanning	22	4
LDP & Supplementary Guidance	29 & 38	6 & 8
Enforcement	40	9
Development Management Processes	38	8
Planning Applications	35	7
Interdisciplinary Working	35	7
Collaborative Working	29	6
Community Engagement	13	2
Placemaking	13	2
Process Improvement	19 & 40	3 & 9
Project Management	19	3
Online Systems	27	5
Active Travel	9	1

**Planning Performance Framework 2019/20****Performance Marker Report**

To assist with the 15 key performance markers, in addition to hyperlinks spread throughout the report, a list of relevant hyperlinks has been added in the table below under each of the four sub-headings.

- Quality of Outcomes
- Quality of Service & Engagement
- Governance
- Culture of Continuous Improvement

When combined together these headings and information define and measure a high-quality planning service:

<b>QUALITY OF OUTCOMES</b>	
<a href="#">Do I Need Planning Permission</a>	<a href="#">Developer Contributions Guidance</a>
<a href="#">Applying for Planning Permission</a>	<a href="#">How to Submit a Planning Application</a>
<a href="#">Residential Development Guide – Supplementary Guidance</a>	<a href="#">Minerals (Including Restoration Bonds) – Supplementary Guidance</a>
<a href="#">Affordable Housing – Supplementary Guidance</a>	<a href="#">Flooding and Drainage– Supplementary Guidance</a>
<a href="#">Scottish Awards for Quality in Planning 2019 - West Lothian Partnership Centres</a>	<a href="#">Scottish Awards for Quality in Planning 2019 - Unlocking Key Development Sites – An Innovative Approach to Delivering Infrastructure</a>
<b>QUALITY OF SERVICE &amp; ENGAGEMENT</b>	
<a href="#">Pre-Application Advice</a>	<a href="#">View, Object or Comment on a Planning Application</a>
<a href="#">Householder Planning Application Guidance</a>	<a href="#">Objecting to a Planning Application</a>
<a href="#">Processing Agreements</a>	<a href="#">Local Development Plan (LDP)</a>
<a href="#">Planning Processing Agreement Form</a>	<a href="#">Local Development Plan Scheme (DPS)</a>
<a href="#">Planning Enforcement</a>	<a href="#">West Lothian Housing Land Audit (HLA)</a>
<a href="#">Planning Enforcement Charter February 2019</a>	<a href="#">Active Travel Plan for West Lothian 2016-2021</a>
<a href="#">You Said, We Did Development Management</a>	<a href="#">You Said, We Did Development Planning &amp; Environment</a>
<b>GOVERNANCE</b>	
<a href="#">West Lothian Corporate Plan 2018/19 – 2022/23</a>	<a href="#">Local Outcomes Improvement Plan</a>
<a href="#">Council Minutes, Meetings &amp; Agendas</a>	<a href="#">Scheme of Delegation</a>
<b>CULTURE OF CONTINUOUS IMPROVEMENT</b>	
<a href="#">Planning, Economic Development and Regeneration Management Plan</a>	<a href="#">Planning Performance Framework 2018/19</a>
<a href="#">You Said, We Did Development Management</a>	<a href="#">You Said, We Did Development Planning &amp; Environment</a>

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No.	Performance Marker	Measure	Policy Background to Marker	Part of PPF report best suited to evidence this marker
<b>DRIVING IMPROVED PERFORMANCE</b>				
<b>1</b>	<b>Decision making:</b>  Authorities demonstrating continuous evidence of reducing average timescales for all development types	<p>A combination of the development management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined, from 583 to 652, a 11.84% increase, resulted in average timescales increasing slightly across all application types.</p> <p>The number of major decisions increased from 6 to 8 this year, a 33.33% increase, which resulted in the average timescale increasing.</p> <p>The number of local development (non-householder) decisions increased from 282 to 329 this year, a 16.67% increase, which resulted in the average timescale increasing.</p> <p>The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average</p>	See Official Statistics and Planning Performance Framework report	NHI  Scottish Government  Official Statistics



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		timescale increasing.		
<b>2</b>	<b>Project management:</b> offer of processing agreements (or other agreed project plan) made to prospective applicants in advance of all major applications <u>and</u> availability publicised on planning authority website	<p>The use of processing agreements is encouraged in discussions/correspondence during major development pre-application stage.</p> <p>The offer of Processing Agreement is available on website with specific template and guidance on the web site under preapplication advice.</p> <p>Number of processing agreements and project plans being entered into are being increased.</p>	Modernising the Planning System (Audit Scotland); Scottish Government website / template	NHI Quality of Service and Engagement
<b>3</b>	<p>Early collaboration with applicants and consultees on planning applications:</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications</li> <li>clear and proportionate requests for supporting information</li> </ul>	<p>The availability of pre-application advice is publicised online on website.</p> <p>Pre-application advice requests are logged in uniform and can be tied back to resultant planning application when submitted.</p> <p>There is a link on the website to the form, guidance and charges.</p> <p>The website and the advice contained in pre-application responses indicate what is required with subsequent applications and that it is only</p>	White Paper; Delivering Planning Reform; Planning Reform Next Steps	NHI Quality of Service and Engagement

## Planning Performance Framework 2019/20

		required if clear and proportionate to determine the proposal against development plan policies.		
4	<b>Legal Agreements:</b> Conclude (or reconsider) applications within 6 months of a 'minded to grant' decision for Section 69 agreements or within 6 months of the first draft of a Section 75 planning obligation being issued by the council	<p>The number of legal agreements concluded increased from 24 to 36, a 50% increase from 2018/19.</p> <p>The average timescale for major applications decreased partly as a result of front-loading Heads of Terms from within the uniform system with relevant developer contributions and the use of updated standard format agreement templates for the different types of planning obligation that the council enters into.</p> <p>Unfortunately, a high turnover of legal staff through 2018/19 - 2019/20 contributed to delays in agreements being concluded. This has been resolved since mid-2019/20 and a review of legal agreement processes has been carried out to minimise delays. This review is to be redone now that replacement staff are in post to ensure delays are minimised for all concerned.</p>	Official statistics PPF report evidence of delays to major developments	Quality of Service and Engagement Governance

**Planning Performance Framework 2019/20**

5	<b>Enforcement charter: Updated / re-published</b>	Enforcement Charter reviewed and re-published February 2019 following approval by the Scottish Government.	Planning Act (s158A)	NHI Part 2 - Evidence
6	<b>Continuous improvements:</b> <ul style="list-style-type: none"> <li>show progress / improvement in relation to PPF National Headline Indicators</li> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	See service commitments and case studies.  Continuous improvements have been made to processes to support these key drivers.	Delivering Planning Reform PPF Report	Culture of Continuous Improvement Service Improvement Plan
<b>PROMOTING THE PLAN-LED SYSTEM</b>				
7	<b>Local Development Plan:</b> Less than 5 years since adoption	<p>The Local Development Plan was adopted on 04 September 2018 and is less than 5 years old.</p> <p>Plan preparation is project planned to meet deadlines for management approval and Council Executive submission alongside relevant Development Plan Scheme dates.</p> <p>The replacement plan is slightly behind schedule due to the lack of secondary legislation produced following the enactment of the Planning (Scotland) Act 2019.</p>	Planning Act (s16) Scottish Planning Policy	NHI Quality of Outcomes Quality of Service and Engagement

## Planning Performance Framework 2019/20

8	<p><b>Development plan scheme demonstrates next LDP:</b></p> <ul style="list-style-type: none"> <li>on course for adoption within 5-year cycle</li> <li>project planned and expected to be delivered to planned timescale</li> </ul>	<p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020.</p> <p>The DPS identifies the key milestones for the preparation of the LDP2, including completing public consultation on the Proposed Plan, reporting representations to Committee and submitting the Plan for Examination Winter 2023.</p> <p>Current timetable set out in DPS No.12 reflected Scottish Government timeframes for delivery of NPF4 and secondary legislation in support of the Planning (Scotland) Act 2019. Revisions to the DPS are currently being considered to reflect the Scottish Government's revised timetable for progressing NPF4, this may result in an earlier publication date for LDP2 than that currently set out in DPS no.12 and allow for a new LDP to be in place 5 years after adoption of LDP1. Due to legislative gaps a hybrid approach is anticipated for LDP2 taking into account the requirements of both the 2006 and 2019 Planning Acts.</p>	<p>Planning Act (s16)</p> <p>Scottish Planning Policy</p>	<p>NHI</p> <p>Quality of Outcomes</p> <p>Quality of Service and Engagement</p>
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**Planning Performance Framework 2019/20**

9	<b>Elected members engaged early (pre-MIR) in development plan preparation</b>	<p>Not directly applicable.</p> <p>Extensive engagement undertaken during previous years leading to LDP being adopted on 04 September 2018.</p> <p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020 which has the draft LDP2 scheduled for 2022/23 with early engagement taking place through 2021/22.</p> <p>Members will be engaged on a continual basis through the LDP2 preparation process through Local Area Committees, Policy and Development Scrutiny Panels and Council Executive meetings and potential workshops and briefing sessions.</p>		Quality of Service and Engagement Governance
10	Cross-sector stakeholders, including industry, agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation	<p>Not directly applicable.</p> <p>Extensive engagement undertaken during previous years leading to LDP being adopted on 04 September 2018.</p> <p>The Development Plan Scheme 12 was approved by Council Executive on 25 February 2020 which has the draft LDP2 scheduled for 2022/23 with early engagement taking place through 2021/22.</p>		Quality of Service and Engagement Governance

## Planning Performance Framework 2019/20

11	<p><b>Production of regular and proportionate policy advice:</b> for example, through supplementary guidance, on information required to support applications</p>	<p>Supplementary Guidance adopted during the year includes:</p> <ul style="list-style-type: none"> <li>• Residential Development Guide</li> <li>• Flooding and Drainage</li> <li>• Affordable Housing</li> <li>• Minerals (Including Restoration Bonds)</li> </ul> <p>A range of guidance for applicants can be found on the website. In particular there is a page specifically to assist anyone wanting to object to a planning application. This is to try and ensure that objections when made are made on appropriate planning grounds. Previously it has been noted that complaints or comments can be raised through surveys that objections are not taken account off.</p> <p>A shared service with East Lothian Council has been utilised throughout this year using East Lothian Council's Contaminated Land Officer to check and comment on all submissions to West Lothian Council under both Planning Applications and Building Warrant submissions. This has proven beneficial to both</p>		<p>Quality of Service and Engagement</p> <p>Part 2 - Evidence</p>
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## Planning Performance Framework 2019/20

		services with the contaminated land officer being able to fully utilise their time on the core business of contaminated land issues. This arrangement provided better value than outsourcing the requirement to another consultant.		
<b>SIMPLIFYING AND STREAMLINING</b>				
<b>12</b>	<b>Corporate working across services to improve outputs and services for customer benefit:</b> (e.g. protocols; joined-up services; single contact; joint pre-application advice)	<p>Successful pilot of using surface pro's remotely from site to access DMS and Uniform in Building Standards rolled out successfully to Planning Enforcement team.</p> <p>Process for dealing with contaminated land consultations further reviewed. Uniform used to link requests for contaminated land consultations by both Development Management (DM) and Building Standards (BS), to avoid duplication and potential confusion between the two systems. DM consultations now take account of whether or not BS mandatory standards have been met.</p> <p>Planning staff work closely with other services and community planning partners to align</p>		Quality of Service and Engagement Governance

**Planning Performance Framework 2019/20**

		<p>future infrastructure requirements with projected development. This includes assisting with work on the future school estate, carbon reduction and flood prevention schemes and council, social rented and homeless housing delivery strategies.</p> <p>Cross function working with the Council's Economic Development and Regeneration Team and Building Standards in the delivery of business opportunities, and also with roads and building standards in pre-application discussions.</p>		
<b>13</b>	<b>Sharing good practice, skills and knowledge between authorities</b>	<p>Staff continue to be actively involved in national projects such as the Scottish Government's proposals for digital transformation of the planning process; NPF4 and emerging SPP workstreams.</p> <p>Key workstreams involve working with Midlothian Council on developer contribution tracking and sharing of contaminated land advice. West Lothian officers are working with Edinburgh City on cross-boundary transport and school infrastructure</p>	<p>Delivering Planning Reform; Planning Reform Next Steps</p>	<p>Culture of continuous improvement</p>



**Planning Performance Framework 2019/20**

		projects and with Fife on good practice on key major housing development projects.		
<b>DELIVERING DEVELOPMENT</b>				
<b>14</b>	<b>Stalled sites/legacy cases:</b> conclusion/withdrawal of planning applications more than one-year-old	<p>Number of legacy cases cleared rose from last year and the number of legacy cases remaining dropped from last year.</p> <p>An overall improvement in both caseloads.</p> <p>Last year's figures (2018/19) were misreported and have been updated in following NHI table.</p>		NHI Governance
<b>15</b>	<b>Developer contributions:</b> Clear expectations set out in development plan (and/or emerging plan,) and in pre-application discussions	<p>Local Development Plan Policies INF 1 (Infrastructure Provision and Developer Obligations) and CDA 1 (Development in the Previously Identified Core Development Areas) of the LDP advise that the council will seek contributions in accordance with Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.</p>		Quality of service and engagement

**Planning Performance Framework 2019/20**

		<p>Clear expectations are therefore set out in development plan and in pre-application discussions.</p> <p>Early assessments are offered to inform developers at an early stage.</p> <p>A variety of supplementary guidance which contains developer contributions has been updated and adopted through 2019/20 and this continues. As guidance is updated it is added to the list of guidance which attracts developer contributions.</p> <p>Pre-application advice is available through prearranged meetings with Officers which includes detailed discussions on Developer Contributions and this availability is published and available on the website.</p>		
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**Planning Performance Framework 2019/20****Part 3: Service Improvements 2020/21****Service improvements in the coming year**

- Utilise the Uniform TPO module as a basis for the TPO register going forward.
- Implement a service charge to cover paper applications in a bid to drive up use of the eDevelopment portal and streamline processes.
- Review work on legacy cases to minimise number reaching legacy status
- Recruit and train a Modern Apprentice to assist with Development Management and Development Planning administrative tasks.
- Review procedures to ensure that delays are minimised in relation to Section 75 agreements following the recruitment of new legal staff.
- Identify appropriate software to be used for consultation by Development Planning in the forthcoming Local Development Plan (LDP2)

**Delivery of service improvement actions in 2019/20**

Looking back at the service improvements we identified for 2019/20

Committed improvements and actions	Progress	
Establish a new, dedicated, Technical Team which will be embedded within DM and will validate applications, track contributions, send neighbour notifications and consultations, stamp plans, monitor the planning inbox, deal with CLUs	Technical team embedded within the Development Management and have full control of the validation process with minimal input from planning officers.	
Complete the drafting and approval of new SG and PGs	Adopted 5 Statutory Guidance Documents with a further 8 drafted and awaiting Council Executive Approval prior to sending to Scottish Government.  Adopted 2 Planning Guidance Documents with a further 7 drafted and awaiting Council Executive Approval.	
Introduce a new planning condition approval service	This initiative is ongoing as work progresses to finalise the use of the uniform system for the monitoring of planning conditions. This service is being expanded to ensure compliance can be achieved for the introduction of	

**Planning Performance Framework 2019/20**

	monitoring conditions on major planning applications through the Enforcement Charter as brought in by the Planning (Scotland) Act 2019.	
Introduce a revised scheme of delegation	New scheme of delegation drafted and been presented at Policy and Development Scrutiny Panel. Awaiting approval, which was delayed due to cancellation of meetings through COVID, before sending to the Scottish Government and implementing.	
Review, revise and publish our guidance on submitting a planning application	Website reviewed on an ongoing basis with all web pages set to require a mandatory update 6 months from date of last update to ensure pages are current and relevant.	
Review, and improve where possible, the operation of the Development Management Committee	Committee processes and performance reviewed with Chair and changes developed and implemented to assist both Councillors and planning officers presenting reports. Ongoing meetings after each committee meeting to refine process where issues occurred.	

## Part 4: National Headline Indicators (NHI)

### A: NHI Key outcomes – Development Planning:

Development Planning	2019-20	2018-19
<b>Local and Strategic Development Planning:</b>		
Age of local/strategic development plan(s) at end of reporting period <i>Requirement: less than 5 years</i>	<b>1 year and 6 months</b>	<b>6 months</b>
Will the local/strategic development plan(s) be replaced by their 5 <sup>th</sup> anniversary according to the current development plan scheme?	<b>N</b>	<b>Y</b>
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	<b>Y-later</b>	<b>Y-later</b>
Were development plan scheme engagement/consultation commitments met during the year?	<b>Y</b>	<b>Y</b>
<b>Effective Land Supply and Delivery of Outputs</b>		
Established housing land supply	<b>24,912<sup>1</sup></b>	<b>24,846<sup>2</sup></b>
5-year effective housing land supply programming	<b>8,169<sup>1</sup></b>	<b>7,931<sup>2</sup></b>
5-year effective land supply total capacity	<b>21,079<sup>1</sup></b>	<b>20,879<sup>2</sup></b>
5-year housing supply target	<b>5,795<sup>1 and 3</sup></b>	<b>6,590<sup>2</sup></b>
5-year effective housing land supply (to one decimal place)	<b>7.05 years<sup>1</sup></b>	<b>6.02 years<sup>2</sup></b>
Housing approvals	<b>2,514 Units<sup>4</sup></b>	<b>1,023 Units</b>
Housing completions over the last 5 years	<b>4,112 units</b>	<b>3,780 units</b>
Marketable employment land supply	<b>119.8 ha</b>	<b>132.21 ha</b>
Employment land take-up during reporting year	<b>13.92 ha</b>	<b>33.97 ha</b>

#### Notes:

<sup>1</sup> Source: Draft 2019/20 Housing Land Audit June 2020

<sup>2</sup> Source: Final 2018/19 Housing Land Audit March 2020

<sup>3</sup> Source: 4 years from SDP 1 (6,590/5x4) + 1 year from SDP2 Reporters recommendations = 5,272 + 523

<sup>4</sup> This includes units consented as part of full planning permission (FUL), Approval of Matters Specified in Condition (MSC) and Planning Permission in Principle (PPP). It therefore also includes units from MSC and FUL consents for sites already with PPP approval, this leads to an inflated figure due to double-counting between years. For example, 280 units were approved for a site in Livingston this year as part of an MSC approval. These 280 units also counted towards the number of housing units in a previous PPF reporting year through the PPP approval.

Some approved housing applications are also for amendments at sites that already have planning consent. This also leads to double-counting between years. For example, an application to amend the house types for 10 units was approved for Whitburn. These 10 units would have also counted towards the housing approval numbers provided in a previous PPF reports when the original PPP and MSC applications were consented.

