



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

23 February 2023

A hybrid meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Tuesday 28 February 2023 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 07 February 2023 (herewith)

Public Items for Decision

5. Scottish Government Consultation - Electoral Reform - Report by Chief Executive (herewith)
6. Procurement Approval Report - Report by Head of Corporate Services (herewith)

7. Coronation of His Majesty King Charles III - Additional Leave Day - Report by Head of Corporate Services (herewith)
8. Pensions Discretions - Shared Additional Voluntary Contributions - Report by Head of Corporate Services (herewith)
9. Elected Members Equality and Diversity Working Group - Report by Head of Corporate Services (herewith)
10. Community Council Special Project Grants - Report by Head of Corporate Services (herewith)
11. Non-Domestic Rates Empty Property Relief Policy - Report by Head of Finance and Property Services (herewith)
12. Fauldhouse Partnership Centre - Reinforced Autoclaved Aerated Concrete Roof Update - Report by Head of Finance and Property Services (herewith)
13. CIH Scotland Housing Festival - Report by Head of Housing, Customer and Building Services (herewith)
14. Adoption of National Planning Framework 4 (NPF4) - Report by Head of Planning, Economic Development and Regeneration (herewith)
15. Intervening Safely Policy for Children's Residential Services - Report by Head of Social Policy (herewith)
16. Statutory Officer Roles in the Scheme of Delegations - Report by Chief Executive (herewith)
17. Scheme of Delegations - Electronic Communications Determination - Report by Governance Manager (herewith)

Public Items for Information

18. Quick Build Housing - Report by Head of Housing, Customer and Building Services (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 7 FEBRUARY 2023.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Janet Campbell, Tom Conn, Robert De Bold, Angela Doran-Timson, Damian Doran-Timson, Carl John, Andrew McGuire, Anne McMillan, Craig Meek (substituting for Councillor Danny Logue), Sally Pattle and George Paul

Apologies – Councillor Danny Logue

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 16 and 17 were to be taken as read and their recommendations noted without further consideration.

3 MINUTES

The Council Executive approved the minute of its meeting held on 17 January 2023. The Chair thereafter signed the minute.

4 PROCUREMENT APPROVAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approve an exemption from Contract Standing Orders for a direct award for visual impairment services to Sight Scotland for the period of 2 years, effective from 1 April 2023 until 31 March 2025 with a total estimated value of £240,000.

Decision

To approve the terms of the report.

5 ABBOTSFORD RISE, DEDRIDGE, LIVINGSTON HEAD LEASE RENT REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to a settlement of the head lease rent review in respect of Abbotsford Rise Business Units, Dedridge, Livingston.

It was recommended that the Council Executive:

1. Approve the settlement of the scheduled rent review for Abbotsford Rise Business Units at a figure of £90,000 per annum for the council's lease of the business units; and
2. Delegate authority to the Head of Finance and Property Services to execute any further terms and conditions or changes to those outlined in the report on the basis that those continued to represent the achievement of Best Value for the council.

Decision

To approve the terms of the report.

6 ENERGY COST MITIGATION MEASURES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services setting out proposals for energy cost mitigation measures as agreed in the recommendations of the Impact of Rising Energy Costs and Potential Mitigations report which had presented to Council Executive on 25 October 2022.

It was recommended that the Council Executive:

1. Note the severe pressure on energy revenue budgets was likely to continue;
2. Note that budget savings options in relation to energy mitigation for 2023/24 and 2024/25 had been presented to a meeting of Corporate Policy & Resources Policy Development and Scrutiny Panel (PDSP) on 26 January 2023;
3. Note that officers would include the energy mitigation measures in Appendix 1 of the report for consideration at the council's revenue budget meeting in February;
4. Agree that officers initiate work to develop detailed options for 2024/25 savings, including a full review of swimming pool provision and wider estate measures, and;

5. Note that updates on progress of implementation would be included in quarterly climate change updates to the Environment & Sustainability PDSP.

Decision

To approve the terms of the report.

7 EAST CALDER PRIMARY SCHOOL – LEARNING ESTATE INVESTMENT PROGRAMME UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education and Planning Services) and the Head of Finance and Property Services providing an update on the delivery of the new replacement East Calder Primary School and seeking approval to progress through financial close to construction as outlined in the report.

It was recommended that the Council Executive:

1. Approve acceptance of the finalised proposed construction cost of £18.28 million against a previously reported affordability cap of £17.53 million;
2. Note the proposed delivery timescales and key project milestones including completion by August 2024 for the new primary school followed by car parking and remaining external works by April 2026;
3. Delegate authority to the Head of Finance and Property Services to execute a Letter of Intent in relation to the supply of materials and price fluctuations; and
4. Delegate authority to the Head of Finance and Property Services to execute and deliver the final design and build development agreement (DBDA) and associated documentation on behalf of the Council at Financial Close.

Decision

To approve the terms of the report.

8 STRUCTURAL PROJECTS – LEARNING ESTATE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education and Planning

Services) and the Head of Finance and Property Services providing an update on the projects at Knightsridge Primary School and Windyknowe Primary School, on structural issues at Our Lady's Primary School in Stoneyburn and ongoing inspections at St Kentigern's Academy.

It was recommended that the Council Executive:

1. Approve budgets of £6.7 million for Knightsridge Primary School and £2 million for Windyknowe Primary School for the removal of the roof planks and other associated works;
2. Approve the budget of £1.3m for the replacement of the lintels and associated works at Our Lady's Primary School in Stoneyburn;
3. Note the ongoing detailed inspections at St Kentigern's Academy and that an update would be presented to Council Executive on the position and options available once these inspections were complete; and
4. Note that the Head of Finance and Property Services had delegated authority to undertake urgent or emergency works to stabilise RAAC roofs or structural issues should issues arise.

Decision

To approve the terms of the report.

9 CONSTRUCTION QUALITY IMPROVEMENT COLLABORATIVE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the council's participation in the Construction Quality Improvement Collaborative (CQIC).

It was recommended that the Council Executive:

1. Note the importance of quality in construction projects that were delivered within the council and how the CQIC supported this in a collaborative approach;
2. Note the work that officers had been involved with in relation to the CQIC initiative, notably on the Winchburgh Schools development; and
3. Agree that the council endorse the CQIC and follow the principles in relation to quality through the delivery of our major construction projects.

Decision

To approve the terms of the report.

10 2022/23 GENERAL FUND REVENUE BUDGET – MONTH 9
MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the outcome of the General Fund revenue budget monitoring exercise at month 9, including an update on material budget pressures, progress being made with the delivery of approved budget savings for 2022/23 and projected expenditure against one-off resources in 2022/23 and 2023/24.

It was recommended that the Council Executive:

1. Note the outcome of the month 9 monitoring exercise, which was a forecast overspend position of £3.846 million, a reduction of £600,000 compared to the previously reported position;
2. Note Council Executive had agreed to fund the projected overspend at month 6 of £4.446 million from the retained one-off balance which had reduced the uncommitted General Fund Balance to £2 million, the minimum amount required to be retained, and had fully utilised the net saving in the committed General Fund balance of £3.850 million and additional savings from one-off resources in 2022/23 of £515,000;
3. Note the temporary cost reductions implemented by officers to assist with the council's challenging financial position which were included in the month 9 monitoring position;
4. Note the material recurring pressures of £3.062 million and the updates from relevant Heads of Service on progress being made against the agreed actions to mitigate these pressures;
5. Note the good progress being made to deliver the approved savings for 2022/23;
6. Agree to add the one-off balance of £600,000 available from the strike savings to the revenue budget contingency to be considered at the budget setting meeting on 21 February 2023;
7. Agree that Heads of Service continue to take all management action necessary to curtail spend and preserve any in year underspends to minimise the projected in-year overspend;

8. Agree budgets for one off spend be realigned for 2022/23 and 2023/24 to reflect latest forecasts included in this report; and
9. Agree Heads of Service have exit strategies in place for one-off projects in advance of 2023/24, in particular the necessary measures to ensure spend and income generation were realigned to the recurring budget for 2023/24 once the one-off investment ended.

Decision

To approve the terms of the report.

11 2022/23 GENERAL SERVICES CAPITAL BUDGET – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial position in relation to the General Services capital programme following the completion of the month nine monitoring exercise.

It was recommended that the Council Executive:

1. Note the outcome of the month nine monitoring exercise including, the progress in delivery of the overall programme and the projected outturn; and
2. Agree that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme.

Decision

To approve the terms of the report.

12 TEMPORARY ACCOMMODATION CHARGING

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval to update the current charging arrangements for all temporary accommodation managed by West Lothian Council.

It was recommended that the Council Executive:

1. Note the current practice regarding charging for temporary accommodation as set out within section D.2 of the report;

2. Approve an increase in the current charge for B & B /Hotel accommodation to £16.11 per day; and
3. Approve the introduction of indexation of B&B and temporary accommodation costs against national allowances.

Decision

To approve the terms of the report.

13 PROPOSED STOPPING-UP ORDER EXISTING RIGHT OF WAY, J4M8 DISTRIBUTION PARK, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration initiating the statutory procedures to stop up a Right of Way which currently existed within the J4M8 distribution park in Bathgate. The procedure was required to permit development to take place in accordance with approved planning permissions granted to re-align the existing right of way.

It was recommended that the Council Executive note and approve the initiation of the statutory procedures to stop up the affected section of Right of Way in J4M8 as identified in the plan attached to the report. It was intended to report back to Council Executive the outcome of the required statutory consultation.

Decision

To approve the terms of the report.

14 EDINBURGH AND SOUTH EAST SCOTLAND REGIONAL PROSPERITY FRAMEWORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration asking members to consider endorsement of the proposed Regional Prosperity Framework Delivery Plan for the Edinburgh and South East Scotland City Regional Deal area. The proposed framework looked to build on existing city region deal projects and established a framework for ongoing sustainable economic prosperity in the city region.

It was recommended that the Council Executive:

1. Note the proposed Regional Prosperity Framework Delivery Plan which set a framework for sustainable economic growth across the

city region;

2. Agrees the proposed alterations to the framework which were detailed in the report as follows:
 - a. that offsite transportation interventions to support regeneration of the River Forth, including the Avon Gorge, should be reflected in the plan;
 - b. that upskilling of the workforce should be supported by a university presence in West Lothian;
 - c. that support for tourism and culture should be spread equitably across the whole of the region and should offer support for necessary infrastructure investments including an all-ways junction at Junction 3 (Linlithgow) on the M9;
3. Agree to endorse the proposed Regional Prosperity Framework Delivery Plan subject to the incorporation of these proposed alterations.

Decision

To approve the terms of the report.

15 2022/23 HOUSING REVENUE ACCOUNT – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on financial performance following the month 9 monitoring exercise.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and the projected outturn.

Decision

To note the terms of the report.

16 2022/23 HOUSING CAPITAL REPORT – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the financial position in relation to the Housing Capital Programme following the completion of the month 9 monitoring exercise.

It was recommended that the Council Executive note the outcome of the month 9 Housing capital monitoring exercise and the projected outturn for 2022/23.

Decision

To note the terms of the report.

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****SCOTTISH GOVERNMENT CONSULTATION – ELECTORAL REFORM****REPORT BY CHIEF EXECUTIVE****A PURPOSE OF REPORT**

To consider a proposed response to the Scottish Government's Electoral Reform Consultation

B RECOMMENDATIONS

To consider the draft response in the appendix and agree a council response to the Scottish Government's consultation on Electoral Reform

C SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Various primary and secondary legislation affecting elections devolved to the Scottish Parliament
III	Implications for Scheme of Delegations to Officers	N/a
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	Corporate Policy & Resources PDSP, 13 February 2023
VIII	Other consultations	Operational Elections Team

D TERMS OF REPORT

- 1 The Scottish Government is consulting on a package of proposals to reform aspects of the law relating to elections to the Scottish Parliament and to councils in Scotland. The consultation started on 14 December 2022. The full document has not been appended to this report but there is a hyperlink to it in Part F. Responses are invited before 15 March 2023. The intention is for amended legislation to be in place for the Scottish Parliament elections scheduled for May 2026.
- 2 The consultation is divided into five parts:-
 1. Candidates – expansion of candidacy rights; intimidatory/abusive behaviour; free elections mailshot; publication of home addresses; showing candidates' location on ballot papers
 2. Voting – increasing registration; improving accessibility of voting; undue influence; absent voting; proxy voting; postal voting; voting rights; implications of the Elections Act 2022
 3. Scheduling of elections – postponement of Scottish Parliament elections; postponement of local government elections
 4. Campaigning – campaigning and finance; digital imprints
 5. Administration and governance – electoral boundary reviews; the Electoral Commission's role in Scotland; the Electoral management Board's role
- 3 There is a total of 46 questions available to be answered. The appendix contains those questions, a summary of the issues, some comments and, where officers have felt able, a proposed response. The questions where officers have not done that have been left unanswered and members may wish to consider whether those should be answered and in what way.
- 4 The draft response was considered at Corporate Policy & Resources PDSP on 13 February 2023. The following comments were made
 - In respect of free mailings, parity between election types is important; changing the law to allow local authorities to authorise and cover the cost for free candidate mailings for local council elections could lead to different practices in different areas, and individual councils should not be expected to cover the cost.
 - In respect of digital poll cards, concern was expressed as how this would be managed and that any system must be robust and secure
 - In respect of the introduction of Voter ID, concern was expressed at the potential for voters to be disenfranchised through not having the correct ID and the importance of awareness raising and removing barriers for voting was emphasised.

There were also a number of questions asked in respect of digital poll cards, abusive and intimidatory behaviour, scheduling of elections, campaigning and in respect of the Elections Act 2022 (changes to proxy voting, EU voting and candidacy rights)

E CONCLUSION

Consideration of the consultation questions and the proposed council response will inform the Council Executive's decision on how to respond before the deadline on 15 March 2023.

F BACKGROUND REFERENCES

- 1 [Scottish Government consultation document](#)

Appendices/Attachments: 1. Proposed consultation response

Contact Person: James Millar, Governance Manager, Chief Executive's Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613, james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 28 February 2023

APPENDIX

SCOTTISH GOVERNMENT ELECTORAL REFORM CONSULTATION
DRAFT RESPONSE

[Electoral reform consultation - Scottish Government - Citizen Space](#)

CHAPTER 1 – CANDIDATES
(a) Expansion of candidacy rights
<p>Question 1: Do you think that 16- and 17-year-olds should be able to stand for election in:</p> <ul style="list-style-type: none"> • Both Scottish Parliament and Local Government elections • Scottish Parliament elections only • Local Government elections only • Neither Scottish Parliament nor Local Government elections
<p>Question 2: Do you think that foreign nationals resident in Scotland with limited rights to remain in the UK should be able to stand for election in:</p> <ul style="list-style-type: none"> • Both Scottish Parliament and Local Government elections • Scottish Parliament elections only • Local Government elections only • Neither Scottish Parliament nor Local Government elections
<p>Question 3: Do you have any additional comments on candidacy rights for 16- and 17-year-olds, or foreign nationals with limited rights to remain in the UK?</p>
Summary of issues
<p>There are two main groups of people who can vote but who are not able to stand as candidates in devolved Scottish elections. These are people aged under 18 and foreign nationals with limited leave to remain.</p>
Comments
<p>From the perspective of electoral administration, there may be a requirement for additional or tailored support through the processes of standing for election, but this is available for any new or inexperienced candidates already.</p>
Recommendation
<p>Officers have no specific proposals or recommendations in relation to Questions 1, 2 or 3.</p>
(b) Disqualification for intimidatory or abusive behaviour
<p>Question 4: Do you think that anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years?</p>
<p>Question 5: If not, would you suggest another electoral sanction or approach?</p>
Summary of issues
<p>Elections are increasingly characterised by intimidatory behaviour towards candidates and campaigners. The Electoral Commission reports that 44% of 2022 Scottish local government election candidates who responded to a survey experienced some kind of a</p>

problem, with 11% reporting a serious problem. There is no existing criminal offence or sanction in Scotland aimed specifically at such conduct. The proposal is not to create a new stand-alone offence but to add an electoral aggravation to existing offences. Conviction would lead to a five-year disqualification from standing in Scottish elections. It matches a 2022 change by Westminster for non-Scottish elections and so would result in a uniform UK-wide regime.
Comments
There is a problem which should be tackled in the interests of public policy and discourse and the safety of those engaged in electoral activity. Adding an aggravating factor to existing criminal offences and a five-year disqualification are reasonable and proportionate proposals.
Recommendation
To support the proposal and answer Question 4 in the positive, with no response therefore being required to Question 5.
(c) Sending of free letters or leaflets by candidates and political parties at elections
Question 6: Do you think that the option of sending a freepost letter or leaflet should be extended to candidates at Scottish Local Government elections?
Question 7: Do you think that the right for candidates to send a free mailing should be limited to one free mailing to each household, rather than to each voter?
Question 8: Do you have any other comments on the issue of candidate mailings to voters?
Summary of issues
There is an existing right for candidates in Scottish Parliament elections to send every voter an electoral communication by freepost, which gives parity with Westminster elections. Candidates at Scottish local government elections have never been entitled to a free letter or leaflet. The Scottish Government view is that a free mailing is an important function which helps in getting candidates messages across to the electorate, but notes that the cost across Scotland would likely be higher than the £11 million cost of free mailings at the 2021 Scottish Parliament elections.
The consultation advises that costs could be reduced by unaddressed mailings to households rather than individuals. One option identified in the consultation would be to change the law to allow individual councils to authorise and cover the cost of a free mailing for each candidate.
Comments
From an electoral administration perspective, the council does get a small number of enquiries regarding the policies of candidates at local government elections. The cost should not be borne by the local authority. If it is important enough to be funded centrally at other types of poll, then the same should apply at local government level.
Recommendation
At the CP&R PDSP comments were made that parity between election types is important; changing the law to allow local authorities to authorise and cover the cost for free

candidate mailings for local council elections could lead to different practices in different areas, and individual councils should not be expected to cover the cost.
(d) Publication of home addresses
Question 9: Should candidates who are acting as their own agents be able to use a correspondence address for communications?
Summary of issues
Candidates in Scottish elections may choose not to have their home addresses disclosed in election notices or on the ballot paper. That option was introduced quite recently to address issues about candidates' personal safety where home addresses are widely available. That option is undermined for candidates who act as their own election agent by the requirement for an agent's address to be published. The proposal is to allow candidates who choose not to appoint someone else as their agent to provide a correspondence address which is made public, with their home address being separately held by the Returning Officer.
Comments
The changes to the rules about publishing candidates' home addresses have been welcomed in providing a degree of personal protection for candidates. The current rules do undermine that intention. In terms of electoral administration, there would be no issues caused by the change.
Recommendation
To support the proposal and answer Question 9 in the positive.
(e) How a candidate's location is shown on the ballot paper
Question 10: Currently ballot papers show either the candidate's home address or council area. Do you think that the ballot paper should also show the ward in which the candidate lives, if they request it?
Question 11: Do you have any further comments on the topic of candidate addresses?
Summary of issues
Candidates in Scottish local government elections may choose not to have their home addresses disclosed in election notices or on the ballot paper. Instead, notices and the ballot paper will typically show the local government area in which their address is situated. That option was introduced very recently to address issues about candidates' personal safety where home addresses are widely available. It is proposed that a third choice be made available, whereby candidates may choose to have the relevant electoral ward included as well.
Comments
The changes to the rules about publishing candidates' home addresses have been welcomed in providing a degree of personal protection for candidates. Allowing the relevant electoral ward to be included as well as the local government area will expand the choices open to candidates and allow them to better demonstrate their local connections without compromising their personal safety. In terms of electoral administration, there would be no issues caused by the change.

Recommendation
To support the proposal and answer Question 10 in the positive, making no additional comment in response to Question 11.

CHAPTER 2 – VOTING
(a) Increasing registration
Question 12: What do you think could be done nationally or locally to improve registration levels, especially among under-represented groups such as younger people and foreign nationals?
Summary of issues
Research suggests that low engagement in the democratic process, which is demonstrated in falling levels of voter registration and voter turnout, is linked to political disengagement and dissatisfaction, a belief that their vote will not change anything if they do vote, and concerns about where power lies. While there are limited actions that the Returning Officer can take in respect of those issues, some groups do face barriers to participating in democracy that the general population do not, and it is in these areas that the Returning Officer can take steps to remove or minimise those barriers.
Comments
More research on the reasons why people do not vote and what would be effective in getting people to vote would be useful. Resources needed to do this effectively are beyond what is available to the Returning Officer or in the council.
Recommendation
It is proposed that the following information is used to inform a response to Question 12.
Actions can be taken to target awareness raising activities at groups which research shows are underrepresented in the democratic process. The following activities can be taken at local level (and already happen here) to supplement those happening nationally – perhaps it would be useful to have consistency in approach across constituencies / council areas – with actions being coordinated by a dedicated sub-group of key representatives that are best placed to facilitate and assist in awareness raising activities. Examples of activity include news releases to traditional media outlets, web banners for council websites, regular messaging on all social media channels and platforms, use of video animation demonstrating how to register to vote/voter experience on polling day, use of plasma screens/smart boards in public buildings, FAQs on council websites, emailing to various community, local third sector and equality groups, emailing to Social Policy colleagues to share with Looked After young people, and other relevant teams/groups, briefings for candidates and election agents, and the Democracy Challenge initiative – aimed at S4/5 in all secondary schools.
There are also a number of other organisations with a shared interest in voter awareness raising who produce resources targeted at specific under-represented groups. Partners and other organisations include, but are not limited to Youth Action Project, Lothian and Borders Elections Working Group, Electoral Commission, Electoral Management Board, Armed Forces Covenant, Advice and Support West Lothian – Capability Scotland, CELCIS (Care Inspectorate and Foster Care Associates), Shelter Scotland and Simon

Community Scotland, CEMVO Scotland and BEMIS, Enable Scotland, Mental Welfare Commission for Scotland, NUS Scotland, COSLA/Improvement Service, Addiewell Prison, Members of the Scottish Youth Parliament, Voluntary Sector Gateway West Lothian, West Lothian Community Race Forum, West Lothian Faith Group.

(b) Improving the accessibility of voting

Question 13: The Scottish Government intends to amend the rule requiring only a specific form of Tactile Voting Device to be provided in polling stations, to allow more flexibility and ensure the accessibility support offered can be adapted to take account of future innovations. It also intends to place a duty on the Electoral Commission to provide guidance that includes minimum standards. Which of the following options would you prefer?

- The current legal requirement for a specific Tactile Voting Device is replaced by a general requirement on Returning Officers to provide appropriate support.
- The current legal requirement for a specific Tactile Voting Device is replaced with a requirement to provide a non-specific form of tactile support.
- No change to current legislation
- Other

Question 14: Should the limit to the number of times one companion can support voters in casting their votes:

- Remain at two people per election
- Rise to five people per election
- Be changed to another number

Question 15: Should there be an option in the future to request a digital poll card instead of a paper poll card for Scottish elections?

Question 16: What more could be done to improve the voting experience for individuals with particular accessibility needs or requirements?

Summary of issues

A move away from the prescribed provision of the traditional tactile device to assist disabled voters is suggested, and options are presented for comment. Still in relation to disabled voters, opinion is sought as to whether the current limit of two on voters being assisted by one companion should stand, or be changed. There is an invitation for general comments about what more can be done to assist voters with particular accessibility needs or requirements. A move away from a paper poll card is mooted, with it being left as a choice for voters to make for themselves.

Comments

Litigation in England led to a decision that the traditional UK-wide approach to disabled voting, through a tactile device, was unlawful under equalities legislation. Statutory change is inevitable and should be welcomed to better meet the needs of those with disabilities. Options are presented for consideration. The limit of two on the number of voters who can be assisted by the same companion may in a small number of cases be too restrictive, where a family has several disabled family members. Increasing the number slightly does not seem likely to increase the risk of electoral fraud and existing controls, through polling place record-keeping, would continue to be adequate. The move to a digital poll card does seem inevitable in the electronic age. There will be cost savings (printing and postage) and it will be a choice for voters to make for themselves. Some will find it more suitable than others. There is no need to show a polling card at a polling station so a digital form will not affect the conduct of the poll in the polling station, nor increase the risk of electoral

fraud if IT systems and security are adequate.
Recommendation
Question 13 - the tactile voting device is out-dated and the recommendation is to support the proposal for the imposition of a general duty on Returning Officers to provide the support they deem to be reasonable, in accordance with Electoral Commission guidance.
Question 14 - officers' recommendation is to support an increase to a maximum of five.
Question 15 - the move to digital poll cards can be supported, subject to it being the voter's choice to opt in and there being adequate technology in place before its introduction and the costs for EROS being met centrally.
Question 16 – To ensure consistency in approach, the Electoral Commission should have a role in providing advice to Returning Officers to identify what kind of support to provide, with input from disability charities and organisations. The Electoral Commission consulted last year on what that guidance might look like in relation to non-devolved elections. Not subject to consultation are some big ticket measures that are unlikely to be implemented at present and in isolation from voting rights universally (e.g., the right to vote electronically, the right to vote in advance from home; the provision of access to a telephone or online recording of candidates with the ability to vote remotely). Guidance should in the short-term focus on less costly and more easily provided facilities (many already provided) such as chair/seating, resting areas, magnifiers, tactile voting devices, polling booths at wheelchair level, badges identifying polling station staff, pencil grips, ramps, alerters or temporary doorbells, appropriate lighting, reserved parking spaces. It will also be important to make sure there is proper funding so that this support has the right impact for voters with disabilities.
(c) Clarification of undue influence of a voter
Question 17: Do you agree that the offence of "undue influence" should be made easier to understand and enforce?
Summary of issues
Existing prohibitions on exerting undue influence on a voter stem from the 19 th century and were designed and worded to address problems that existed at that time. Clarification has been proposed for some time and in 2020 the UK Law Commissions jointly recommended a restatement of the law. The existing components of the offence would be restated to be intimidation, deception and improper pressure. On page 26 the consultation document lists examples of conduct intended to be caught. The offence would still be a "corrupt practice". Conviction would continue to carry electoral as well as criminal consequences, including a five-year disqualification period. This will match measures introduced south of the border in 2022.
Comments
Modernisation of electoral law is something long-called for by the electoral community and by the UK Law Commissions collectively. This comparatively narrow clarification and update in accordance with the Law Commission's joint recommendation should be welcomed.
Recommendation
To support the proposal and answer Question 17 in the positive.