**Planning Performance Framework 2019/20****B: NHI Key outcomes – Development Management:**

<b>Development Management:</b>	<b>2019-20</b>	<b>2018-19</b>
<b>Project Planning</b>		
Percentage and number of applications subject to pre-application advice	<b>7.47%</b> <b>74 applications</b>	<b>7.05%</b> <b>62 applications</b>
Percentage and number of major applications subjects to processing agreement	<b>N/A</b> <b>0 applications</b>	<b>N/A</b> <b>0 applications</b>
<b>Decision Making</b>		
Application approval rate	<b>92.9%</b>	<b>90.6%</b>
Delegation rate	<b>95.4%</b>	<b>93.9%</b>
Validation	<b>44.81%</b>	<b>48.12%</b>
<b>Decision-making Timescales</b>		
Major Developments	<b>53.2weeks</b>	<b>49.0 Weeks</b>
Local developments (non-householder)	<b>14.3 weeks</b>	<b>13.3 Weeks</b>
Householder developments	<b>7.7 weeks</b>	<b>6.7 Weeks</b>
<b>Legacy Cases</b>		
Number cleared during reporting period	<b>46</b>	<b>28</b>
Number remaining	<b>41</b>	<b>60</b>

**Planning Performance Framework 2019/20****C: Enforcement activity**

	2019-20	2018-19
Time since enforcement charter published / reviewed	<b>14 months</b>	<b>2 months</b>
Complaints lodged and investigated	<b>400</b>	<b>394</b>
Breaches identified – no further action taken	<b>11</b>	<b>110</b>
Cases closed	<b>389</b>	<b>386</b>
Notices served	<b>46</b>	<b>46</b>
Direct Action	<b>0</b>	<b>0</b>
Reports to Procurator Fiscal	<b>0</b>	<b>0</b>
Prosecutions	<b>0</b>	<b>0</b>

**D: NHI Key outcomes – Commentary**

<b>Commentary</b>
<b>Short contextual statement</b>
<p>A combination of the Development Management team being a member of staff down for 5 months of the year through 2 staff leaving allied to a rise in the number of decisions determined in Scottish Government figures, from 583 to 652, a 11.9% increase, resulted in average timescales increasing slightly across all application types.</p> <p>The number of:</p> <ul style="list-style-type: none"> <li>local development (non-householder) decisions increased from 315 to 329 this year, a 4.44% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 67.00% to 68.1%</li> <li>householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 88.48% to 89.2%.</li> </ul> <p>Following the identification of typographic errors in the submitted numbers for legacy cases a review was carried out and legacy cases were prioritised for attention. This has resulted in the number of remaining legacy cases at year end falling. This review is embedded in procedures and a monthly report gives each officer their cases approaching 6 months to prioritise these applications to minimise the applications becoming a legacy case.</p>

## Planning Performance Framework 2019/20

## Part 5: Scottish Government Official Statistics

## A: Decision-making timescales (based on 'all applications' timescales)

Timescales	2019-20	2019-20	2018-19
<b>Overall</b>			
<b>Major developments</b>	8	53.2 weeks	49.0 weeks
<b>Local developments (non-householder)</b>	329	14.3 weeks	13.3 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(68.1%) (31.9%)		
<b>Householder developments</b>	315	7.7 weeks	6.7 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(89.2%) (10.8%)		
<b>Housing Developments</b>			
<b>Major</b>	6	65.4 weeks	63 weeks
<b>Local housing developments</b>	72	28.5 weeks	23.7 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(45.8%) (54.2%)		
<b>Business and Industry</b>			
<b>Major</b>	0	N/A	29 weeks
<b>Local business and industry developments</b>	37	10.3 weeks	10.9 weeks
<ul style="list-style-type: none"> <li>Local: less than 2 months</li> <li>Local: more than 2 months</li> </ul>	(83.8%) (16.2%)		
<b>EIA Developments</b>	1	153.1 weeks	N/A
<b>Other Consents</b>	195	6.4 weeks	6.8 weeks
<ul style="list-style-type: none"> <li>As listed in the guidance(right)</li> </ul>			
<b>Planning/legal agreements</b>			
<ul style="list-style-type: none"> <li>Major: average time</li> <li>Local: average time</li> </ul>	5 31	75.0 weeks 54.6 weeks	94.7 weeks 34.7 weeks



**Planning Performance Framework 2019/20****B: Decision-making: local reviews and appeals**

Type	Original decision upheld				
	Total	2019-20		2018-2019	
	number of decisions	No.	%	No.	%
Local reviews	15	9	60.0%	11	81.8%
Appeals to Scottish Ministers	12	10	83.3%	15	60.0%

**C: Context**

A combination of the Development Management team being a member of staff down for 5 months of the year as a result of 2 staff leaving allied to a rise in the number of decisions determined, from 583 to 652, a 11.9% increase, resulted in average timescales increasing slightly across all application types. This increase is contrary to the national trend where applications numbers are decreasing.

The number of local development (non-householder decisions increased from 315 to 329 this year, a 4.44% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 67.00% to 68.1%.

The number of householder development decisions increased from 295 to 315 this year, an 11.84% increase, which resulted in the average timescale increasing. However, while the overall average timescale may have increased the percentage determined within the statutory timescale also increased from 88.48% to 89.2%.

**Planning Performance Framework 2019/20****Part 6: Workforce Information**

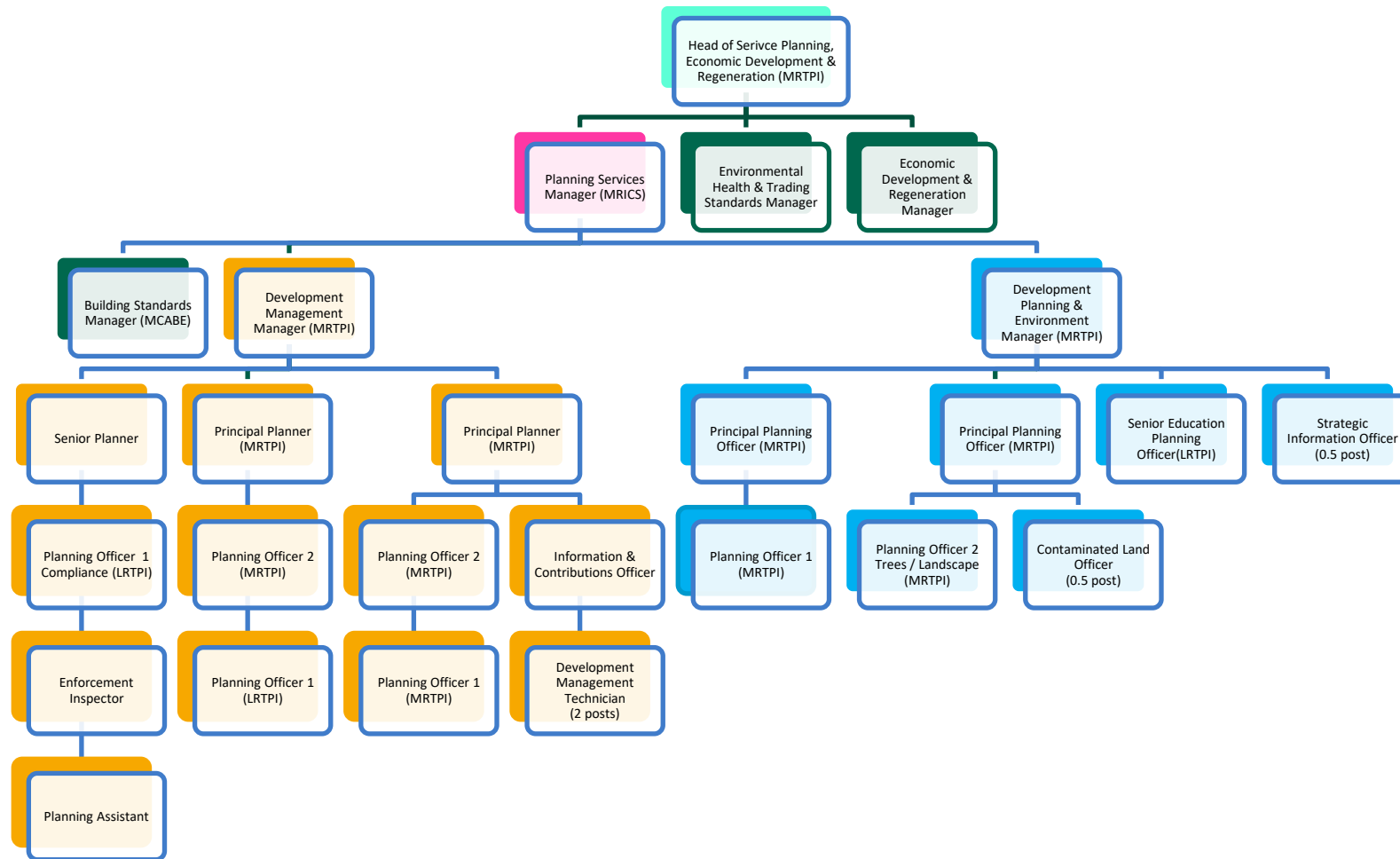
Workforce information should be a snapshot of the authorities planning staff in position on the **31<sup>st</sup> of March 2020**. The information requested in this section is an integral part of providing the context for the information in parts 1-5. The template below allows the information to be recorded in a consistent format, additional guidance on what to include is within the template itself.

	<b>Tier 1</b> <i>Chief Executive</i>	<b>Tier 2</b> <i>Director</i>	<b>Tier 3</b> <i>Head of Service</i>	<b>Tier 4</b> <i>Manager</i>
<b>Head of Planning Service</b>			●	●

<b>RTPI Chartered Staff</b>	<b>Headcount</b>		
	Chartered RTPI	Licentiate RTPI	All Staff
Development Management	6	2	14 (1 vacant)
Development Planning	5	1	8 (1 vacant)
Total (inc Senior Management)	12	3	24 posts

<b>Staff Age Profile</b>	<b>Headcount</b>
Under 30	5
30-39	2
40-49	6
50 and over	9

DATA LABEL: Public  
**Planning Services Structure**

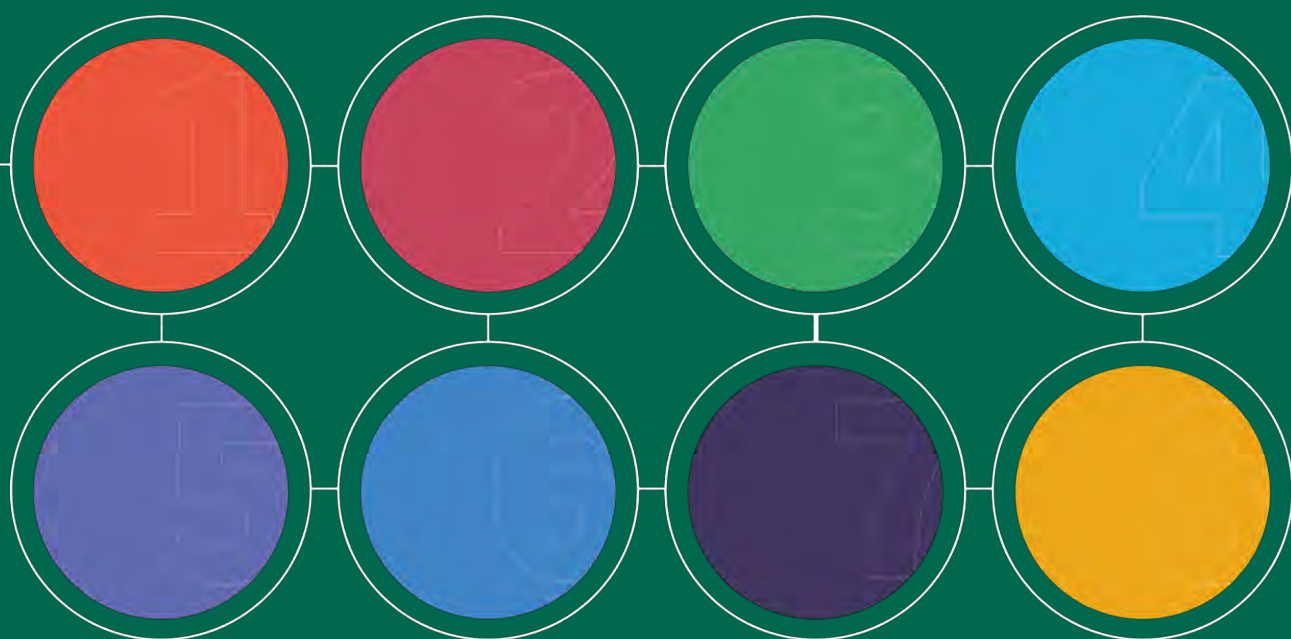


**Planning Performance Framework 2019/20****Part 7: Planning Committee Information**

The template below allows the information on the number of meetings and site visits during 2019-20 to be recorded in a consistent format, additional guidance on what to include is within the template itself.

<b>Committee &amp; Site Visits</b>	<b>Number per year</b>
Full council meetings	10
Planning committees	12
Area committees	N/A
Committee site visits	12*
Local Review Body	8
LRB site visits	8*

\* This relates to the number of committee or LRB meetings with site visits scheduled to take place prior to each committee meeting or LRB meeting





DATA LABEL: PUBLIC



## **DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **UPDATE ON SCOTTISH PLANNING POLICY FINALISED AMENDMENTS, PLANNING ADVICE NOTE (PAN) 1/2020, and THE WEST LOTHIAN HOUSING LAND POSITION**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the publication of finalised amendments to Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 1/2020 and to advise on the preparation of a Housing Land Position Statement which sets out the council's effective housing land supply calculation. Once endorsed by Council Executive the Housing Land Supply Position Statement will be a material consideration to be taken into account when determining planning applications and defending decisions at appeal.

#### **B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. notes the terms of the finalised amendments to Scottish Planning Policy and the reasons for the amendments (Appendices 1 and 2);
2. notes the publication of Planning Advice Note 1/2020 (Appendix 3);
3. notes that the West Lothian effective housing land supply is above the 5-year requirement; and
4. endorses the content of the West Lothian Housing Land Position Statement, which will become a material consideration in the assessment of planning applications (Appendix 4).

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Scottish Planning Policy (SPP) was published by Scottish Government in 2014. SPP sets out the Scottish Government's policy on how important land use planning matters should be addressed and was used to inform preparation of the West Lothian development plan. It is also used to inform decisions on planning applications. The content of SPP is thus a material consideration in planning matters.

Amendments to SPP were published on 18 December 2020. Scottish Planning Policy with finalised amendments will be a material consideration until the publication of National Planning Framework 4 in 2022.

Maintenance of a five-year effective housing land supply is a specific requirement of Scottish Planning Policy (SPP), SDP Policy 7 and LDP Policy HOU 2.

There are no equality, health or risk assessment issues, or SEA issues at this stage.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consideration at PDSP</b>	The council's SPP consultation response was considered by the D&T PDSP on 4 September 2020.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

Scottish Planning Policy (SPP) is a Scottish Government policy statement on how important land use planning matters should be addressed across the country. Development Plans are required to be consistent with the terms of SPP. Amongst other things, SPP requires Planning authorities to maintain a 5-year effective housing land supply at all times.

### **D2 The Finalised Amendments**

Scottish Ministers consulted on interim changes to SPP July 2020. The consultation was prompted by concern over the impact of the coronavirus pandemic on the ability of planning authorities to maintain the review cycle of local development plans within the timeframes they intended, affecting LDP delivery programmes and the rate of housing completions and a decision by the Court of Session, *Gladman v Scottish Ministers* which raised a number of issues relating to the policy wording used in SPP and which Scottish Government believed to require clarification.



The council's response to the consultation was reported to Council Executive on 6 October 2020XXX with the agreed response subsequently issued to Scottish Government.

Following consideration of the consultation responses Scottish Government published finalised amendments to SPP (Appendix 1) and a further document explaining the Scottish Government's response to the consultation (Appendix 2).

The finalised amendments have made changes to paragraphs 28, 29, 30, 32, 33 and 125 of SPP. Planning Advice Note (PAN) 1/2020: Assessing the Extent of the 5-Year Supply of Effective Housing Land was also published by the Scottish Government at the same time to reflect the amendments to SPP in relation to housing land matters (Appendix 3).

The main changes to SPP can be summarised as follows;

- The presumption in favour of development that contributes to sustainable development has been reworded to simply be a 'presumption in favour of sustainable development'.
- Provisions that previously elevated the presumption to a significant material consideration in circumstances where Development Plans are out of date, or where there is a shortfall in the effective housing land supply have been removed.
- If a shortfall in a 5-year housing land supply is established, the weight afforded to any such shortfall is a matter for the decision maker.
- A method for calculating a 5-year housing land supply has been established in a new Planning Advice Note – PAN 1/2020.
- The primacy of the development plan in the determination of planning applications is affirmed.

The finalised amendments to SPP are a welcome amendment and will provide communities and investors with greater certainty that planning applications will be assessed in accordance with the development plan. Further, the introduction of a definitive methodology for the calculation of a 5-year effective housing has been long-awaited and should hopefully remove the lengthy and time consuming debates over which methodology is the most appropriate. It should be noted however, that the amended interim policy is unfortunately only in force until National Planning Framework 4 is adopted, which is anticipated to be 2022.

Previously there was dubiety over whether the presumption in favour of sustainable development was triggered because a development plan was out of date. The development plan is defined as a 'Local Development Plan supported by Supplementary Guidance and in the four largest city regions, the development plan also includes a Strategic Development Plan (SDP), which may also be supported by Supplementary Guidance'. It was not clear if one or both plans had to be over five years old for the presumption to be triggered. The changes now remove the link between the presumption of sustainable development and out of date plans, therefore removing any dubiety if the presumption is triggered due to the SDP, in this case SDP1 approved in 2013 and the associated Supplementary Guidance on housing land, being more than 5-years old.

### **D3 PLANNING ADVICE NOTE 1/2020. ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

Planning Advice Note (PAN) 1/2020 introduces a methodology for calculating the 5-year effective housing land supply which is welcomed and will provide clarity for all involved in the planning process when determining whether or not a 5-year supply is being maintained. There are two important features with the method set out in PAN 1/2020.

Firstly, it uses the average approach, which ignores shortfalls accumulated over the development plan period. This is the same approach that has been historically adopted by the council, but notably not, in all cases, by Reporters in previous appeal decisions affecting West Lothian. The Scottish Government whilst accepting any methodology has limitations found that the residual approach (i.e. to take account of shortfalls) can lead to unrealistic revised housing targets, particularly at the end of a plan period, whilst the average approach (ignoring shortfalls accumulated) is more straightforward and predictable.

Secondly, the method set out in PAN 1/2020 uses a 'housing land requirement' figure from Local Development Plans. This figure is derived by adding the 'housing land target' to a generosity allowance. The generosity allowance as set out in the adopted West Lothian Local Development Plan (LDP) is 10%. Historically, calculations used by the council and planning applicants have usually used the 'housing land target' figure, however the *Gladman V Scottish Ministers* ruled the appropriate figure to use is the 'housing land requirement' figure and this is now embedded into Scottish Government planning policy.

The annual Housing Land Audit is used as a tool to assess the 5-year effective housing land supply and this is to continue, as does PAN 2/2010 – Affordable Housing and Housing Land Audits. The latest Audit for West Lothian is the 2020 Audit which demonstrates a 5-year effective land supply of 8,363 homes. In preparing the Housing Land Audit consultation is carried out with Homes for Scotland, a national body representing housebuilders. Homes for Scotland disputed 3 sites which leaves an agreed total of 8,157 homes.

### **D4 Housing Land Position Statement**

In light of the amendments to SPP and PAN 1/2020 a housing land supply position paper has been prepared which sets out the council's position on the housing land supply, using the 2020 Housing Land Audit. This demonstrates that a five year effective supply exists therefore satisfying Scottish Government requirements to maintain a 5-year effective housing land supply at all times. The Position Statement is attached as Appendix 4.

While PAN 1/2020 provides decision makers with methodology, there does remain a degree of uncertainty when calculating a 5-year effective housing land supply using Housing Land Audit 2020. This is because the SDP outlines the housing land requirement until 2024 and the current five year supply period extends beyond that.

Nevertheless, the methodology in the PAN is clear that a simple approach should be taken and that is the approach adopted by the council.

It should be noted that Housing Need and Demand Assessment (HNDA2) provides a more up to date assessment of the current need and demand for housing. HNDA2 was certified 'robust and credible' by the Scottish Government in March 2015 and was used to inform SDP2.

The Reporter for the SDP2 used HNDA2 as an evidence base in which the housing supply targets were derived after taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, as required by para. 115 of SPP.

Paragraph 21 of the SDP2 Report of Examination (page 238) notes that HNDA2 clearly points to the demand for market housing in the future being significantly lower than was built during the years before the recession and that no convincing evidence had been provided to undermine the findings of HNDA2. The HNDA2 figures could, therefore, be used to assess demand in the latter year of the five year period. A table showing this assessment is included in the appendix and it will be noted that this approach further increases the surplus over and above the 5 year requirement.

## **E. CONCLUSION**

The finalised amendments to SPP are a welcome amendment and will provide communities and investors with greater certainty that planning applications will be assessed in accordance with the development plan.

Further, the introduction of a definitive methodology for the calculation of a 5-year effective housing as set out in PAN 1/2020 has been long-awaited and should hopefully remove the lengthy and time consuming debates over which methodology is the most appropriate. Using this methodology the council can demonstrate that a 5 year effective housing supply exists.

## **F. BACKGROUND REFERENCES**

Scottish Planning Policy 2014

Appendices/Attachments: four

Appendix 1: The Scottish Government's response to the recent consultation on changes to the Scottish Planning Policy

Appendix 2: Scottish Planning Policy: finalised amendments, December 2020

Appendix 3: Planning Advice Note 1/2020

Appendix 4: West Lothian Council Housing Position Paper January 2021.

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2 February 2021

# **Scottish Planning Policy**

## **Finalised Amendments**

**December 2020**

## **Scottish Planning Policy - Finalised Amendments - December 2020**

### **1. BACKGROUND**

On 17 July 2020 the Scottish Government published a consultation paper setting out proposed interim changes to the Scottish Planning Policy (SPP) (2014).<sup>i</sup> The consultation period closed on 9 October 2020.

The Scottish Ministers have since reflected on the responses to the consultation, including evidence highlighted by respondents and gathered during the consultation period. This paper:

- Summarises the key issues arising from responses to the consultation. A fuller analysis is set out in an independent report.<sup>ii</sup>
- Reflects on available evidence.
- Sets out the Scottish Government's response, in light of the comments and evidence received.
- Sets out our finalised interim policy position including revised text of the relevant sections of the Scottish Planning Policy 2014.

Enabling the delivery of good quality development is an important objective for the Scottish Government. The Scottish Ministers wish to see homes and other essential developments delivered in a way that respects and is consistent with development plans that have been drawn up with input from local communities and other interests.

Our final policy position reflects our view that the planning system requires co-operation from all parties to work together effectively to deliver good quality development. It is clear that there are many different views on how that can best be achieved, and that this is a key issue for the wider review of national planning policies to consider further.

The amended interim policy is intended to make the system more transparent, fairer and more consistent with these objectives, ahead of National Planning Framework 4 being adopted in 2022.

## The consultation process

We considered the consultation to be necessary, as a result of recent litigation and complexity arising from certain parts of the Scottish Planning Policy. Some of the proposed changes also aimed to respond to the impact of COVID-19 on the planning system and housing developments. Overall, views on the proposals were divided, with some supporting the changes and others opposing them.

Some responses expressed concern about the consultation process, its timing and the lack of a transition period, forewarning or scope for earlier involvement. Issues included the scale and significance of the changes proposed (with suggestions that the paper's title and assessments underplay its impacts), a perceived lack of supporting evidence and impact assessments, the accessibility / language used in the consultation paper and presentation of the proposals as relating only to housing matters rather than wider development proposals. In response to these views:

- **There was a good level and range of responses to the consultation.** We received 244 responses by the deadline from a wide range of stakeholders including public and private sector organisations, community groups and individuals, as set out in the independent consultation analysis report. This number and range exceeds the response from the consultation undertaken when the presumption was introduced in the 2014 version of the Scottish Planning Policy (160 responses).
- **There is no evidence to suggest there was widespread or universal dissatisfaction with the consultation process.** In response to a specific question on the Citizen Space platform, a minority of respondents (28) who expressed a view felt dissatisfied with the consultation, a majority (83) were satisfied, and the remainder did not express a view or a preference either way.
- **The title of the consultation was not intended to minimise its importance.** This is undoubtedly a complex area of planning, the paper was titled as a 'technical consultation' to accurately describe its content, rather than as an attempt to minimise its significance. We fully appreciate the importance of the issues and this is reflected in our decision to formally consult on the proposals.
- **We provided extra support to a range of stakeholders.** To help stakeholders understand the proposals, we offered support to a range of representative organisations by meeting with them to answer their questions and clarify issues.
- **Sufficient time was allowed for responses.** The consultation period was of sufficient length to allow respondents to submit their views in a timely manner.
- **Overall this has been a meaningful and effective consultation.** Whilst we recognise that this is a difficult topic for some people to engage with, taking into account the number and range of responses we have received, we do not agree with assertions that this consultation has been underplayed or that people have not had an opportunity to express their views as a result.

## 2. THE PRESUMPTION IN FAVOUR OF DEVELOPMENT THAT CONTRIBUTES TO SUSTAINABLE DEVELOPMENT

- Question 1 in the consultation paper focused on the presumption in favour of development that contributes to sustainable development.
- We proposed removing the statement that *“This SPP introduces a presumption in favour of development that contributes to sustainable development.”*
- We also proposed removing paragraphs 32 and 33 of the SPP which explain how the presumption should be applied in development management. Paragraph 32 states that the presumption will be a material consideration for proposals that do not accord with up-to-date development plans. Paragraph 33 states that where relevant policies in a development plan are out-of-date the presumption will be a significant material consideration. Paragraph 33 also gives significant weight to the presumption if there is not enough ‘effective’ land available for housing development. A minor adjustment to the wording of paragraph 30 was also proposed for cross-referencing.
- The consultation paper did not propose changes to paragraph 29 of the SPP which sets out the principles of sustainable development in more detail.

### Views

As set out in our consultation analysis report there was both support for, and opposition to, these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- A large majority of individual respondents supported the proposals as did all members of the community and third sector groups and local authorities who indicated a clear view. In contrast, all energy and housing developers and all but one planning consultancy opposed the proposals. Representative bodies were evenly divided, with their position reflecting the sectors of their members.
- Many respondents supported the proposal to remove the overall wording on the presumption because:
  - the proposed changes were considered consistent with a plan led system;
  - considerable resources are spent on calculating and debating the 5 year effective housing land supply;
  - there is concern about the impact of Court decisions on encouraging speculative / unsustainable development;
  - there is doubt about the benefit of the presumption in addressing a shortfall in housing;

- there is agreement that there is no provision for a ‘tilted balance’ in the SPP; and
- it was recognised that the principles supporting sustainable development would remain in place.
- Many respondents also broadly agreed with changes to address the issue of plans being considered out-of-date (paragraph 33) but felt that clarification would still be required for handling of proposals where there are no relevant policies.
- Many respondents, largely energy and housing developers, opposed the proposal on the basis that:
  - The presumption is important for housing delivery in responding to failures to provide sufficient land for housing development.
  - The presumption is also relevant to non-housing developments.
  - The presumption was considered to be clear and consistent with a plan-led approach.
  - The Court’s views on a number of recent statutory appeals clarifies the application of the SPP.
  - The proposals would be more than a clarification or a technical change and so the matter should be addressed in National Planning Framework 4 rather than an interim policy.
  - There is wide support for sustainable development and the changes would send out mixed messages on this.
  - The presumption does not bring forward ‘bad’ or unsustainable development.
  - The presumption ensures that development can come forward where plans are out of date or not explicit.
  - Paragraphs 32/33 play an essential role in keeping plans up to date.
  - The changes would exacerbate the impacts of the pandemic on the housing supply.



## Evidence

The following evidence has been taken into account in reaching our final policy position.

### ***The need to clarify the policy***

The extent of recent litigation<sup>iii</sup> demonstrates that there are different interpretations of the existing policy. Legal cases, including *Gladman vs The Scottish Ministers*, have shown that the policy as currently drafted alters or tilts the balance of decision making.

The Scottish Planning Policy aims to achieve the right development in the right place; it is not to allow development at any cost. The presumption as part of this sought to support development which is sustainable. A 'tilted balance', which has the potential to alter the assessment on sustainability of development that would be inconsistent with our broader understanding of sustainable development, was not an intended feature of our policy. The *Gladman* case established that the assessment of whether development is sustainable involves the use of the tilted balance. It also brings out that, where paragraph 33 of the current policy is engaged, it is sufficient that development "contributes" to sustainable development for the tilted balance to apply.

In addition, the information we have gathered on the application of the presumption to date (see below) demonstrates the complexity of the policy as it stands.

### ***The impact of the COVID-19 pandemic on housebuilding and development planning***

It is clear that the restrictions arising from COVID-19 have impacted on the construction sector. Stakeholders reported to us that there were high levels of applications to the job retention scheme and furloughing of employees, at least in the initial period where restrictions applied, and business confidence earlier in 2020 was reported to be low.

In terms of available evidence, data set out by the Construction Leadership Forum<sup>iv</sup> notes that output in the Scottish construction sector contracted by 28.6% in June 2020 compared to June 2019. The Scottish Housing Market Review (July – September 2020)<sup>v</sup> shows a significant fall in residential property sales (down by 63.5%) during the second quarter of 2020 and a subsequent strong recovery during July and August.

Figures relating to the housing supply (i.e. all sector new build completions) in 2020 are not yet available, but the affordable housing supply programme shows a significant fall in completions (by 84%). The extent to which the recent recovery signs arise from a catching up with activity that stalled during lockdown and will be sustained is not known at this point in time. However, Homes for Scotland gave evidence on the impact of COVID-19 to the Scottish Parliament's Economy, Energy and Fair Work Committee in May 2020.<sup>vi</sup> This set out that the prospects for long term recovery of the housing market are very uncertain and that it may be 2 to 3 years before construction rates return to 'anything like' pre-COVID levels. Homes for

Scotland submitted evidence to the Advisory Group on Economic Recovery (AGER) which stated *that “even on best case scenarios...we may expect a reduction in completions for the year of around 30 to 40% from where they would otherwise have been”* and referred to low levels of consumer confidence being expected *‘for a while’*. Homes for Scotland also produced a Recovery Plan<sup>vii</sup> which sets out the continuing impact of restrictions on capacity and the longer timescales required to complete homes.

Earlier this year we published advice on COVID-19 and development planning consultation and engagement.<sup>viii</sup> This aimed to balance the limitations on engagement arising from a ban on public gatherings and the need for physical distancing with the need to keep plans up to date as far as possible. It also took into account concerns expressed by industry representatives about their limited capacity to engage in development planning and housing land audits at that time. The advice acknowledges that some delays to development plan timescales would be unavoidable and this conclusion informed comments on this in the paper.

We have since noted evidence provided by some respondents which suggests that COVID-19 is not the primary reason for several plans becoming out of date. We have also taken into account information we gathered to inform the preparation of transitional arrangements for development planning which have since been published.<sup>ix</sup> Delays are likely to arise in the coming months for a number of reasons, including the revised NPF4 timescales, planning reform and the ongoing work to shape new style development plans, resources, and the ability of planning authorities to engage effectively with stakeholders and the public during the pandemic.

### ***Application of the presumption to date***

It is not possible to identify every case where the presumption has been applied or to ascertain whether or not it has been the determining consideration in granting approval. In responses to the consultation, examples were provided of the presumption having led to developments being approved. Some of these examples aimed to illustrate a point that the presumption is necessary to ensure the need and demand for homes can be met. Other examples were provided of the presumption being used to support homes without sufficient infrastructure or which were counter to community views about the future of their areas.

Since the consultation paper was published, we have considered a sample of appeal cases to assess the current impact of the presumption on delivering homes. This shows that the presumption is generally only referred to in appeal decisions relating to larger developments. In appeal cases, where the presumption has been applied prior to the *Gladman* case, an initial judgement has generally been made by the Reporter as to whether the proposal was sustainable development. Where applicable (i.e. there was a shortfall in housing land available or the development plan policies were out of date), the presumption was then subsequently applied by Reporters. In terms of the scale of the application of the presumption to appeal cases to date:

- 275 decisions were issued for appeals relating to 10 or more homes between April 2015 and August 2020. Of these 101 were allowed.

- 78 appeals related to proposals for development outwith an urban area (exceptional release sites) to address a housing land shortfall and 26 cases were allowed.
- Approximately 5500 houses were granted planning permission in such cases. Whilst it is not possible to say whether these consents were entirely driven by the presumption, we do know that it was a consideration in the decision.

This evidence suggests that the presumption has been of less direct relevance to individual decisions than may be thought to be the case by some stakeholders.

We reviewed the Homes for Scotland evidence on the scale of cases approved as a result of the presumption, drawing conclusions on the number of homes that it has delivered. We consider this to be an over-estimate when compared with our own analysis. Whilst no data can provide a complete picture, our estimate is that since 2015, 5500 units (rather than 8000 suggested by Homes for Scotland) have been approved on the basis of the presumption. The role of the presumption in determining these applications cannot be fully determined. Our research also shows that a smaller proportion of these consents has been built to date (around 1000 homes over 5 years).

### ***Implications of Gladman vs Scottish Ministers on the application of the presumption***

We accept that some of these types of proposals may have different outcomes in light of the Court's decision. This is supported by some responses – for example an example of a recent appeal decision where the Reporter indicated that had the policy changes been made, his decision would have been different.

The Court's decision suggests that rather than the approach generally taken by Reporters to date:

- The decision-maker should first identify whether or not there is a shortfall, based on the housing land requirement and comparing this with the amount of effective land included in the 5 year programme in the latest Housing Land Audit to determine the scale of any shortfall.
- Where a shortfall is identified, this shortage becomes a significant material consideration in favour of granting planning permission. The scale of the shortfall should determine the angle of the 'tilt' in the tilted balance.
- To refuse planning permission, the adverse impacts must significantly and demonstrably outweigh the benefits of reducing the shortfall (i.e. the tilted balance applies).
- Identifying the scale of the shortfall is important because it sets the angle of "tilt". The greater the shortfall the greater the weight should be attached to helping reduce the shortfall and so the harder it should be to refuse planning permission. Helping address a housing shortfall is of itself almost inevitably a contribution to sustainable development.

Applying this approach, in the same sample of cases we reviewed the presumption would become a significant material consideration, before assessing whether or not the proposed development met the principles set out under paragraph 29.

Following the *Gladman* decision, more applicants may seek to argue the case for more exceptional releases of housing land. However, the influence of the presumption and the outcome of decisions cannot be predicted with any confidence. The Scottish Planning Policy should be read and applied as a whole. The planning judgement, and outcome, would remain variable given the breadth of considerations that would still need to be taken into account.

### Key points

We have therefore concluded that:

- The presumption has some influence on decisions, but this appears to be limited and cannot be fully gauged.
- Appeal decisions show that because the presumption is complex and tends to be contested in large scale housing cases, it does take considerable time and resources to engage with it.
- Litigation, together with the polarised responses to this consultation demonstrate the range of interpretations of its meaning and application.
- The SPP presumption aimed to support sustainable development, not development at any price or in any location. Appeal decisions to date have generally focused first on ensuring proposals are sustainable in line with this intention.
- However the interpretation of the policy as established by the *Gladman* case and so the use of a strongly 'tilted balance', has the potential to mean that developments that may otherwise (i.e. without the use of a tilted balance) be judged to be unsustainable may be granted consent where there is a shortfall in the housing land supply.
- The pandemic is creating uncertainty. The proposal to remove the presumption was not primarily driven by the pandemic – but it did inform our consideration of paragraphs 123 and 125 (see below) as we expect that it will impact on the overall rate of housebuilding this year. Fuller data on the impact of COVID-19 will take some time to emerge but it is clear that this is a challenging period for construction including housebuilding, and that there is uncertainty about the timescale of future recovery. Available evidence shows that there will be an impact on the rate of homes constructed during the time when site restrictions were in place.
- We are aware from general practice that there is confusion / a range of interpretations about when plans (or the relevant policies) are, or are not, considered to be 'up-to-date'. More plans may become older than 5 years in the coming months for a range of reasons, but may well still contain relevant policies. A wide range of factors can influence whether local authorities review

their development plans – including COVID-19, resourcing and the revised NPF4 timescale.

- Sustainable development remains a key objective of the Scottish Planning Policy. The UN Sustainable Development Goals are embedded across our national outcomes<sup>x</sup>. Section 3E of the 1997 Act applies to planning authorities exercising functions under Part 2 of the 1997 Act, and under section 3E(3) the Scottish Ministers may issue guidance for the purposes of section 3E. This is addressed by the Scottish Planning Policy including paragraphs 28, 29 and 30.
- We also accept that plans cannot include policies covering every eventuality and that although the development plan has primacy in all cases, some flexibility is needed.
- In response to these issues, section 7 sets out our final policy amendments.