(d) Absent Voting
Question 18: Do you think that we should extend the right to emergency proxies to the companions of anyone who has to attend an unexpected medical appointment or treatment which would prevent them from voting at their normal voting place?
Summary of issues
Currently those who have to accompany someone to a medical appointment are not eligible for an emergency proxy and the proposal in the consultation is that they should be.
Comments
From the perspective of electoral administration, accommodating this would be unlikely to cause any issues. The number of emergency proxies for medical reasons is historically low.
Recommendation
Question 18 should be answered in the positive.
(e) Acting as a proxy
Question 19: Do you have any comments on changes to proxy voting in Scottish Parliament or Local Government elections?
Summary of issues
The current position is that, at a devolved election in Scotland, an individual cannot vote as proxy on behalf of more than two voters unless they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter. The intention of this restriction is to avoid a single person being in the position of being able to vote as a proxy for a large number of people. The Elections Act 2022 introduces a new limit of four on the total number of electors for whom a person may act as proxy in UK Parliamentary elections or Local Government elections in England. Of these four voters, no more than two can be voters who are normally resident in the UK. The Elections Act changes remove the exemption for close relatives. The Scottish Government is proposing that the position will remain that an individual can only act as a proxy for two voters who are not a close relative.
Comments
From an electoral administration perspective, the current arrangements have not led to any issues, or been viewed as adversely impacting on electoral integrity. Different rules for different polls, whilst sometimes inconvenient, can and are accommodated. Whether accepting that the Election Act 2022 will mean that different rules are in place for a UK Parliamentary poll, or that consistency across all polls is preferable is a matter for political parties.
Recommendation
Officers have no specific proposals or recommendations in relation to Question 19.
(f) Postal voting
Question 20: Do you have any comments on the handing in of postal ballots?

Summary of issues
Anyone who has a postal ballot can either return the completed postal ballot pack to the Returning Officer by post or they can hand it in to a polling station either in person or by asking someone to hand it in on their behalf. There is currently no restriction on the number of postal ballot packs which any individual can hand in to a polling station. The Elections Act 2022 makes provision for regulations to be made which will require the rejection of postal ballots handed in on behalf of more than a maximum number of electors. This provision will only apply to UK Parliamentary elections in Scotland. It will not apply to devolved Scottish elections. The Scottish Government has not been made aware that the handing in of bundles of postal ballots is an issue in Scotland. The Elections Act makes it an offence for political campaigners to handle postal voting documents unless it forms part of their employment, such as a postman delivering postal ballot papers, or they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild or carer of the person who is voting by post.
Comments
From an electoral administration perspective, the current arrangements have not led to any issues, or been viewed as adversely impacting on electoral integrity. Different rules for different polls, whilst sometimes inconvenient, can and are accommodated. Whether accepting that the Election Act 2022 will mean that different rules are in place for a UK Parliamentary poll, or that consistency across all polls is preferable is a matter for political parties.
Recommendation
Officers have no specific proposals or recommendations in relation to Question 20.
(g) Voting rights
Question 21: Should voting rights in Scottish Parliament and Local Government elections be extended to some or all persons detained on mental health grounds related to criminal justice?
Question 22: Do you have any additional comments on voting rights for persons detained on mental health grounds related to criminal justice?
Question 23: Should voting rights in Scottish Parliament and Local Government elections be extended to all people seeking asylum in Scotland?
Summary of issues
There is a small number of people who live in Scotland who do not have voting rights, including under 16s, some persons detained under mental health legislation, persons subject to a disqualification, such as prisoners serving sentences of more than 12 months, and those seeking asylum.
Comments
The consultation seeks views on whether certain persons detained in hospital in connection with offending behaviour should continue to be denied voting rights in Scottish Parliament and Local Government elections. It also seeks any other views on voting rights, including in relation to persons seeking asylum.

In February 2019, in response to a previous Scottish Government consultation on voting rights for prisoners, the Council Executive:
<ul style="list-style-type: none"> • Noted the Scottish Government's proposal for ensuring compliance with the European Commission on Human Rights on the matter of prisoner's voting
<ul style="list-style-type: none"> • Recognised that voting rights extended to prisoners on remand, parole or home detention curfew
<ul style="list-style-type: none"> • Acknowledged that the UK Parliament legislates on voting rights for UK elections
<ul style="list-style-type: none"> • Agreed that there should be total consistency on voting rights for prisoners between UK Parliament, Scottish Parliament and local government elections in Scotland.
Recommendation
From an electoral administration perspective officers have no specific proposals or recommendations in relation to these three questions.
(h) Implications of UK Elections Act 2022 changes
Question 24: What issues do you think that the changes in the Elections Act 2022 to introduce voter ID and change postal vote renewals raise for elections held in Scotland?
Question 25: Should there be a presumption against a Scottish devolved election being held on the same day as a UK Parliament election (for example, a UK Parliament by-election on the same day as a national Scottish Parliament election)?
Summary of issues
The UK Elections Act 2022 makes a number of changes to elections across the UK in the following policy areas. In summary, the Act:-
<ul style="list-style-type: none"> • Requires voters to show photo ID at polling stations before a ballot paper is issued.
<ul style="list-style-type: none"> • Requires Electoral Registration Officers to issue free electoral identification documents to eligible electors who apply for one.
<ul style="list-style-type: none"> • Requires postal voters to reapply for a postal vote every three years, replacing current rules of refreshing their signature every five years.
<ul style="list-style-type: none"> • Restricts the handling of postal votes, including limiting the number of postal votes an individual can hand in at a polling station or council office.
<ul style="list-style-type: none"> • Further limits the number of people someone may act as proxy for.
<ul style="list-style-type: none"> • Extends accessibility to elections including requiring Returning Officers to take all reasonable steps to provide support for those with a disability in polling stations.
<ul style="list-style-type: none"> • Simplifies and clarifies the offence of undue influence.
<ul style="list-style-type: none"> • Changes the voting and candidacy arrangements for EU voters.
<ul style="list-style-type: none"> • Allows all British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK.
Comments
Many of the Act's changes will only apply in Scotland for elections to the UK Parliament. The Scottish Government is opposed to those changes and does not wish to see them adopted for devolved Scottish elections. Other changes will relate to Scottish Parliament and Local Government elections, such as those relating to digital imprint requirements, financial information to be provided by political parties and prohibiting entities from being registered political parties and recognised third parties at same time.

The divergences between the law, guidance, processes and procedures for devolved contests and those legislated for by UK Government will be challenging to manage for electoral administrators and there will be an increased risk of elector confusion as to the requirements for each poll. These issues would be further compounded in the event that these types of polls needed to be combined for delivery on the same date, in the same areas.

Implementing the changes required under the Act will have financial implications for local authorities, and although the UK Government has committed to providing funding in line with new burdens principles, there could be unforeseen cost implications going forward. There is also an increased operational burden on core election staff within the authority to timeously review and update specific processes, procedures, staff training programmes and voter awareness raising activity to ensure that risks associated with implementing the necessary changes can be mitigated.

All stakeholders, including elected members, political parties, candidates, agents and campaigners, are encouraged to support and relay communications from the Returning Officer and election team about changes, and any related issues, which are relevant to voters.

Recommendation

The CP&R PDSP commented on the lack of evidence to support the need for the introduction of voter ID as a fraud prevention measure. Comment was also made that there would be a need for significant awareness raising activities in advance of the next UK Parliamentary election to ensure that voters are not disenfranchised. In response to Question 24, to note the absence of evidence to underpin many of the provisions of the Elections Act 2022, and the challenges, issues and risks related to implementing the changes required under the Elections Act 2022.

To answer Question 25 in the positive and agree that, as far as is reasonably practicable and consistent with the principle of 'decoupling' established following the Gould Report in 2007, different types of poll should not be combined for delivery on the same day.

CHAPTER 3 - SCHEDULING OF ELECTIONS

(a) Date of elections to the Scottish Parliament

Question 26: Do you think that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond 1 month?

Question 27: Do you think that the date of dissolution of the Scottish Parliament in the run up to a general election should be changed to the day before the election, allowing MSPs to continue to hold office in case of emergency?

Summary of issues

Scottish Parliament elections take place on the first Thursday in May every five years, unless there is to be a UK Parliament election on that date or the Scottish Parliament's Presiding Officer uses a restricted power to move the date one month either way. The Parliament must be dissolved approximately six weeks before the election date meaning the Parliament cannot sit or legislate. Experience from the 2021 elections during the pandemic is felt to indicate that some modernisation and greater flexibility are required. It is suggested that the Presiding Officer's power should be widened to extend the window

during which a new polling day can be fixed, and that Parliament should go into recess six weeks before election day instead of being dissolved.

Comments

The now widely accepted principle that different types of polls should not take place on the same day should continue to be recognised. It can confuse voters and blur campaigning and campaign issues. The leeway of one month either way for a re-arranged polling day is narrow and could mean an overlap of campaign periods even if polling days are separated. Dissolving Parliament means it cannot sit and so cannot legislate, even in emergency circumstances. Although the executive branch remains in place and empowered (the Ministers) the legislature does not, denying MSPs their democratic role and restricting the action that may be taken, especially in unforeseen and urgent circumstances.

Recommendation

It is proposed that questions 26 and 27 are answered in the positive, subject to the period being changed to three months either way, the power only being used after consultation with the Electoral Commission and the Convener of the Electoral Management Board, and dissolution date being moved to the day before polling day.

(b) Postponement of Scottish Parliament by-elections

Question 28: Do you think that the Presiding Officer should have the power to change the date of a Scottish Parliament by-election, if it is no longer possible to hold the election on the originally selected date?

Question 29: Do you have any other comments on changing the date of a Scottish Parliament by-election?

Summary of issues

The same issues arise here as in the previous section, on the rescheduling of (national) elections to the Scottish Parliament.

Comments

The same comments apply here as in the previous section, on the rescheduling of (national) elections to the Scottish Parliament.

Recommendation

It is proposed that questions 28 and 29 are answered in the positive, subject to the period being changed to three months, the power only being used after consultation with the Electoral Commission, the Convener of the Electoral Management Board and the relevant Returning Officer.

(c) Postponement of scheduled Local Government elections

Question 30: Do you think that the Convener of the Electoral Management Board should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government?

Question 31: Should the law allow a Local Government by-election to be postponed, and if yes, who should make the decision to postpone?

<ul style="list-style-type: none"> • No • Yes, Returning Officer • Yes, EMB Convener • Yes, other
Question 32: Do you have any other comments on rescheduling of elections?
Summary of issues
<p>Scottish local government elections must take place on the first Thursday in May in every fifth year. Polling day can only be changed in two narrow sets of circumstances. The pandemic raised awareness of the lack of flexibility to allow the date to be changed without primary legislation. It is proposed that such a power be given to the Convener of the Electoral Management Board, with its scope being fairly short (one month), reflecting that the Scottish Parliament can legislate for changes to dates further away than that. The same flexibility is proposed for local government by-elections and views are sought on where that power should sit.</p>
Comments
<p>Experience during the pandemic does show that it makes sense to introduce the flexibility and room for manoeuvre proposed, subject to suitable limits and safeguards. For by-elections, there is no justification for centralising the power to make changes for a local contest in the hands of the EMB Convener or anyone other than the relevant Returning Officer.</p>
Recommendation
<p>It is proposed to answer Question 30 in the positive, subject to the period being confined to one month and the Convener first consulting the Electoral Commission and the Scottish Government. It is proposed that Question 31 is also answered in the positive, subject to the period of postponement being three months and subject to the power being given to the relevant Returning Officer after consulting the EMB Convener. The Returning Officer is entrusted by law to set the by-election date and so should be trusted and empowered to change it where necessary. That is the provision that was made during the pandemic and it worked very well. For Question 32 it is proposed to stress the value in not holding different types of poll on the same date and in retaining responsibility for local polls at a local level.</p>

CHAPTER 4 – CAMPAIGNING

(a) Campaigning and Finance

Question 33: Do you think that the language clarifying the definition of notional spending adopted in the UK Elections Act 2022 should also apply to Scottish devolved elections?

Question 34: Do you think that third party campaigners should have to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK, even if they spend less than £10,000 in Scotland?

- The £10,000 registration threshold should apply to devolved elections across the UK
- The £10,000 registration threshold should apply to Scottish devolved elections only
- I have another view on the registration threshold

<p>Question 35: Do you think that the spending limit should be reduced to £700 for overseas based third parties that are ineligible to register with the Electoral Commission?</p> <ul style="list-style-type: none"> • The spending limit should be reduced to £700 • The spending limit should remain the same (£10,000) • I have another view of the spending limit
<p>Question 36: Do you think that an order-making power for Scottish Ministers should be introduced which allows them to add, change, or remove categories of third-party campaigners? A recommendation by the Electoral Commission would be required before a category of third-party campaigners could be changed or removed.</p>
<p>Question 37: Do you think that the Electoral Commission should be able to provide a code of practice on third party expenditure in Scottish devolved elections?</p>
<p>Question 38: Do you think the maximum fine the Electoral Commission should be able to impose for breaches of electoral law in Scottish elections should:</p> <ul style="list-style-type: none"> • A – Rise to £500,000, so it is in line with the maximum fine for referendums • B – Be set at another amount (please specify the amount below) • C – Remain unchanged at £10,000
<p>Summary of issues</p>
<p>The consultation contains a range of proposals in relation to notional campaign expenditure, restrictions on spending limits, creating a power for Ministers to regulate eligibility as third-party campaign groups, extending an Electoral Commission Code of Practice to devolved Scottish elections, and increasing the level of fines that can be imposed by the Electoral Commission.</p>
<p>Comments</p>
<p>Neither council nor Returning Officer has an advisory or quasi-judicial role in relation to campaign spending These are largely issues for the Electoral Commission and political parties to respond to.</p>
<p>Recommendation</p>
<p>Officers have no specific proposals or recommendations in relation to Questions 33 to 38.</p>
<p>(b) Digital imprints</p>
<p>Question 39: Do you think that the Scottish Government should revoke its own regulations for digital imprints and rely on the provisions of the Elections Act 2022?</p>
<p>Question 40: Do you have any further comments on digital imprints?</p>
<p>Summary of issues</p>
<p>The UK Elections Act 2022 contains digital campaigning measures which apply to all elections and referendums in the UK, including Scottish Parliament and Scottish Local Government elections. The Act introduces a new digital imprints regime requiring anyone paying for digital political material to be advertised to explicitly show who they are and on whose behalf they are promoting the material. The content must also meet one of the statutory purposes, which include influencing members of the public to support or withhold support from a political party, parties who advocate particular policies, candidates, future candidates, elected officeholders and the holding or outcome of a referendum in any area of the United Kingdom. Certain campaigners are also required to include an imprint on</p>

their other electronic material if it constitutes digital election, referendum or recall petition material. Aspects of this requirement apply at all times, unlike the legislation for devolved Scottish elections which is most relevant when there is an election or referendum in progress.

The proposals are to either revoke the existing Scottish regulations and rely solely on the Elections Act 2022 or revoke the existing Scottish regulations and replace them with a new set of regulations to preserve any specific aspects of the current regime considered to serve a useful purpose.

Comments

From an electoral administration perspective, the Returning Officers will make candidates and agents at any poll aware of the rules regarding digital imprints and where to find additional information. Whether a consistent approach across all polls is desirable is an issue for political parties. Neither council nor Returning Officer has an advisory or quasi-judicial role in relation to campaign spending. These are largely issues for the Electoral Commission and political parties to respond to.

Recommendation

Officers have no specific proposals or recommendations in relation to Questions 39 and 40.

CHAPTER 5 – ADMINISTRATION AND GOVERNANCE

(a) Reviews of electoral boundaries

Question 41: Do you think the process for approving boundary changes should be changed, and which of the options set out above would you prefer?

- No change
- Option 1
- Option 2
- Option 3
- Other option

Question 42: Do you have any further comments on this topic?

Summary of issues

The Scottish Government is considering ways of preventing political influence affecting the boundary setting process, by removing the requirement for Boundaries Scotland to review proposals if they are rejected by the Scottish Parliament, only allowing the Scottish Parliament to reject or change proposals if Boundaries Scotland has not followed their duties as set out in law, and making legislation implementing proposals made by Boundaries Scotland come into effect automatically without the Scottish Parliament or Scottish Ministers having the final say.

Comments

From an electoral administration perspective only, Option 3 (automatic implementation of legislation) would give more certainty as to what boundaries would apply and when and allow for easier planning to accommodate changes. The other proposals are for political comment.

Recommendation
Officers propose to answer Question 41 by choosing Option 3, but from the electoral administration perspective only. Officers have no specific proposals or recommendations in relation to the other aspects of Question 41 and Question 42.
(b) Governance - the Electoral Commission in Scotland
Question 43: Should the Scottish Parliament take a greater role in oversight of the Electoral Commission's devolved activities? For example, the Electoral Commission's devolved activities, including their spending plans, being scrutinised by a Scottish Parliamentary Committee.
Question 44: Do you have any additional comments on the oversight of the Electoral Commission's activities in relation to Scottish Parliament and Local Government elections?
Summary of issues
The Electoral Commission has a UK-wide remit and, for its work on Scottish Parliament and Scottish Local Government elections, is also accountable to the Scottish Parliament. Such work includes providing guidance to Electoral Registration Officers and Returning Officers, setting performance standards and measuring performance against those standards.
The consultation document highlights that there are different oversight arrangements in place for the Electoral Commission's UK-wide activities, as well as those it undertakes for devolved contests in Wales and Scotland. Views are sought on whether the Scottish Parliament's oversight role should be expanded.
Comments
The consultation document does not appear to identify any specific issues or concerns with the existing scrutiny arrangements, nor give any supporting rationale for the one potential option referenced – i.e. for a subject Committee of the Scottish Parliament to be established to consider the Electoral Commission's activities in relation to devolved Scottish elections and referendums.
Increased powers given through the Elections Act 2022 to the UK Parliament over the Electoral Commission attracted widespread concern over the risk of political interference.
Recommendation
From an electoral administration perspective officers have no specific proposals or recommendations in relation to Questions 44 and 45.
(c) Developing the role of the Electoral Management Board
Question 45: Do you have any views on the role and structure of the EMB?
Question 46: Should a Deputy Convener post be established, with power to exercise the functions of the Convener of the EMB if they are unable to act?
Summary of issues

The EMB is made up of Returning Officers (ROs) and Electoral Registration Officers (EROs) from across Scotland and is supported by a range of advisors from relevant organisations.
Whilst responsibility for the planning and delivery of elections and electoral registration rests with individual ROs and EROs respectively, the EMB has the general function of co-ordinating the administration of local government elections in Scotland. It does this by assisting local authorities and other persons in carrying out their functions in and promoting best practice by providing information, advice and training. The EMB Convenor can issue directions to ROs and EROs in relation to their local government elections duties, but wherever possible, generally seeks to operate by consensus rather than formal direction.
In a 2021 electoral administrator survey, most respondents welcomed the EMB's support and guidance and the consultation summarises the contribution of the EMB in recent years to the planning, preparation and delivery of elections in Scotland. It played a significant and helpful part in the arrangements for the Scottish Parliament elections in May 2021 during the pandemic. The Electoral Commission's report on the Scottish parliament election that year concluded that it and the Scottish Government should work with the EMB to support its development and to ensure effective alignment of responsibilities and activities across the different organisations.
The consultation highlights that there is currently no provision for the Deputy Convener of the EMB to have the power to issue directions in the event, for example, of the Convener being incapacitated.
Comments
The consultation document acknowledges that a wider review of the role and status of the EMB has not occurred. Such a review would be sensible. That should be carried out before there is any expansion of its role so that the views of the electoral community are known about any expansion.
Recommendation
In response to Question 45, that future decisions around the role and structure of the EMB, and its resourcing, must be informed by a wider review of its role to date and a more detailed appraisal of relevant options for its potential future development.
To support the proposal in Question 46 for the Deputy Convener of the EMB to have the power to issue directions in the event that the Convener is unable to do so, in the interest of business continuity.

LABEL: PUBLIC



COUNCIL EXECUTIVE

PROCUREMENT APPROVAL REPORT

REPORT BY THE HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

B. RECOMMENDATION

It is recommended that Council Executive approve an exemption from Contract Standing Orders for:

1. a direct award for independent advocacy services for looked after children to Who Cares? for a period of 2 years with the option to extend for a further 24 months, effective from 1st August 2023 until 31 July 2027 with a total estimated value of £250,000.
2. a direct award for independent support and counselling for those that have suffered trauma and abuse to Wellbeing Scotland for a period of 3 years with the option to extend for 24 months, effective from 1st June 2023 until 31 May 2028 with a total estimated value of £216,000.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	Resources - (Financial, Staffing and Property)	See section D of report.
VII	Consideration at PDSP	N/A
VIII	Other consultations	See section D of report.

D. TERMS OF REPORT

D.1 INDEPENDENT ADVOCACY SERVICE FOR LOOKED AFTER CHILDREN

WLCHCP has a responsibility in line with Article 12 of the United Nations Convention on the Rights of the Child, and the Children and Young People (Scotland) Act 2014 Part 1 Children's Rights and Part 9 Corporate Parenting, to ensure that every child has the right to say what they think in all matters affecting them, and to have their views taken seriously. Advocacy helps to make that right a reality for those children and young people who, for whatever reason, would not otherwise be able or allowed to share their views about something. Advocates can provide children and young people with the knowledge, confidence and support that they need to influence the decisions which affect their lives.

A young person may become looked after for a number of reasons, including neglect, abuse, complex disabilities which require specialist care or involvement in the Youth Justice system. As at December 2022 there were 350 looked after and accommodated children and Young People in West Lothian in a range of placements including Residential School, Secure Care, Foster care, Kinship Care or Looked After at home. Children and young people's pathways through care can determine to what extent they are able to overcome their earlier negative experiences and become successful and independent adults. Independent advocates provide a crucial role in enabling children and young people in the looked after system to communicate their wishes and feelings and to play an active role in decision-making about key aspects of their lives.

From 2021 January to 31st December 2022 the existing service received 56 new referrals for young people who required representation. During the period the service supported a total of 186 Young people at formal processes concerned with their looked after status. In addition, the service engaged with and supported 191 young people, providing advocacy to address issues in their lives such a placement moves, family contact, wellbeing and educational issues. The service carried out 10 in person visit to residential homes specifically at a young person request, whilst other contact was carried out away from the home or via remote communication. 53 in person visits were made to children who had been placed out of the West Lothian area with further contact on a remote access basis as required.

The provision of Children's Rights and Advocacy services for Looked After Children and Young people is both specialised and complex and is therefore not readily available within the market place. Who Cares? is the only advocacy provider who solely concentrates on provision for Looked After Children and Young People having the necessary skills knowledge and experience to help these particularly vulnerable young people navigate the complexities of the children's care system.

The current contract for Children Rights and Independent Advocacy which is partly core funded and part externally funded, comes to an end on 31 July 2023. However, the need for comprehensive advocacy provision for looked after children remains. It is proposed to establish a new contract, with a direct award to Who Cares?, over a 4 year period. The service has secured a budget of £100,000 for one year to provide an advocacy service provision of 78 hours per week. Continuation of service at this level is desirable, however budget pressures mean that from year 2 onwards this will reduce to £50,000 per year, providing an advocacy service of 43 hours per week. We work closely with Scottish Children's Reporter Administration (SCRA) who already have a dedicated advocacy resource for Children's Hearings to maximise our resources and we will prioritise children protection and planning meetings input. Should funding become available at a later stage the contract will be reviewed.

Regulation 3 (10) of the Public Procurement (Scotland) Regulations 2016 makes provision for the aggregation of public contracts where the value of all contracts for similar supplies and services awarded during the previous 12 months must be aggregated. The aggregated value determines whether the contract is over the Government Procurement Agreement (GPA) threshold. The contract spend over the previous 12 months is £120,000 and the value of the proposed award is £250,000. The combined value of £370,000 is below the Light Touch Regime threshold (£552,950 excluding VAT) and therefore, in line with the Scottish Government guidance on the Procurement of Care and Support, the Council can choose not to seek offers for Social Care and Other Related Services contracts on a case by case basis. Whilst the Council's Standing Orders permit the Head of Corporate Services to approve the direct award, they may opt to seek approval from Council Executive. Council Executive is, therefore, requested to approve an exemption from Contract Standing Orders for a direct award for independent advocacy services for looked after children to Who Cares? for a period of 2 years with the option to extend for a further 24 months, effective from 1st August 2023 until 31 July 2027 with a total estimated value of £250,000.