### 3. DEFINITION OF EFFECTIVE HOUSING LAND

- Question 2 in the consultation paper focused on making the definition of effective housing land as set out in paragraph 123 and associated glossary definitions more flexible.
- Sites currently need to be proven to be 'effective' when assessed against a range of criteria set out in planning advice. This is important because, as explained in Section 2, if there is not enough effective housing land available, then it is more likely that sites that are not in a local development plan could be brought forward for planning permission.
- We were aiming to reduce disagreement about whether sites are, or are not, suitable for housing development and whether these sites are effective. We also wanted to reflect the fact that the programming of sites (i.e. when they are built out) is determined by a range of wider factors and is subject to change.
- We were of the view that the potential impact of COVID-19 could mean that sites which might normally be considered 'effective' are not counted as part of the land supply.
- The changes we proposed in the consultation paper would mean that land that is technically suitable for housing could still form part of the 5 year effective land supply, regardless of changes to programming or subjective views on marketability in a changing context.

#### Views

As set out in our consultation analysis report there was both support, and opposition, to these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- Amongst respondents who supported and opposed changes, there was, to a degree, a shared recognition of and support for agreeing a methodology.
- Those respondents who supported the proposal to revise the definition of effective land, did so on the basis that:
  - There is concern about uncertainty and different interpretations of the existing wording of the SPP - clarity is needed to make the system easier to follow and transparent.
  - There is a need to address disputes about the 5 year effective land supply and in particular programming assumptions.
  - Communities reported damage to their area owing to the presumption.
  - Calculations can conflate the matter of available land and the rate of programming of its build.

- There was support for clarification that ownership should include reference to a 'willing seller' as this is often a source of dispute.
- Alternatives were suggested including differentiating between the land supply and the delivery programme or judgements, a fuller definition and an approved source of evidence on completions. More detailed wording was also suggested for both the policy wording and the glossary. It was suggested that communities should be involved in Housing Land Audits.
- Other respondents opposed the proposal to revise the definition of effective land because:
  - They would not clarify the situation and would have a significant impact.
  - There is a lack of evidence to support the reasons.
  - This should be considered within the context of NPF4 rather than interim policy changes.
  - There is agreement on the importance of Housing Land Audits, although also some views on shortcomings and inaccuracies / as well as views that their figures are 'manipulated'. Nevertheless there was concern that the changes would undermine their role, leading to more confusion.
  - Programming is considered essential including for action programmes and infrastructure providers.
  - A more useful change would be to require sites to be in the hands of a developer to be considered effective.
  - Exclusion of 'marketability' was considered irrational.
- Further alternatives suggested by those opposing the change included retaining the policy and the advice, or issuing informal advice on how planning authorities should adjust their approach to take into account the temporary / short term impacts of the pandemic.
- There was concern about removal of section 2 of PAN 2/2010<sup>xi</sup> given the need for clarity, although reasons for this vary.
- Stakeholders who supported and opposed the changes raised questions about the proposed reference to 'normal market circumstances'. Examples were provided of varying circumstances. Those who opposed the changes highlighted their view that demand in the market is currently strong and that there is therefore an urgent need for delivery to address this and assist with recovery from the pandemic through supply.



## Evidence

The following evidence has been taken into account in reaching our final policy position.

### ***Accuracy of information on site programming***

Housing Land Audits play a key role in monitoring the availability and build-out of sites and so many of the responses focused on their role in the system. The responses included examples of current practice in undertaking Housing Land Audits and it was reported that programming within them is often inaccurate:

- Some examples were given of programming assumptions leading to a requirement to allocate further land, despite the fact that sufficient land was allocated at the point of plan adoption.
- Others reported that the audit process is 'largely harmonious' with limited disputes and Homes for Scotland stated that their members have not withdrawn sites from the effective land supply as a result of COVID-19.

We have previously undertaken research on Housing Land Audits including most recently work to inform our ongoing work on planning reform<sup>xii</sup> as well as work in 2008 which assessed current practice at that time. The later research established that around 60% of audits were disputed, although the number of individual sites which are contested was low. Difficulties were identified in establishing completions and future site programming. Wider research reported by the Scottish Land Commission also highlights the role of the market absorption rate in defining build-out programmes.<sup>xiii</sup>

To further establish an evidence base to inform our consideration of the proposed changes, we built on this work by examining examples of Housing Land Audits. This work shows that:

- There are continuing difficulties in establishing completions and future site programming within Housing Land Audits, as a result of natural uncertainties and changing circumstances.
- Some audits overestimate completions in relation to their programme, whilst others underestimate them.
- Their findings with regard to the availability of housing land at any given point in time should be treated with caution.

## Key points

We have therefore concluded that:

- We recognise that maintaining a land supply is important and should be more than a theoretical exercise.



- However, there is variation and uncertainty within Housing Land Audits and limitations on the extent to which the programming assumptions provide a reliable source of evidence.
- It is reasonable to expect that numbers of homes delivered during 2020 will be impacted by the closure of construction sites earlier this year and ongoing requirements for operational adjustments.
- We were also concerned about the exclusion of sites on the basis of marketability, and its impact on the ability of authorities to maintain a supply of effective housing land. To some extent industry reports and evidence of a more buoyant housing market emerging following the initial lockdown period allay these concerns.
- We also recognise views that our proposals could generate further confusion and are therefore not minded to remove PAN 2/210 at this time.
- Section 7 sets out our final policy amendments, taking into account these issues.

#### **4. CALCULATING THE EXTENT OF THE 5 YEAR EFFECTIVE HOUSING LAND SUPPLY**

- Question 3 in the consultation paper focused on changes to paragraph 125 of the Scottish Planning Policy.
- Different views on the best calculation to use have caused considerable debate. We wanted the approach to this calculation to be clearer and more consistent.
- We proposed that the 'housing supply target' is averaged out over the life of the plan to provide a broad guide on how many homes should be expected over 5 years. The extent of land available for housing at any given time would then be compared with that number.
- Our view was that this would be more appropriate, as well as easier to understand and apply consistently, than more complex and detailed calculations that take into account any shortfall in the number of homes built.

##### Views

As set out in our consultation analysis report there was both support, and opposition to, these proposals. In summary, the analysis of responses showed that there are strong and contrasting views on a number of issues:

- There was wide, but not unanimous, agreement that a clearer approach to calculating the extent of the 5 year land supply would be beneficial for all.
- Many respondents supported the proposal because:
  - An agreed approach would help to reduce disputes and debates, if robust and straightforward.
  - It would be helpful to planning authorities in defending their local development plan and making balanced planning judgements.
  - It was viewed as consistent with the approach taken to Housing Land Audits and the planning performance frameworks.
  - It would be helpful if decisions were based on the most recently adopted Housing Land Audits, rather than ad-hoc assessments on a case by case basis.
  - The proposed approach is flexible where a shortfall arises as it allows for programming and delivery to vary over the life of the plan.
  - The residual approach was not supported given its reliance on inaccurate figures on completions.

- They support an approach for proposals where a shortfall in the supply emerges, but different views on the steps that should be taken to address this including that it should not be 'determinative'.
- There were broader concerns about the role of this calculation.
- Detailed further amendments were suggested by those who supported the proposed changes to the policy including: clarification of the roles of the housing land requirement and housing supply target; a clearer definition of the effective housing land supply; clarification of the role of the programme as opposed to land supply; the timescale for the land supply (whether it should be for 5 years or the plan period); clarification of the base date for the calculation; a tenure-based approach; sub-market area calculations; and prioritisation of brownfield development over greenfield.
- Those who supported the approach also raised concerns that where build out rates are achieved early in a plan's lifetime there may still be a need to identify further land.
- Many respondents opposed the proposal because:
  - The proposed methodology allows authorities to 'write-off' shortfalls in housing delivery. This is critical and should be a material consideration.
  - The proposals do not reflect the approach taken by Reporters and the Court.
  - Plans should over-provide for housing in the first place, and it is important that there is flexibility to respond to emerging shortfalls.
  - The pandemic is not a reasonable basis for using the average methodology, given that shortfalls were arising before this.
  - The problem is of supply rather than demand and there is a significant backlog in affordable housing.
  - The residual approach is needed to establish whether the land requirement will be met.
  - The average approach will lead to thousands of new homes not being delivered.
  - The proposals remove accountability from the system and does not encourage local authorities to work with others to deliver homes.
  - The changes would cause difficulties in infrastructure provision.
  - The proposed approach to addressing the shortfall would in fact be a type of tilted balance.

- Alternatives were suggested including; a universal, plain-English methodology for planning authorities (prepared and proposed by Homes for Scotland); limiting changes to clarify that the housing supply target forms the basis of calculations; requiring a shortfall to be recovered by the end of the plan period, rather than within 5 years.

### Evidence

The following evidence has been taken into account in reaching our final policy position.

#### ***Current approaches to calculating the 5 year effective housing land supply***

Some respondents suggested that decision-makers, including Reporters, routinely apply the residual approach, and that there is no need for the proposed clarification. However, our analysis of a sample of appeal cases shows that whilst the residual approach has been recognised in many cases, other methods have also been taken into account. Whilst a reliable conclusion can generally be made that a shortfall exists, Reporters have often come to a view that it is not possible to quantify its scale whilst there is no single methodology to refer to.

Examples referred to in responses showed that where the pace of delivery is being factored into housing land calculations, in some areas it would be extremely difficult for a planning authority to sustain a 5 year effective land supply, particularly in the latter years of a plan period where delivery has been lower than originally programmed. This may be the case despite the fact that there is arguably sufficient land and consents available which are not being built out quickly enough for a range of reasons.

Heads of Planning Scotland has produced evidence on the availability of housing land across all local authorities in Scotland, from planning performance reporting.<sup>xiv</sup> Whilst the data may be approximate and is not complete, this shows that:

- There was an established housing land supply in 2018-19 for more than 390,000 homes to be built across Scotland.
- The approximate / estimated **requirement** for the same period is for 110,000 homes – 22,000 homes per year over 5 years.
- **Planning permission** was granted for around 36,000 homes in 2018-19.
- In 2018-19 around 160,000 homes were **programmed** to be built over the next 5 years – around 32,000 per year.
- **Previous completions** (based on analysis of historic information) have been around 86,000 over the last five years or 17,200 per year.
- The **highest annual completions** in recent years for Scotland was approximately 26,000 in 2007-8.

### ***Reasons for a shortfall in homes delivered emerging***

Whilst we acknowledge that the figures provided by planning authorities are likely to be approximate, we suggest that it shows that lower levels of completions than programmed (i.e. an emerging shortfall) are unlikely to have arisen as a result of the availability of land or in securing planning permission for proposals.

This is supported by evidence we received outlining the reasons for a shortfall arising including:

- the capacity of the industry;
- the market absorption rate;
- access to finance by purchasers;
- delays in the planning system / protracted consenting processes;
- refusal of applications contrary to officer recommendations;
- land controlled by non-developers;
- plans not including sufficient or effective housing land for housing.

It is clear that there are multiple reasons perhaps including, but not limited to, the availability of land for a shortfall in the number of homes being built. Housing delivery is a complex issue that we are seeking to address in the fuller review of policy in NPF4. In the meantime, the evidence suggests the need for a cautious approach when considering whether or not releasing additional land or development is justified in specific cases. A shortfall in homes delivered is unlikely to be substantially resolved by exceptional releases of housing land, potentially on sites that are not sustainable and with no guarantee that they will progress to construction as programmed.

### ***Strengths and weaknesses of the average and residual methodologies***

We have undertaken analysis of land supply assessments applying the residual and average approaches, focusing on the local authorities which experience the greatest number of planning appeals for the exceptional release of housing land. This shows that:

- During times in which completions are low (for a range of reasons, as set out above) the residual method often leads to a substantial uplift in the number of homes to be achieved in meeting the land supply – for example, in one area (West Lothian) the annual requirement would be more than three times average completion rates since 2011.
- This issue can become very acute towards the end of a plan period when more homes have to be delivered in fewer years.

- This methodology can lead to an adjusted 5 year effective housing supply target which appears to be unrealistic when taking into account data on completions to date.
- A shortfall demonstrated by the residual approach does not necessarily arise as a result of a lack of available land but can be due to the programming assumptions of developers which are subject to change.
- Therefore, this approach may not lead to an accurate conclusion about the sufficiency of the land supply.

In comparison the average method:

- Tends to require a lower number of units to be met to achieve the 5 year effective land supply.<sup>1</sup> This is considered to be realistic for the period between now and NPF4 being adopted, given that it is broadly similar to past levels of completions.
- Is not re-adjusted to account for actual delivery rates and is therefore less responsive and flexible.
- If applied, is likely to require planning authorities to maintain a supply of land which is similar to a rolling average of completions.
- For the plan areas where the presumption is triggered most often, would still require previous completion rates to be exceeded and therefore remains ambitious.

We accept that neither approach is perfect, but our view is that the arguments against the average method, and for the residual method, may be overstated. This, together with the inaccuracy of data involved in audits, the subjectivity associated with the effectiveness of housing land, and the externalities affecting programming suggests that calculations on the land supply should not be the determining factor in planning decisions to the extent that it outweighs other factors required to make a development sustainable.

### Key points

We have therefore concluded that:

- There is a wide range of views on the approach to calculating the 5 year effective land supply. In our view, there is no perfect methodology and data on land and programming should be interpreted with caution.
- Planning authority statistics suggest that there is, overall, more than enough land allocated than is required.
- The benefits of the residual method are, in our view, overstated. It conflates land availability with the rate at which homes are being built-out. The latter is

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<sup>1</sup> It should be noted that if plans are being delivered as intended or progress exceeds expectations, a higher figure would be required by this method.

influenced by many different factors including, but not only, the availability of effective land. Sites may be suitable for development, and land may be available, but a technical 'shortfall' could still arise based on the residual calculation. This can lead to undeliverable requirements that cannot be recovered by planning authorities when the delivery rate is shaped by many other factors.

- It is not in the public interest to recommend a methodology which leads to conclusions that there is insufficient land available when completions are influenced by a variety of different factors.
- We recognise that the average method also has weaknesses and may be viewed as less precise and inflexible as it does not factor in emerging shortfalls in the number of homes being delivered. However, we are reassured that it is reasonable and realistic as an interim approach, as it is broadly similar to levels of completion that have been achieved in recent years. As a result, we believe that it has a valid role as a consistent benchmark to inform decision making.
- The housing land requirement is applicable when the development plan is being prepared to ensure that it includes a generous supply of land. We initially proposed that the housing supply target, which does not include an allowance for generosity, should form the basis of this calculation. However, we also recognise the importance of a positive approach to planning which aspires to deliver a generous supply of land for homes to meet our future needs. We have therefore decided that the housing land requirement, which includes an additional percentage for generosity (generally between 10 and 20 per cent), should form the basis of this calculation.
- The disputed nature of the evidence and unreliability of data in housing land audits suggests that the calculated 5 year land supply should only ever be used as an indicative number. Whether or not further land should be released for development should be a matter for planning judgement taking into account the facts and circumstances of each case.
- There should still be scope to support applications where it is clear that there is unmet demand for housing and this could be achieved by retaining a simpler and clearer version of the presumption. A clearer policy on this has been set out in the final policy amendments in Section 7.

## 5. IMPACTS ON DEVELOPMENT OTHER THAN HOUSING

- Question 4 in the consultation paper focused on this.
- The consultation paper aimed to address issues arising from planning for housing. However we invited views and evidence to establish whether it would affect other types of development.

### Views

Some agreed that the proposals would impact on housing, rather than other types of development, recognising that the key changes focused on procedures relating to the housing land supply and associated development management decisions.

Others considered it would have wider impacts:

- It was noted that many housing developments may be part of a mixed-use proposal or include infrastructure improvements.
- Responses pointed out that development plans cannot include policies to cover every potential type of development.
- Several respondents felt the presumption has an important role to play in supporting proposals for renewable energy development as well as grid infrastructure. The renewable energy sector called for the presumption to be retained, or if removed to be replaced by an alternative that carries the same level of weight supporting sustainable development. It was also noted that electricity consents have a different relationship with the development plan and so changes that aim to rebalance this have no relevance to the sector.
- Other types of development raised in responses included mixed use sites, essential infrastructure, waste infrastructure, tourism development, business expansion or restructuring.

### Evidence

The following evidence has been taken into account in reaching our final policy position.

#### ***Application of the presumption to non-housing applications***

Examples were given of wind farm cases where the presumption has been viewed as a relevant consideration.

To inform our consideration of this matter, we have reviewed a sample of renewable energy appeal cases, including those considered under planning as well as projects considered under section 36 of the Electricity Act 1989. Nearly all of the cases we reviewed referred to the presumption, but it was only a significant material consideration in 3 of 15 cases on the basis of the plan being viewed as 'out-of-date'. However, in all cases, a balanced judgement was made taking into account the principles set out under paragraph 29.



The wider policies (e.g. paragraph 33) that we proposed changing, would not change that assessment.

Taking into account these cases, we recognise that the balance in decision-making for other types of development could be altered, and that there is potential for changes to the policy to affect the outcomes of decisions. As with housing, however, given the role of planning judgement in each case and taking into account the application of wider policies within the SPP, it is not possible to determine with any degree of confidence the extent of impacts from either the initial proposals or our final policy position.

#### Key points

- The presumption is not usually a determining factor in non-housing applications. However, we accept there is potential for the *Gladman* decision to change the outcome in some instances for non-housing developments.
- We recognise that there could be benefit in retaining an overarching presumption and that decisions can continue to be made in a way that supports sustainable development where there are no relevant plan policies in place.
- The effect of our revised amendments on non-housing types of development is expected to be limited.
- In response to these issues, section 7 sets out our final policy amendments.

## 6. IMPACT ASSESSMENTS

- Question 5 in the consultation paper focused on this.
- We did not consider that the changes would have significant impacts on the environment, business, equalities and children's rights and wellbeing, and therefore our view when preparing the consultation paper was that fuller impact assessments were not required.
- However, we invited views and evidence on this.

### Views

A majority of respondents (61% of all responses) agreed with our conclusion that full impact assessments are not required, given the procedural and technical changes, their lack of significance, their role in clarifying processes and their temporary lifespan ahead of NPF4 being published.

Others (39% of all responses) disagreed with our conclusion because:

- They considered the proposals to have significant effects, potentially impacting on national outcomes.
- The intent is to change the way that planning decisions are taken.
- They considered that further assessment is needed to ensure the consultation is valid.

In terms of the specific assessments, some respondents suggested that a strategic environmental assessment (SEA) was required to assess the impacts on net zero emissions, and to take into account the impact on providing renewable energy schemes, energy efficient homes, green infrastructure, and the reuse of vacant and derelict land.

Some responses suggested that equalities and human rights could be affected by the impact on affordability for those on low incomes, and that health could also be affected. Similarly, some respondents considered there may be wellbeing or health impacts arising from the economic impact on the housebuilding industry, construction sector and supply chain.

A BRIA was considered necessary by some, given their views on the potential impacts on businesses and the economy. Evidence was presented which has been considered in more detail in the following section.

### Detailed comments received

#### *Strategic Environmental Assessment*

Housing developers and their representatives considered that the changes would result in lost opportunities for sustainable development, with effects on the housing supply, green networks, open space, vacant and derelict land and unproductive

sites. Renewable energy providers also wanted to see an assessment of the impact on meeting net zero targets.

### *Equality Impact Assessment and Child Rights and Wellbeing Assessment*

It was suggested that fuller assessments were necessary, given the potential impact of the changes on housing affordability. It was suggested that health could be affected, and that unemployment and hardship in the housebuilding sector would also lead to impacts.

### *Business and Regulatory Impact assessment*

It was contended that, based on a series of assumptions about the income generated from each house, the removal of the presumption would mean that more than 10,000 jobs, £13.3 million of 'local spend' and £40 million to the local economy would be lost.

### Key points

- Our initial assessments assumed the changes will not affect decisions directly – our view was that the proposed changes would maintain the original policy intention.
- We recognise that the Court's decision could change how the policy is applied, and that amendments may therefore lead to different decisions being made.
- However, the evidence shows that the role of the presumption is neither clear cut nor determinative. The impact, in terms of numbers of homes built or other developments affected cannot be accurately predicted. However the impact on number of homes delivered could reasonably be expected to be neutral given the continuing role of planning judgement in decision-making and taking into account the revised amendments we are now proposing. The effect of changes on other sectors is also expected to be limited.
- We do not accept the evidence submitted by Homes for Scotland as referred to above, because this assumes that without the presumption, all exceptions sites would be refused planning permission, with 2,667 homes not being built as they would depend on the presumption in favour of development that contributes to sustainable development. Our review of the evidence suggests that this is an over-estimate. It is not reliable to conclude that all proposals that may have been approved would be refused permission. This is particularly the case when the amended policy changes set out in Section 7, and the application of planning judgement in each case, are taken into account.
- Nevertheless, we have given further consideration to the likely impacts of the changes, taking into account all of the views and evidence received and in light of the revised proposals. We have published new screening reports which conclude that fuller assessments are not required.

## 7. CONCLUSION – POLICY CHANGES

Taking into account the views and evidence received and summarised above, we have decided to:

- 1. Retain, but reword the presumption in favour of development that contributes to sustainable development so that it can be applied in a more straightforward way.**

We acknowledge that, overall, the planning system has a vital role in helping to deliver the homes that we need. However, the challenges around delivering housing are complex and not wholly attributable to the extent of effective housing land available. This requires further consideration to inform our fuller review of national planning policies in National Planning Framework 4.

In the meantime, we want to ensure that the existing system is flexible and able to operate effectively within the context of COVID-19 and economic uncertainties in the coming months.

In our view, taking into account views and available evidence, the role of the presumption in decision-making to date may be overstated. However, we recognise the concerns raised by respondents about the broad and positive role of ‘the presumption’ in the SPP as a confirmation of our commitment to supporting sustainable development. We are concerned that, if the current policy remains un-amended, its application may now lead to approval of some development proposals which are not sustainable. The presumption was never intended to be used to support development which is not sustainable development and the changes we make will make it clear that the policy is to support development that is sustainable development rather than development that contributes to sustainable development.

We are therefore amending the policy so that it more clearly supports sustainable development. It will now provide that there is ‘a presumption in favour of sustainable development.’

- 2. Remove references to plans being ‘out of date’ and the direct link with calculating the land supply to the presumption and replace them with a more straightforward policy.**

Ideally housing should be built on sites allocated in the plan, and the plan and its policies should be kept up-to-date. However, we accept that plans cannot foresee every eventuality. In addition, whilst planning authorities should strive to keep their plans up-to-date, in the months ahead this may not be feasible in some cases, as a result of the constraints arising from the pandemic, the limitations on people who may wish to be involved, as well as the significant changes to the system and NPF4 that will be coming forward in 2021-22.

A shortfall in the land supply should not be the sole or overriding factor in determining whether or not a planning consent should be granted. In the first instance wider policies within development plans can still apply to assess whether developments are sustainable.

In the absence of such policies, reworded paragraphs 32 and 33 would provide decision-makers with more clarity on how the amended presumption should be taken into account.

**3. Undertake further work to inform an updated approach to housing land audits within the new system.**

We recognise that the proposed amended paragraph 123 and definitions may not provide sufficient clarity and that removal of PAN 2/2010 may generate further confusion. It is clear that there is scope for improvement, but also that there are different views on the best way forward.

We are not proposing to take forward changes to paragraph 123 of the SPP.

We consider that a more fundamental review of this aspect of the system is needed, as part of the development of a new policy approach for National Planning Framework 4, and will take this forward in the months ahead. In the meantime PAN 2/2010 was prepared prior to SPP (2014) and this should be taken into account when applying it.

**4. Support the use of the average method to determine whether or not there is a 5 year land supply as a reasonable benchmark to be taken into account in assessing applications.**

A single methodology for calculating the 5 year land supply is needed to make the system clearer and more consistent. However, as this is a methodological and operational matter, we have decided to set this out in associated advice rather than in the policy itself.

We accept that any methodology has limitations. Whilst the residual approach takes into account any emerging shortfall in the number of homes being built out, it can lead to unrealistic revised targets. The average approach is more straightforward and predictable, but it is not responsive to variations in the number of homes that are delivered. We recognise that there is an important question about how planning policies can better support delivery, and this will be addressed in National Planning Framework 4.

In the meantime, in our view the average method provides the most appropriate methodology at a time when external factors, including COVID-19 restrictions, market uncertainty, and economic challenges are more likely to influence housing delivery than the availability of land in the planning system. We consider this to be reasonable, taking into account evidence on the land supply across Scotland as a whole. We have also decided to base the calculation on the housing land requirement set out in the development plan, so that the calculation is based on an assumption that we should be planning for a generous supply of land.

The approach will apply between now and a new policy in National Planning Framework 4 being adopted in summer 2022.

**5. Monitor decisions to establish how the revised policy is being applied, and consider calling in applications where Ministers consider it would be necessary.**

We will commit to monitoring the impact of the revised policy to establish its application in practice and would be willing to intervene by considering the need to call in decisions, should any unintended consequences of this policy arise.

The amended text and new advice is set out below.

## Scottish Planning Policy – 2014 – Amendments<sup>2</sup>

### Policy Principles

This SPP introduces a presumption in favour of sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

### Delivery

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<sup>2</sup> new / replacement text is shown as underlined

## Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP including the presumption in favour of sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

## Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising.

33. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

## Maintaining an effective housing land supply

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.



## **Planning Advice Note 1/2020**

### **ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

To calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.

This annual figure should then be multiplied by 5.

**5 year supply of effective land requirement =**

**(development plan housing land requirement / plan period) x 5**

This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus.

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## APPENDIX 2

# Scottish Planning Policy

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# Scottish Planning Policy

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# Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

## Planning and Architecture Policy



## Planning and Design Advice and Guidance



Further information is available at: [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory



# Scottish Planning Policy (SPP)

## Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development<sup>1</sup> and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

## Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

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<sup>1</sup> The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)<sup>2</sup>, which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)<sup>3</sup>, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)<sup>4</sup>, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)<sup>5</sup>, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

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2 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

3 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

4 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

5 [www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars](http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars)

# Introduction

## The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)<sup>6</sup>. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)<sup>7</sup>.

## Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
  - focus on outcomes, maximising benefits and balancing competing interests;
  - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
  - be plan-led, with plans being up-to-date and relevant;
  - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
  - be inclusive, engaging all interests as early and effectively as possible;
  - be proportionate, only imposing conditions and obligations where necessary; and
  - uphold the law and enforce the terms of decisions made.

## People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

<sup>6</sup> [www.scotland.gov.uk/Topics/built-environment/planning](http://www.scotland.gov.uk/Topics/built-environment/planning)

<sup>7</sup> [www.scotland.gov.uk/Publications/2009/08/11133705/0](http://www.scotland.gov.uk/Publications/2009/08/11133705/0)

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)<sup>8</sup> as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)<sup>9</sup>
- [Circular 3/2013: Development Management Procedures](#)<sup>10</sup>
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)<sup>11</sup>
- [Planning Advice Note 3/2010: Community Engagement](#)<sup>12</sup>
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)<sup>13</sup>

## Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)<sup>14</sup> articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

8 [www.legislation.gov.uk/ukpga/1997/8/contents](http://www.legislation.gov.uk/ukpga/1997/8/contents)

9 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

10 [www.scotland.gov.uk/Publications/2013/12/9882/0](http://www.scotland.gov.uk/Publications/2013/12/9882/0)

11 [www.standardscommissionscotland.org.uk/webfm\\_send/279](http://www.standardscommissionscotland.org.uk/webfm_send/279)

12 [www.scotland.gov.uk/Publications/2010/08/30094454/0](http://www.scotland.gov.uk/Publications/2010/08/30094454/0)

13 [www.scotland.gov.uk/Publications/2009/03/10154116/0](http://www.scotland.gov.uk/Publications/2009/03/10154116/0)

14 [www.scotland.gov.uk/About/Performance/scotPerforms/outcome](http://www.scotland.gov.uk/About/Performance/scotPerforms/outcome)

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)<sup>15</sup>, through their shared focus on 'place'. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)<sup>16</sup>.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

**Outcome 1: A successful, sustainable place** – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

**Outcome 2: A low carbon place** – reducing our carbon emissions and adapting to climate change.

15 [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012)

16 [www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP)

17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate [adaptation](#) to climate change.

18. The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government's climate change adaptation programme; and
- in a way that it considers is most sustainable.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people's choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

**Outcome 3: A natural, resilient place** – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland's existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

**Outcome 4: A more connected place** – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.



SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.															
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes															
SG National Plans, Policies & Strategies	Government Economic Strategy															
	Infrastructure Investment Plan															
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy					
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.															
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.						
National Planning	National Planning Framework (NPF)															
	Principal Policies															
	Sustainability		Placemaking													
	Subject Policies															
	Town Centres	Heat and Electricity		Natural Environment	Travel		Cities and Towns Rural Areas Coast and Islands National Developments									
	Rural Development	Zero Waste		Green Infrastructure	Digital Connectivity											
	Homes			Aquacultural												
	Business & Employment	Zero Waste		Minerals	Digital Connectivity											
	Historic Environment			Flooding & Drainage												
	COMMUNITY PLANNING															
Strategic	Strategic Development Plans															
Local	Local Development Plans															
Site	Master Plans															

# Principal Policies

## Sustainability

### NPF and wider policy context

24. The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

25. The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

### Policy Principles

**This SPP introduces a presumption in favour of sustainable development.**

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;



- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## Key Documents

- [National Planning Framework](#)<sup>17</sup>
- [Government Economic Strategy](#)<sup>18</sup>
- [Planning Reform: Next Steps](#)<sup>19</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>20</sup>
- [UK's Shared Framework for Sustainable Development](#)<sup>21</sup>

## Delivery

### Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

<sup>17</sup> [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

<sup>18</sup> [www.scotland.gov.uk/Publications/2011/09/13091128/0](http://www.scotland.gov.uk/Publications/2011/09/13091128/0)

<sup>19</sup> [www.scotland.gov.uk/Publications/2012/03/3467](http://www.scotland.gov.uk/Publications/2012/03/3467)

<sup>20</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

<sup>21</sup> <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

## **Development Management**

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.

33. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

# Placemaking

## NPF and wider policy context

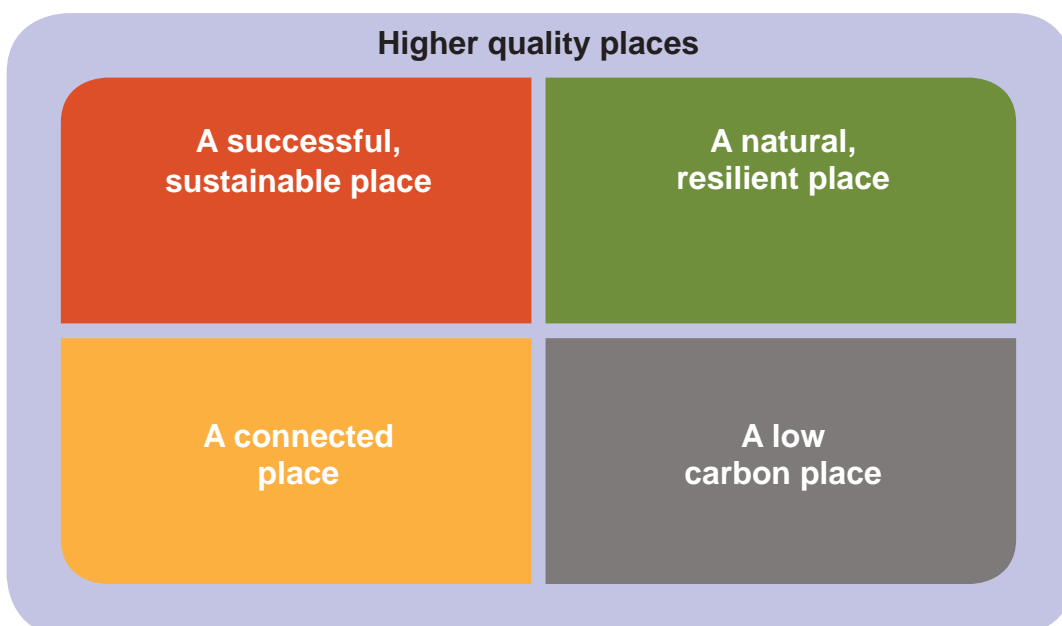
36. Planning's purpose is to create better [places](#). Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government's policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland's distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

## Policy Principles

**Planning should take every opportunity to create high quality places by taking a design-led approach.**

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

**Planning should direct the right development to the right place.**

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

**Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.**

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

## Key Documents

- [National Planning Framework](#)<sup>23</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>24</sup>
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)<sup>25</sup>
- [Designing Streets](#)<sup>26</sup>
- [Planning Advice Note 77: Designing Safer Places](#)<sup>27</sup>
- [Green Infrastructure: Design and Placemaking](#)<sup>28</sup>

23 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

24 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

25 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

26 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

27 [www.scotland.gov.uk/Publications/2006/03/08094923/0](http://www.scotland.gov.uk/Publications/2006/03/08094923/0)

28 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

## Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

## Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)<sup>29</sup> where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads<sup>30</sup>. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

29 [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

30 Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.



- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:


- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

## **Development Management**

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

## **Tools for Making Better Places**

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.



32 [www.scotland.gov.uk/Publications/2003/08/18013/25389](http://www.scotland.gov.uk/Publications/2003/08/18013/25389)



# Subject Policies

## A Successful, Sustainable Place

### Promoting Town Centres

#### NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

#### Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy<sup>33</sup> when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

#### Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)<sup>34</sup>
- [Town Centre Action Plan – the Scottish Government response](#)<sup>35</sup>
- [Planning Advice Note 59: Improving Town Centres](#)<sup>36</sup>
- [Planning Advice Note 52: Planning and Small Towns](#)<sup>37</sup>

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 [www.scotland.gov.uk/Resource/0042/00426972.pdf](http://www.scotland.gov.uk/Resource/0042/00426972.pdf)

35 [www.scotland.gov.uk/Publications/2013/11/6415](http://www.scotland.gov.uk/Publications/2013/11/6415)

36 [www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59](http://www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59)

37 [www.scotland.gov.uk/Publications/1997/04/pan52](http://www.scotland.gov.uk/Publications/1997/04/pan52)

- [Town Centres Masterplanning Toolkit](#)<sup>38</sup>

## Development Plans

61. Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

63. Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

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38 <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

**68.** Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

**69.** Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

## **Development Management**

**70.** Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

**71.** Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

**72.** This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

**73.** Out-of-centre locations should only be considered for uses which generate significant footfall<sup>39</sup> where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

<sup>39</sup> As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

40 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

**79.** Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

**80.** Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

**81.** In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

**82.** In some most pressured areas, the designation of green belts may be appropriate.

**83.** In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;



- include provision for small-scale housing<sup>41</sup> and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

## National Parks

**84.** National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

**85.** These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

**86.** Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

## Coastal Planning

**87.** The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

## Development Plans

**88.** Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

<sup>41</sup> including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

## Supporting Business and Employment

### NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

### Key Documents

- [Government Economic Strategy](#)<sup>42</sup>

<sup>42</sup> [www.scotland.gov.uk/Topics/Economy/EconomicStrategy](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy)

- [Tourism Development Framework for Scotland](#)<sup>43</sup>
- [A Guide to Development Viability](#)<sup>44</sup>

## Delivery

### Development Planning

**94.** Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

**95.** Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

**96.** Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

**97.** Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

**98.** Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)<sup>45</sup>, [Enterprise Areas](#)<sup>46</sup>, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

**99.** Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009<sup>47</sup> to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

**100.** Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

<sup>43</sup> [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

<sup>44</sup> [www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf](http://www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf)

<sup>45</sup> [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

<sup>46</sup> [www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas](http://www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas)

<sup>47</sup> These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.



**101.** Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

**102.** Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

**103.** New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

**104.** Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

**105.** Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

## **Development Management**

**106.** Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

**107.** Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

**108.** Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

# Enabling Delivery of New Homes

## NPF Context

**109.** NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

## Policy Principles

**110.** The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

## Key Documents

- [The Housing \(Scotland\) Act 2001](#)<sup>48</sup> requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)<sup>49</sup>

## Delivery

**111.** Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

**112.** Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

<sup>48</sup> [www.legislation.gov.uk/asp/2001/10/contents](http://www.legislation.gov.uk/asp/2001/10/contents)

<sup>49</sup> [www.scotland.gov.uk/Publications/2010/08/31111624/0](http://www.scotland.gov.uk/Publications/2010/08/31111624/0)

## Development Planning

**113.** Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government's HNDA Guidance<sup>50</sup>. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

**114.** The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

**115.** Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority's housing supply target should also be reflected in the local housing strategy.