D.2 INDEPENDENT SUPPORT AND COUNSELLING FOR THOSE WHO HAVE SUFFERED ABUSE AND TRAUMA

Tackling Gender based violence continues to be a priority in west Lothian as incidences remain high. In 2020-21 (most recent publicly available data) there were 2687 incidents of domestic abuse recorded by the Police in West Lothian, an increase of 377 on the previous year. In the same year WLC had 146 incidences of reported domestic violence per 10,000 head of population which was the 5th highest in Scotland with the Scottish average being 119. It is clear from these figures that there is a significant continuing need for counselling and trauma support services for women who have been victims of domestic violence.

The service had been funded for a number of years from the DASAT budget. The funding of £36,000 per annum paid for the services of a single counsellor who was receiving approximately 40 referrals per year. During the COVID 19 pandemic and enforced legislative requirements to stay at home, incidences of domestic violence

increased significantly in West Lothian. As a result, referrals to the counselling and support service increased by 200%. Due to this increase in demand, and urgency in providing vital support and counselling services to vulnerable women in West Lothian, a bid was made under the Scottish Governments funding scheme to support Individuals, families & communities. On 9th February 2021 Council Executive recognized the urgent need to increase the level of service and an additional £75,000 was awarded per annum for a period of 2 years, until 31st May 2023, with a value of £111,000.

The service provides one to one counselling, support and group work for clients. All clients are offered 12 counselling sessions initially which can be extended to up to 20 sessions depending on the needs of the clients. The service also run several groups in West Lothian for adult survivors of trauma and/or domestic abuse. Groups are run in person and via on-line participation. The groups operate on a weekly basis and are facilitated by a qualified therapist. The 3 groups are a therapeutic Art Group for all, a Women's Reach Out Talk Out group and a Men's Reach Out Talk Out group

All clients who engage with counselling complete an end of service questionnaire and those who complete the full course complete CORE 10 (Clinical Outcomes on Routine Evaluation) forms after session 6 and session 12 and CORE 34 monitoring improvement from beginning to completion of counselling to gauge wellbeing improvement. Core 34 monitoring shows an overall 70% improvement across all categories with significant numbers of clients report increased confidence and self-esteem and reduced levels of anxiety. Clients also report significant reductions in self harming and suicidal thoughts.

Wellbeing Scotland provide specialist client focused holistic, trauma informed therapeutic services and have specialism in abuse and trauma work which has been built up since 1994, recognised as the main provider of post trauma domestic violence and abuse counselling, they can provide in person counselling and support which is locally accessible. There is a limited supply market for this specialist counselling. Whilst the existing contract comes to an end in May, the need for post trauma counselling services continues to exceed supply. In recognition of the continued need for trauma counselling it is proposed to establish a new contract, with a direct award to Wellbeing Scotland, for a period of 3 years with the option to extend for 2 further years. The service has secured a budget of £72,000 in year one to provide 55.5 counsellor hours per week and 6 hours per week to support group work activities. Continuation of service at this level is desirable, however budget pressures mean that from year 2 onwards this will reduce to £36,000 per year, providing 30 counsellor hours per week and 6 hours per week to support group work.

Regulation 3 (10) of the Public Procurement (Scotland) Regulations 2016 makes provision for the aggregation of public contracts where the value of all contracts for similar supplies and services awarded during the previous 12 months must be aggregated. The aggregated value determines whether the contract is over the Government Procurement Agreement (GPA) threshold. The contract spend over the previous 12 months is £111,000 and the value of the proposed award is £216,000. The combined value of £327,000 is below the Light Touch Regime threshold (£552,950 excluding VAT) and therefore, in line with the Scottish Government guidance on the Procurement of Care and Support, the Council can choose not to seek offers for Social Care and Other Related Services contracts on a case by case basis. Whilst the Council's Standing Orders permit the Head of Corporate Services to approve the direct award, they may opt to seek approval from Council Executive. Council Executive is, therefore, requested to approve an exemption from Contract Standing Orders for a direct award for independent support and counselling for those

that have suffered trauma and abuse to Wellbeing Scotland for a period of 3 years with the option to extend for 24 months, effective from 1st June 2023 until 31 May 2028 with a total estimated value of £216,000.

E. CONCLUSION

It is recommended that the Council Executive approves the procurement set out in the report, which will support delivery of effective Council Services.

F. BACKGROUND REFERENCES

None

Appendices:
None

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Lesley Henderson
Interim Head of Corporate Services

28 February 2023

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

CORONATION OF HIS MAJESTY KING CHARLES III – ADDITIONAL LEAVE DAY

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To provide Council Executive with information on national plans to celebrate the coronation of His Majesty King Charles III in May 2023 and proposals for the council to grant an additional day of annual leave to all employees to be taken, where possible, on Monday 8 May 2023.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Note the national plans for a 'coronation weekend';
2. Notes that further guidance is expected from the Scottish Government around school closures;
3. Notes the arrangements made to celebrate the diamond and platinum jubilees in 2012 and 2022; and
4. Approves the proposal to grant an additional day of annual leave to all employees to be taken, where possible, on Monday 8 May 2023.

C. SUMMARY OF IMPLICATIONS

I Council Values

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

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

None

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Minimal cost implications resulting from an additional day of annual leave for all employees.
VII	Other consultations	The recognised Trade Unions have been advised of the proposals.

D. TERMS OF REPORT

D.1 Background

His Majesty King Charles III's Coronation will take place on Saturday 6 May 2023. The Scottish Government have announced plans for a 'Coronation Weekend' covering 6 – 8 May 2023, with a national bank holiday on Monday 8 May 2023, to allow individuals, businesses and other organisations in Scotland to celebrate the coronation.

In order to enable staff to take part in celebration of the coronation it is proposed that the council consider an additional day of leave for all employees to be taken, where possible, on Monday 8 May 2023.

D.2 Jubilee Celebrations 2012 and 2022

In 2012 and 2022 the council supported jubilee celebrations by approving an additional day of annual leave for all employees to be taken on 5 June 2012 and 3 June 2022 respectively. Employees required to work on those dates were granted a day off in lieu to be taken on another date in line with service need.

The council chose to grant an additional day of annual leave for all employees rather than introducing an additional public holiday day for the following reasons:

- 'By designating an additional day as a public holiday, the council would also be contractually obliged to pay public holiday enhancement rates which would equate to a premium of double time, or in certain circumstances double time plus a day in lieu'; and
- The option of an additional day of annual leave would have 'minimal cost implications for the council'.

D.3 Coronation Celebrations 2023

It is proposed that the council recognise the coronation in 2023 in a similar manner to the celebrations for the jubilees in 2012 and 2022 by granting an additional day of annual leave to all employees to be taken on Monday 8 May 2023.

The additional day of annual leave would be granted on the following basis:

- All employees, regardless of status or length of service, will be eligible and this should be managed as a service 'shutdown' on Monday 8 May 2023.

- The exception to this will be where essential services require to remain open, in which case employees required to work will be granted one day off to be taken on an alternative date in line with service need.
- Employees who do not normally work a Monday will be granted an alternative day off to be taken in line with their individual working arrangements and service need.
- Only employees in the council's employment on Monday 8 May 2023 will qualify for the leave.

Draft guidance providing more detail on proposed eligibility and management of the additional leave day is appended to this report.

This approach, as taken in 2012 and 2022 is considered to be preferable to designating Monday 8 May 2023 as an additional public holiday as it will have minimal cost implications for the council.

The alternative approach of designating Monday 8 May 2023 as an additional public holiday would have additional cost implications resulting from the contractual requirement to pay public holiday enhancements to any employees required to work on the public holiday to deliver essential services.

D.4 Additional Considerations

In line with previous royal celebrations, the Scottish Government would be required to give authority for an exceptional closure of local authority schools.

Under proposed arrangements to grant an additional day of annual leave on Monday 8 May 2023, all council offices, schools and other buildings would be closed to the public, however, it would be for services to ensure staffing levels commensurate with the delivery of services on standard public holidays.

E. CONCLUSION

Noting plans for national celebration of the 'coronation weekend', it is anticipated that the council will seek to support arrangements to allow employees to engage in the celebration of the coronation of His Majesty King Charles III.

Council Executive are therefore requested to approve the proposal to grant an additional day of annual leave to all employees to be taken, where possible, on Monday 8 May 2023.

F. BACKGROUND REFERENCES

- 2 November 2011 Council Executive Report on the Diamond Jubilee 2012
- 7 September 2021 Council Executive Report on the Platinum Jubilee 2022

Appendices/Attachments: Draft Guidance on Application of the Additional Leave Day

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Lesley Henderson
Interim Head of Corporate Services
28 February 2023

WEST LOTHIAN COUNCIL

GUIDANCE ON APPLICATION OF AN ADDITIONAL DAYS ANNUAL LEAVE TO CELEBRATE THE KING'S CORONATION

The coronation of His Majesty King Charles III will take place on Saturday 6 May 2023. The Scottish Government have announced plans for a 'Coronation Weekend' covering 6 – 8 May 2023 to allow individuals, businesses and other organisations in Scotland to celebrate the Coronation.

In order to enable staff to take part in celebration of the coronation the council has agreed an additional day of leave for all employees to be taken on Monday 8 May 2023.

The following guidance aims to provide clarification on eligibility and related management issues.

Please contact Human Resources if you need any further assistance.

Eligibility

- All employees, regardless of status, will be eligible and this should be managed as a service 'shutdown' on Monday 8 May 2023.
- The exception to this will be where essential services require to remain open, in which case employees required to work will be granted one day off to be taken on an alternative date in line with service need.
- Employees who do not normally work a Monday will be granted an alternative day off to be taken in line with their individual working arrangements and service need.
- For school staff, the date on which equivalent time off is given will be determined locally with a view to minimising the impact on the service. For example, it may be determined in secondary schools to give equivalent time off during senior pupil study/exam leave.
- Only employees in the council's employment on 8 May 2023 qualify for the leave.

Taking the leave

- The principle is that all eligible employees have the benefit of an additional day's annual leave (non – recurring) - no equivalent financial compensation will be paid if the day is not taken.
- The day's leave must be taken on 8 May 2023 unless the employee is required to work to maintain essential services on that date or does not normally work a Monday.
- Leave should be booked on iTrent employee self-service using the code: **[insert code]** under 'other paid leave'. Guidance on booking leave can be found in section 4 of the [Employee Self Service User Guide](#).

Managing the leave

All council offices, schools and other buildings will be closed to the public on 8 May 2023, however, it is for services to ensure staffing levels commensurate with the delivery of services on standard public holidays.

When granting an alternative day off to staff required to work on 8 May 2023 or staff who do not normally work a Monday, services are asked to manage the additional day's leave using the same principles as with all leave when considering cover and practical arrangements.

FAQS

Question

Are part-time employees eligible for the additional day's leave?

Answer

Yes, the principle is for all employees who qualify under the above criteria to have one additional day's leave.

Question

I have someone who is leaving employment with the council and have not utilised the coronation day leave, do we pay them for this?

Answer

No, the principle is for a day off to be enjoyed; therefore a person leaving the council should be advised to use the day or lose it.

Question

If someone is on long term sick leave, do they lose their right to the day off?

Answer

No, they should be advised of the extra day's entitlement on their return to work.

Human Resources
28 February 2023

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PENSIONS DISCRETIONS - SHARED ADDITIONAL VOLUNTARY CONTRIBUTIONS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To advise Council Executive of the requirement to amend the council's Policy Statement on Local Government Pension Scheme Discretionary Provisions in relation to the introduction of shared cost Additional Voluntary Contributions (AVCs) as part of the Council's Employee Benefits Scheme.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Note the required changes to the Policy Statement; and
2. Approve the Policy Statement.

C. SUMMARY OF IMPLICATIONS

I Council Values

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

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council is obliged under the terms of the Local Government Pension Scheme to maintain a Policy Statement concerning the exercise of certain discretions under the relevant pension regulations.
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III Implications for Scheme of Delegations to Officers	None
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IV Impact on performance and performance Indicators	None
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V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Decisions to apply discretionary pension and compensatory benefits are informed by the demonstrable benefits to the council both in terms of cost and service implications and also taking into account the interests of the employee(s) concerned.
VII	Other consultations	None.

D. TERMS OF REPORT

D.1 Background

As part of the new Employee Benefits package, the council will introduce a shared cost AVC scheme. Employees will have the opportunity to enter into a shared cost AVC through a salary sacrifice arrangement with benefits to both the employee and the council.

Shared cost AVCs are a discretionary provision under the terms of the Local Government Pension Scheme and application of this provision requires that the council amend its Policy Statement on Local Government Pension Scheme Discretionary Provisions.

D.2 Policy Statement on Local Government Pension Scheme Discretionary Provisions

Regulation 17(1) of the Local Government Pension Scheme allows the council to set up an Additional Voluntary Contributions (AVC) scheme requiring a contribution from the council.

The council's revised Policy Statement on shared cost AVCs will be:

'The council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of an employer shared cost AVC will not exceed the amount of salary sacrificed by the employee.

Payment of shared cost AVCs is at the council's discretion and subject to the employee meeting conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time'.

The statement above is contained in Part 1, Section 7 of a revised Policy Statement as attached at Appendix 1.

E. CONCLUSION

In support of the shared cost AVC scheme to be introduced as part of the council's package of Employee Benefits, the council is required to amend its Policy Statement on Local Government Pension Scheme Discretionary Provisions.

Council Executive are therefore requested to note the required changes to the Policy Statement and approve the Policy Statement. If approved, a copy of the Policy Statement will be lodged with Lothian Pension Fund as required under the terms of the Local Government Pension Scheme.

F. BACKGROUND REFERENCES

- None

Appendices/Attachments: Policy Statement on Local Government Pension Scheme
Discretionary Provisions

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Lesley Henderson
Interim Head of Corporate Services
28 February 2023



LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS 2018

POLICY STATEMENT

DISCRETIONARY PROVISIONS

Approved Council Executive: 15 September 2015

Last Revised February 2023



DOCUMENT CONTROL

Policy

Title:	Local Government Pension Scheme – Discretionary Provisions
Owner:	Human Resources

History

Version	Revision Date	Summary of Changes	Future Review Date
1.1	November 2019	Routine review required by Lothian Pension Fund	November 2024
2.0	February 2023	Revised Discretionary Provisions to support the introduction of Shared AVCs as part of the council's Employee Benefits Scheme.	February 2028

Committee Approval

Version	Committee	Committee Date
1.0	Council Executive	15 September 2015
2.0	Council Executive	28 February 2023

POLICY STATEMENT

Regulation 58 of the Local Government Pension Scheme (Scotland) Regulations 2018 requires the council to publish a policy relating to the exercise of certain discretionary powers within the regulations. In determining its policy, the council has taken account of the need to maintain public confidence in the manner it exercises the discretionary powers available to it.

SCOPE

The general discretionary powers stipulated within Part 1 of this policy statement apply to employees who are eligible to be members of the Local Government Pension Scheme.

The discretions set out in provisions 1 to 8 are mandatory elements for inclusion in an Employer's published Policy Statement. Provisions 9 to 14 are non-mandatory elements.

The specific discretionary powers stipulated within Part 2 of this policy statement apply to employees who are eligible to be members of the Local Government Pension Scheme and the Scottish Teachers Superannuation Scheme.

PART 1: DISCRETIONARY PROVISIONS - GENERAL

1. ADDITIONAL PENSION CONTRIBUTIONS

Regulation 16 (2)(e) & 16(4)(d) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council does not have a general policy of entering into an Additional Pension Contributions contract with a scheme member, but will consider individual cases on their merits.

Statutory Guidance

The council may voluntarily enter into an APC contract with a Scheme member who is contributing to the MAIN section of the scheme in order to purchase additional pension of not more than the additional pension limit (currently £6,761 and subject to annual increase in line with the Pensions (Increase) Act 1971).

The council may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with Regulation 16(2)(e), or by way of a lump sum in accordance with Regulation 16(4)(d).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Government Actuaries Department.

2. FLEXIBLE RETIREMENT

Regulation 29(7) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council will not have a general policy of agreeing to requests for early payment of retirement benefits from a member who has attained age 55 and who with the council's consent, has also reduced his or her hours and/or grade. However, where the council considers that it can be demonstrated as being to their advantage or in its operational interests, it will consider such requests.

In considering requests for flexible retirement, the council will normally expect at least a 20% reduction in the employee's contractual weekly hours or alternatively, a minimum reduction of at least one full salary grade.

Should the council agree to the early payment of benefits under this regulation in any case, it will not have a general policy of waiving any reduction, which would normally be applied to the benefits.

Statutory Guidance

Where certain conditions are met, the Scheme Regulations allow members to draw

some or their entire scheme benefits while still in employment. The conditions are:

- The member must apply for early payment in writing and be at least age 55
- The member, with the council's consent, reduces the hours they work or their grade of employment and,
- The council agrees to the early payment of their benefits

On flexible retirement, members must take all benefits in respect of membership before 1 April 2009. With regards to the following benefits, the member has the option to request payment as follows:

- All, part or none of the benefits in respect of membership between 1 April 2009 and 31 March 2015
- All, part or none of the benefits in respect of membership from 1 April 2015 onwards
- Any additional benefits such as added years contracts, additional pension contracts (APCs), additional voluntary contributions (AVCs) or additional pension or membership awarded by the council.

The council must confirm whether or not it agrees to the member's request. The benefits would be subject to the same level of reduction which would apply had the member retired from employment, but the council may, at their cost, waive the reduction.

Note that for members who have reached age 60, employer consent to early payment is not required.

3. WAIVING ACTUARIAL REDUCTION ON EARLY RETIREMENT BETWEEN 55 AND 60

Regulation 29(9) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

Any active scheme member who has not attained Normal Pensionable Age (NPA) but has attained age 55 may elect to receive immediate payment of their benefits, providing they have left employment, but these benefits may be reduced for early payment.

The council will not have a general policy of agreeing to waive any reduction which would normally be applied to the member's benefits.

Statutory Guidance

The council can agree to waive the reduction which would apply. To do so would mean the council would be liable for strain on fund costs to cover the cost of early retirement.

4. TRANSITIONAL PROVISIONS

Schedule 2 – Paragraphs 2 & 3 of the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014

Policy Statement

The council will not have a general policy of agreeing to requests to apply the rule of 85 from a member who has attained age 55 and has elected for early payment. However, where the council considers it can be demonstrated as being to their advantage or in their operational interests to apply the rule of 85, it will consider such requests.

Statutory Guidance

Other than on flexible retirement, the Rule of 85 does not automatically apply to members who would otherwise be subject to this and have chosen to voluntarily draw their benefits on or after age 55. As a result, the member's benefits will be actuarially reduced. To avoid the member incurring the full reduction to their benefits the council can 'switch on' the rule of 85 protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the council paying a strain (capital) cost to the Pension Fund.

A further option would be for the council not to apply the Rule of 85 but to agree to waive part of the actuarial reduction which would apply. In these cases, the council would meet part of the cost for early payment by paying a strain cost, and the member would meet the balance of the cost by a reduction to their benefits.

5. AWARD OF ADDITIONAL PENSION

Regulation 30 of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council will not have a general policy of awarding additional pension in this way, but will consider individual cases on their merits. The council may exercise this discretion in an individual case by written resolution where financial or operational advantages can be demonstrated.

Statutory Guidance

The council may award a member additional pension which would become payable from the same date as the member's normal pension. The maximum extra pension which can be awarded is £5,200. Such awards can be made to active members, or within 6 months of leaving to members whose employment was terminated on the grounds of redundancy or the interest of efficiency. The employer must make an appropriate payment into the fund within one month of making a resolution.

The figure of £5,200 will be increased annually each April under the Pension (Increase) Act 1971.

6. VOLUNTARY EARLY RETIREMENT BETWEEN THE AGES OF 55 AND 60

Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2018

Policy Statement

Any former scheme member who left prior to 1 April 2015 and is aged 55 or over, providing they are no longer in local government employment, may request unreduced payment of their deferred benefits on compassionate grounds.

The council will only exercise their discretion to waive the actuarial reduction in exceptional cases of hardship.

Statutory Guidance

This discretion applies to former employees with deferred benefits who left the Scheme before 1 April 2015. The Scheme Regulations allow former members to obtain access to their deferred benefits early; provided they are at least 55 years old. Benefits would be reduced for early payment and pension.

The reduction is calculated in accordance with guidance issued by the Government Actuary's department.

The council may resolve to waive any actuarial reduction applied to the member's benefits where there are compelling compassionate grounds for doing so. It should be borne in mind that decisions to waive any actuarial reduction under this regulation will put a strain on the pension fund, a cost which is passed on to the council.

7. SHARED COST ADDITIONAL VOLUNTARY CONTRIBUTIONS

Regulation 17(1) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of an employer shared cost AVC will not exceed the amount of salary sacrificed by the employee.

Payment of shared cost AVCs is at the council's discretion and subject to the employee meeting conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

Statutory Guidance

This regulation allows the council to set up an Additional Voluntary Contributions (AVC) scheme requiring a contribution from the council.

8. FORFEITURE OF PENSION RIGHTS AFTER CONVICTION FOR EMPLOYMENT RELATED OFFENCES

Regulation 86 of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

In the interests of maintaining confidence in the public service, the council reserves the right to apply to the Scottish Ministers to forfeit all or part of a scheme member's pension benefits in the event that the member has been convicted of a serious offence which were either '*gravely injurious to the State or liable to lead to a serious loss of confidence in the public service*'.

9. RECOVERY OR RETENTION WHERE FORMER MEMBER HAS MISCONDUCT OBLIGATION

Regulation 87 of the Local Government Pension Scheme ((Scotland) Regulations 2018

Policy Statement

Providing that all other efforts to recover monetary obligations have been exhausted, in the interests of maintaining confidence in public service, the council reserves the right to recover any loss arising from a criminal, negligent or fraudulent act by a former employee from his/her pension benefits should the need arise.

Statutory Guidance

This provision allows the council to recover monies from pension benefits (for example, the theft of a substantial sum of money could be recovered from a scheme member's total benefits in respect of acts of theft or fraud carried out by an employee. This provision can also apply to former employees (for example, the theft of a substantial sum of money could be recovered by deducting this amount from a member's transfer value and only the reduced benefit deferred until retirement age).

10. INWARD TRANSFER OF PENSION RIGHTS

Regulation 95 of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council will not have a general policy of allowing a late transfer of previous pension rights into the Local Government Pension Scheme to proceed. Instead it will consider individual applications on their merits and may, in agreement with Lothian Pension Fund, exercise discretion to allow a late transfer to proceed where there is no financial impact on the council and Lothian Pension Fund.

Statutory Guidance

The Scheme Regulations allow members to transfer previous pension rights into the Local Government Pension Scheme. The Regulations state that all transfers must be requested within 12 months of the member joining the scheme. However, the council in conjunction with Lothian Pension Fund has the discretion to allow transfers to proceed after this time-limit has expired.

In considering whether a late transfer of pension rights is to be accepted, the council may consider any extenuating circumstances put forward as to why the transfer was not requested previously. In these circumstances the potential pension liabilities that could arise from future early retirement in terms of increased Strain on the Fund Costs will be a particular consideration.

11. MEMBER CONTRIBUTIONS

Regulation 9(4) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

Subject to ensuring that a consistent approach is taken and in the interests of maintaining confidence in the public service, the council reserves the right to adjust a member's contribution rate should a change in pay move them into a different pension contribution band during the financial year should the need arise.

Statutory Guidance

Where an employee's salary increases or decreases during the financial year, the council will make any adjustments to contribution rates effective from 1 April following the change in salary. However, where an employee's salary decreases during the financial year they may request to have their contribution rate amended accordingly at the time of the change in salary.

12. ADDITIONAL PENSION CONTRIBUTIONS

Regulation 16 (16) of the Local Government Pension Scheme (Scotland) Regulations 2018

Policy Statement

The council will not generally agree to extend the time limit of 30 days for members to make an election to buy back lost pension following a period of approved unpaid absence, but will do so exceptionally, where a member provides evidence of extenuating circumstances.

Statutory Guidance

Following a period of approved unpaid absence of more than 30 days, the member can elect to buy back the lost pension. If they make such an election within 30 days of their return to work, then the cost of buying back the lost pension can be shared with the employer. Elections made after 30 days would require the member to bear the full costs of the additional pension contract unless the council chose to extend the 30 day time limit.

PART 2: DISCRETIONARY PROVISIONS – EARLY RETIREMENT & VOLUNTARY SEVERANCE

1. GENERAL

Decisions to award discretionary added years or enhanced lump sum compensation are delegated to the Chief Executive, in consultation with the Leader of the Council, and will be informed by the:

- demonstrable benefit(s) to the council, both in terms of total cost and service implications, based on a full assessment of these implications in each case;
- quality and relevance of the business case made, taking all relevant service and cost implications into account;
- the interests of the employee(s) concerned, balanced with the interests of the council.

2. AWARD OF ADDED YEARS

Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 1998

Policy Statement

It is the policy of the council to exercise discretion as appropriate under the relevant regulations to award added years or purchase additional pension within the limits of affordability.

Statutory Provision – Local Government Pension Scheme

Under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 1998, members of the Local Government Pension Scheme have immediate payment of pension if they are:

- aged 55* or over
- have two or more years membership; and
- their employer certifies that they are no longer in local government employment due to redundancy or in the interests of business efficiency.

Additionally, the employer has discretion to enhance such pensions for employees with at least five years scheme membership, by up to 10 'added years'.