**116.** Within the overall housing supply target<sup>51</sup>, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

**117.** The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

**118.** Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

<sup>50</sup> [www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda](http://www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda)

<sup>51</sup> Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

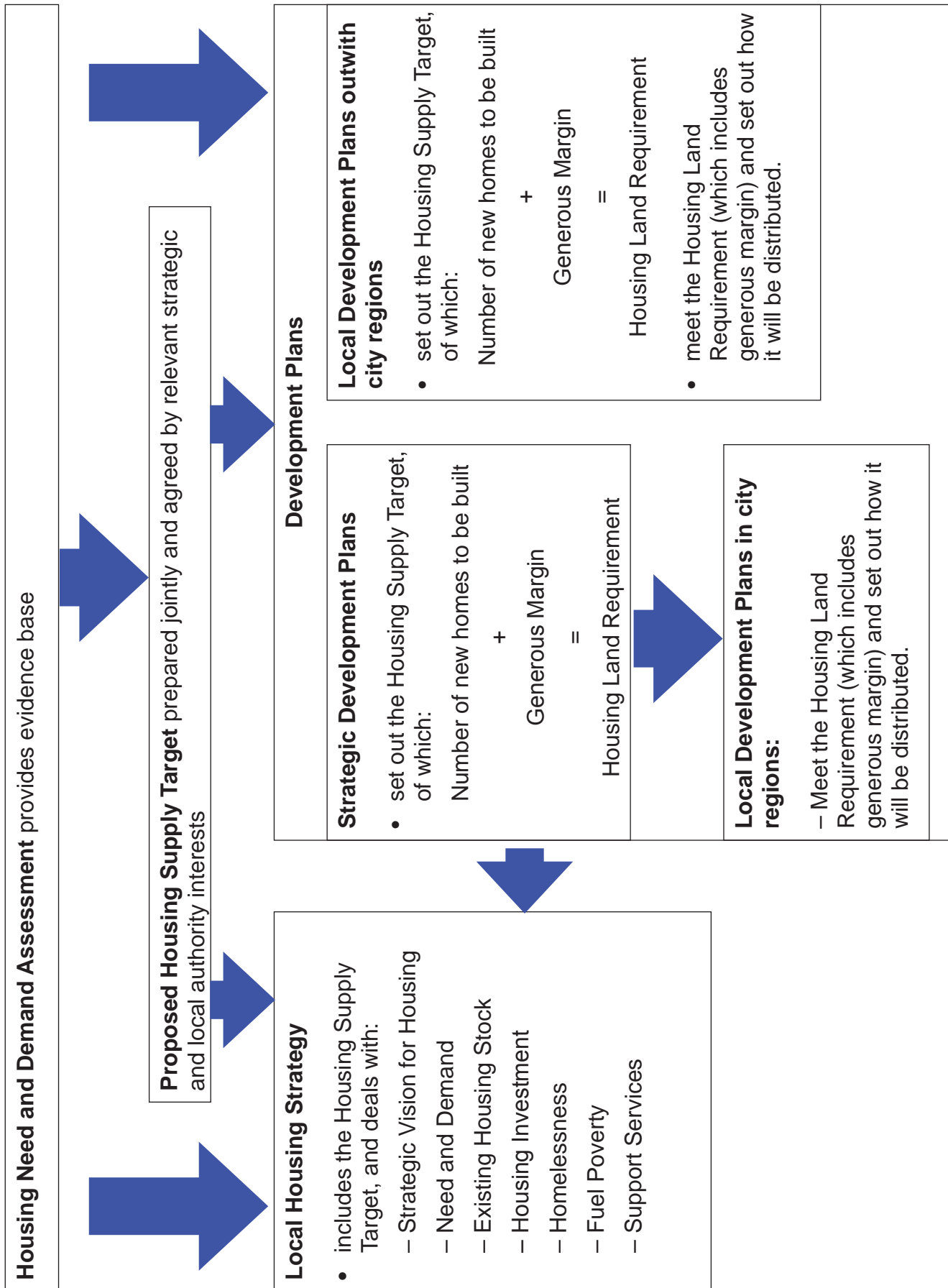
**119.** Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

**120.** Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

**121.** In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

**122.** Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

**Diagram 1: Housing Land, Development Planning and the Local Housing Strategy**



## Maintaining a 5-year Effective Land Supply

**123.** Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints<sup>52</sup> and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

**124.** The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

**125.** Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

## Affordable Housing

**126.** Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

**127.** Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

**128.** Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

<sup>52</sup> Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites [www.scotland.gov.uk/Publications/2010/08/31111624/5](http://www.scotland.gov.uk/Publications/2010/08/31111624/5)



**129.** Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

**130.** Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

**131.** Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

## **Specialist Housing Provision and Other Specific Needs**

**132.** As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

**133.** HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

**134.** Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation<sup>53</sup>. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

<sup>53</sup> [www.scotland.gov.uk/Publications/2012/06/4191](http://www.scotland.gov.uk/Publications/2012/06/4191)

# Valuing the Historic Environment

## NPF and wider policy context

**135.** NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

**136.** The **historic environment** is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

## Policy Principles

**137.** The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related **settings** and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

## Key Documents

- [Scottish Historic Environment Policy](#)<sup>54</sup>
- [Historic Environment Strategy for Scotland](#)<sup>55</sup>
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)<sup>56</sup>
- [Planning Advice Note 2/2011: Planning and Archaeology](#)<sup>57</sup>
- [Planning Advice Note 71: Conservation Area Management](#)<sup>58</sup>
- [Scottish Historic Environment Databases](#)<sup>59</sup>

<sup>54</sup> [www.historic-scotland.gov.uk/index/heritage/policy/shep.htm](http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm)

<sup>55</sup> [www.scotland.gov.uk/Publications/2014/03/8522](http://www.scotland.gov.uk/Publications/2014/03/8522)

<sup>56</sup> [www.historic-scotland.gov.uk/managingchange](http://www.historic-scotland.gov.uk/managingchange)

<sup>57</sup> [www.scotland.gov.uk/Publications/2011/08/04132003/0](http://www.scotland.gov.uk/Publications/2011/08/04132003/0)

<sup>58</sup> [www.scotland.gov.uk/Publications/2004/12/20450/49052](http://www.scotland.gov.uk/Publications/2004/12/20450/49052)

<sup>59</sup> <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>



## Delivery

### Development Planning

**138.** Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

**139.** Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

### Development Management

**140.** The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

### Listed Buildings

**141.** Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

**142.** Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

### Conservation Areas

**143.** Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

**144.** Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders<sup>60</sup> can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

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<sup>60</sup> [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

## Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

## Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

## World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

## Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

## Battlefields

149. Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

## Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

# A Low Carbon Place

## Delivering Heat and Electricity

### NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)<sup>61</sup>. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)<sup>62</sup>. Communities can also gain new opportunities from increased local ownership and associated benefits.

### Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets<sup>63</sup>, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - 11% of heat demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  - Energy efficiency;
  - Heat recovery;
  - Efficient energy supply and storage;

61 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

62 [www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx](http://www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx)

63 Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

## Key Documents

- [Electricity Generation Policy Statement](#)<sup>64</sup>
- [2020 Routemap for Renewable Energy in Scotland](#)<sup>65</sup>
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)<sup>66</sup>
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)<sup>67</sup>

## Delivery

### Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

### Heat

158. Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 [www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain](http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain)

65 [www.scotland.gov.uk/Publications/2011/08/04110353/0](http://www.scotland.gov.uk/Publications/2011/08/04110353/0)

66 [www.scotland.gov.uk/Publications/2014/03/2778](http://www.scotland.gov.uk/Publications/2014/03/2778)

67 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

## Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale<sup>68</sup> of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

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<sup>68</sup> For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

# Table 1: Spatial Frameworks

<p><b>Group 1: Areas where wind farms will not be acceptable:</b></p> <p>National Parks and National Scenic Areas.</p>		
<p><b>Group 2: Areas of significant protection:</b></p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p><b>National and international designations:</b></p> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p><b>Other nationally important mapped environmental interests:</b></p> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p><b>Community separation for consideration of visual impact:</b></p> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p><b>Group 3: Areas with potential for wind farm development:</b></p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		



## Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

## Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

### **Community Benefit**

173. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)<sup>69</sup>.

### **Existing Wind Farm Sites**

174. Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

## **Planning for Zero Waste**

### **NPF and Wider Context**

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

### **Policy Principles**

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 [www.scotland.gov.uk/Publications/2013/11/8279](http://www.scotland.gov.uk/Publications/2013/11/8279)



## Key Documents

- [EU revised Waste Framework Directive](#)<sup>70</sup> (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)<sup>71</sup>: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)<sup>72</sup> and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)<sup>73</sup>;
- SEPA waste data sources: including [Waste Data Digests](#)<sup>74</sup> and [Waste Infrastructure Maps](#)<sup>75</sup>;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)<sup>76</sup>;
- [Waste capacity tables](#)<sup>77</sup> (formerly Zero Waste Plan Annex B capacity tables)

## Delivery

177. Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

## Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

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70 <http://ec.europa.eu/environment/waste/framework/revision.htm>

71 [www.legislation.gov.uk/sdsi/2012/9780111016657/contents](http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents)

72 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy)

73 [www.scotland.gov.uk/Publications/2013/12/9924/0](http://www.scotland.gov.uk/Publications/2013/12/9924/0)

74 [www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_digest.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx)

75 [www.sepa.org.uk/waste/waste\\_infrastructure\\_maps.aspx](http://www.sepa.org.uk/waste/waste_infrastructure_maps.aspx)

76 [www.sepa.org.uk/waste/waste\\_regulation/energy\\_from\\_waste.aspx](http://www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx)

77 [www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb](http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb)

182. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

183. Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

184. Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

187. Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

## **Development Management**

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

# A Natural, Resilient Place

## Valuing the Natural Environment

### NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

### Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for **biodiversity** from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

### Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>78</sup>
- [The 2020 Challenge for Scotland's Biodiversity](#)<sup>79</sup>
- [European Landscape Convention](#)<sup>80</sup>
- [Nature Conservation \(Scotland\) Act 2004](#)<sup>81</sup>
- [The Conservation \(Natural Habitats etc\) Regulations](#)<sup>82</sup>
- [The Wildlife and Countryside Act 1981](#)<sup>83</sup>

78 [www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy](http://www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy)

79 [www.scotland.gov.uk/Publications/2013/06/5538](http://www.scotland.gov.uk/Publications/2013/06/5538)

80 [www.coe.int/t/dg4/cultureheritage/heritage/landscape/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp)

81 [www.legislation.gov.uk/asp/2004/6/contents](http://www.legislation.gov.uk/asp/2004/6/contents)

82 [www.legislation.gov.uk/uksi/1994/2716/contents/made](http://www.legislation.gov.uk/uksi/1994/2716/contents/made)

83 [www.legislation.gov.uk/ukpga/1981/69](http://www.legislation.gov.uk/ukpga/1981/69)

- [EU Birds Directive – 2009/147/EC](#)<sup>84</sup>
- [EU Habitats Directive – 92/43/EEC](#)<sup>85</sup>
- [Ramsar Convention on Wetlands of International Importance](#)<sup>86</sup>
- [National Parks \(Scotland\) Act 2000](#)<sup>87</sup>
- [River Basin Management Plans](#)<sup>88</sup>

## Delivery

195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

## Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
  - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
  - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
  - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
  - species diversity, species or habitat rarity, naturalness and extent of habitat;
  - contribution to national and local **biodiversity** objectives;
  - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
  - potential to facilitate enjoyment and understanding of natural heritage.

84 [ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

85 [ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

86 [www.ramsar.org/cda/en/ramsar-home/main/ramsar/1\\_4000\\_0](http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0)

87 [www.legislation.gov.uk/asp/2000/10/contents](http://www.legislation.gov.uk/asp/2000/10/contents)

88 [www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)

198. Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

200. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)<sup>89</sup> provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)<sup>90</sup>.

## Development Management

202. The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release.

89 [www.forestry.gov.uk/nwss](http://www.forestry.gov.uk/nwss)

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)



206. Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

## International Designations

### Natura 2000 Sites

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

### Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

## National Designations

212. Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

## Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

## Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

## Woodland

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)<sup>91</sup> can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's [Control of Woodland Removal Policy](#)<sup>92</sup> includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)

92 [www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf)



# Maximising the Benefits of Green Infrastructure

## NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

## Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

## Key Documents

- [Green Infrastructure: Design and Placemaking](#)<sup>93</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>94</sup>
- [Planning Advice Note 65: Planning and Open Space](#)<sup>95</sup>
- [Reaching Higher – Scotland's National Strategy for Sport](#)<sup>96</sup>
- [The Play Strategy for Scotland and Action Plan](#)<sup>97</sup>
- [Let's Get Scotland Walking: The National Walking Strategy](#)<sup>98</sup>

## Delivery

### Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure's multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

94 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

95 [www.scotland.gov.uk/Publications/2008/05/30100623/0](http://www.scotland.gov.uk/Publications/2008/05/30100623/0)

96 [www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21](http://www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21)

97 [www.scotland.gov.uk/Publications/2013/10/9424](http://www.scotland.gov.uk/Publications/2013/10/9424)

98 [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

Plans should promote consistency with these and reflect their priorities and spatial implications.

**223.** Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

**224.** Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

**225.** Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

**226.** Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. **Outdoor sports facilities** should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

**227.** Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

**228.** Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

**229.** Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

## Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

## Promoting Responsible Extraction of Resources

### NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

### Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

## Key Documents

- [Electricity Generation Policy Statement](#)<sup>99</sup>
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)<sup>100</sup>
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)<sup>101</sup>
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)<sup>102</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)<sup>103</sup>
- [Circular 34/1996: Environment Act 1995 Section 96](#)<sup>104</sup>

## Delivery

### Development Planning

**236.** Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

**237.** Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

**238.** Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

<sup>99</sup> [www.scotland.gov.uk/Publications/2013/06/5757](http://www.scotland.gov.uk/Publications/2013/06/5757)

<sup>100</sup> [www.legislation.gov.uk/ssi/2010/60/contents/made](http://www.legislation.gov.uk/ssi/2010/60/contents/made)

<sup>101</sup> [www.scotland.gov.uk/Publications/1996/10/17729/23424](http://www.scotland.gov.uk/Publications/1996/10/17729/23424)

<sup>102</sup> [www.scotland.gov.uk/Publications/2003/01/16122/16256](http://www.scotland.gov.uk/Publications/2003/01/16122/16256)

<sup>103</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

<sup>104</sup> [www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance](http://www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance)

239. Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

## **Development Management**

242. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.



# Supporting Aquaculture

## NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

## Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

## Key Documents

- National Marine Plan

## Delivery

### Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

## Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

## Managing Flood Risk and Drainage

### NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

### Policy Principles

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.



## Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)<sup>105</sup>
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)<sup>106</sup> (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)<sup>107</sup> (Scottish Government, 2013).

## Delivery

258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

## Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

262. Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
  - No constraints due to coastal or watercourse flooding.

<sup>105</sup> [www.legislation.gov.uk/asp/2009/6/contents](http://www.legislation.gov.uk/asp/2009/6/contents)

<sup>106</sup> [www.scotland.gov.uk/Publications/2011/06/15150211/0](http://www.scotland.gov.uk/Publications/2011/06/15150211/0)

<sup>107</sup> <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
  - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
  - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
  - May be suitable for:
    - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
    - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
    - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
    - job-related accommodation, e.g. for caretakers or operational staff.
  - Generally not suitable for:
    - civil infrastructure and the most vulnerable uses;
    - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
    - new caravan and camping sites.
  - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
  - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

## Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

## Development Management

264. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

268. Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

# A Connected Place

## Promoting Sustainable Transport and Active Travel

### NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

### Policy Principles

270. The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

271. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

### Key Documents

- [National Transport Strategy](#)<sup>108</sup>
- [Climate Change \(Scotland\) Act 2009](#)<sup>109</sup>
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)<sup>110</sup>
- [Infrastructure Investment Plan](#)<sup>111</sup>
- [Strategic Transport Projects Review](#)<sup>112</sup>
- [Transport Assessment Guidance](#)<sup>113</sup>
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)<sup>114</sup>
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)<sup>115</sup>

108 [www.scotland.gov.uk/Publications/2006/12/04104414/0](http://www.scotland.gov.uk/Publications/2006/12/04104414/0)

109 [www.legislation.gov.uk/asp/2009/12/contents](http://www.legislation.gov.uk/asp/2009/12/contents)

110 [www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets](http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets)

111 [www.scotland.gov.uk/Publications/2011/12/05141922/0](http://www.scotland.gov.uk/Publications/2011/12/05141922/0)

112 [www.transportscotland.gov.uk/strategic-transport-projects-review](http://www.transportscotland.gov.uk/strategic-transport-projects-review)

113 [www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning\\_Reform\\_-\\_DPMTAG\\_-\\_Development\\_Management\\_DPMTAG\\_Ref\\_17\\_-\\_Transport\\_Assessment\\_Guidance\\_FINAL\\_-\\_June\\_2012.pdf](http://www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf)

114 [www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag](http://www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag)

115 [www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf](http://www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf)

- [Design Manual for Roads and Bridges](#)<sup>116</sup>
- [Designing Streets](#)<sup>117</sup>
- [Roads for All](#)<sup>118</sup>
- [Cycling Action Plan in Scotland](#)<sup>119</sup> (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)<sup>120</sup>
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)<sup>121</sup>
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)<sup>122</sup>
- [Tourism Development Framework for Scotland](#)<sup>123</sup>

## Delivery

### Development Planning

**272.** Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

**273.** The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

**274.** In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

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116 [www.dft.gov.uk/ha/standards/dmr/index.htm](http://www.dft.gov.uk/ha/standards/dmr/index.htm)

117 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

118 <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

116 [www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013](http://www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013)

120 [www.scotland.gov.uk/Publications/2014/06/5743](http://www.scotland.gov.uk/Publications/2014/06/5743)

121 [www.scotland.gov.uk/Publications/2014/02/8239/0](http://www.scotland.gov.uk/Publications/2014/02/8239/0)

122 [www.transportscotland.gov.uk/report/j272736-00.htm](http://www.transportscotland.gov.uk/report/j272736-00.htm)

123 [www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

**275.** Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

**276.** Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

**277.** Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

**278.** While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

**279.** Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

**280.** Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.



**281.** National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

**282.** When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

**283.** Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

**284.** Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

**285.** Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

## Development Management

**286.** Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

**287.** Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)<sup>124</sup>

<sup>124</sup> [www.scotland.gov.uk/Publications/2005/08/1792325/23264](http://www.scotland.gov.uk/Publications/2005/08/1792325/23264)

**288.** Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

**289.** Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

**290.** Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

**291.** Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

## Supporting Digital Connectivity

### NPF Context

**292.** NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

### Policy Principles

**293.** The planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

### Key Documents

- [Scotland's Digital Future](#)<sup>125</sup> and associated [Infrastructure Action Plan](#)<sup>126</sup>
- [Scotland's Cities: Delivering for Scotland](#)<sup>127</sup>
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)<sup>128</sup>

<sup>125</sup> [www.scotland.gov.uk/Resource/Doc/981/0114237.pdf](http://www.scotland.gov.uk/Resource/Doc/981/0114237.pdf)

<sup>126</sup> [www.scotland.gov.uk/Publications/2012/01/1487](http://www.scotland.gov.uk/Publications/2012/01/1487)

<sup>127</sup> [www.scotland.gov.uk/Publications/2012/01/05104741/0](http://www.scotland.gov.uk/Publications/2012/01/05104741/0)

<sup>128</sup> [www.scotland.gov.uk/Resource/0041/00411586.pdf](http://www.scotland.gov.uk/Resource/0041/00411586.pdf)



- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)<sup>129</sup>
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)<sup>130</sup>

## Delivery

### Development Planning

**294.** Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

**295.** Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

**296.** Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation<sup>131</sup>; and
- an assessment of visual impact, if relevant.