* Employees who were active members of the scheme before 6 April 2006 and have been in continuous membership since that date retain a minimum pension age of 50.

Spouses are entitled to survivor benefits in respect of credited 'added years' (benefits based on membership accrued after 5 April 1988). The Local Government Pension etc (Civil Partnership) (Scotland) Amendment Regulations 2005 similarly provide for the payment of survivor benefits to civil partners where the former employee ceased employment after 5 April 1988

Statutory Provision – Scottish Teachers Superannuation Scheme

Under the Teachers Superannuation (Scotland) Regulations 2005 (as amended), an employer may apply two early retirement options.

In accordance with the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 (as amended), an employer may at its discretion, credit a member of the Teachers Superannuation Scheme with an additional period of service (discretionary compensation) provided that the member has:

- attained age 55;
- completed qualifying service amounting to not less than 5 years; and
- their employer certifies that they are no longer in local government employment due to redundancy or in the interests of business efficiency

Alternatively, an employer may grant an Actuarially Reduced Pension (ARP) provided that a member is aged 55 to 59 and has completed qualifying service of not less than 2 years.

It is further open to an employer to compensate for an actuarial reduction in pension benefits by opting to purchase additional pension on behalf of a teacher.

Spouses', civil partners' and surviving nominated partners' compensation pensions that are payable in respect of scheme members whose premature retirement benefits commenced on or after 1 April 2007 are payable for the lifetime of the recipient.

3. ILL HEALTH GRATUITIES

Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009.

Policy Statement

The council has resolved not to exercise discretion to award third tier ill-health gratuities under Regulation 49B of the 2009 Regulations on the grounds of affordability.

4. PAYMENT OF ENHANCED LUMP SUM COMPENSATION

Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2006 and the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1997 (as amended)

Policy Statement

The council will consider the award of enhanced lump sum compensation up to a maximum of 40 week's pay to eligible employees who have at least 2 years continuous service and who cease employment with the council on the grounds of voluntary redundancy or in the interests of business efficiency.

The amount of enhanced lump sum compensation payable in any individual case will be determined with reference to the formula for calculating statutory

redundancy payments, proportionately enhanced to provide for up to a maximum of 40 week's pay.

The council will apply discretion to disregard the statutory maximum limit and calculate redundancy payments with reference to an employee's actual week's pay.

On request the council will consider a reduction in the enhanced lump sum compensation due to an eligible employee calculated under the terms of the policy, subject to the reduced enhanced lump sum compensation being no less than the appropriate amount of statutory redundancy payment to which an employee is entitled under the Employment Rights Act 1996 calculated at an employee's actual week's pay.

Enhanced lump sum compensation will not be payable where additional pension benefits are being awarded under Paragraph 2 of this policy.

The council has further resolved that payment of compensation to a widow/widower or registered civil partner should continue to be paid after remarriage or co-habitation where the original retirement took place before 1 April 1998.

Statutory Provision

Under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2006 and the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1997 (as amended), discretionary lump sum compensation can be paid to certain local government employees who cease to hold employment on grounds of redundancy or in the interests of business efficiency.

The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009 and the Teachers' Superannuation (Scotland) Amendment Regulations 2008 provide for compensation in these circumstances of up to a maximum of 104 week's pay. This limit is inclusive of any statutory redundancy payment to which the employee is entitled under the Employment Rights Act 1996 and any additional compensation paid in connection with the statutory redundancy payment under Part II of the 1998 Regulations.

Under Regulation 4 of Part II of the 1998 Discretionary Payments Regulations, authorities have discretion to disregard the statutory maximum limit and calculate redundancy payments with reference to an employee's actual week's pay.

Administrative Arrangements

The discretionary award of added years or enhanced lump sum compensation will be implemented through an agreed procedure, which will adhere to the following principles:

- all cases of proposed early retirement and voluntary severance will, in the first instance, be submitted through the appropriate Depute Chief Executive;
- the Depute Chief Executive will ensure that all relevant details, including full costs, net savings and any service implications are provided in each case;

- the Chief Executive, in consultation with the Leader of the Council will consider each case in the context of the requirements of the policy;
- full monitoring information on numbers and costs of early retirements and severance payments will be submitted on a six-monthly basis to the Council Executive.

5. POLICY REVIEW

In formulating this policy the council has referred to the relevant statutory provisions and to advice from the City of Edinburgh Council as the Pension Scheme administering authority and the Scottish Public Pensions Agency (SPPA).

This policy statement will be kept under review and will be revised as and when necessary to reflect any changes in regulations or policy. Any changes to this policy will be advised to the administering authority and scheme members in writing within one month of the change taking effect.

Authorised Signature 	Date: 28 February 2023
Designation: Head of Corporate Services 	

DATA LABEL: Public



WEST LOTHIAN COUNCIL

ELECTED MEMBERS EQUALITY AND DIVERSITY WORKING GROUP

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to provide an update on the work of the Elected Members Equality and Diversity Working Group (EMEDWG) and present an action plan of recommendations to address barriers which might present themselves to prospective, new and incumbent elected members with protected characteristics.

The report also sets out proposed arrangements for expanding the remit of the short life Working Group following agreement of the composite motion at the meeting of West Lothian Council on 24 January 2023.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. note that the work undertaken by the EMEDWG to carry out an integrated impact assessment on the common procedures and practices of elected members is complete. (Appendix 2)
2. agree that the council takes forward the actions recommended by the EMEDWG members and that updates on progress with actions are reported to Corporate Policy and Resources PDSP on an annual basis. (Appendix 3)
3. note the set of suggested actions that fall out with the control of the council and agree that these should be forwarded to relevant stakeholders for their consideration. (Appendix 4)
4. agree that the Chief Executive writes to the Scottish Government requesting that the Local Government (Scotland) Act 1973 be amended to permit an Elected Member on family leave to nominate one other Elected Member to act as their proxy at meetings of full council.
5. in accordance with a decision of full council on 24 January 2023, agree an expanded remit for the short life Working Group to consider the impact of the National Planning Framework 4 across the protected characteristics. (Appendix 5)
6. consider the membership of the Working Group.
7. following the conclusion of the work required under the group's original remit, agree that the Head of Planning, Economic Development and Regeneration will now be Lead Officer for the Working Group in relation to its work under the expanded remit with continued support / input from the council's Equalities Officer
8. agree that the Working Group should meet as soon as reasonably practicable and thereafter as agreed by the lead officer in consultation with the Chairs

9. note that, as instructed by full council on 24 January 2023, that the Lead officer will produce a report to a future meeting of the Economy Empowerment and Wealth Building PDSP.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; providing equality of opportunities; making best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	An integrated impact assessment has been carried out on the proposed action plan. It is possible that the recommended disability audit will result in changes to policy and/or practice. However, at this point in time it is not possible to quantify what these may be.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	A number of performance indicators are currently used to measure the council's progress in the Equality and Diversity Framework 2021-2025.
V	Relevance to Single Outcome Agreement	N/A
VI	Resources - (Financial, Staffing and Property)	The costs of taking forward actions recommended by the EMEDWG will be met from existing budgets
VII	Consideration at PDSP	N/A.
VIII	Other consultations	Governance Manager African Women's Network Carers of West Lothian Close the Gap Disability West Lothian Fair Justice System for Scotland

D TERMS OF REPORT

D.1 Background

On 8 February 2022 Council Executive agreed to establish a cross party short life working group of elected members to consider equality and diversity issues in relation to the common procedures and practices of elected members.

Councillor McKee Shemilt and Councillor Sullivan were confirmed as Joint Chairs of the working group at a meeting of Council Executive on 22 March 2022 and again at the meeting of West Lothian Council on 24 May 2022. The Lead Officer of the working group is Lesley Henderson, Interim Head of Corporate Services.

A copy of the Elected Members Equality and Diversity Working Group (EMEDWG) remit is set out in Appendix 1.

D.2 Engagement with Stakeholders

The EMEDWG met on a number of occasions during 2022. Engagement with stakeholders to inform the group's work was done through the development and circulation of two surveys; one to capture feedback from elected members and the other from relevant community and interest groups.

The survey issued to elected members sought to capture information on any barriers that have been experienced by them, as individuals, as a result of a protected characteristic when undertaking their duties. A total of 18 responses were received. Of those that responded 71% were female and 29% male with 42% of respondents being in the 51-60 age bracket; 44% of members who responded identified as having a disability with half of those noting a physical disability.

The second survey was issued to 8 community and interest groups and this sought to capture information on any barriers they envisaged being present for the groups they represent. 2 responses were received. As responses to this questionnaire were limited, those that were contacted were also invited to attend a meeting of the working group to discuss in person any barriers that may be present for members of the groups they represent to becoming councillors, and to explore any actions that they might recommend to improve inclusivity. The African Women's Network, Close the Gap, Disability Network West Lothian, Carers of West Lothian and the Fair Justice System for Scotland Group all attended meetings of the EMEDWG. The information provided by these stakeholders has been used to complete an integrated impact assessment. A copy of this is attached as Appendix 2.

D.3 Feedback on the Common Procedures and Practices of Elected Members

The information collated through the stakeholder engagement helped to identify barriers which might be present in the common procedures and practices of elected members and to identify any reasonable adjustments and anticipatory measures that would help overcome these and improve inclusion and participation. Feedback on these aspects has been categorised under the theme of accessibility and is set out below:

- **Accessibility**

It was evident from the information collated that barriers can be present for individuals with a protected characteristic accessing resources and processes associated with the elected member role.

Particular reference was made to reviewing council papers and attending meetings. Examples provided include the format of council papers, particularly for those with a visual impairment or dyslexia, the formality of language used was also cited as a barrier for those whose first language is not English. The timetable for issuing committee papers was referred to as short, particularly where technical information is to be read and understood. Lengthy council meetings were repeatedly highlighted as a practice that can impact on those with a disability; the instigation of breaks at the 2-hour mark during meetings of full council was cited as a welcomed change in practice, as was the introduction of a process to identify reasonable adjustments during the elected member induction.

Lack of technical / IT skills that may be experienced as a result of a protected characteristic were mentioned as something that may impact on an individual's ability to use technology and engage in virtual processes, but the introduction of virtual meetings was equally recognised as having a positive impact for those who may

experience issues with travel and/or have a disability that may impact on ability to attend in person meetings.

The impact that the elected members' remuneration might have on the payment of benefits to individuals with a disability was also something that was referred to as a potential barrier that may influence decisions to stand for elected office.

Language and the ability to understand accents and dialects during interactions undertaken by elected members was highlighted as being a barrier for individuals where English is a second language.

Whilst steps have been introduced as part of the elected members induction process to identify reasonable adjustments that may be required to support individual elected members, it was established during the stakeholder consultation that some further actions could be taken that would remove barriers and improve inclusivity.

Details of proposed actions discussed with the stakeholders are included in the action plan which is set out as Appendix 3 of the report. If these actions are agreed, it is recommended progress against the action plan is report to the Corporate Policy and Resources Policy and Development Scrutiny Panel on an annual basis.

D.4 General Barriers to Elected Office

In addition, during the engagement process feedback was received on areas of more general activity that, if changes were made, could have a positive impact on accessibility and participation of individuals with a protected characteristic considering standing for elected office. These are issues and suggested actions that technically do not sit within the terms of the group's remit but are nevertheless brought forward as proposals for committee to consider. This feedback has been categorised under the themes of Engagement with Under Represented Groups and Awareness on the Role of an Elected Member.

- **Engagement with Under Represented Groups**

It became evident from those that attended the working group that cultural differences can present barriers to participation. Stakeholders identified the central and influential role of faith and religious leaders with some under represented groups. The working group therefore considered it important to suggest actions to ensure that the processes in place across the council for engaging with under represented groups are operating as effectively as possible. Details of these suggestions are included in an action plan contained in Appendix 4 of the report

- **Visibility of Role and Work of Elected Members**

It also became evident that the role and work of elected members is not as widely understood as it could or should be. As a result, it was recognised by working group members that actions could be progressed by political groups themselves to increase awareness and improve inclusivity.

As COSLA also have a key role to play in ensuring that the role and work of elected members is promoted and understood, Alexis Camble from COSLA attended the EMEDWG to update on the work of COSLA's Barriers to Elected Office Special Interest Group (SIG). The SIG was developed in 2018 to address barriers to elected office and to take action to encourage under represented groups to consider standing for local elected office. The SIG developed an action plan to inform COSLA's work on barriers to elected office; this identified priority areas of work for officers to focus on and was kept under review to allow for emerging priorities to be added. The EMEDWG was advised that a new SIG will be convened for the 2022-27 Local Government term and

it was agreed that the elected members on the West Lothian group would continue to work with COSLA by sharing the findings from the work undertaken by the EMEDWG to tackle the barriers to elected office.

There were a number of actions discussed between the EMEDWG members and the COSLA representative that it was agreed would benefit from being progressed. Details of these recommendations are included in the action plan contained in Appendix 4 of the report.

D.5 Proxy Voting for Elected Members at Council and Committee Meetings

The [Family Leave Scheme for Elected Members](#) was agreed at the meeting of West Council on 24 November 2020. Whilst setting out the leave and pay provisions associated with absences relating to maternity, paternity, shared parental, adoption and surrogacy leave, this Scheme does not provide scope for another elected member to act as a proxy for voting at Council meetings. Voting by proxy is not legally competent for councillors. Those voting must be present at the meeting, whether physically or virtually.

To try to improve inclusivity in council meetings whilst absent on leave under the provisions of the Scheme, it is recommended that the Chief Executive write to the Scottish Government requesting that the Local Government (Scotland) Act 1973 be amended to introduce a reasonable adjustment which permits an Elected Member on family leave to nominate one other Elected Member to act as their proxy at meetings of full council.

Where permitted by Standing Orders, Elected Members can nominate a substitute to attend other committee meetings on their behalf. There is therefore no requirement to seek to introduce proxy voting arrangements at meetings of this type. It would also be undesirable to confer an unqualified right to appoint a proxy since it would then cover committees where appointing a substitute(or proxy) is not appropriate, such as planning and other regulatory committees

D.6 Expanded Remit, Membership and Administrative Arrangements

On 24 January 2023 West Lothian Council agreed, through a composite motion, to expand the remit of the short life Working Group to consider the impact of the National Planning Framework 4 across the protected characteristics. A copy of the composite motion is set out in Appendix 5.

It is recommended that the Head of Planning, Economic Development and Regeneration take over as Lead Officer for the Working Group. Other officers with appropriate experience and knowledge will be invited to attend as required.

Committee may want to consider the membership of the Working Group.

The first meeting of the expanded Working Group should meet as soon as reasonably practicable and thereafter as required by its work and produce a report to a future meeting of the Economy Empowerment and Wealth Building PDSP.

E CONCLUSION

Council Executive agreed at its meeting on 8 February 2022 to set up a cross-party short life working group to consider equality and diversity issues associated with the common procedures and practices of elected members. This report provides an update on that work and presents an action plan of recommendations to address barriers to improve inclusivity.

The report also sets out proposed arrangements for expanding the remit of the short life

Working Group to progress a review of the impact of the National Planning Framework 4 as instructed by full council on 24 January 2023.

F BACKGROUND REFERENCES

West Lothian Council, 25 January 2022
Council Executive, 8 February 2022
Council Executive, 22 February 2022
Council Executive, 22 March 2022
Council Executive, 24 June 2022
West Lothian Council, 24 January 2023

Appendices: Appendix 1: Remit of Working Group
Appendix 2: Integrated Impact Assessment
Appendix 3: Proposed Action Plan
Appendix 4: Suggestions for External Bodies / Organisations
Appendix 5: Composite Motion

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Lesley Henderson
Interim Head of Corporate Services

Appendix 1

WORKING GROUP REMIT

To carry out an audit of the common procedures and practices of elected members and through an integrated impact assessment to:-

1. Identify and address the barriers which might present themselves to prospective, new and incumbent elected members with protected characteristics
2. Consider reasonable adjustments and anticipatory measures to help overcome those barriers and help ensure full inclusion and participation for elected members with protected characteristics
3. Recommend policies, procedures and practices which seek to break down barriers to inclusion

The common procedures and practices of elected members shall include but are not limited to:-

- a) Committee meetings
- b) Timings, length – particularly full council meetings
- c) Procedures in virtual meetings
- d) Procedures in face to face meetings
- e) Procedures in Development Management and Planning Committees
- f) Papers – accessibility of language and format, time of access in relation to time of committee meeting
- g) Accessibility of meetings with other agencies

Additions may be made to the list of common practices and procedures which are in accord with the decision of council to establish the Working Group

DATA LABEL: PUBLIC



Integrated Relevance Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Barriers to elected office working group and action plan
Service Area	Corporate Services
Lead Officer	Interim Head of Corporate Services
Other Officers/Partners Involved	Equality Officer
Date relevance assessed	

2. Does the council have control over how this policy will be implemented?			
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	X
Disability – people with disabilities/long standing conditions	X
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	X
Marriage or civil partnership – people who are married or in a civil partnership	
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	X
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	X
Religion or belief – people with different religions and beliefs including those with no beliefs	X
Sex – female, male and intersex	X
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	X

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?

Consideration must be given particularly to children and families

Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	
Socio-economic Background – social class i.e. parents education, employment and income	

5. Integrated impact assessment required?

(Two ticks above = full assessment necessary)

YES	✓	NO	
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6. Decision rationale

If you have ticked no above, use this section to evidence why a full IIA is not required

Signed by Lead Officer	
Designation	Equalities Officer
Date	
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	Interim Head of Corporate Services
Date	



Full Integrated Impact Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Barriers to elected office working group and action plan
Details of Others Involved	African Women's Network Carers West Lothian Close the Gap Disability West Lothian Fair Justice System for Scotland West Lothian Council Elected Members COSLA
Date Assessment Conducted	

2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes including the context within which it will operate)
<p>The Council is committed to developing and promoting policies, procedures and practices that seek to break down barriers to inclusion for its employees, customers and members of the West Lothian community – which include prospective, new and incumbent councillors, albeit, that Elected Members are not employees of the council and the council's duty to Elected Members does not infer any employment rights.</p> <p>The Council embraces the point of view that elected representatives, must strive to embody the inclusive society that we want to see in our country, where equality and human rights are respected and every individual and minority group feels valued. Council would like to see a body of elected members which best reflects the diversity of our West Lothian Communities.</p> <p>On 25 January 2022 West Lothian Council agreed, through a composite motion, to establish a short life working group of elected members and others to consider equality and diversity issues in relation to the common procedures and practices of elected members.</p> <p>The working group has met on a number of occasions and agreed the initial activity that would identify the barriers experienced by elected members. This included the development of two engagement surveys. The purpose of these surveys is to capture feedback from both elected members and relevant community groups to ensure that the work of group is informed by lived experience.</p> <p>This integrated impact assessment captures the findings of the consultation on the barriers for elected members and the suggested actions that should be included in an action plan.</p>

3. Please outline any needs and/or barriers which equality groups (people with protected characteristics) may have in relation to this policy	
Age	<p>What effect/difference will the policy have on people?</p> <p>The increased use of technology can be a challenge for people who are not familiar or confident in using technology. It might be that the ability to join meetings virtually increases flexibility. However, technology is also known to impose barriers. Also, an issue was raised re accessibility and community councils and whether training or help on how to make meetings accessible was a possibility.</p>

	<p>How do you know that?</p> <p>Feedback from expert advisors and stakeholders to the working group.</p> <p>In 2018, 12% of those aged between 11 and 18 years (700,000) reported having no internet access at home from a computer or tablet (PDF, 3.16MB)</p> <p>Since 2011, adults over the age of 65 years have consistently made up the largest proportion of the adult internet non-users, and over half of all adult internet non-users were over the age of 75 years in 2018. This reflects the pattern of the younger generations becoming more likely to be frequent internet users.</p> <p>The pattern of internet use by age is replicated when looking at digital skills, with 76% of those with zero basic digital skills aged over 65 years in 2018 (PDF, 3.16MB)</p> <p>Exploring the UK's digital divide - Office for National Statistics (ons.gov.uk)</p> <p>Digital inclusion for older people Discover Age UK</p>
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Disability	<p>What effect/difference will the policy have on people?</p> <p>Length of meetings can impact of people with disabilities including non visible disabilities. The instigation of breaks at the 2 hour mark to full council meetings was referred to as being both welcomed and helpful.</p> <p>The timescale for issuing papers may be problematic particularly if the papers contained detailed, technical information, for example, papers delivered to the Development Management Committee.</p> <p>For people with a visual impairment there needs to be a suitable format, for example a Braille text reader. People with dyslexia might struggle to read the papers in the given time and the font and font size utilised may also impact on this.</p> <p>Respondents reported limited training available for disabled candidates to be able to engage with party processes. In these cases, it was not a lack of political knowledge but support with technology which was highlighted.</p> <p>For example, difficulties accessing support with using spreadsheets and social media through screen reader technology.</p> <p>Concerns around the timings of events and activities were also identified. If an elected member is unable to drive they may be reliant on public transport, which was not always conveniently connected to meeting locations, particularly at night when services became less frequent and less reliable. They were instead dependent on taxis and lifts from friends and family, which could mean more limited availability or feeling guilty about disrupting other people's lives, which presented a barrier to regular attendance.</p> <p>Virtual & hybrid meetings could make it easier for people with disabilities to participate. The virtual versions of hybrid meetings can create opportunities for accessibility. With the option to join an event or meeting online, attendees with disabilities have the potential for connectivity and engagement without attendees having to worry about challenging logistics or discrimination.</p> <p>There have been many studies that have shown that for many disabled people in the workplace, remote working and online events have been a positive experience:</p> <ul style="list-style-type: none"> • Remote working has helped people to feel less isolated • Disabled people have felt more included and engaged in the workplace culture • Online events have enabled disabled people to attend and participate. These are often events that people would not have been able to otherwise access. <p>How do you know that?</p> <p>Feedback from expert advisors and stakeholders to the working group.</p> <p>A research report into the experiences of disabled people working in the Scottish Parliament, including MSPs. The report highlighted that without physical assistance to access transport, and without venue choices for meetings that are well-served by public transport, disabled people would need to use taxis – incurring additional expenses that might deter participation (see Inclusion Scotland, 2016).</p> <p>Accessible Online Events - 6 Quick & Easy Tips - Celebrating Disability</p>
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Gender Reassignment – Trans/Transgender Identity	<p>What effect/difference will the policy have on people?</p> <p>While parties and local parties can be supportive of members with visible protected characteristics, they can sometimes be less supportive of those with hidden protected characteristics. From research, this was particularly experienced in relation to mental health, sexual orientation and trans people.</p> <p>Disclosing one's gender identity at work is deeply personal and can be a difficult process. People do not always feel comfortable being themselves and open about their gender identity or sexuality within their parties, or with voters.</p> <p>How do you know that?</p> <p>Research shows negative experiences of trans and non-binary people, including transphobia while seeking employment, a greater likelihood of experiencing workplace conflict or harassment and a lack of education over how to support trans and non-binary people or recognise transphobic behaviours in others.</p> <p>CIPD's Inclusion and Work research found that 193 trans workers surveyed, 26% are not open about their gender identity at all at work, while 39% are mostly or completely open about their gender identity at work. The remaining 35% are split between being open to a few close people at work, and open to a broad range of people at work.</p> <p>EHRC Barriers to Elected Office research. research-report-125-political-participation-barriers-participation-scotland.docx (live.com)</p> <p>The lived experience of trans people in the workplace (culture-shift.co.uk) Inclusion at work: perspectives on LGBT+ working lives CIPD</p>
Marriage or Civil Partnership	<p>What effect/difference will the policy have on people?</p> <p>It is not expected that the common procedures and practices of elected members will have a direct or indirect impact on those in this group.</p> <p>How do you know that?</p>
Pregnancy and Maternity	<p>What effect/difference will the policy have on people?</p> <p>The impact of attitudes and policies on pregnancy and maternity will often interact with sex discrimination and be disproportionately felt by women.</p> <p>Limited maternity or paternity rights, or formal sick leave considerations can provide barriers and could negatively affect cultures and behaviours among parties at the national and local level, and diversity among those successfully standing for election.</p> <p>How do you know that?</p> <p>Research available evidences both the negative experiences and perceptions of pregnant women and women on maternity leave.</p> <p>EHRC Barriers to Elected Office research. research-report-125-political-participation-barriers-participation-scotland.docx (live.com)</p>

Race	<p>What effect/difference will the policy have on people?</p> <p>There is a lack of role models for people of colour.</p> <p>We need to understand the influence of culture & religion. Culturally women can often be responsible for the majority of tasks within the home.</p> <p>A lack of information and a lack of a support network was also seen as a barrier for people from ethnic minorities. Political training, shadowing schemes and buddying schemes, whether formal or informal, were mentioned by a number of our participants as useful and beneficial to removing some information and network barriers.</p> <p>Language of council reports too formal, especially important when English is not your first language.</p> <p>How do you know that?</p> <p>Feedback from expert advisors and stakeholders to the working group.</p> <p>Research highlights negative experiences of BAME women as they engage with the Scottish labour market : Policymakers (closesthegap.org.uk)</p> <p>The Framework's Approach - Race equality framework for Scotland 2016 to 2030 - gov.scot (www.gov.scot)</p>
Religion or Belief	<p>What effect/difference will the policy have on people?</p> <p>Women of African descent were reportedly unlikely to go to a councillor for help. First port of call would more often be a church elder.</p> <p>Faith leaders in ethnic communities can be very influential and are seen as a source of support and guidance in a role such as an elected member.</p> <p>How do you know that?</p> <p>Feedback from expert advisors and stakeholders to the working group.</p> <p>A study conducted with young Muslims in Scotland found that Islamophobia and racism, in the media and from some public figures and politicians, were significant barriers to their pursuing a more active role in politics (Finlay et al., 2017).</p>

Sex	<p>What effect/difference will the policy have on people?</p> <p>Problems can arise around attending meetings – whether training courses or community councils because of the timing of activities when meetings and campaigning events were held at night, after dark, and across wards and councils with large geographic areas. Women may experience safety concerns around having to travel alone, sometimes by public transport, to locations which were not, during the early stages of a campaign, necessarily familiar.</p> <p>Issues of time management were raised by a number of our advisers and stakeholders including, Close the Gap, the West Lothian African Women's Forum and from Carers of West Lothian. Long working hours reduce the possibility of combining work with any external responsibilities that may often fall to women.</p> <p>Council employment policies and procedures re violence and harassment against women are not necessarily evidently applicable to councillors because they are not employees.</p> <p>Improvement Service is piloting a mentoring programme for elected members for underrepresented groups. This is looking specifically at a variety of women in society. There is also a toolkit for equal representation developed by various organisations: https://www.equalrepresentation.scot/about/</p> <p>There is a perception that those in positions of power often champion those who are like themselves, or who look like the candidates that have gone before. This can lead to a disadvantage for women because women are less likely to possess, or be seen to possess, the relevant qualifications of the archetypal candidate.</p> <p>How do you know that?</p> <p>Research by the EHRC found clear barriers to diversity among local politicians in terms of the reaction or behaviour faced by members of some protected characteristic groups, in relation to their protected characteristic. A significant proportion of our research participants had experienced unwanted behaviour that they had found to be humiliating, offensive or intimidating – 48 per cent of women candidates who responded to our survey had experienced this behaviour (and 12 per cent of male candidates). research-report-125-political-participation-barriers-participation-scotland.docx (live.com)</p>
Sexual Orientation	<p>What effect/difference will the policy have on people?</p> <p>While parties and local parties can be supportive of members with visible protected characteristics, they can sometimes be less supportive of those with hidden protected characteristics.</p> <p>From research, this was particularly experienced in relation to mental health, sexual orientation and trans people.</p> <p>How do you know that?</p> <p>research-report-125-political-participation-barriers-participation-scotland.docx (live.com)</p>

4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy.

Vulnerable groups may include the following:

- Unemployed
- Single parents and vulnerable families
- People on benefits
- Those involved in the criminal justice system
- People in the most deprived communities (bottom 20 SIMD areas)
- People who live in rural areas
- Pensioners
- Looked After Children
- Carers including young carers
- People misusing services
- Others e.g. veterans, students
- Single adult households
- People who have experienced the asylum system
- Those leaving the care setting including children and young people and those with illness
- Homeless people
- People with low literacy/ numeracy
- People with lower educational qualifications
- People in low paid work
- People with one or more protected characteristics

What effect/difference will the policy have on people?

Financial barrier including potential impact of councillor allowance on benefits.

Lack of tech infrastructure/equipment/skills for community meetings to facilitate hybrid arrangements.
Cost of transport.

For individuals on lower incomes, typically women, people from ethnic minorities and disabled people, the potential loss of income from leaving a job to campaign, or the lack of time available to campaign if in employment, is a particular barrier.

For disabled people, and for those with childcare costs, the additional costs associated with campaigning were highlighted as a barrier. This extended to paying for transport to attend party events and paying for equipment and support with accessibility, such as interpreters, assistive technology, and carers.

How do you know that?

Feedback from expert advisors and stakeholders to the working group.

Poverty Alliance:

<https://www.povertyalliance.org/wp-content/uploads/2022/01/Fair-Work-consultation-Poverty-Alliance.pdf>

Women's experience of the cost of living crisis

https://www.povertyalliance.org/wp-content/uploads/2022/11/SWBG_PA_Cost_of_Living_Report_Final.pdf

5. Action Plan

What action/s will be taken, by whom and what is the timescale for completion?

Actioner Name:

Action Date:

What is the issue?

What action will be taken?

Progress against action

6. Details of consultation and involvement

Who will be or has been involved in the consultation process?

- a) State which service users and groups are involved in this process and describe their involvement.
- b) Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.
- c) Describe the results of the involvement and how you have taken this into account.

The first of the surveys was issued to elected members of West Lothian Council in April 2022. This survey sought to capture information on any barriers that have been experienced by individual elected members when undertaking their duties. The survey also sought to find out whether any support had or could have been provided to lessen the impact of any barriers that may have been experienced. The survey was re-issued in June 2022 to capture feedback from newly elected members.

In June 2022 to a range of community groups including Disability Access West Lothian, Enable, Close the Gap and the Faith and Race Forum. These groups were invited to attend a meeting of the working group to discuss their responses and to explore any actions that they might recommend that would improve inclusivity.

There were a number of groups that were contacted but were not able to participate at this time. These include Stonewall and Members of the Scottish Youth Parliament.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

- a) What information or other evidence has been used in the development of the policy?
- b) What does research, consultation and other data or information tell you about the impact of the policy? (describe the information and conclusions, and state where the information can be found)
 - i. Quantitative (numbers, percentages, statistical analysis)
 - ii. Qualitative (written/spoken words, opinions, surveys)
- c) Describe any gaps in the available information, and record within section five (Action Plan), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.
- d) Give details of any existing local or national evidence which has been used to inform the development of your policy.

[Barriers to elected office for disabled people - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Fairer Scotland Action Plan - gov.scot \(www.gov.scot\)](https://www.gov.scot)

[Scottish Government \(2017\), Sexual orientation in Scotland 2017: a summary of the evidence base, Scottish Government \[accessed: 4 March 2019\].](#)

[TUC \(2016\), Still just a bit of banter? Sexual harassment in the workplace in 2016 \[accessed: 4 March 2019\].](#)

[Wheeler, P. \(2006\), How can political parties recruit a greater diversity of local councillors? Joseph Rowntree Foundation \[accessed: 4 March 2019\].](#)

[Williams, R. and Paun, A. \(2011\), Party people: How do – and how should – British political parties select their parliamentary candidates? Institute for Government \[accessed: 4 March 2019\].](#)

[Women 50:50 \(2017a\), 'Where are the women?' 5 April 2017 \[accessed: 4 March 2019\].](#)

[Women 50:50 \(@women5050\) \(2017b\), 'So here is the data for #LocalElections2017 \(with huge thanks to @merylkenny for all the counting and checking!\)' 8 May 2017, 12:57am. Tweet \[accessed: 4 March 2019\].](#)

[YouGov \(2014\), 'Across the board opposition to all-women shortlists' \[accessed: 4 March 2019\].](#)

[Office for National Statistics \[ONS\] \(2011\), 'Long-term health problem or disability - Scotland', Nomis, Official Labour Market statistics \[accessed: 4 March 2019\].](#)

[Office for National Statistics \[ONS\], \(2017\), 'Population Estimates for UK, England and Wales, Scotland and Northern Ireland: Mid-2016' \[accessed: 4 March 2019\].](#)

[Scotland's Census 2011 \(2011a\), 'Table DC2101SC - Ethnic group by sex by age' \[accessed: 4 March 2019\].](#)

[Scotland's Census 2011 \(2011b\), 'Table DC3101SC - Long-term health problem or disability by sex by age' \[accessed: 4 March 2019\].](#)

[Scotland's Census 2011 \(2011c\), 'Table LC1117SC - Age by sex' \[accessed: 4 March 2019\].](#)

[Scottish Conservatives \(2018\), 'New initiative launched to elect more women and BME candidates' \[accessed: 4 March 2019\].](#)

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.

- a) How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.
- b) How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.
- c) Describe any modifications which you can make without further delay (for example, easy, few resource implications).
- d) If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.
- e) Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.

- Continue to refresh and deliver equality and diversity awareness raising sessions to council staff and elected members on protected characteristics.
- Undertake a Disability Audit of council committee meetings covering:
 - meeting attendance
 - council reports and papers
 - duration of meetings
 - accessibility for those with impairments
- Consider where appropriate the promotion of the use of Plain English in committee reports and motions and amendment
- Promote the use of easy read documents and summary information on key council papers
- Ensure the council's Jargon Buster, which explains terminology for all services, is subject to annual review and update.
- Deliver training from Visibility Scotland on how to make committee reports and motions and amendments for visually impaired readers.
- Promote the ReCite me function on the council's website.
- Provide information to Elected Members on the [Sensory Support Service - Health & Social Care Partnership \(westlothianhsc.org.uk\)](http://westlothianhsc.org.uk)
- Raise awareness of transportation options such as the [HcL \(Dial-a-Ride & Dial-a-Bus\) - West Lothian Council](http://HcL.org.uk) And [Accessible transport | Transport Scotland](http://Accessibletransport.org.uk) for those that may experience travel issues.
- Provide support and training to Community Councils to encourage hybrid meetings
- Undertake Access Audit for the Civic Centre
- Review council HR policies related to protected characteristics to determine any transferability to elected members.
- Consider activity required to obtain Carer Positive accreditation
- Write to the Scottish Government requesting that the Local Government (Scotland) Act 1973 be amended to introduce a reasonable adjustment which permits an Elected Member on family leave to nominate one other Elected Member to act as their proxy
- Continue to support the Race and Faith Forums
- Explore options to secure representation at PDSPs from organisations and forums such as the Race Forum, African Women's Forum and Disability West Lothian.
- Encourage members of under-represented groups to observe in public gallery or watch meetings on YouTube to increase understanding of how 3rd sector participates/engages with council processes.
- Explore opportunities for Cosla and the Improvement Service to:
 - use national campaign days as opportunities to highlight how individuals with a protected characteristic could be a councillor

- organise an event to showcase the work of elected members and target attendance at those from underrepresented groups
- engage with 3rd sector to encourage greater diversity of candidates to stand for election.
- offer an all party shadowing & mentoring programme to increase the understanding of the role of an elected member e.g 'A week in the life of a Councillor'
- Promote the toolkit for equal representation in politics into councillor's induction [Equal Representation in Politics](#)
- Provide feedback on the impact that the elected members remuneration may have on the payment of benefits to the Scottish Local Authority Remuneration Committee.

9. Monitoring and Review

- a) How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
- b) What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
- c) How will results of monitoring be used to develop future policies?
- d) When is the policy due to be reviewed?
- e) Who is responsible for ensuring this happens? Please detail below

A report providing an update on any agreed actions will be presented on an annual basis to the Council Executive.

10. Recommendation and Reasoning

Reason for Recommendation

Signed by Lead Officer

Designation

Date

Counter Signature

(Head of Service or Depute Chief Executive responsible for the policy)

Date

Equalities Officer

Interim Head of Corporate Services

Appendix 3

West Lothian Council Action Plan**Theme –Accessibility**

Action	Timeframe	Responsible person/officer	Date of completion
Continue to refresh and deliver equality and diversity awareness raising sessions to council staff and elected members on protected characteristics.	Medium Term	Head of Corporate Services	
Undertake a Disability Audit of council committee meetings covering: <ul style="list-style-type: none"> meeting attendance council reports and papers duration of meetings accessibility for those with impairments 	Short Term	Head of Corporate Services	
Consider where appropriate the promotion of the use of Plain English in committee reports and motions and amendments.	Short Term	Governance Manager	
Promote the use of easy read documents and summary information on key council papers	Short Term	Head of Corporate Services	
Ensure the council's Jargon Buster, which explains terminology for all services, is subject to annual review and update.	Annual	Head of Corporate Services	
Deliver training from Visibility Scotland on how to make committee reports and motions and amendments for visually impaired readers.	Medium Term	Head of Corporate Services	
Promote the ReCite me function on the council's website.	Short Term	Head of Corporate Services	
Provide information to Elected Members on the Sensory Support Service - Health & Social Care Partnership (westlothianhscp.org.uk)	Short Term	Head of Corporate Services	
Raise awareness of transportation options such as the HcL (Dial-a-Ride & Dial-a-Bus) - West Lothian Council And Accessible transport Transport Scotland for those that may experience travel issues.	Short Term	Head of Corporate Services	
Provide support and training to Community Councils to encourage hybrid meetings.	Medium Term	Head of Corporate Services	
Undertake Access Audit for the Civic Centre	Short Term	Head of Finance and Property Services	

Action	Timeframe	Responsible person/officer	Date of completion
Review Access Audits of council Partnership Centres	Short Term	Head of Finance and Property Services	
Review council HR policies related to protected characteristics to determine any transferability to elected members.	Medium Term	Head of Corporate Services	
Consider activity required to obtain Carer Positive accreditation	Short Term	Head of Corporate Services	
Chief Executive issue a letter to the Scottish Government requesting that the Local Government (Scotland) Act 1973 be amended to introduce a reasonable adjustment which permits an Elected Member on family leave to nominate one other Elected Member to act as their proxy	Short Term	Chief Executive	

Actions Timeframe

Short Term – 6 months

Medium Term – by 31 March 2024

Appendix 4

Suggestions for External Organisations / Groups**Theme –Engagement with Under Represented Groups**

Action	Timeframe	Responsible person/officer	Date of completion
Continue to support the Race and Faith Forums	Ongoing	Head of Planning, Economic Development & Regeneration	Ongoing
Explore options to secure representation at PDSPs from organisations and forums such as the Race Forum, African Women's Forum and Disability West Lothian.	Medium Term	Community Wealth Building Manager	
Encourage members of under-represented groups to observe in public gallery or watch meetings on YouTube to increase understanding of how 3rd sector participates/engages with council processes.	Medium Term	Community Wealth Building Manager	

Theme - Visibility of Role and Work of Elected Members

Action	Directed To
Use national campaign days as opportunities to highlight how individuals with a protected characteristic could be a councillor.	COSLA
Organise an event to showcase the work of elected members and target attendance at those from underrepresented groups	COSLA / Improvement Service
Engagement with 3rd sector to encourage greater diversity of candidates to stand for election.	COSLA / Improvement Service
Offer an all party shadowing & mentoring programme to increase the understanding of the role of a elected member e.g 'A week in the life of a Councillor'	COSLA / Improvement Service
Promote the toolkit for equal representation in politics into councillor's induction Equal Representation in Politics	COSLA / Improvement Service
Provide feedback on the impact that the elected members remuneration may have on the payment of benefits.	Scottish Local Authority Remuneration Committee (SLARC)

Actions Timeframe

Short Term – 6 months

Medium Term – by 31 March 2024

WEST LOTHIAN COUNCIL LABOUR GROUP

Notice of Amendment from Councillor Craig Meek for the Council meeting on 24th January 2023

Item 9 - Adopting a gendered lens to council services in public spaces

Council notes the composite motion approved at Council on 25th May 2021 which recognised that the onus of keeping women and girls safe should not rest with them alone. A consultation relating to safety in public places and spaces ran for 6 weeks and closed 22 October 2021. 2,672 responses were received and over 9,000 individual comments were submitted. Council further notes that the Community Safety Plan 2022 – 2025 approved on 8 August 2022 includes a specific action plan on women and girl's safety, with £200,000 of funding to support initiatives arising from the recommendations from the public consultation on improving safety in public spaces and places in West Lothian agreed at the Council budget setting meeting of 15th Feb 2022.

Council acknowledges the good progress made on the actions, with a group established to identify environmental improvements and sites for mobile CCTV which will have the greatest impact on women and girls safety; personal safety alarms being made available to women and girls during the 16 days of action campaign and a "Don't be that Guy" communication campaign, the aim of which was to provide a way for women and girls in West Lothian to speak up about the public spaces and places where they feel unsafe and to highlight to men the role they can have in helping women and girls feel safer.

Council further understands that as part of these measures, an online public safety reporting form is now live and encourages women and girls to report when and where they feel unsafe in public spaces, to build on the feedback from the initial consultation, and to continually monitor and consider whether any environmental improvements are required e.g. cutting back shrubbery or installation of lighting required to improve safety.

Council notes that planning decisions are based on the development plan, which going forward is National Planning Framework 4 along with the local development plan which needs to conform to the latter. Council understands the framework sets out how we will work together to improve people's lives by making sustainable, liveable and productive places which will play a key role in delivering on the United Nations (UN) sustainable development goals as well as national outcomes.

Council agrees that the winter maintenance policy considers all members of the public equally when prioritising the maintenance of ice treatment and snow clearing on the roads and footway network. Council further agrees the policy does not discriminate against the specific needs of women or pedestrians and is reviewed annually for approval by the Council Executive, with the current policy approved unanimously at the Council Executive on 25th October 2022.

Council notes the strategic review of town centres currently being undertaken in consultation with local organisations, with a draft report due back to the Economy, Community Empowerment and Wealth Building PDSP in the Spring.

Council further notes that as part of the Passenger Transport Strategy due to be reviewed in 2023/24, stakeholder views will be obtained via the consultation process and targeted customer workshops where officers will ensure that interested parties, including any women's groups and/or groups with a remit for promoting and ensuring inclusivity are included in the stakeholder engagement process.

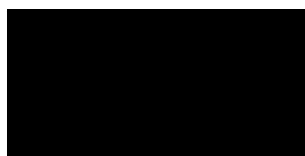
Council acknowledges the current remit of the Elected Members Equality and Diversity Short Life Working Group is to identify barriers that may exist to prospective, new and incumbent members with regards to protected characteristics and to propose an action plan to address such barriers where possible. Council agrees that the remit could be expanded to examine the impact of NPF4 on the protected characteristics which includes sex.

Council notes the following:

- The role of Equality Impact Assessments in policy development and governance processes
- The ongoing work with regards to the safety of women and girls as identified in the action plan approved by the Community Safety Board on 8th August 2022.
- The annual review of the Winter Plan unanimously agreed at Council Executive on 25th October 2022.
- The strategic review of town centres currently underway in consultation with local organisations
- The consultation process that will be undertaken as part of the review of the Passenger Transport Strategy

Council agrees to instruct the following:

- The expansion of the remit of the Elected Members Equality and Diversity Short Life Working Group to examine the impact of National Planning Framework 4 across the protected characteristics on receipt of guidance from the Scottish Government, and to produce a report to a future meeting of the Economy, Community Empowerment and Wealth Building PDSP
- Officers to circulate links to the online reporting function to all elected members as part of a wider public communications strategy on the work undertaken by West Lothian Council regarding the safety of women and girls in public places and spaces.



Councillor Craig Meek
West Lothian Council Labour Group



COUNCIL EXECUTIVE

COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

REPORT BY INTERIM HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To invite the Council Executive to consider an application for special project grant which has been received from the Kirknewton Community Council.

B. RECOMMENDATION

That the Council Executive determines the application received from Kirknewton Community Council as detailed in the appendix.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; making best use of our resources; and working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Section 22 of the Local Government (Scotland) Act 1994 and the Special Project Grant Guidelines
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	£3000 in the special project grant budget for financial year 2022/23.
VII	Consideration at PDSP	None.
VIII	Other consultations	None.

D. TERMS OF REPORT

A special project grant scheme currently operates for community councils in West Lothian to allow them to carry out projects in their areas. Community councils can apply for a maximum of £750 special project funding in each financial year. There is no minimum grant. The total budget for financial year 2022/23 is £3000. Applications are dealt with on a first come first served basis. Community councils who retain more than £75 of their annual grant from the previous financial year are expected to contribute 10% towards projects less than £750.

Four valid applications have been received so far in financial year 2022/23. Of those, two were approved by Council Executive in November 2022 and one in December 2022. The fourth application from Kirknewton Community Council is detailed in Appendix 1. The balance remaining in the budget for the current financial year is £1167.60. The amount requested in the application is £338.

If the application is granted in full, there will be £829.60 remaining in the special project grant scheme budget available for distribution.

E. CONCLUSION

The special project grant scheme allows community councils to carry out projects which they consider to be of benefit to their area. It is recommended that the Council Executive determines the application received from Kirknewton Community Council.

F. BACKGROUND REFERENCES

Minute of Meeting of the Partnership & Resources PDSP held on 18th February 2011.

Minute of Meeting of the Council Executive held on 22nd March 2011.

Appendices/Attachments: One

Contact Person: Lorraine McGrorty, Committee Officer, 01506 281609

Lesley Henderson

Interim Head of Corporate Services

28 February 2022

APPENDIX

Application 1

Community Council	Project	Cost	Total Grant Requested
Kirknewton Community Council	To install mosaic and signage at the community garden by the pavilion in Kirknewton Park.	£338.00	£338.00

Comments

1. Kirknewton Community Council wishes to enhance the community garden that was designed and completed with Town Centre Funding by installing mosaic artwork created by local business Potter Around. They also wish to install signage to encourage residents and visitors to visit the garden and make use of the park facilities.
2. The community garden is owned and maintained by the Community Council. This was part of Kirknewton park arrangements agreed with WLC in terms of which the garden and picnic area and some grass area around the pavilion are the responsibility of the community.
3. The project is acceptable and meets the criteria for assistance.

Recommendation

That the Council Executive considers and determines the application received from Kirknewton Community Council.

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****NON-DOMESTIC RATES EMPTY PROPERTY RELIEF POLICY****REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES****A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive approval of the Non-Domestic Rates Empty Property Relief Policy effective from 1 April 2023, as detailed in appendix 1.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the need for local authorities to have a Non-Domestic Rates Empty Property Relief Policy under the Community Empowerment (Scotland) Act 2015 to allow the continued award of empty property relief from 1 April 2023.
2. Approves the Non-Domestic Rates Empty Property Relief Policy detailed in appendix 1, effective from 1 April 2023.
3. Notes that a further report will be brought to Council Executive during 2024/25 following a full review of the policy and setting out any proposed changes from 1 April 2025.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	To create a new policy under Part 11 of the Community Empowerment (Scotland) Act 2015. An Integrated Relevance Assessment has been carried out and has determined that a full assessment is not required.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The proposed policy will extend the current statutory reliefs so there will be no impact on performance.
V	Relevance to Single Outcome Agreement	None.

VI	Resources - (Financial, Staffing and Property)	The Scottish Government has provided additional funding as part of the finance settlement for 2023/24 which will cover the projected costs of the policy.
VII	Consideration at PDSP	The proposed Non-Domestic Rates Empty Property Relief Policy was considered by the Corporate Policy and Resources PDSP on 13 February 2023. The panel was content for the report to proceed to Council Executive.
VIII	Other consultations	Economic Development has been consulted as well as other local authorities via the Institute of Rating Revenues and Valuation (IRRV).

D. TERMS OF REPORT

D.1 Background

Non-Domestic Rates (Business Rates) is a property-based tax raised by the council and collected from businesses on behalf of the Scottish Government.

The amount charged in rates is based on the rateable value of the property multiplied by the applicable rate poundage.

The rateable value is determined by the Assessor for Lothian Valuation Joint Board and is an estimate of the yearly rental value of the property on the open market.

The rate poundage is set each year by the Scottish Government through statutory regulations.

There are various reliefs available to businesses to reduce or remit the rates charged should they meet the set criteria for relief.

Empty Property Relief (EPR) is one such relief and is currently administered under the following key legislation:

- Sections 24 and 25 of The Local Government (Scotland) Act 1966
- The Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 1994
- The Non-Domestic Rating ((Unoccupied Property) (Scotland) Regulations 2018

The Scottish Government set out in the Scottish Budget Corporate Report published on 28 January 2021 that they would devolve EPR to local authorities at the next Non-Domestic Rates revaluation on 1 April 2023.

As a result, the above legislation will be repealed with effect from 1 April 2023. Therefore, for local authorities to continue to award EPR they are required to develop their own EPR Policy under Part 11 of the Community Empowerment (Scotland) Act 2015.

D.2 Current Statutory Empty Property Reliefs

The existing EPR scheme operating under the legislation set out above is as follows:

- Unoccupied industrial property is eligible for 100% relief for the first six months since becoming unoccupied and thereafter is eligible for 10% relief until occupied.
- Other (non-industrial) unoccupied property is eligible for 50% relief for the first three months since becoming unoccupied and thereafter is eligible for 10% relief until occupied.

The above relief is also available where part of a property is empty and will remain so for a short time only. The Assessor for Lothian Valuation Joint Board will provide the rateable values attributable to the occupied and unoccupied parts of the property with the relief being applied against the empty part only.

In addition, where an unoccupied property falls into to one of the following categories the property is eligible for 100% relief until occupied:

- Listed building
- Rateable value less than £1,700
- Occupation is prohibited by law
- Property has no buildings (e.g. land or ground)
- Subject to a building preservation order
- Owner is in administration (or subject to an administration order)
- Owner is a company or limited liability partnership subject to a winding up order made under the Insolvency Act 1986 or being wound up voluntarily under that Act
- Action taken by or on behalf of the Crown or any public authority with a view to prohibiting occupation or to acquisition (e.g. compulsory purchase order)
- Person entitled to possession only so entitled as a liquidator, as the trustee under a trust deed for creditors or an award of sequestration, or as an executor of a deceased persons estate.

The council is liable for Non-Domestic Rates on most of the buildings and land it uses therefore is eligible for EPR in the same way as other ratepayers.

D.3 Levels of Empty Property Relief Awarded

The level of EPR awarded over the last three full financial years, as well as the current year to date, is noted in the table below:

Financial Year	Level of EPR Awarded (£)
2019/20	3,106,961
2020/21	3,063,544
2021/22	2,952,952
2022/23 (to date)	3,004,817

The level of EPR awarded has been relatively stable over this period of time.