**297.** Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

<sup>129</sup> [www.scotland.gov.uk/Publications/2001/09/pan62/pan62-](http://www.scotland.gov.uk/Publications/2001/09/pan62/pan62-)

<sup>130</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

<sup>131</sup> The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

## Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

# Annex A – Town Centre Health Checks and Strategies

**Town centre health checks should cover a range of indicators, such as:**

## **Activities**

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

## **Physical environment**

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

## **Property**

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

## **Accessibility**

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

## **Community**

- attitudes, perceptions and aspirations.

## **Town centre strategies should:**

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)<sup>132</sup>; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

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<sup>132</sup> [www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur](http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur)

## Annex B – Parking Policies and Standards

### **Parking Restraint Policy – National Maximum Parking Standards for New Development**

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 14m<sup>2</sup>;
- retail (non-food) (Use Class 1) 1000m<sup>2</sup> and above – up to 1 space per 20m<sup>2</sup>;
- business (Use Class 4) 2500m<sup>2</sup> and above – up to 1 space per 30m<sup>2</sup>;
- cinemas (Use Class 11a) 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- conference facilities 1000m<sup>2</sup> and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m<sup>2</sup> and above – up to 1 space per 22m<sup>2</sup>; and
- higher and further education (non-residential elements) 2500m<sup>2</sup> and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

### **Parking for Disabled People – Minimum Provision Standards for New Development**

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

# Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as 'essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines'.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also 'Functional flood plain'.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also 'Washland'.
Green infrastructure	Includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected.  Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens.  Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.



Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m <sup>2</sup> ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.  Detailed typologies of open space are included in PAN65.

Outdoor sports facilities	<p>Uses where <b>sportscotland</b> is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
Outstanding Universal Value (OUV)	The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.
PADHI	Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.
Prime agricultural land	Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).
Place	The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.
Pluvial flooding	Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).
Ramsar sites	Wetlands designated under the Ramsar Convention on Wetlands of International Importance.
Scheduled monument	Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.
Sensitive receptor	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.  The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.





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## **Planning Advice Note 1/2020**

### **ASSESSING THE EXTENT OF THE 5 YEAR SUPPLY OF EFFECTIVE HOUSING LAND**

To calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.

This annual figure should then be multiplied by 5.

**5 year supply of effective land requirement =**

**(development plan housing land requirement / plan period) x 5**

This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus.

## APPENDIX 4



# HOUSING LAND SUPPLY

## Position Paper

January 2021

### Calculation of a five-year effective housing land supply

#### 1.0 Introduction

1.1 There is a requirement to maintain a five-year effective housing land supply at all times. This is set out in Scottish Planning Policy, SDP policy 7 and LDP policy HOU 2.

1.2 Scottish Planning Policy (SPP) explains that a housing land audit is a key tool in assessing effective housing land supply.

1.3 The 2020 Housing Land Audit is the most up-to-date housing land audit. The audit shows a five-year effective housing land supply figure of **8,363** units. Three sites have been disputed by Homes for Scotland amounting to 206 units. There is therefore an agreed figure of **8,157** units.

1.4 SPP with Finalised amendments was published in December 2020. PAN 1/2020 – assessing the extent of the 5-year supply of effective housing land was published on the same date. PAN 1/2020 sets out the methodology for calculating the 5-year housing land supply. SPP and PAN 1/2020 are important material considerations in the determination of planning applications.

1.5 The PAN states *‘to calculate the 5 year supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years), in order to identify an annual figure.*

*This annual figure should then be multiplied by 5.*

**5 year supply of effective land requirement =  
(development plan housing land requirement / plan period) x 5**

*This figure should then be compared with the 5 year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether or not there is a shortfall or surplus’.*



Data Label: Public

1.6 The relevant variables for West Lothian are as follows:

**Table 1: – Housing supply calculation based on 2009 – 2024 plan period**

(adopted development plan Strategic Development Plan 1 and West Lothian Local Development Plan)

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement (19,811/ 15)	1,321
C	Identified Five Year Supply Audit 2020 (Disputed + Undisputed):	8,363
D	No. of Years Supply	6.33 years

1.7 When tested against the requirements of PAN 1/2020 the existence of an effective five year land supply is indisputable.

1.8 There are, however, a number of additional factors which further emphasise the robustness of the land supply position in West Lothian. Firstly, in carrying out the calculation in paragraph 1.6 the council has used the land supply position in the most recent Housing Land Audit (2020). The Audit contains 206 units which are disputed. It is the council's position that these should be included in the identified Five Year Supply. There is nothing in SPP or PAN 1/2020 that requires the council not to include these units. The calculations at paragraph 1.6 represent the council's preferred method of calculation.

1.9 If the 206 units are not included in the relevant calculation then a Five Year Effective Land Supply is still demonstrated. It is the council's position that the disputed units should be included and the below calculation is provided only to demonstrate that an effective five year supply continues to be demonstrated. The calculation is as follows:

**Table 2: – Housing supply calculation based on 2009 – 2024 plan period (undisputed Housing Land Audit)**

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement (19,811/ 15)	1,321
C	Identified Five Year Supply Audit 2020 (Undisputed):	8,157
D	No. of Years Supply	6.17 years

1.10 The longer term housing land supply situation in West Lothian is healthy. However, in reality, there is nothing to stop these houses being delivered in early course. It is principally the marketing aspirations of developers and indeed the market for the houses to be delivered which is the constraining factor. By way of an example, with the delivery of the new school infrastructure in Winchburgh there is no constraint on the delivery of the remaining 2,987 houses which have planning consent in the Core Development Area. If the market existed and there was capacity in the construction sector to deliver this number houses there is no planning reason that these houses are not being delivered. However, only 1,304 of these 2,987 houses are included in the Effective 5 Year Land Supply set out in Audit 2020. The same

Data Label: Public

is true for a number of other sites in West Lothian including the Core Development Area at Calderwood.

1.11 In practice, therefore, the Five Effective Year Land Supply could be significantly higher than that set out in the Audit. However, for the present, it is sufficient to limit the 5 Year Effective Supply to the supply in Audit 2020.

1.12 The current 5 year period extends beyond the Strategic Development Plan period, which only goes to 2024. PAN 1/2020 makes no acknowledgement of circumstances like this and requires simply that the land requirement in the development plan is divided to give an annual requirement irrespective of whether the five year period extends beyond the plan period. This is the approach which the council has used.

1.13 However, there is an argument that in the period beyond the plan period the most up to date assessment of housing demand should be used. In the West Lothian case this would be Housing Needs and Demand Assessment 2 (HoNDA2) which was progressed to inform the second strategic development plan. HoNDA2 was confirmed as Robust and Credible by the Scottish Government in March 2015. The annual housing requirement for West Lothian in HoNDA2, as supported by the Reporter conducting the Strategic Development Plan 2 Examination, was 523 Units. It will be noted that the Reporter considered that the housing requirements set out in SDP1 were a significant over estimate of actual demand over the first part of the plan period.

1.14 If the annual requirement for the final year of the five year period was reduced to 523 units (or 575 if a 10% generosity allowance is added) from the annual requirement of 1,321 set out in the calculations above the number of years of effective land supply would be further increased.

1.15 The SDP1 Plan Period is further sub-divided into two time periods:

The Base Date (2009) to 2019; and 2019 to 2024

1.16 It is the council's position that these periods are subdivisions of the Plan Period and do not, in their own right, constitute plan periods for the purposes of the calculation set out in PAN 1/2020. However, the following calculations set out the position for the current period from 2019-2024 (with and without disputed sites in the Audit):

**Table 3: Strategic Development Plan 1 Housing Land Requirement 2019-24**

A	SDP Requirement 2019 – 2024	7,249
B	Annual Requirement	1,450
C	Identified Five Year Supply Audit 2020 (Undisputed):	8,157
D	No. of Years Supply	5.63 years

Data Label: Public

**Table 4: Strategic Development Plan 1 Housing Land Requirement 2019-24 (disputed and undisputed housing land Audit)**

A	SDP Requirement 2019 – 2024	7,249
B	Annual Requirement	1,450
C	Identified Five Year Supply Audit 2020 (Disputed and Undisputed):	8,363
D	No. of Years Supply	5.77 years

1.17 It is the council's position that this is not the correct calculation. It is provided only to demonstrate that should a Reporter be persuaded that this should be the calculation, an effective five year supply continues to be demonstrated. The factors set out in 1.8 and 1.13 should also be considered if the calculation set out above is to be preferred.

1.18 The revisions to SPP reaffirm the primacy of the development plan. Paragraphs 33 and 125 of the newly updated SPP state that "proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise". It remains the council position that there are no material considerations which merit setting aside the development plan and this position is now further strengthened by changes to SPP and the publication of PAN 1/2020.

1.19 The presumption in favour of sustainable development is no longer a significant material consideration as a result of the changes to SPP.

1.20 While PAN 1/2020 provides decision makers with increased clarity, there does remain a degree of uncertainty when calculating a 5-year effective housing land supply using Housing Land Audit 2020. This is because the LDP outlines the housing land requirement until 2024. A housing land target would have been outlined in SDP2 if it had been adopted.

1.21 Without a housing land requirement figure for year five (2024/25) stipulated in the LDP, an assessment has been made using the most up to date reliable and credible evidence available. HNDA2 was certified 'robust and credible' by the Scottish Government in March 2015. HNDA2 sets out three alternative futures. The Reporter for SDP2 used the 'wealth distribution' scenario (page 237 SDP2 Report of Examination recommendations). The estimate used for calculating the year 5 (2024/25) housing land requirement has therefore been derived from the 'wealth distribution' figure from HNDA2.

1.22 Paragraph 116 of SPP outlines that the housing land target should be increased by a margin 22of 10% - 20% generosity allowance to establish the housing land requirement. A figure of 10% has been applied. This is the same allowance that was applied to the housing land target for LDP1.

1.23 Tables 5, 6 and 7 are calculations based on rolling forward the average annual requirement for three different plan periods associated with SDP1 for Year 5 (2024/25). In all seven calculations the council can demonstrate that a five year effective land supply exists.

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**Table 5: – Housing supply calculation based on 2009 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2009 – 2024	19,811*
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement over 2010 - 2025	19,055
B	Annual Requirement	1,270
C	Identified supply (HLA 2020 Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.58 years</b>

\*Figure 4 West Lothian LDP

**Table 6: – Housing supply calculation based on 2014 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2014 – 2024	13,529*
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement over 2015 - 2025	12,751
B	Annual Requirement	1,275
C	Identified supply (HLA 2020 (Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.55 years</b>

\*2009-19 requirement 12,562/10 = 1,256 x 5 + 7249

**Table 7: – Housing supply calculation based on 2019 – 2024 plan period, rolling forward annual requirement for year 5 (2024/25)**

A	Development Plan Requirement 2019 – 2024	7,249
	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
	Requirement 2020-2025	6,375
B	Annual Requirement 2020-2025	1,275
C	Identified supply (HLA 2020 Disputed and Undisputed)	8,363
D	No. of years supply	<b>6.55 years</b>

## 2.0 Conclusion

2.1 The introduction of a definitive methodology for the calculation of a 5-year effective housing land supply has been long-awaited and should hopefully remove the lengthy and time-consuming debates over which methodology is the most appropriate.

Data Label: Public

2.2 Using the methodology set out in PAN1/2020, over each of the plan periods set out in Tables 1 - 7 above the council can demonstrate that a five year effective housing land supply exists therefore satisfying the requirements of SPP, SDP Policy 7 and LDP Policy HOU2.





## **MINUTE of MEETING of the SESplan JOINT COMMITTEE**

held in the Diamond Jubilee Room, City Chambers, Edinburgh

on Monday, 25th November, 2019 at 2.00 p.m.

**Present:** Councillor John Beare, Fife Council (Convener)  
Councillor Altany Craik, Fife Council  
Councillor Maureen Child, City of Edinburgh Council  
Councillor Neil Gardiner, City of Edinburgh Council  
Councillor Jim Goodfellow, East Lothian Council  
Councillor Norman Hampshire, East Lothian Council  
Councillor Russell Imrie, Midlothian Council  
Councillor Peter Smaill, Midlothian Council

**Apologies:** Councillor Stuart Bell, Scottish Borders Council  
Councillor Tom Miers, Scottish Borders Council  
Craig McCorriston, West Lothian Council  
Councillor Dom McGuire, West Lothian Council  
Councillor Cathy Muldoon, West Lothian Council

### **In**

**Attendance:** Iain McFarlane, City of Edinburgh Council  
Paul Lawrence, City of Edinburgh  
Robin Edgar, East Lothian Council  
Pam Ewen, Fife Council  
Peter Arnsdorf, Midlothian Council  
Ian Aikman, Scottish Borders Council  
Brian Frater, Scottish Borders Council  
Fiona McBrierty, West Lothian Council  
Wendy MacGregor, Fife Council (Clerk)

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## **1. ORDER OF BUSINESS AND ANY URGENT MATTERS**

The Convener confirmed that he was not aware of any urgent business and that the order of business was as per the agenda.

2./



**2. DECLARATIONS OF INTEREST**

None.

**3. MINUTES OF THE PREVIOUS MEETING HELD ON 30<sup>th</sup> SEPTEMBER, 2019**

The minute of meeting of 30<sup>th</sup> September, 2019 had been circulated.

**DECISION**

The Committee APPROVED the minute as a correct record subject to an amendment to include Councillor Altany Craik, Fife Council under apologies for absence.

**4. MATTERS ARISING**

The Convener advised that matters arising in relation to the SESplan Budget and Regional Spatial Planning update, would be dealt with under items 6 and 8 on the agenda.

**5. SESPLAN OPERATING BUDGET: 2019/20 AND 2020/21 BUDGET**

There had been circulated a report by Pam Ewen, SESplan Board Chair presenting an update on the SESplan Operating Budget for 2019/2020 and setting out the SESplan Operating Budget for 2020/21 for Joint Committee approval.

**DECISION**

The Committee AGREED -

1. to note the updated forecast expenditure against the approved operating Budget for 2019/20 set out in Appendix 1 to the report;
2. to approve a rebate of £5,000 per each of the six constituent councils within the current 2019/20 financial year;
3. to approve the updated Operating Budget for 2020/2021 set out in Appendix 1 to the report;
4. to note that member contributions for financial year 2020/2021 were nil;
5. to note that member authorities would be required to ratify item 3 of the decision;
- 6./

6. to note that an Operating Budget for 2021/2022 would be brought to a meeting of the SESplan Joint Committee in late 2020; and
7. to request that the SESplan Board review the 2020/2021 Operating Budget costs for IT Hardware, Software and Maintenance and Audit/Professional Fees and to consider whether there is a more cost effective way of delivering the services.

## **6. LIAISON WITH SCOTTISH GOVERNMENT**

Peter Arnsdorf gave a verbal update on discussions with officials from the Scottish Government.

### **DECISION**

The Committee AGREED -

1. to note that a meeting with Scottish Government officials would take place on 17<sup>th</sup> December, 2019; and
2. to note that a briefing would be provided to the Committee after the meeting on 17<sup>th</sup> December, 2019.

## **7. REGIONAL SPATIAL PLANNING: UPDATE ON PROGRESS**

There had been circulated a report by Pam Ewen, SESplan Board Chair presenting an update on progress of areas of work being taken forward to inform future regional spatial planning.

### **DECISION**

The Committee AGREED –

1. to note the work areas being progressed;
2. to note that the six SESplan constituent Councils are in agreement to work in a regional grouping to progress an indicative regional spatial strategy through a Regional Growth Framework to inform NPF4, noting that the whole of Fife Council would be within this area;
3. that an update to the Committee members on emerging regional work, including transport and planning will be provided; and
4. that a briefing is arranged with Committee members in February 2020 on Edinburgh City Council's City Plan, and progress with the Regional Growth Framework.

8./

**8. APPOINTMENT OF CONVENER AND VICE CONVENER 2020-2022**

There had been circulated a report by Fiona McBrierty, West Lothian Council, setting out a proposal for the appointment of the Convener and Vice-Convener of the SESplan Joint Committee over the two-year period from 1 January 2020 to 31 December 2021 for agreement.

**DECISION**

The Committee agreed the appointment of Councillor Russell Imrie, Midlothian Council, as Convener, and Councillor Norman Hampshire, East Lothian, as Vice-Convener of the SESplan Joint Committee for the period 1st January 2020 to 31st December 2021.

**9. JOINT COMMITTEE DATES 2020**

**DECISION**

The Committee agreed the following dates for meetings in 2020: Monday, 30th March; and Monday, 21st September.

**10. AOCB**

On behalf of the Committee members, Convener, Councillor Russell Imrie, Midlothian Council, conveyed his gratitude and appreciation to Councillor John Beare during his appointment as Joint Committee Convener and to Pam Ewen, Fife Council, as SESplan Board Chair for their work and excellent leadership skills over the period 2018/19.

Councillor John Beare, Fife Council, acknowledged that Brian Frater, Scottish Borders Council would be retiring from his position in 2020 and had been a member of the SESplan Joint Committee since its establishment. On behalf of the Committee, Councillor Beare wished Brian Frater well for his future retirement.

*The meeting concluded at 3.00 p.m.*



Item 4

**MINUTE of MEETING of the SESplan JOINT COMMITTEE**

held in the Dunedin Room, City Chambers, Edinburgh  
on Monday, 16th March, 2020 at 2.00 p.m.

**Present:** Councillor Russell Imrie, Midlothian Council (Convener)  
Councillor Norman Hampshire, East Lothian Council (Vice Convener)  
Councillor John Beare, Fife Council  
Councillor Altany Craik, Fife Council  
Councillor Maureen Child, City of Edinburgh Council  
Councillor Neil Gardiner, City of Edinburgh Council

**Apologies:** Councillor Jim Goodfellow, East Lothian Council  
Councillor Peter Smaill, Midlothian Council  
Councillor Stuart Bell, Scottish Borders Council  
Councillor Tom Miers, Scottish Borders Council  
Councillor Dom McGuire, West Lothian Council  
Councillor Cathy Muldoon, West Lothian Council  
Peter Arnsdorf, Midlothian Council  
Pam Ewen, Fife Council  
Fiona McBrierty, West Lothian Council  
Craig McCorriston, West Lothian Council

**In**

**Attendance:** Iain McFarlane, City of Edinburgh Council  
Robin Edgar, East Lothian Council  
Mike Broadway, Midlothian Council (Clerk)

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**1. ORDER OF BUSINESS AND ANY URGENT MATTERS**

The Convener confirmed that he was not aware of any urgent business and that the order of business was as per the agenda.

2./

2. **DECLARATIONS OF INTEREST**

None.

3. **MINUTES OF THE PREVIOUS MEETING HELD ON 30<sup>th</sup> SEPTEMBER, 2019**

The minute of meeting of 25<sup>th</sup> November, 2019 had been circulated.

**DECISION**

The Committee APPROVED the minute as a correct record.

4. **MATTERS ARISING**

**Liaison with Scottish Government** (paragraph 6)

The Committee NOTED that it was anticipated that guidance on the new Planning (Scotland) Act 2019 would be issued by the Scottish Government in due course.