A revaluation of all non-domestic properties is being carried out across Scotland by the Assessors of the respective Valuation Joint Boards. The revaluation and subsequent change to the rateable value of properties, which will come into effect from 1 April 2023, may have an impact on the level of EPR awarded.

The extent of any impact of revaluation on the rateable value of properties in West Lothian will not be fully known until the revaluation file is received from the Assessor for Lothian Valuation Joint Board which is expected in March 2023.

The current economic environment may also result in an increase in the number of empty non-domestic properties meaning there could be an increase in the level of EPR awarded.

The level of EPR awarded will continue to be closely monitored throughout the period of the policy.

D.4 Empty Property Relief Funding Arrangements

Local authorities bill and collect Non-Domestic Rates on behalf of the Scottish Government. The amount collected by local authorities is “pooled” by the Scottish Government and redistributed to local authorities as part of the funding settlement. This takes account of EPR awarded and income collected from empty properties therefore EPR awarded is currently fully funded by the Scottish Government.

In 2022/23 Non-Domestic Rates income made up 12% of the councils funding.

With the devolution of EPR to local authorities from 1 April 2023, the Scottish Government has provided additional funding as part of the finance settlement which is expected to cover the projected cost of the councils Non-Domestic Rates Empty Property Relief Policy.

D.5 Empty Property Relief Policy From 1 April 2023

To enable the council to continue to award EPR for empty non-domestic properties from 1 April 2023 the council must do so under a Non-Domestic Rates Empty Property Relief Policy.

Given the uncertainty of the current economic environment and the limited time available to assess the impact of revaluation and what any changes to the current scheme may have on EPR levels, it is proposed that, as with a number of other local authorities, the council implements a policy that replicates the current scheme for the years 2023/24 and 2024/25.

The proposed policy from 1 April 2023 is set out in Appendix 1.

Following a full review and evaluation of the operation and impact of the policy a further report will be brought back to Council Executive during 2024/25 setting out any proposed changes from 1 April 2025.

An Integrated Relevance Assessment has been carried out which has determined that a full assessment is not required. The Integrated Relevance Assessment is attached in Appendix 2.

D.6 Consideration at PDSP

The proposed Policy was considered at Corporate Policy and Resources PDSP on 13 February 2023 and no changes were recommended. The panel was content for the report to proceed to Council Executive

E. CONCLUSION

The proposed Non-Domestic Rates Empty Property Relief Policy that replicates the current statutory empty property rates relief scheme will provide stability and certainty for ratepayers during a period of economic uncertainty and minimise any financial risk to the council.

The adoption of the policy for a two-year period will provide sufficient time for the current economic environment to settle and for a full review of the data on the impact of the policy and to identify where there may be opportunities for future refinement.

F. BACKGROUND REFERENCES

Corporate Policy and Resources PDSP 13 February 2023.

Appendices/Attachments: Two

Appendix 1 - Proposed Non-Domestic Rates Empty Property Relief Scheme from 1 April 2023

Appendix 2 - Integrated Relevance Assessment Form

Contact Person: Scott Reid, Revenues Manager. Telephone 01506 282700

Scott.Reid@westlothian.gov.uk

Donald Forrest

Head of Finance and Property Services

28 February 2023

Appendix 1

West Lothian Council

Non-Domestic Rates Empty Property Relief Scheme

Reliefs Commencing 1 April 2023

Under Part 11 of the Community Empowerment (Scotland) Act 2015 the following Non-Domestic Rates Empty Property Reliefs will apply where, following receipt of a completed application, the applicant can evidence and demonstrate that all qualifying criteria has been satisfied.

Reliefs

Unoccupied industrial property is eligible for 100% relief for the first six months since becoming unoccupied and thereafter 10% relief until occupied.

Other (non-industrial) unoccupied property is eligible for 50% relief for the first three months since becoming unoccupied and thereafter 10% relief until occupied.

Note:

- A change of ratepayer does not affect the qualifying time period.
- From 1 April 2020 and for the purpose of determining eligibility, a property is treated as if it had been unoccupied during any period of occupation that ended within six months of when it started.
- Plant and machinery that was last used when the property was occupied can be kept on the property without that being classed as occupation.
- Shooting rights may be considered unoccupied if no commercial shooting/stalking takes place.

Partly Occupied Properties:

Where it appears to the council that part of a property is unoccupied but will remain so for a short time only, it may ask the Assessor to apportion the rateable value between the occupied and unoccupied parts.

Relief may be applied to the unoccupied part of the property for a maximum period of six months.

The level of eligible relief is as set out for “unoccupied industrial property” and “other (non-industrial) unoccupied property” above.

Note:

- The Valuation Roll itself is not altered, the apportioned rateable values are supplied to the council by the Assessor for Lothian Valuation Joint Board for the purpose of calculating eligible relief only.
- Part occupation relief will only be considered where the ratepayer can clearly evidence that part of the property is empty.
- The start date for part occupation relief is the later of the date part occupation commenced or the start of the financial year in which the council's request was made to the Assessor for Lothian Valuation Joint Board.
- The end date of part occupation relief is the earliest of the end of the part occupation; the property becomes fully unoccupied; the end of the relief period; or a further apportionment being made.

Unoccupied Properties Exempt from Empty Property Rates:

Unoccupied properties meeting the criteria below are exempt from empty property rates therefore **no rates will be payable**:

- Listed building
- Rateable value less than £1,700
- Occupation prohibited by law (see note)
- Property has no buildings (e.g. land or ground)
- Subject to a building preservation order
- Owner in administration (or subject to an administration order)
- Owner is a company or limited liability partnership subject to a winding-up order made under the Insolvency Act 1986 or being wound up voluntarily under that Act
- Action taken by or on behalf of the Crown or any public authority with a view to prohibiting occupation or to acquisition (e.g. compulsory purchase order)
- Person entitled to possession only so entitled as a liquidator, as the trustee under a trust deed for creditors or an award of sequestration, or as the executor of a deceased person's estate.

Note:

- For properties prohibited by law from occupation, a rates exemption would be awarded where legal action had been taken to prevent its use. However, if legal action had been taken to prevent one particular person or trade from using the property, then it would be unlikely to be exempt unless that person was the owner.
- Local Authorities may give consideration as to whether specific criteria are present before awarding 100% empty property relief where the ratepayer has entered insolvency (compulsorily or voluntarily) shortly after occupation.

The award of relief may be restricted where properties which are let under a lease agreement have become unoccupied within a period of six months from the date the property first became occupied under the lease agreement where at least one of the three following indicators, connected to actions to reduce or mitigate the rates liability are also present:

- the rent charged for the property is significantly below the level of the rent which could reasonably have been obtained at the time the lease was entered into, in all the circumstances;
- payment of the rent is optional in terms of the relevant lease;
- the purpose of the arrangement is identified in the lease as being for the purpose of mitigating rates liability.

Subsidy Control

A subsidy is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms.

Amongst other kinds of support this can take the form of a tax relief or exemption.

The purpose of the subsidy control regime is to prevent public authorities from giving financial advantages to enterprises in a way that could distort competition.

Non-Domestic Rates Empty Property Relief can be regarded as a general measure and is therefore unlikely to require to be awarded as a subsidy.

Application Process

In order to consider Empty Property Relief, the ratepayer must submit a completed application form along with all required supporting evidence.

Application forms will be available online via the council's website.

Examples of supporting evidence that may be required are noted below.

Relating to whether a property is unoccupied:

- Lease/Licence to occupy agreement
- Insurance documents (e.g. employee liability insurance, public liability insurance and contents insurance)
- Trading accounts (audited)
- Employee pay records/national insurance records including evidence of tax payments and national insurance returns to HMRC
- VAT registration certification and returns
- Bank account statements
- HMRC tax assessment
- Evidence of rent changing hands between tenant/landlord (e.g. debit in bank statements and payments recorded in company accounts)
- Invoices and utility bills
- Dated receipts or invoices for work carried out in the refurbishment of the property, showing the date of the work and the subject address.
- Dated receipts for materials purchased for the refurbishment of the property, showing that the materials were delivered to the subject address.
- Copy of a 'To Let' advert and invoice for the advert, showing the date of publication and the subject address of the property
- Signed statement or dated marketing brochure from a letting or property agent.

- Photographs showing both the inside and outside of the property, and demonstrating the date taken

Relating to properties prohibited by law from occupation:

- Written confirmation that the property is unfit for occupation from the Building Control Service or Environmental Health Service
- Written confirmation from Police Scotland or the Scottish Fire and Rescue Service

Backdating

An application for Empty Property Relief can be backdated to the start of the previous financial year in which the application is made so long as the ratepayer can provide sufficient evidence in support of their application.

Appeals

In cases where an application for Empty Property Relief is refused the ratepayer has the right to appeal. All appeals should be made in writing to the Head of Finance and Property Services.

Appendix 2**Integrated Relevance Assessment Form**

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Non-Domestic Rates Empty Property Relief
Service Area (detail which service area and section this relates to)	Finance and Property Services – Revenues Unit
Lead Officer (Name and job title)	Scott Reid – Revenues Manager
Other Officers/Partners Involved (list names, job titles and organisations if applicable)	N/A
Date relevance assessed	9 January 2023

2. Does the council have control over how this policy will be implemented?			
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	There will be no impact on this protected characteristic.
Disability – people with disabilities/long standing conditions	There will be no impact on this protected characteristic.
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	There will be no impact on this protected characteristic.
Marriage or civil partnership – people who are married or in a civil partnership	There will be no impact on this protected characteristic.
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	There will be no impact on this protected characteristic.

Race – people from black, Asian and minority ethnic communities and different racial backgrounds	There will be no impact on this protected characteristic.
Religion or belief – people with different religions and beliefs including those with no beliefs	There will be no impact on this protected characteristic.
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	There will be no impact on this protected characteristic.
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	There will be no impact on this protected characteristic.

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?

Consideration must be given particularly to children and families

Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No - There is no evidence or reason to believe that there will or may be an impact.
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No - There is no evidence or reason to believe that there will or may be an impact.
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	No - There is no evidence or reason to believe that there will or may be an impact.
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No - There is no evidence or reason to believe that there will or may be an impact.
Socio-economic Background – social class i.e. parents education, employment and income	No - There is no evidence or reason to believe that there will or may be an impact.

5. Integrated impact assessment required?

(Two ticks above = full assessment necessary)

YES		NO	✓
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6. Decision rationale

If you have ticked no above, use this section to evidence why a full IIA is not required

The eligibility for Non-Domestic Rates empty property relief is based on the classification of the business property. Eligibility for relief on unoccupied business properties has no link to protected groups or impact on socio-economic inequalities.

Signed by Lead Officer	Scott Reid
Designation	Revenues Manager
Date	9 January 2023
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	Donald Forrest – Head of Finance and Property Services
Date	9 January 2023

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****FAULDHUSE PARTNERSHIP CENTRE – REINFORCED AUTOCLAVED AERATED CONCRETE ROOF UPDATE****REPORT BY THE HEAD OF FINANCE AND PROPERTY SERVICES****A. PURPOSE OF REPORT**

The purpose of this report is to update Council Executive on the delivery of the Reinforced Autoclaved Aerated Concrete (RAAC) roof replacement to the hall within Fauldhouse Partnership Centre, and to seek approval to progress through financial close to construction as outlined in this report.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves acceptance of the finalised proposed construction cost of £830,000;
2. Notes the proposed delivery timescales and key project milestones including completion by August 2023; and
3. Delegates authority to the Head of Finance and Property Services to execute and deliver the final design and build development agreement (DBDA) and associated documentation on behalf of the Council at Financial Close.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Focussing on our customer's needs; being honest, open and accountable; providing equality of opportunities; making best use of resources. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Risk assessments have been undertaken for properties where RAAC roofs may be present and where RAAC has been identified action has been taken to reduce or mitigate these risks. |
| III Implications for Scheme of Delegations to Officers | The report seeks approval to delegate authority to the Head of Finance and Property to execute the project agreement and associated documents to allow the construction phase to commence. |
| IV Impact on performance and performance Indicators | Ensuring property assets are safe (compliance), are in satisfactory condition and available for use (utilisation) are performance measures that will be updated accordingly. |

V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	<p>The proposed works at Fauldhouse Partnership Centre equate to £830,000. £720,000 was approved at Council Executive on 21 June 2022, funded from one off resources arising from a change in accounting rules relating to service concessions/PPP contracts.</p> <p>If this report is approved by Council Executive, additional funding of £110,000 would be allocated to the project from the RAAC contingency budget included in the General Services Capital programme, which was reported to Council on 21 February 2023.</p> <p>The project will be managed through existing staff resources and supported by funded internal posts and external technical consultants from within the project's financial resources</p>
VII	Consideration at PDSP	None.
VIII	Other consultations	Consultations and engagement with management committees and other services impacted by the presence of RAAC roofs has been undertaken and will continue.

D. TERMS OF REPORT

D.1 Background

RAAC roof planks were identified to the hall within Fauldhouse Partnership Centre and following an inspection in May 2022, the independent structural engineer found further deterioration of the roof planks in comparison to their previous inspection, six months earlier. Signs of shear failure were present which presents risk of immediate collapse and water ingress continued, even with the remedial works that were complete with an aim to mitigate this.

The hall was immediately closed for use with the option of replacing the roof panels approved at Council Executive on 21 June 2022. This delivers a long-term solution and provides the best outcome, both in terms of health and safety and gives the least disruption to the Partnership Centre.

In July 2022, a design team was appointed through our partnering organisation, Hub South East via Strategic Support Services. Various procurement options were explored with this route determined as best value to the council whilst being able to achieve a shortened project delivery period through the design stage and in the construction programme, mainly due to the contractor's early appointment and engagement.

D.2 Current Projected Costs / Proposed Affordability Cap

The total projected cost of the project based on the delivery dates and the confirmed building specification has been advised as £830,000. Each individual work package was competitively tendered through the market testing process to a minimum of three contractors to obtain value for money for the council. This will form the commercial offer to the council which will be contractually binding at financial close.

The proposed figure of £830,000 is £110,000 above the previous budget set using benchmark and comparator data available at the time. This increase is due to a more extensive asbestos removal following detailed specialist surveys undertaken in the last six months and additional structural requirements detailed through design development. Officers have managed to offset around £200,000 costs by sourcing savings through value engineering and alternative design solutions.

Bringing the construction cost within the parameters of the budget has been challenging given current market conditions and inflationary pressures. This has been achieved through rigorous market testing and engagement with the supply chain. Upon financial close, the £830,000 becomes a fixed price which significantly de-risks the project for the council.

The report seeks approval to formally accept the proposed construction costs on the basis of the confirmed design and timescales.

It is proposed that the Head of Finance and Property Services is provided with delegated authority to conclude the appropriate commercial and legal agreements, to progress the project to financial close on the basis that there is no material change in costs or timescales and any alterations continue to represent best value.

D.3 Next Stages and Project Milestones

In terms of statutory consents, the relevant building warrant application has been submitted and will be in place prior to any warrantable works commencing.

The proposed project if approved will progress in accordance with the following outline programme for delivery:

Project Stage / Milestone	Projected Date
Financial Close	28 February 2023
Construction Commencement	13 March 2023
Construction Completion	11 August 2023

Officers have been focussed on achieving programme timescales that will complete the project as soon as possible, given the importance of ensuring that the hall is back in use. Due to a more condensed pre-construction phase, the financial close date has been brought forward by around four weeks compared to the initial programme. This enables a site start to commence more quickly and the overall construction phase to complete earlier which will allow the community to access the hall.

E. CONCLUSION

Achieving Financial Close for the new project will be a key milestone providing cost and

programme certainty based on the figures and dates reported. Once Financial Close is achieved the contractor will mobilise with construction commencing shortly afterwards which will enable delivery of the project in time for August 2023.

F. BACKGROUND REFERENCES

Reinforced Autoclaved Aerated Concrete Roofs - Council Executive 21 June 2022

Reinforced Autoclaved Aerated Concrete Roofs - Council Executive 20 December 2022
Appendices/Attachments:

None

Contact Person: Laura Cameron, Capital Programme and Projects Principal, Finance and Property Services

Tel: 01506 281120, e-mail: laura.cameron@westlothian.gov.uk

Donald Forest

Head of Finance and Property Services

Date of Meeting: 28 February 2023

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****CIH SCOTLAND 2023 HOUSING FESTIVAL****REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES****A. PURPOSE OF REPORT**

The purpose of the report is to seek approval from Council Executive for the attendance of the appropriate elected member(s) to attend the CIH (Chartered Institute of Housing) Scotland's Housing Festival on the 7th-8th March at the SEC Glasgow.

B. RECOMMENDATION

It is recommended that the Executive Councillor for Housing Services attends the CIH Scotland Housing Festival on the 7th-8th March 2023.

C. SUMMARY OF IMPLICATIONS

I	Council Values	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
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.

- | | | |
|-------------|---|---|
| VI | Resources - (Financial, Staffing and Property) | The cost of attendance on the 7 th and 8 th March is £378.00 (incl. VAT). |
| VII | Consideration at PDSP | The matter has not been considered by a PDSP. |
| VIII | Other consultations | |

D. TERMS OF REPORT

The CIH Scotland 2023 Housing Conference, “Scotland’s Housing Festival” is the sector leading annual conference and exhibition and Scotland’s largest social housing event.

This key event provides delegates with the opportunity to learn and network, with speakers on all of the key issues affecting the sector and new developments in policy, practice and implementation.

The conference takes place at the SEC in Glasgow on 7th -8th March 2023.

E. CONCLUSION

It is proposed that Council Executive approve the attendance for one Executive Councillor at the CIH Scotland Housing Festival at the EICC on the 7th- 8th March 2023.

F. BACKGROUND REFERENCES

CIH Scotland’s Housing Festival Programme- [Programme \(cih.org\)](https://www.cih.org.uk/programme).

Appendices/Attachments: None.

Contact Person: Kirsty Weir, Service Development Officer, Kirsty.Weir@westlothian.gov.uk

Julie Whitelaw
Interim Head of Housing, Customer & Building Services

Date of Meeting- 28 February 2023

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

ADOPTION OF NATIONAL PLANNING FRAMEWORK 4 (NPF4)

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to fulfill a commitment given to Council Executive at its meeting in December 2022 to provide an update on the adoption of National Planning Framework 4 (NPF4).

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the adoption of NPF4 on 13 February 2023;
2. notes that on adoption of NPF4, Scottish Planning Policy (2014) and the Edinburgh & South East Scotland Strategic Development Plan (SDP) were superseded;
3. notes that transitional guidance has been produced by the Scottish Government on the transition to the new development plan system and on some policy considerations;
4. notes the material consequences of this for planning decisions and the development plan process, particularly during the transitional period; and
5. agrees that a further report on the Minimum All Tenure Housing Land Supply approach should be brought to a future meeting of Council Executive for consideration.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Having been adopted, NPF4 is now an integral part of the statutory development plan. NPF4 policies will also take precedence over those of the current LDP should there be any conflict.</p> <p>Scottish Planning Policy (2014) and the Edinburgh & South East Scotland Strategic Development Plan (SDP) are now superseded.</p> <p>There are no equality, health or risk assessment issues.</p>

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on Performance Indicators	None.
V	Relevance to Single Outcome Agreement	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 4 - We live in resilient, cohesive and safe communities.</p> <p>Outcome 7 - We live longer, healthier lives and have reduced health inequalities.</p> <p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	NPF4 imposes additional requirements and duties on Planning Authorities, and together with the ongoing implementation of the Planning (Scotland) Act 2019, this is likely to have financial and staffing implications for the council. External support may be required.
VII	Consideration at PDSP	<p>Timescales have regrettably not allowed for reporting to the Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel.</p> <p>There have however been previous reports regarding NPF4 to the (now defunct) D&T PDSP on 2 February 2021 and 1 February 2022, and to Council Executive on 24 March 2020, 9 February 2021, 18 May 2021, 22 March 2022, and most recently 20 December 2023.</p>
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

At a meeting on 11 January 2023, the Scottish Parliament voted in favour of approving National Planning Framework 4 (NPF4). It was subsequently adopted on 13 February 2023. [Appendix 1](#)

NPF4 is the long-term spatial plan for Scotland with an outlook to 2045. It will guide development, it sets out national planning policies, designates national developments and highlights regional spatial priorities.

NPF4 will also have a significant bearing on how the council undertakes preparation of the next LDP, in particular how it quantifies future housing requirements and allocates sites together with an increased focus on the planning systems contribution to achieving net carbon zero, improving health and well-being, and securing positive effects for biodiversity and nature recovery.

Ministers also laid regulations before Parliament to commence the provisions of the [Planning \(Scotland\) Act 2019](#) so that NPF4 became part of the statutory development plan immediately upon its adoption.

At the same time Strategic Development Plans (SDPs) and their associated (statutory) supplementary guidance have ceased to have effect and are no longer part of the development plan.

Similarly, the document *Scottish Planning Policy* (SPP) (2014) no longer represents Scottish Ministers' planning policy and it should not form the basis for, or be a consideration to be taken account of, in the determination of planning applications on or after 13 February 2023.

D2 Transitional Arrangements for National Planning Framework 4

A letter was jointly issued by the Scottish Minister for Public Finance, Planning and Community Wealth and Scotland's Chief Planner on 8 February 2023 which identified a number of transitional arrangements to facilitate the shift to the new system and to support consistency in decision making ahead of the new style LDPs being introduced (See [Appendix 2](#)).

The Development Plan

Significantly, and notwithstanding these changes, the planning system in Scotland should continue to be 'plan-led'.

Since its adoption on 13 February 2023, NPF4 sits alongside the currently adopted West Lothian Local Development Plan (2018) and the supplementary guidance associated with the LDP which was in force before 12 February 2023 as forming the development plan.

Some notable consequences to be aware of include:

- Confirmation that land allocations in the existing LDP are maintained and unchanged;
- In the event of any incompatibility between a provision of NPF4 and the current LDP, NPF4 should prevail, being that it is later in date (newer). Of particular importance in this regard is LDP policy HOU 2 which identifies that the Council is required to maintain a minimum of five years' effective housing land supply at all times throughout the lifetime of the plan and sets out a mechanism for release of additional sites in order to maintain a five-year effective land supply.

That policy has now to be considered in the context of Policy 16 of NPF4 and in particular 16(f). The transitional guidance provides that ‘where there is an incompatibility such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.’ Policy 16(f) sets out the circumstances where land not allocated for housing in the LDP will be supported. It provides a different release mechanism from that in Policy HOU 2 and different criteria for assessing proposals;

- Provisions have been made for local authorities to continue to prepare and adopt (statutory) supplementary guidance associated with LDPs until 31 March 2025;
- The preparation and adoption of non-statutory guidance is not affected and can continue to be brought forward as before;
- The requirement to prepare a new LDP is now to be at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers;
- It is anticipated that all new style LDPs will be prepared within 5 years from the date of the new development plan regulations coming into force, now expected to be Spring 2023; and
- When preparing a new LDP, NPF4 must be taken account of but it is noted that there is no legal requirement for LDPs to be directly ‘compatible’ with NPF4.

D3 Applying NPF4 Policy

It remains the case that decisions on planning applications are to be made in accordance with the development plan unless material considerations indicate otherwise and which is itself a recognition that the application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is emphasised that NPF4 must be read and applied as a whole, with the intent of each of the 33 policies being used to guide decision-making. It is recognised that there may sometimes be conflicts between these 33 policies when applied to individual proposals and in such a situation it will be for the decision maker to exercise their planning judgement when weighing up competing issues.

It is also recognised that the over-layering of new NPF4 policies on top of existing LDP policies will initially take time to comprehend, and in some cases reconcile. As previously indicated, should there be an incompatibility between a provision of NPF4 and the current LDP, NPF4 should prevail.

A consolidated list of NPF4 policies has been prepared for ease of reference and is presented as [Appendix 3](#).

It may take some time to become familiar with the new NPF4 policies, their application and an appreciation of how they will fair when challenged through appeals (and possibly in law).

The 33 policies do however cover the same wide spectrum of subject matters as the adopted LDP and therefore have a reassuring degree of familiarity.

A number of these policies, those considered likely to be the most frequently applied, are highlighted below and provide an indication of their scope and effect. It should however be remembered that decision makers are required to have regard to all policies.

Policy 1 – Tackling the climate and nature crises

The Scottish Government considers this to be a policy that should be applied when considering all proposals and provides guidance on the attachment of weight when considering proposals.

Policy 2 – Climate mitigation and adaptation

Seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3 – Biodiversity

Seeks to enhance and better connect biodiversity through strengthened nature networks and nature-based solutions. There is a requirement for development proposals to not only conserve biodiversity but also to restore and enhance it.

Policy 4 – Natural Places

LDPs are tasked with identifying and protecting locally, regionally, nationally and internationally important natural assets and development proposals will not be supported if they are deemed to have an unacceptable impact on the natural environment. Proposals that are likely to have a significant effect on recognised sensitive sites will be subject to particular assessment and scrutiny and the 'precautionary principle' will be generally applied.

If a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence prior to planning permission being granted.

Policy 6 – Forestry, woodland and trees

New LDPs are required to identify and protect existing woodland and the potential for its enhancement and it is advised that proposals will not be supported where there is any loss of ancient woodlands, ancient veteran trees or adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value. Where development is however sanctioned on sites which include existing woodland or where the removal of woodland is proposed, support will be dependent on there being compensatory planting.

Policy 9 – Brownfield, vacant and derelict land and empty buildings

The thrust of the policy is to encourage, promote and facilitate the sustainable reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. It is stated that proposals for development on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

Policy 11 – Energy

The policy encourages and promotes all forms of renewable energy development and includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage.

With addressing the climate emergency being one of the core tenets of NPF4, LDPs are not unsurprisingly required to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.

Wide-ranging support is given for all forms of renewable, low-carbon and zero emissions technologies including new windfarms (except in National Parks and National Scenic Areas), solar arrays and grid transmission infrastructure.

Policy 15 – Local Living and 20-minute neighbourhoods

20 Minute Neighbourhoods is a flagship concept, inter-woven throughout NPF4, but most explicitly addressed by this policy. The stated intent is to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport option.

When processing applications key considerations will include access to sustainable modes of transport (including local public transport) safe, high quality walking, wheeling and cycling networks; employment, shopping, education and health and social care facilities.

Policy 16 – Quality Homes

Likely to be one of the most referenced policies, it seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities.

LDPs are required to identify a 10-year Local Housing Land Requirement (LHR) for the administrative area they cover. This figure will have regard to the 10-year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in Annex E of NPF4 but is expected to exceed it.

The LDP delivery programme is expected to establish a deliverable ‘housing land pipeline’ for the LHR. Its purpose is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, which enable delivery can be planned. Phasing is expected to be short, medium and long term, so 1 to 3 years, 4 to 6 years and 7 to 10 years.

While proposals for homes on land allocated for housing in LDPs will be generally supported, sites with more than 50 homes will now require to be accompanied by a “Statement of Community Benefit”.

Proposals for homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be encouraged. This includes self-provided homes, accessible, adaptable and wheelchair accessible homes, build to rent, affordable homes; and homes specifically for older people and younger people.

This policy also embraces householder proposals and states that they will be supported providing they do not have a detrimental impact on character, environmental quality or amenity of neighbours. They will also be supported where they provide adaptations in response to risks from climate change or to support people with particular health conditions.

Policy 20 – Blue and green infrastructure

LDPs are tasked with identifying, protecting and expanding blue and green infrastructure and should be informed by up-to-date audits and/or strategies. LDPs are also required to safeguard access rights and core paths, including active travel routes, and encourage new and enhanced opportunities for access linked to wider networks. Proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported if it can be demonstrated that they would not damage the overall integrity of the blue and green network.

Policy 27– City, town, local and commercial centres

The policy promotes and supports development in town centres, recognising they are an asset. This is to be achieved by applying the well-established Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living including the conversion of upper floors above shops and the reuse of vacant building for housing.

So called *Clustering* of non-retail stores with similar characteristics, e.g. betting offices, money lenders and hot food take-a-ways will not be supported if further provision is deemed to undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas.

With regard to the transitional guidance issued by Scottish Ministers on 8 February 2023, it focuses on and sets out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all planning decisions and advises that it is for ‘the decision maker’ to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises. The decision maker will ordinarily be the council, as planning authority, when it determines an application under delegated authority to officers, at Development Management Committee or via the Local Review Body, but it can also be the Scottish Government appointed reporter when an application is determined on appeal, or indeed the Scottish Ministers should they call an application in for determination.

Policy 2 – Climate mitigation and adaptation

Ministers have clarified that the emphasis will be on reducing emissions as far as possible, rather than eliminating them.

While smaller scale developments, householder applications or many changes of use are expected not to require quantitative assessments, others with potentially more significant emissions will.

There are however currently no defined thresholds and no single accepted methodology for calculating and/or minimising emissions but Ministers reference recent [Scottish Government published carbon management guidance](#) for projects and programmes as potentially being of some assistance when considering larger scale proposals.

Policy 3 – Biodiversity

To support this policy, attention is initially drawn to guidance now being finalised by NatureScot - ‘Developing with Nature’ which has particular application to part (c) of the policy and addresses appropriate measures to conserve, restore and enhance biodiversity in relation to local development.

It is noted that additional guidance will be needed, particularly since there is currently no single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’.

Notwithstanding the prominence being afforded to the importance of biodiversity, Ministers concede that there may be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and in such an instance it will be for the decision maker to take account of the policies in NPF4 as a whole, together with material considerations in each case.

Policy 16 – Quality homes

NPF4 sets out a distinct, new approach to planning for new homes that focuses on delivering outcomes and more quality homes that meet diverse needs. The policy also promotes and reinforces a plan-led approach.

It is noted that new style LDPs must include targets for meeting the housing needs of people living in the area, the Local Housing Land Requirement (LHLR), to be informed in the first instance by the Evidence Report and Gate Check process.

There is an expectation that it will ultimately exceed the prescribed MATHLR figure, bearing in mind that the MATHLR only represents the minimum amount of land to be identified within LDPs and is to be regarded as a starting point.

The Minimum All-Tenure Housing Land Requirement (MATHLR) identified in NPF4, for West Lothian is 9,850 dwellings over a 10-year period (and inclusive of an in-built flexibility allowance of 25%).

The MATHLR figure for West Lothian was prescribed by Scottish Ministers after having been informed by outputs of the Housing Needs & Demand Assessment (HNDA) for the South East Scotland Area 2022 (HNDA3) which had achieved the highly sought after 'robust and credible' status from the Centre for Housing Market Analysis (CHMA).

Thereafter, the new LDP should allocate sufficient land to accommodate this quantum of housing and Ministers expect to see greater emphasis on delivery. If a new LDP however reaches the examination stage of the development plan process without sufficient sites to meet the LHLR, local authorities are cautioned that there are now remedial powers available to Ministers to require the preparation of another LDP.

Following adoption, the delivery of new style LDPs is to be monitored and supported through the Housing Land Audit (HLA) and the LDP Delivery Programme and new guidance on HLAs has been promised later this year. These should be used as tools to assist in identifying if and when there may be a need to accelerate the programming of some longer-term sites.

NPF4 expects the LDP delivery programme to establish a deliverable housing land pipeline for the Local Housing Land Requirement with phasing expected to be identified for the short-term (1-3 years), medium-term (4-6 years) and long-term (7-10 years).

The pipeline is intended to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, which enables delivery can be planned.

A further report on the MATHLR approach and requirements will be presented to Council Executive for consideration as soon as possible.

Policy 23 – Health and safety

The transitional guidance addresses concerns raised about part (f) of this policy which charges the development plan and development management to take account of suicide risk in the design of proposals but does not really elaborate. It is now explained that that LDPs should be informed by an awareness of locations of concern for suicide and reference is made to Creating Hope Together (Scotland's Suicide Prevention Action Plan 2022-2025) a Scottish Government/COSLA publication and guidance produced by the Welsh Government as a resource.

Policy 27(d) – Drive through developments

Conscious of erroneous media reporting afforded to part (d) of this policy which states that “drive-through developments will only be supported where they are specifically supported in the LDP”, Ministers have sought to bring some clarity by explaining that the intention was to ensure that this type of development is considered as an integral part of the wider development plan and that it does not represent a moratorium or ban on such developments. It identifies scenarios where such developments might be supported, for example, in relation to Class 1 shops or Class 3 Food and drink, depending on the particulars of each case and always with an awareness of wider policies within including those relating to reducing emissions and which aim to improve town centres and support local living.

Further Planning Guidance and Advice

It is recognised that as a consequence of some of the substantial changes being made to the planning system, through legislation and in NPF4, there will inevitably be some discrepancies in existing planning guidance and advice as a result and it is confirmed that work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4 is being progressed.

E. CONCLUSION

NPF4 is now adopted and has become part of the ‘Development Plan’ for West Lothian (together with the existing LDP) and key consequences arising from this are that the Strategic Development Plan (SDP) for Edinburgh and South East Scotland and Scottish Planning Policy (“024) have simultaneously ceased to have effect.

Planning applications now require to be determined with regard to both the LDP and NPF4 with legislation directing that in the event of any incompatibility between a provision of the LDP and a provision of NPF4, NPF4 will prevail being that it is the most recent.

NPF4 will also have a significant bearing on the mechanics of the development plan process and how the next LDP is prepared. It refocuses planning policy for housing on supporting the delivery of high quality, sustainable homes and it has established a fundamental change in the way planning for housing in Scotland is to be undertaken.

F. BACKGROUND REFERENCES

Report to Council Executive of [20 December 2023](#)

Appendices/Attachments: Three

- Appendix 1: NPF4 – Adopted version
- Appendix 2: Letter of 8 February 2023 issued by the Scottish Minister and Chief Planning Officer detailing transitional arrangements for NPF4
- Appendix 3: Consolidated list of NPF4 policies

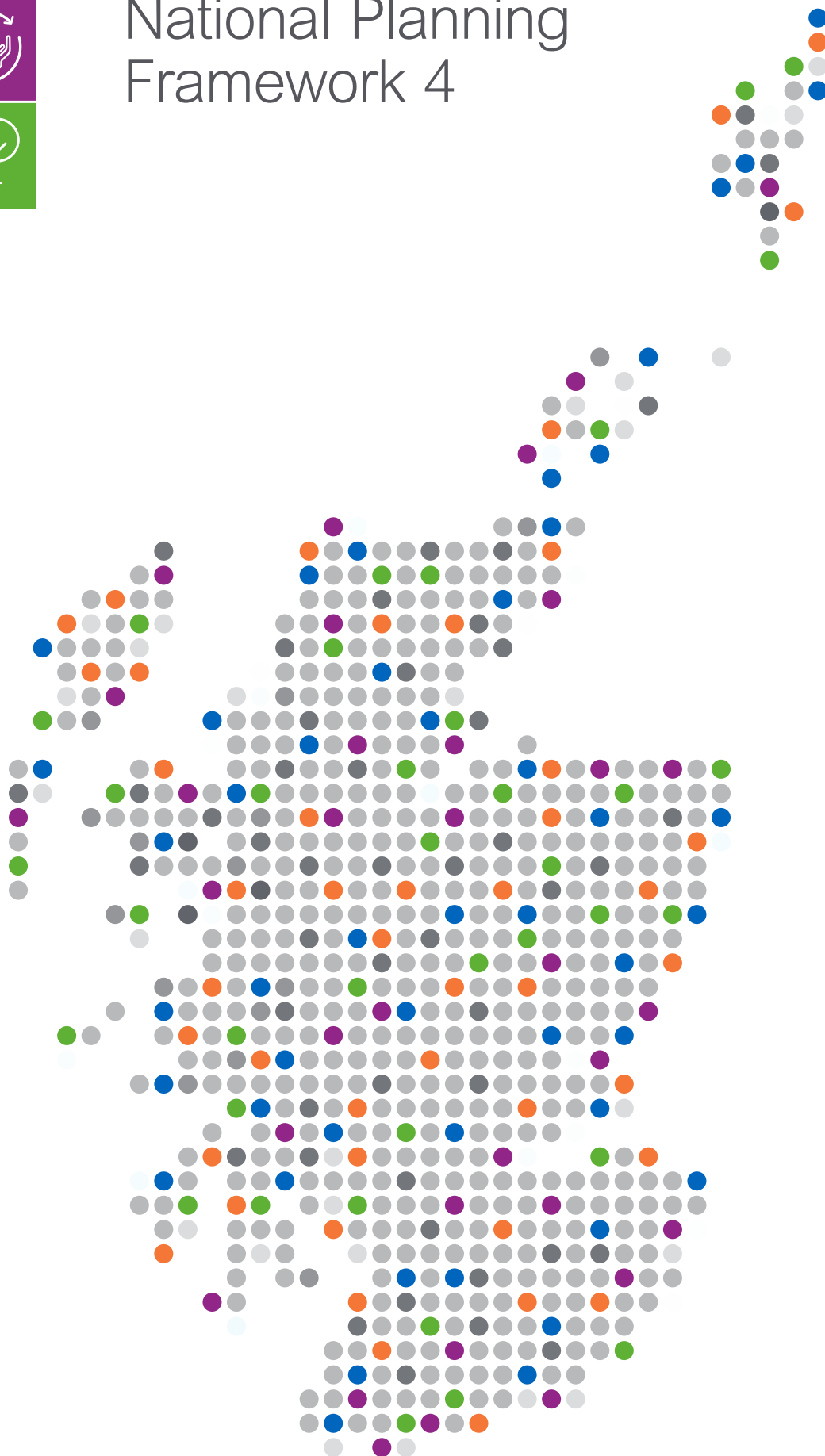
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28 February 2023



National Planning Framework 4



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Ministerial Foreword



Tom Arthur MSP

Minister for Public Finance,
Planning and Community Wealth

I am delighted to publish Scotland's fourth National Planning Framework. I am proud that, for the first time, we have brought together our long-term spatial strategy with a comprehensive set of national planning policies to form part of the statutory development plan.

The world is changing, and so are Scotland's places. This strategy sets out how we will work together in the coming years to improve people's lives by making sustainable, liveable and productive places. This will play a key role in delivering on the United Nations Sustainable Development Goals, as well as our national outcomes.

Planning carries great responsibility – decisions about development will impact on generations to come. Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country.

As we recover from the pandemic we are working towards achieving net zero in a way which also tackles longstanding challenges and inequalities. We live in challenging times, but better places will be an important part of our response to our strategic priorities of net zero, child poverty and a wellbeing economy. Planning will also play a critical role in delivering the National Strategy for Economic Transformation and in community wealth building.

Planning is already a fully devolved function of the Scottish Government. Our global reputation

for excellence and expertise in this field demonstrates what can be achieved when the choices are in our own hands. We can build on this. By securing a new future for Scotland as an independent country, additional powers will be available to support public and private sector investment in development and infrastructure across our country.

Changes to our places will not always be easy. People care about their neighbourhoods and rightly and reasonably expect that new development should improve their lives, rather than undermining what they value most. To help deliver on this strategy I am committed to involving a wider range of people in planning. A fairer and more inclusive planning system will ensure that everyone has an opportunity to shape their future so that our places work for all of us. I also recognise that planning authorities across Scotland will need support and guidance to put our proposals and policies into practice, and will continue to work with the profession and local government to ensure our system can realise its full potential.

The process for preparing this strategy has shown what can be achieved when we work together. I greatly appreciate the ideas that people and organisations have contributed. I am also very grateful to the Scottish Parliament for the time and energy they have put into their scrutiny of the draft document. National Planning Framework 4 has benefited considerably from their thoughtful and constructive input.

Part 1 – A National Spatial Strategy for Scotland 2045

The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. We will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality.

Scotland's rich heritage, culture and outstanding environment are national assets which support our economy, identity, health and wellbeing. Many communities benefit from great places with excellent quality of life and quality, affordable homes. Many people can easily access high quality local greenspaces and neighbourhood facilities, safe and welcoming streets and spaces and buildings that reflect diverse cultures and aspirations. Increasingly, communities have been finding new ways to live sustainably, including by taking control of their property or land.

However, people living in Scotland have very different life chances, at least partly a result of the places where they live.

Past industrial restructuring has had significant impacts in some places and communities. Disadvantage, child poverty and poor health

outcomes are concentrated in parts of Scotland where life expectancy is significantly lower than in more advantaged areas. Access to the natural environment varies, and pollution and derelict land is concentrated in some places. Population change will bring further challenges in the future, particularly in rural parts of Scotland. Many people have limited access to opportunities because of the way our places have been designed in the past, and our city and town centres have experienced accelerating change in recent years.

We have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities.

Planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect the long-term public interest. Past, present and future challenges mean that we will need to make the right choices about where development should be located. We also need to be clear about the types of infrastructure we will need to build, and the assets that should be protected to ensure they continue to benefit future generations.

Spatial principles

We will plan our future places in line with six overarching spatial principles:

- **Just transition.** We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.
- **Conserving and recycling assets.** We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.
- **Local living.** We will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
- **Compact urban growth.** We will limit urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.
- **Rebalanced development.** We will target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.
- **Rural revitalisation.** We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

These principles will play a key role in delivering on the United Nations (UN) Sustainable Development Goals (SDGs) and our national outcomes.

Applying these principles in practice

We want our future places to work for everyone. Rather than compromise or trade-offs between environmental, social and economic objectives, this is an integrated strategy to bring together cross-cutting priorities and achieve sustainable development.

By applying these spatial principles, our national spatial strategy will support the planning and delivery of:

- **sustainable places**, where we reduce emissions, restore and better connect biodiversity;
- **liveable places**, where we can all live better, healthier lives; and
- **productive places**, where we have a greener, fairer and more inclusive wellbeing economy.

Eighteen **national developments** support this strategy, including single large scale projects and networks of several smaller scale proposals that are collectively nationally significant. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development. Regional spatial strategies and Local Development Plans (LDPs) should identify and support national developments which are relevant to their areas.

The strategy will be taken forward in different ways across Scotland, reflecting the diverse character, assets and challenges of our places. To guide this, we have identified **regional spatial priorities** for five broad regions of Scotland which will inform the preparation of regional spatial strategies (RSS) and LDPs by planning authorities.

Table 1 – National Planning Framework 4 Summary

	Spatial principles	National Developments	Policies	Key policy links	Cross cutting policies
Sustainable places <i>SDGs: 7, 11, 12, 13</i> <i>National outcomes:</i> Environment, communities, economy	<ul style="list-style-type: none"> • Just transition • Conserving and recycling assets 	<ul style="list-style-type: none"> • Energy Innovation Development on the islands. • Pumped Hydro Storage • Strategic Renewable Electricity Generation and Transmission Infrastructure • Circular Economy Materials Management Facilities • Urban Sustainable, Blue and Green Surface Water Management Solutions • Urban Mass/Rapid Transit Networks 	<ul style="list-style-type: none"> • Tackling the climate and nature crises • Climate mitigation and adaptation • Biodiversity • Natural places • Soils • Forestry, woodland and trees • Historic assets and places • Green belts • Brownfield land, vacant and derelict land and empty buildings • Coastal development • Energy • Zero waste • Sustainable transport 	<ul style="list-style-type: none"> • Land Use – getting the best from our land: strategy 2021 – 2026 • Making things last: a circular economy strategy for Scotland • Scotland's Energy Strategy • Scotland's Environment Strategy • Scotland's Forestry Strategy • Scottish Biodiversity Strategy 	<ul style="list-style-type: none"> • Climate Change Plan • Climate Change Adaptation Programme
Liveable places <i>SDGs: 3, 4, 5, 6, 10, 11</i> <i>National outcomes:</i> Communities, culture, human rights, children and young people, health	<ul style="list-style-type: none"> • Liveable places • Compact urban growth 	<ul style="list-style-type: none"> • Central Scotland Green Network • National Walking, Cycling and Wheeling Network • Edinburgh Waterfront • Dundee Waterfront • Stranraer Gateway • A Digital Fibre Network 	<ul style="list-style-type: none"> • Design, quality and place • Local living and 20 minute neighbourhoods • Quality homes • Rural homes • Infrastructure first • Heat and cooling • Blue and green infrastructure • Play, recreation and sport • Flood risk and water management • Health and Safety • Digital infrastructure 	<ul style="list-style-type: none"> • A Connected Scotland • A Healthier Future: Scotland's diet and healthy weight delivery plan • Cleaner Air for Scotland 2 • Creating Places • Culture Strategy • Heat in Buildings Strategy • Housing to 2040 • Learning Estate Strategy/Learning Estate Investment Programme • Public Health Priorities for Scotland • Remote, Rural and Islands Housing Action Plan (pub. Spring 2023) • Scotland's Population Strategy 	<ul style="list-style-type: none"> • Just Transition Plans • National Transport Strategy • Infrastructure Investment Plan • Strategic Transport Projects Review 2 • National Islands Plan • National Marine Plan • Tackling Child Poverty Delivery Plan
Productive places <i>SDGs: 1, 2, 8, 9, 11, 14</i> <i>National outcomes:</i> Fair work and business, economy, poverty, communities	<ul style="list-style-type: none"> • Rebalancing development • Rural revitalisation 	<ul style="list-style-type: none"> • Clyde Mission • Aberdeen Harbour • Industrial Green Transition Zones • Hunterston Strategic Asset • Chapelcross Power Station Redevelopment • High Speed Rail 	<ul style="list-style-type: none"> • Community wealth building • Business and industry • City, town, local and commercial centres • Retail • Rural development • Tourism • Culture and creativity • Aquaculture • Minerals 	<ul style="list-style-type: none"> • National Strategy for Economic Transformation • Retail Strategy for Scotland • Report of the City Centre Recovery Taskforce • Scottish land rights and responsibilities statement • Town Centre Action Plan 2 	



Sustainable places

Our climate is changing, with increasing rainfall, extreme weather events and higher temperatures that will intensify in the coming years. This will increase flood risk, water scarcity, environmental change, coastal erosion, impact on forestry and agriculture, and generate risks to health, food security and safety. Impacts will not be equal and communities who already face disadvantage will be particularly affected.

Scotland's high quality environment, and the natural capital it supports, underpin our approach to tackling climate change and the economy and is fundamental to our health and wellbeing. It provides the essentials we all need to survive, including clean air, water and food.

However, the health of the planet's ecosystems is declining faster than at any point in human history and our natural environment is facing significant challenges, including ongoing loss of biodiversity. Since the 1990s alone, wildlife populations in Scotland have declined, on average, by around a quarter. This threatens the capacity of the natural environment to provide the services we all rely on, and reduces our resilience to the impacts of climate change.

Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030 including by reducing car kilometres travelled by 20% by reducing the need to travel and promoting more sustainable transport.

Just Transition sector plans, designed and delivered with those impacted, will play an important role in delivering the change we need to see. We must also adapt to the impacts of climate change that are already locked in, by delivering Scotland's Climate Change Adaptation Programme.

Scotland's Climate Assembly set out recommendations for how Scotland should change to tackle the climate emergency and gives us a key insight into the measures the Scottish Public expect for a just transition to net zero emissions by 2045.

Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment. The interplay between land and sea will be critical, given the scale of offshore renewable energy resources. Our Infrastructure Investment Plan and National Transport Strategy are clear that we must work with our existing infrastructure assets first, before investing in additional assets.

Scotland's Environment Strategy sets out the Scottish Government's vision for tackling the twin climate and nature crises. Building on this, a new Scottish Biodiversity Strategy will set targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045. Scotland's Land Use Strategy aims to make efficient use of our land by managing competing activities in a sustainable way.

National spatial strategy

Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation. It is also crucial that we build resilience to the future impacts of climate change including water resources and assets and development on our coasts. Our places will also need to evolve to help us cope with changing temperatures.

Our commitment to a **just transition**, means that our journey to a net zero society and nature recovery must involve, and be fair to, everyone. We will grow a circular economy and make best use of embodied carbon by **conserving and recycling assets**, including by encouraging sustainable design and the wise use of resources.

To respond to the global biodiversity crisis, nature recovery must be at the heart of future places. We will secure positive effects for biodiversity, create and strengthen nature networks and invest in nature-based solutions to benefit natural capital and contribute to net zero. We will use our land wisely including through a renewed focus on reusing vacant and derelict land to help limit the new land that we build on. We will protect and enhance our historic environment, and safeguard our shared heritage for future generations. We will also work together to ensure that development onshore aligns with national, sectoral and regional marine plans.

National developments

Six national developments support the delivery of sustainable places:

- **Energy Innovation Development on the Islands** provides infrastructure for low carbon fuels for communities and commerce, as well as for export. This will contribute to improved energy security, unlock opportunities for employment and business, and help to put Scotland at the forefront of low carbon fuel innovation.
- **Pumped Hydro Storage** extends hydro-electricity capacity to support the transition away from fossil fuels, whilst also providing employment opportunities in rural areas.
- **Strategic Renewable Electricity Generation and Transmission Infrastructure** supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply.
- **Circular Economy Materials Management Facilities** facilitates delivery of zero waste objectives by reducing the need for new materials, resource use and emissions.
- **Urban Sustainable, Blue and Green Surface Water Management Solutions** is an exemplar of a nature based, infrastructure first approach to catchment wide surface water flood risk management to help our two largest cities adapt to the future impacts of climate change.
- **Urban Mass/Rapid Transit Networks** facilitates a shift towards sustainable transport in Glasgow, Edinburgh, and Aberdeen and their wider regions, helping to reduce transport related emissions and supporting accessibility for all.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

REDUCING GREENHOUSE GAS EMISSIONS

Our strategy and policies support development that helps to meet greenhouse gas emissions targets.

The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment.

[Policy 1](#) gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. [Policy 2](#) will ensure that emissions from new development are minimised as far as possible.

A healthy natural environment is key to reducing emissions. [Policies 3](#) and [4](#) protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction. [Policy 5](#) provides significant protection for peatland and carbon rich soils and [Policy 6](#) aims to protect and expand forests, woodland and trees. Blue and green infrastructure is supported by [Policy 20](#). [Policy 10](#) encourages the use of natural solutions to coastal protection. [Policy 7](#) protects the embodied carbon in the historic built environment, and [Policy 9](#) makes better use of previously used land and buildings, helping to lock in carbon.

By supporting the transition of key emissions generating activities, [Policy 11](#) supports renewable energy development, [Policy 19](#) helps to decarbonise heat, alongside [Policy 18](#) and its encouragement of an infrastructure first approach. [Policy 12](#) encourages sustainable waste management, and [Policy 13](#) will facilitate a transition towards more sustainable, lower emissions travel including active travel and public transport.