**Regional Spatial Planning: Update on Progress** (paragraph 7)

The Committee NOTED the need for greater clarity regarding how the regional grouping might operate, its relationship to the City Deal and also SESplan's future role.

5. **DEVELOPMENT PLAN SCHEME 12**

There had been circulated a report by Deborah Armstrong, Planning Officer, Scottish Borders Council, the purpose of which was to present Development Plan Scheme 12 (DPS12) for the Joint Committee's approval.

**DECISION**

The Committee AGREED -

1. to approve the proposed Development Plan Scheme (DPS12) as set out in Appendix 1 to the report;
2. to note that the Development Plan Scheme had to be reviewed and published at least annually;
3. to note that SDP1 along with associated Housing Land Supplementary Guidance remained the extant development plan until such time as the provision of the new planning legislation came into effect; and
4. to authorise the Acting SDP Manager to make any necessary minor editing and design changes to DPS12 prior to publication.

6./

**6. RISK MANAGEMENT**

There had been circulated a report by Fiona McBrierty, Development Planning & Environment Manager, West Lothian Council presenting an update on risk management as at January 2020.

**DECISION**

The Committee AGREED -

1. to note the update on risk management as set out within the Report;
2. to note that the Risk Register would continue to be reviewed by the SESplan Project Board; and
3. to note that risks associated with transport and affordable housing would be more appropriately addressed elsewhere.

**7. ANNUAL AUDIT PLAN 2019/2020**

There had been circulated a report by Robin Edgar, Acting SESplan Manager/Team Manager, East Lothian Council presenting the SESplan Annual Audit Plan for the year 2019/2020 and seeking delegated authority to review the accounts, and sign off the final Audit.

**DECISION**

The Committee AGREED –

1. to note the SESplan Annual Audit Plan 2019/2020, as set out in Appendix A to the Report; and
2. to delegate authority to the Convener and Vice Convener of the Joint Committee, and the Chair of the SESplan Project Board to consider the unaudited accounts, and sign off the Annual Audit.

**8. STRATEGIC DEVELOPMENT PLAN 1 ACTION PROGRAMME UPDATE**

There had been circulated a report by Fiona McBrierty, Development Planning and Environment Manager, West Lothian Council, seeking approval to adopt and publish the updated Action Programme to sit alongside approved Strategic Development Plan 1 (SDP1).

**DECISION**

The Committee AGREED

1. to approve the changes made to the Action Programme to update it from a 2015 to a 2019 position; and
2. to adopt and publish the Action Programme to sit alongside approved SDP1 as required by the 2006 Planning etc. (Scotland) Act.

9. **NATIONAL PLANNING FRAMEWORK - CALL FOR IDEAS, AND REGIONAL SPATIAL STRATEGY UPDATE**

There had been circulated a report by Robin Edgar, Acting SESplan Manager/Team Manager, East Lothian Council presenting the proposed response to the consultation on the National Planning Framework 4 and also providing an update on the development of an Interim Regional Strategy for South East Scotland. Both these documents were being prepared jointly by the six South East Scotland Local Authorities as input into the process of producing National Planning Framework 4.

**DECISION**

The Committee AGREED

1. to endorse the proposed response to the National Planning Framework 4: Call for Ideas;
2. to note the progress and proposed timelines for developing an Indicative Regional Spatial Strategy for South East Scotland (iRSS);
3. to note that it would be for individual SESplan member authorities to prepare individual responses to this consultation; and
4. to note the view that public engagement in the consultation process would be important to its success.

10. **AOCB**

None.

*The meeting concluded at 3.26 p.m.*

## **LOTHIAN BUSES LIMITED**

### **Minutes of the Meeting of the Regional Sub-Committee**

**Meeting No. Thirteen, 8 June 2020,  
Held by Webex Video Conference**

#### **Members Present:**

##### **Representing Lothian Buses**

Susan Deacon	Committee Chair & Non-Executive Director
Jim McFarlane	Board Chair
Nigel Serafini	Commercial Director
Sarah Boyd	Operations Director
John Benson	Finance Director

##### **Representing Midlothian Council:**

Karl Vanters	Principal Officer, Public Transport
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##### **Representing East Lothian Council:**

Bruce Moffat	Service Manager Transport
Andrew McLellan	Senior Transport Officer
Cllr Norman Hampshire	

##### **Representing West Lothian Council**

Jim Jack	Head of Operational Services
Cllr Cathy Muldoon	

##### **Apologies:**

Ewan Kennedy	The City of Edinburgh Council
Kevin Anderson	Executive Director, Place, Midlothian Council
Cllr Russell Imrie	Midlothian Council
Nicola Gill	Passenger Transport Manager, West Lothian Council

#### **1. Welcome, Attendees and Apologies**

Susan Deacon as Chair welcomed those present. Apologies were conveyed on behalf of those named above.

#### **2. Minutes of Last Meeting**

The Chair asked those who were present at the last meeting held on 20 February 2020 at Midlothian Council, Dalkeith, if they were content that the minutes represented an accurate record of the meeting, this was agreed by the committee. There were no further matters arising outwith the current agenda to be discussed.



### 3. Covid-19 Response – Update

The Chair conveyed to the committee, the Board's view of how well the Executive team have responded to the unprecedented challenge experienced by the business during Covid-19 and the pace at which they have dealt with implementing changes. She then asked the Managing Director to update the committee on Lothian's response and current challenges.

Nigel Serafini began by advising that Lothian are continuing to operate a reduced critical service network, running at around 30% of normal operation, with the Lothian city operation now running solely from Central Garage having closed both Marine and Longstone Depots during this period, with Lothian Country and East Coast Buses running skeleton services out of Livingston and Musselburgh respectively. He added that Lothian Motorcoaches and Edinburgh Bus Tours were also shut down at the outset of the lockdown.

He advised that passenger numbers have been at 10% of usual customers up until the start of phase 1 of the Scottish Government's Route map, where numbers have now begun to increase to around 12-13%. He noted the Scottish Government's decision to pay concessionary income and BSOG at full level. However, he advised that around two thirds of staff are now furloughed, with the support of the UK Government Job Retention Scheme – this still leaves the business in a loss-making position.

He explained that he is involved in continued discussions through CPT and Transport Scotland with other operators in trying to secure a funding deal from the Scottish Government, as has happened with the DfT in England. Forecasts and costs were passed onto Deloitte who have been appointed by the SG to engage on this with the industry operators, however there is no further news on this. He conveyed that in the absence of this funding the future of the company is uncertain.

Nigel advised that through the CPT forum there was a recent conference call with Professor Jason Leitch, the SG's National Clinical Director, this involved discussion within the bus industry around face coverings, possible screens and whether the current 2m restriction in social distancing could be reduced to 1m, however it was advised that this is not going to change at the present time.

He further advised that the team are working on a further 'step up' of services on 21 June as there is an expectation of further increase in public travel, possibly moving into phase 2 of the SG route map. He then asked Sarah Boyd the Operations Director to provide an update to the Committee on measures being introduced within operations.

Sarah explained that as you would expect health and safety measures have been introduced for drivers such as providing hand sanitiser, gloves and masks. As well as only operating vehicles which have driver cab screens installed, this has resulted in the Lothian 'red' buses being utilised within Lothian Country and East Coast Buses, however the engineering team are in the process of installing these screens within all other vehicles so these will be rolled out in time.

Sarah noted that the Communications team have worked hard to ensure customer messaging on bus is consistent and is displayed digitally and on vinyl, in regards to following SG advice around travel and physical distancing. However, she noted that they are keen not to place responsibility on the driver to 'police' those travelling, as it would

not always be clear if those travelling in groups are from the same household which is allowed.

Sarah noted positively that operations are currently running with around 500 volunteer drivers and following a further survey of staff has resulted in an additional number of volunteers to return to work which will cover the next phase.

The Chair thanked both Nigel and Sarah for the helpful overview and asked the committee if there were any questions in relation to the update provided.

Cllr Norman Hampshire highlighted concerns around capacity in particular to when schools re-open and further whether Lothian would consider making face coverings compulsory when travelling on Lothian buses. SB answered that Lothian wouldn't go so far as to make face coverings compulsory until such time as the Scottish Government enforced this and there be a joined-up approach. In regards to schools, NS advised that he would be looking to engage with all the local authorities to gauge what their plans are in regards to the re-opening of schools, whether that be staggered times/days etc.

Cllr Hampshire thanked Sarah and Nigel for their response, he advised that in his recent engagement with other operators and COSLA, it was acknowledged that there needs to be further relaxation of restrictions or assistance for bus operators and this is a major issue for all public transport operators, this needs to be recognised and addressed by the Scottish Government. He further added that in regards to schools, discussions are still ongoing.

Jim Jack acknowledged importance in public transport when restrictions are lifted in getting people to work and asked if there were any pressure points within West Lothian, where capacity would need to be increased, specifically at the moment. He noted the drop from both rail and bus passengers down by at least 80-90% and raised concerns if that number increased to car usage this would cause greater pressure on the road network. He also advised that WLC are looking to have their schools position clearer by the end of this week and would continue to liaise with Nigel and his team. Nigel advised that they would be looking to increase capacity between Bathgate and Livingston.

#### **4. Financial Impact**

John Benson, Finance Director updated the committee on the financial impact on the business, he stated that at the end of March passenger numbers fell to 10% of the normal level, resulting in a huge reduction in income. Following this Transport Scotland agreed to keep the concessionary reimbursement and Bus operators fuel grant at the level prior to the Covid-19 outbreak. He noted passenger numbers have increased slightly since the SG restrictions were eased slightly. Like other businesses Lothian has seen revenue decline rapidly and recovery is slow and are awaiting on next announcements from the SG. He noted that for the year to date up until the middle of May Lothian earned £44m revenue compared to that budgeted of £64m showing a £20m decline due to the Covid-19 outbreak. We have forecast a slight increase in passenger numbers over the next 6 months as we move through the next phase but don't expect to be back at pre-covid levels for a while yet. As mentioned both Marine and Longstone garages were temporarily closed to save costs, solely operating from Central garage, with satellite services at Musselburgh and Livingston. He advised that Lothian have had to make use of the UK Government's Job Retention Scheme which has saw approximately 1800 staff

furloughed out of 2700 (69%) mainly drivers however also some engineers and admin staff, which has helped with cashflow.

He advised that further arrangements have been drawn on such as bank payment holidays for hire purchases, an arranged bank overdraft and the decision to rescind the dividend payment to ensure funds are kept as working capital.

Cllr Hampshire asked what the company's position would be when the furlough scheme ends in October. JB answered that the business is heavily reliant on the JRS, and would have hoped that by October there would be income from other funding sources. Although there is a large overdraft capacity this would need to be repaid back, the company could not continue to run at losses as a commercial business.

NS added that the whole Scottish bus industry is in the same position, if there is no funding coming forward then decisions will have to be made, considering the additional costs in maintaining physical distance there is a limit in how long that can be sustained.

It was acknowledged there is a limit on public finances, however to get the economy moving again public transport is important for those who rely on it to get to work.

The Board Chair advised that there is a Transport for Edinburgh Board meeting being held on Friday 12 June, he intends to express the point that if there is an expectation that Lothian ramps up services to support the economy the question of financial support needs to be addressed. He further advised the committee that at the Lothian Buses Board meeting on 23 April, the Board as advised by the company auditors were to address the 2019 Financial Accounts as a going concern issue. Measures such as the bank overdraft facility and guarantee from the City of Edinburgh Council have addressed the going concern question for the business to continue to trade for a further 12 months, however that would likely conclude in a £20m deficit for the financial year 2020 and as a commercial company the Directors have legal responsibilities that the business can only continue to trade if the business is financially viable. He concluded that decisions will need to be made as to how the business can continue to operate effectively, and expressed the point that as public transport is essential to get the city and economy moving again the SG would need to recognise funding is needed.

## **5. Recovery Considerations**

Cllr Hampshire noted the reality of funding available at SG and the need for support across the industry and other sectors and considered the necessity to generate income from other sources such as congestion charging with that income being ring fenced for public transport.

Andrew McLellan referred to the Regional Public Transport Group, linking into the City Deal and recent email dialogue, he advised that progress is now being made on a more joined up approach with the city looking at measures to aid public transport flow. He suggested that the regional councils also feed in to COSLA the issues public transport are facing through Covid-19.

Nigel Serafini advised that he has had discussion with Cllr Lesley Macinnes, Transport Convenor at the City of Edinburgh Council, and expressed his view that some of the city plans pre Covid need to be reviewed as the city faces new challenges.

Discussion continued around the benefit of reducing the current 2m socially distant rule to 1m, linking this with the possibility of the use of face coverings being compulsory would reduce financial implications on public transport and that this continues to be fed into government discussions.

Cllr Hampshire suggested that Nigel construct a letter to the Council leaders of all the authorities affected by the situation that Lothian Buses is in, stressing the consequences of no immediate SG action, further proposing a joint meeting with the Cabinet Secretary.

The Chair asked what the timescale is in regards to Lothian's financial position that further action would be required such as potential cost savings. John advised the critical point would be when the JRS runs out in October, however it was noted that action may need to be taken prior to then to maintain cashflow.

The Board Chair proposed that this be further discussed at the company's Audit and Risk Committee which is taking place on Thursday 11 June, including the worst-case financial scenarios being more fully quantified, with this being fed back to CEC and SG and related consequences facing the business.

Nigel advised that the Executive team have started dialogue with the Trade Union in regards to possible cost saving actions that the business may need to take. This is dependent on Scottish Government funding being available for as long as possible. The Chair asked that the Board Chair and Managing Director further discuss how this be taken forward with the Shareholders.

## **6. Any Other Business**

Susan made reference to the Communications team at Lothian, and recognised how central this has been in keeping both the workforce and customers on board, and saw this as continuing as the business goes through its recovery period.

## **7. Next Meeting**

The Board Chair proposed that the next meeting should include the Majority Shareholder including other representatives at a Senior Political level.

Cllr Hampshire advised that he planned to contact Cllr Adam McVey, Leader at the City of Edinburgh Council following this meeting, with a proposal that the council leaders get together to discuss these issues with a potential meeting with the Cabinet Secretary as soon as possible.

The Chair then thanked everyone for their attendance and contribution and brought the meeting to a close.



**DATA LABEL: Public**

## Development & Transport Policy Development and Scrutiny Panel

### Workplan 2020-2021

Issue	Purpose	Lead Officer	Date	Referral to Council Exec
Update – Local Bus Contracts and Community Transport Provision	The purpose of this report is to update the Panel on the further impact of COVID 19 on the timescales for implementation of the Total Transport Review (TTR) outcomes and to inform the next steps required.	Nicola Gill	02/02/2020	
Building Standards Interim Review and 2020 National Customer Survey	The purpose of this report is to advise the panel of the outcome of the Scottish Government Interim Review of the council's Building Standards Verification Service and the Scottish Government commissioned Customer Survey for 2020 to support the building standards verification Performance Framework.	Jim McGinley	02/02/2020	
Business Gateway and Employability Update	The purpose of the report update the panel on the work of the Business Gateway & Employability teams from April 2020 to December 2020.	Alice Mitchell	02/02/2020	No
West Lothian Local Development Plan: Development Plan Scheme No.13 (DPS No 13)	The purpose of this report is to advise the panel of the proposed Development Plan Scheme (DPS No. 13) for the West Lothian Local Development Plan (LDP 2).	Steve Lovell	02/02/2020	Yes
Review of Planning Enforcement Charter	The purpose of this report is to advise the panel of the proposed revisions to the Planning Enforcement Charter. The charter sets out the duties and responsibilities of the planning enforcement service within the Development Management section of Planning Services.	Claire Johnston	02/02/2020	

National Planning Framework 4 Position Statement	The purpose of this report is to advise the panel of publication by Scottish Government of a Position Statement on National Planning Framework 4 (NPF4) for informal consultation and to set out the council's proposed response to that consultation.	Fiona McBrierty	02/02/2020	Yes
2021/21 Financial Performance – Month 6 Monitoring Report	To provide the Panel with an update on the financial performance of the Development and Transportation portfolio	Robert Young	02/02/2020	No
Planning Performance Framework 2019-20	The purpose of this report is to advise the panel of the Scottish Government's feedback on the council's ninth Planning Performance Framework 2019-20.	Jim McGinley	02/02/2020	
Update on Scottish Planning Policy Finalised Amendments, Planning Advice Note (PAN) 1/2020 and The West Lothian Housing Land Position	The purpose of this report is to advise the panel of the publication of finalised amendments to Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 1/2020 and to advise on the preparation of a Housing Land Position Statement which sets out the council's effective housing land supply calculation. Once endorsed by Council Executive the Housing Land Supply Position Statement will be a material consideration to be taken into account when determining planning applications and defending decisions at appeal.	Margaret Stone	02/02/2020	Yes
Minute of Meeting of the SESplan Joint Committee held on Monday 25 November 2019	To advise the panel on matters considered by SESplan Joint Committee.	Fiona McBrierty	02/02/2020	No
Minute of Meeting of the SESplan Joint Committee held on Monday 16 March 2020	To advise the panel on matters considered by SESplan Joint Committee.	Fiona McBrierty	02/02/2020	No
Lothian Buses Limited Minute of the Meeting of the Regional Sub-Committee 08 June 2020	To advise the panel on matters considered by Lothian Buses Regional Sub Committee	Jim Jack	02/02/2020	No

SEStran Minutes	To advise the panel on matters considered by SEStran committee.	Graeme Malcolm	Various Dates	No
SESPlan Minutes	To advise the panel on matters considered by SESplan Joint Committee.	Fiona McBrierty	Various Dates	No
Lothian Buses Regional Sub Committee	To advise the panel on matters considered by Lothian Buses Regional Sub Committee	Jim Jack	Various Dates	No
Performance Report	To update the panel on the performance of the services which report to the panel	Craig MCCorrison	Quarterly	No

<b>D&amp;T PDSP Reports</b>	<b>Quarter 2</b> July - September	<b>Quarter 3</b> October – December	<b>Quarter 4</b> January – March	<b>Quarter 1</b> April – June
<b>PDSP scorecard report</b>	<ul style="list-style-type: none"> <li>Performance scorecard report (Q1)</li> </ul>	<ul style="list-style-type: none"> <li>Performance scorecard report (Q2)</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Performance scorecard report (Q3)</li> </ul>	<ul style="list-style-type: none"> <li>Performance scorecard report (full year - Q1-4)</li> </ul>
<b>Corporate performance report</b>				<ul style="list-style-type: none"> <li>Performance scorecard report (full year)</li> </ul>
<b>Management Plan</b>				<ul style="list-style-type: none"> <li>PEDR Management Plan 2019/20</li> <li>Operational Services Management Plan 2019/20</li> </ul>
<b>Service performance report</b>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>