Several policies support more local living and limit the use of additional land for development. This includes [Policy 8](#) which manages development in the greenbelt, [Policy 15](#) which promotes local living, including where feasible 20 minute neighbourhoods, and [Policy 16](#) which focuses on delivering new homes that are designed to a high standard and located in sustainable places. Minimising and reducing emissions is also integral to the six qualities of successful places, as set out in [Policy 14](#). [Policies 17](#) and [29](#) support rural development which is compatible with climate change targets. [Policy 24](#) facilitates the roll out of digital infrastructure, helping to reduce the need to travel. [Policy 27](#) promotes a town centre first approach to development and [Policy 28](#) restricts additional out of town retail development.

Policies relating to productive places are consistent with our ambition for green growth in the futures. More specifically, [Policy 33](#) is clear that fossil fuel exploration, development and production (excluding unconventional oil and gas) will not be supported other than in exceptional circumstances, and that the Scottish Government does not support the development of unconventional oil and gas in Scotland.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

IMPROVING BIODIVERSITY

Our strategy and policies support development that helps to secure positive effects for biodiversity.

The nature crisis, together with the global climate emergency, underpinned the spatial strategy as a whole. The action areas include proposals which protect and enhance the natural environment.

[Policy 1](#) gives significant weight to the nature crisis to ensure that it is recognised as a priority in all plans and decisions. [Policy 4](#) protects and enhances natural heritage, and this is further supported by [Policy 5](#) on soils and [Policy 6](#) on forests, woodland and trees. [Policy 20](#) also promotes the expansion and connectivity of blue and green infrastructure, whilst [Policy 10](#) recognises the particular sensitivities of coastal areas.

Protection of the natural features of brownfield land is also highlighted in [Policy 9](#), and protection of the green belt in [Policy 8](#) will ensure that biodiversity in these locations is conserved and accessible to communities, bringing nature into the design and layout of our cities, towns, streets and spaces in [Policy 14](#).

Most significantly, [Policy 3](#) plays a critical role in ensuring that development will secure positive effects for biodiversity. It rebalances the planning system in favour of conserving, restoring and enhancing biodiversity and promotes investment in nature-based solutions, benefiting people and nature. The policy ensures that LDPs protect, conserve, restore and enhance biodiversity and promote nature recovery and nature restoration. Proposals will be required to contribute to the enhancement of biodiversity, including by restoring degraded habitats and building and strengthening nature networks. Adverse impacts, including cumulative impacts, of development proposals on the natural environment will be minimised through careful planning and design, taking into account the need to reverse biodiversity loss. Development proposals for national, major or Environmental Impact Assessment (EIA) development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity.



Liveable places

The global pandemic has left a social legacy that requires urgent, as well as long-term action. Many people need better places to support their lifelong health and wellbeing and build their future resilience. In recent years communities have found ways to work together to find local solutions to shared challenges. However, the cost crisis is again underlining the need for our future buildings and places to do more to support our long-term resilience.

There remain significant differences between the healthy life expectancy of people living in the most and least deprived parts of Scotland. More people need to be involved in planning their future places so that the built environment is safe and welcoming to everyone, including women, disabled people, children and young people and black and ethnic minority groups.

Scotland's Tackling Child Poverty Delivery Plan sets out actions required to continue to reduce the number of children living in poverty. It recognises the importance of place and continued investment in regeneration, targeted to areas where the need is greatest.

Access to affordable, quality homes in better places, as supported by Housing to 2040, will make an important contribution to addressing the impact of the cost crisis, particularly on younger people who will also benefit from reduced transport costs. The planning system has an important role to play in supporting the delivery of homes which meet our future needs.

Consistent with this, Scotland's Population Strategy reflects the need for planning to identify the amount of land required for future homes and to enable more balanced demographic change including sustainable rural development.

Health policies, including Scotland's diet and healthy weight delivery plan reflect the importance of places which provide opportunities for exercise and access to healthy food. Our strategy for tackling social isolation and loneliness also recognises the importance of providing quality, accessible and welcoming places for everyone through placemaking and regeneration.

National spatial strategy

Scotland's future places will have homes and neighbourhoods that are healthier, affordable and vibrant places to live.

We have an opportunity to significantly improve our places, address longstanding inequality and eliminate discrimination, helping to transform our country for the better. Cleaner, safer and greener places and improved open spaces will build resilience and provide wider benefits for people, health and biodiversity, in a balanced way.

We will plan our future places in a way that improves **local living**, so that we live in communities that are inclusive, empowered, resilient, safe and provides opportunities for learning. Quality homes will be better served by local facilities and services by applying the principles of local living to development proposals. The concept of 20 minute neighbourhoods will help to support this, particularly in more urban areas. In rural areas the approach to local living will be shaped by local context.

Planning must also enable the delivery of good quality, affordable homes by allocating enough land in the right locations to meet current and future needs and aspirations.

Recognising the need for liveable places to be consistent with our ambition for net zero and nature recovery, we will promote **compact urban growth**. Higher density development which will help to sustain public transport and support local living. Virtual connectivity and continued investment in active travel links will also be important.

We want to make better use of our spaces to support physical activity, relaxation and play, to bring people together and to celebrate our culture, diversity and heritage. Buildings and other physical assets can also support activities based on intangible cultural assets such as Gaelic language.

We will improve green infrastructure to bring nature into our towns and cities, connecting people with nature, building resilience and helping our biodiversity to recover and flourish. We will ensure we work towards a stronger infection-resilient society through adaptations to our buildings and the spaces around them.

Our strategy is to value, enhance, conserve and celebrate our places and to build better communities for future generations. A stronger commitment to placemaking, through a design-led approach and a focus on quality, will ensure every new development improves the experience of our places.

Underpinning this, everyone must have an opportunity to help shape their local neighbourhoods. We will continue to work to broaden involvement in the planning system as a whole.

National developments

Six national developments support the delivery of liveable places:

- **Central Scotland Green Network** restores nature at scale and acts as an exemplar of green infrastructure in placemaking that provides benefits for communities and supports a wellbeing economy. This will provide multiple benefits for health, biodiversity, and will help us to mitigate and adapt to climate change. Action should continue to focus on areas where community wellbeing and resilience would benefit most.
- **National Walking, Cycling and Wheeling Network** strengthens and extends a national active travel network to reduce emissions from transport, focusing on areas where improvements to accessibility are most needed.
- **Edinburgh Waterfront** creates a high quality, mixed use, locally liveable place, contributing to the sustainable future development of Scotland's capital city.
- **Dundee Waterfront** delivers a high quality, mixed use, locally liveable place demonstrating resilient waterfront regeneration which anticipates and responds to climate impacts.
- **Stranraer Gateway** acts as a hub for surrounding communities. Regeneration will help create a high quality, mixed use, locally liveable place, optimising the area as a national and international gateway.
- A **Digital Fibre Network** enhances the connectivity of communities and help to facilitate more sustainable ways of living including in rural and island communities.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

A FAIR AND INCLUSIVE PLANNING SYSTEM

Our strategy and policies support development that helps to eliminate discrimination and promote equality.

We expect everyone involved in planning to take steps to ensure that a wide range of people are involved in shaping their future places. Planning authorities are required to respect, protect and fulfil human rights in accordance with the Human Rights Act 1998. As per the Equality Act 2010, the Public Sector Equality duty is applicable and Equality Impact Assessments, Fairer Scotland Duty Assessments and where applicable Island Communities Impact Assessments are required for LDPs. The UN Convention of the Rights of the Child also means that young people must be encouraged to play an active role in planning.

Throughout the planning system, opportunities are available to engage in development planning and decisions about future development. Such engagement, undertaken in line with statutory requirements, should be early, collaborative, meaningful and proportionate. Support or concern expressed on matters material to planning must be given careful consideration in the determination of development proposals.

Our places can only work for everyone if the views of all users are properly understood, but experience shows that some people can find it more challenging to engage with planning.

There are opportunities to involve a wider range of people in the planning system. It is essential, and a statutory requirement, that people with protected characteristics, including disability, race, age, sex and sexual orientation, and including people from a range of socio-economic backgrounds, are given particular support to express their views on plans and decisions, with consultations designed to meet the communication needs of people.

The spatial strategy as a whole is clear that our future development must support a just transition, and it highlights opportunities for development and regeneration that are designed to tackle social, economic and health inequalities. [Policy 14](#), focusing on the six qualities of successful places recognises that diversity is an integral part of placemaking. Children and young people will have an important contribution to make, given the long-term impacts of planning for future generations. Women, as well as disabled people and their representatives, can ensure that barriers and challenges of the design of our living and working environments are tackled effectively. We have also provided clear support for development that will help to ensure human rights are maintained, for example: [Policy 16](#) on quality homes which addresses the need for accommodation for Gypsy/Travellers and Travelling Showpeople yards, as well as homes for older people and disabled people; and [Policy 21](#) which supports and facilitates spaces and opportunities for play, recreation and sport in our natural and built environments for children and people for all ages.

Our impact assessment has demonstrated that there is potential for significant benefits from more sustainable, liveable and productive places which will be delivered by these and other policies. We recognise that delivery will also depend on fair and inclusive engagement with people, and we will therefore continue to promote best practice and innovation, including in guidance on effective community engagement.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

HOMES THAT MEET OUR DIVERSE NEEDS

Our strategy and policies support development that helps to meet the housing needs of people living in Scotland including, in particular, the housing needs of older people and disabled people.

The spatial strategy has taken into account future population and household projections, and highlights areas where there will be particular challenges arising from an ageing population. Spatial principles, including local living and just transition, will also help to ensure that the needs of all people are reflected in our future places.

Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives. In particular, it supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include: accessible, adaptable and wheelchair accessible homes; homes that meet the needs of older people; a range of size of homes; and other specialist groups.

The majority of older people want to remain in their home as they age, preferring mainstream housing, and so accessible and adaptable homes can allow people to continue to live independently. The close alignment of planning and housing delivery at the local level, through LDPs and Local Housing Strategies, will help to deliver the right type and mix of homes in the right locations. In addition Housing to 2040 sets out a commitment to Scottish Accessible Home Standard in 2025/26.

Development that provides homes to meet the needs of older people and disabled people will be further promoted by LDPs. Evidence reports will explain the action taken to support and promote the construction and/ or adaptation of homes to meet their needs. Spatial strategies will take into account housing needs and the availability of land for new homes, including for older people and disabled people through the Accessible Home Standard, wheelchair housing targets and the consideration of accessibility in design of the wider development and local amenity. The planning authority must also keep their plan under review, and monitor any changes in this.

Placemaking and choices about the location of development will also help to meet the needs of older people and disabled people. **Policy 14** supports development that is consistent with the six qualities of successful places, including health and wellbeing, and safe and pleasant places for people to meet. **Policy 15** supports development that is consistent with the principles of local living and 20 minute neighbourhoods, helping to ensure our homes and wider neighbourhoods meet all of our needs. As part of this, it recognises that affordable housing options, ability to age in place and housing diversity are an integral part of more liveable places. **Policy 13** is also clear that the views of disabled people must be sought when seeking to reduce reliance on the car including by managing car parking provision.



Productive places

The economic performance of different parts of Scotland varies considerably, with challenges and opportunities for different places and sectors. At present, some communities are particularly affected by high rates of poverty, one in five people of working age is economically inactive, and there is significant scope to improve our productivity and the scale and rate of business development.

The unprecedented challenge of the pandemic has created difficult conditions for some sectors including hospitality, tourism, and culture. The cost crisis and our exit from the European Union have combined with this to exacerbate labour shortages particularly in our more remote, rural and island communities. World-wide supply chain issues have generated severe challenges, including for the construction sector.

Scotland's National Strategy for Economic Transformation aims to make Scotland a successful place with opportunities for everyone, in every region of Scotland, to share in our economic prosperity. It tackles the challenges of structural inequality, the transition to net zero, and achieving a green recovery from the pandemic. It also supports entrepreneurship and aims to play to the strengths and assets of each part of Scotland to build community wealth.

Building community wealth should be founded on an assessment of local assets in partnership with communities. It also involves better co-ordinated state investment at national, regional and local levels to strengthen of Scotland's indigenous business base and create sustainable fair work opportunities. Opportunities will flow from more land and assets being placed in the hands of communities or under their guiding influence.

Our city centres are socially and culturally important, supporting our productivity and stimulating innovation and investment. The pandemic has generated severe impacts and longer term challenges for these places. The City Centre Recovery Taskforce has developed a shared vision for their future with support from the City Centre Recovery Fund for recovery and repurposing. Through playing their part in the delivery of the National Strategy for Economic Transformation, Scotland's cities have a nationally significant opportunity to contribute to Scotland's economic recovery and to achieve a wellbeing economy.

The Town Centre Action Plan Review and our subsequent response recognises the critical importance of planning with and for communities sets a new vision for town centres, and reaffirms our commitment to the Town Centre First Principle. It recognises the critical importance of planning in diversifying the offer within our city and town centres, to help them thrive, improve their resilience and anticipate continuing societal, environmental and economic change. The Place Based Investment Programme supports our commitment to town centre action, places, local living and community wealth building.

National spatial strategy

Our future places will attract new investment, build business confidence, stimulate GDP, export growth and entrepreneurship, and facilitate future ways of working.

Planning will play a key role in creating a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone.

We will actively encourage investment where it is needed most by **rebalancing development**. This will play to the economic strengths and opportunities of each part of Scotland. Significant investment opportunities include strategic sites which were previously a focus for industrial activity but which have experienced decline. These locations will play a significant role in our transition to net zero as they are served by strategic infrastructure, well located on or close to developed coasts, and could provide added benefits for communities that are in greatest need. They also include areas that have been overlooked historically, but which are now strategically located for extensive renewable energy generation.

Planning can enable diversification of city, town and commercial centres, to better manage their role and respond to ongoing changes to the way we shop and access services. The way we work is changing, and we will need to be flexible to facilitate future business and employment that benefits communities and improves places. Digital connectivity will play a crucial role in supporting sustainable work in the future.

The way we plan our places can contribute to our short term recovery, as well as longer term restructuring to tackle long standing inequalities. Our strategy is to build a wellbeing economy that benefits everyone, and every place, in Scotland. We want the planning system to create a society that is thriving across economic, social and environmental dimensions, and that delivers prosperity for all.

Scotland's national and international connectivity for people and freight will remain important, for the economic, social and cultural benefits it delivers and for supporting wider Government ambitions on trade, tourism, and business development. Airports, ports and rail links will provide vital connections within Scotland and beyond which will be crucial to building on a sustainable recovery whilst helping to decarbonise transport through low and zero emissions technologies. Looking ahead, there will also be opportunities to build on inclusive growth within communities and support economic transformation through Green Freeports in Scotland.

Rural revitalisation, achieved by distributing development, investment and infrastructure strategically and by actively enabling rural development in particular, will play an important role in this. Key sectors including energy and food and drink focus on natural resources and provide significant employment in rural parts of Scotland. These sectors also depend on supporting services and access to markets and there is significant potential for associated investment to develop a sustainable supply chain. Digital connectivity will also be critical to their continued success.

Urban areas are a focus for investment in the built environment and many of our industries and businesses are located in and around our cities. These areas will also be more attractive to future investors and their employees if they are greener and healthier places to live.

National developments

Six national developments support the delivery of productive places:

- **Clyde Mission** brings together substantial public and private investment to remediate and regenerate brownfield land along the River Clyde for economic, social and environmental uses.
- **Aberdeen Harbour** facilitates completion of the South Harbour and access to it as well as a more mixed use waterfront for Aberdeen on areas of the harbour that will not in future be required for port uses. This will contribute to international and national connectivity, freight and the renewable energy sector.
- **Industrial Green Transition Zones** support transformation of key sites including by putting in place the infrastructure needed to commercialise carbon capture and storage and decarbonise industry. Innovation will provide green jobs, reduce emissions and help Scotland lead the way on new technologies.
- **Hunterston Strategic Asset** supports re-use the port and wider site, engaging in new technologies and creating opportunities from nuclear decommissioning to make best use of existing infrastructure and provide local benefits.
- **Chapelcross Power Station Redevelopment** involves the reuse of a key site to provide a range of economic opportunities for local communities. Energy produced will help to reduce heating and transport emissions within the wider region.
- **High Speed Rail** ensures connectivity with the United Kingdom (UK) and beyond, reduce long distance transport emissions and optimise the benefits more widely.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

RURAL REVITALISATION

Our strategy and policies support development that helps to retain and increase the population of rural areas of Scotland.

The spatial strategy reflects a wide range of proposals for development in rural areas, supported by national developments that recognise the potential and need to expand key sectors including renewable energy, sustainable transport and green infrastructure.

[Policy 17](#) promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way. Similarly, [Policy 29](#) encourages development that will contribute to rural economies and communities. Development proposals that contribute to the viability, sustainability and diversity of rural businesses are supported while ensuring planning policies take into consideration local characteristics. Both policies support development in previously inhabited areas in a way that is guided by LDPs. Greater constraint will be applied in areas of pressure whilst in rural areas with fragile communities, a more enabling approach has been taken to support communities to be sustainable and thrive. LDPs are required to set out an appropriate approach to development in areas of pressure and decline informed by an understanding of population change and settlement characteristics and how these have changed over time as well as an understanding of the local circumstances including housing and travel.

Many policies will also play an important role in supporting rural communities and population growth. Some focus on supporting sustainable development in key sectors for rural areas such as [Policy 30](#) on tourism, which aims to ensure community, environmental and business considerations are fully taken into account. [Policy 32](#) encourages sustainable aquaculture, whilst [Policy 10](#) supports development in coastal areas that takes into account future vulnerability to climate change. [Policy 11](#) supports opportunities for renewable energy development whilst [Policy 24](#) will support the delivery of digital infrastructure to support investment and population growth in rural areas.

Care has been taken to ensure policies reflect the specific needs and constraints of rural areas. [Policy 13](#) ensures that in assessing the transport impacts of development, the area's needs and characteristics are taken into account. [Policy 15](#) aims to promote local living in broad terms, including through 20 minute neighbourhoods where practical, recognising varying settlement patterns and the particular characteristics and challenges of different areas in applying these principles in practice. [Policy 28](#) also recognises the importance of retail facilities for rural communities and economies.

Alongside this, recognising that environmental quality is a key asset for rural areas, Policies [3](#), [4](#), [5](#) and [6](#) ensure that natural assets are protected and enhanced.

CROSS-CUTTING OUTCOME AND POLICY LINKS:

LIFELONG HEALTH AND WELLBEING

Our strategy and policies support development that helps to improve health and wellbeing. The spatial strategy as a whole recognises that there are significant health inequalities in Scotland that future development can help to address. The spatial principles aim to ensure that future development is directed to sustainable locations, recognising that the role of planning in supporting development in places which would benefit most from regeneration and investment.

The natural environment is fundamental to our health and wellbeing from the benefits we get from being in nature to the design and delivery of blue and green infrastructure. Policies [1](#), [3](#), [4](#), [5](#) and [6](#) manage the effects of development on biodiversity and on natural places. [Policy 20](#) supports development that will provide good quality, accessible greenspaces and nature networks and [Policy 21](#) supports development that will provide opportunities for sport and play. Active travel is encouraged by [Policy 13](#) with walking and cycling providing wider health benefits.

[Policy 23](#) helps to protect health and wellbeing, including by ensuring that air and noise pollution are taken into account, and by planning and managing development to take hazards into account. [Policy 22](#) ensures that future flood risk is not exacerbated by development, and facilitates the delivery of sustainable flood risk management solutions. [Policy 10](#) manages development to reflect future vulnerability of coastal areas. [Policy 9](#) encourages the redevelopment of brownfield land, helping to reduce the impact of vacant and derelict sites on communities.

Housing plays a critical role in supporting our health and wellbeing. [Policy 16](#) enables the delivery of well planned, good quality, affordable, safe and warm homes. Alongside this, [Policy 13](#) supports development that provides, or is accessible by active travel and [Policy 15](#) ensures people have access to facilities from their homes, including healthcare facilities. Development is also required to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach set out in [Policy 18](#).

[Policy 14](#) applies the six qualities of successful places to development proposals, including health and wellbeing. As part of this it prioritises key aspects including women's safety and suicide risk and aims to ensure development does not undermine the amenity of our existing homes and places. Climate related mental and physical health effects will be addressed by the strategy as a whole and in particular by Policies [1](#) and [2](#) by ensuring future development minimises emissions and is built to reflect the future risks of climate change. Health and wellbeing will also be supported by development that helps us to transition to net zero, as reflected in [Policy 11](#) on renewable energy, [Policy 12](#) on zero waste, and [Policy 19](#) on heat and cooling. Wider policies relating to economic development will have a further positive effect on overall health and wellbeing by supporting employment and investment in our places in a fair and sustainable way.

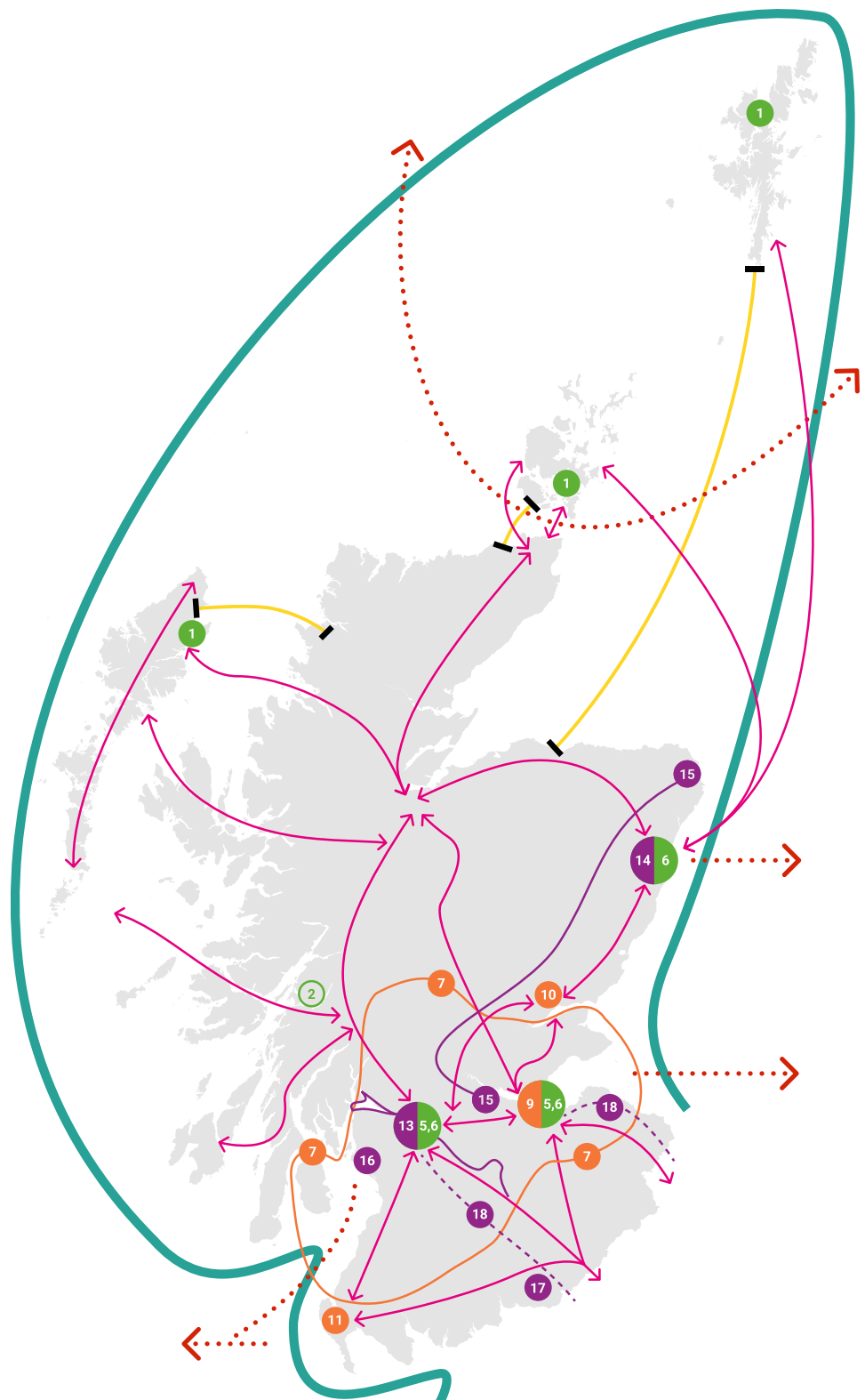
National Spatial Strategy

Legend

- ⋯→ Strategic maritime routes
- ↔ Strategic connection
- Blue economy
- Transmission infrastructure

National Developments

- 1 Energy Innovation Development on the Islands
- 2 Pumped Hydro Storage
Scotland Wide
- 3 Strategic Renewable Electricity Generation and Transmission Infrastructure
Scotland Wide
- 4 Circular Economy Materials Management Facilities
Scotland Wide
- 5 Urban Sustainable, Blue and Green Surface Water Management Solutions
Edinburgh and Glasgow
- 6 Urban Mass/Rapid Transit Networks
Aberdeen, Edinburgh and Glasgow
- 7 Central Scotland Green Network
- 8 National Walking, Cycling and Wheeling Network
Scotland Wide
- 9 Edinburgh Waterfront
- 10 Dundee Waterfront
- 11 Stranraer Gateway
- 12 Digital Fibre Network
Scotland Wide
- 13 Clyde Mission
- 14 Aberdeen Harbour
- 15 Industrial Green Transition Zones
- 16 Hunterston Strategic Asset
- 17 Chapelcross Power Station Redevelopment
- 18 High Speed Rail



Indicative

National Developments

Legend

Sustainable Places

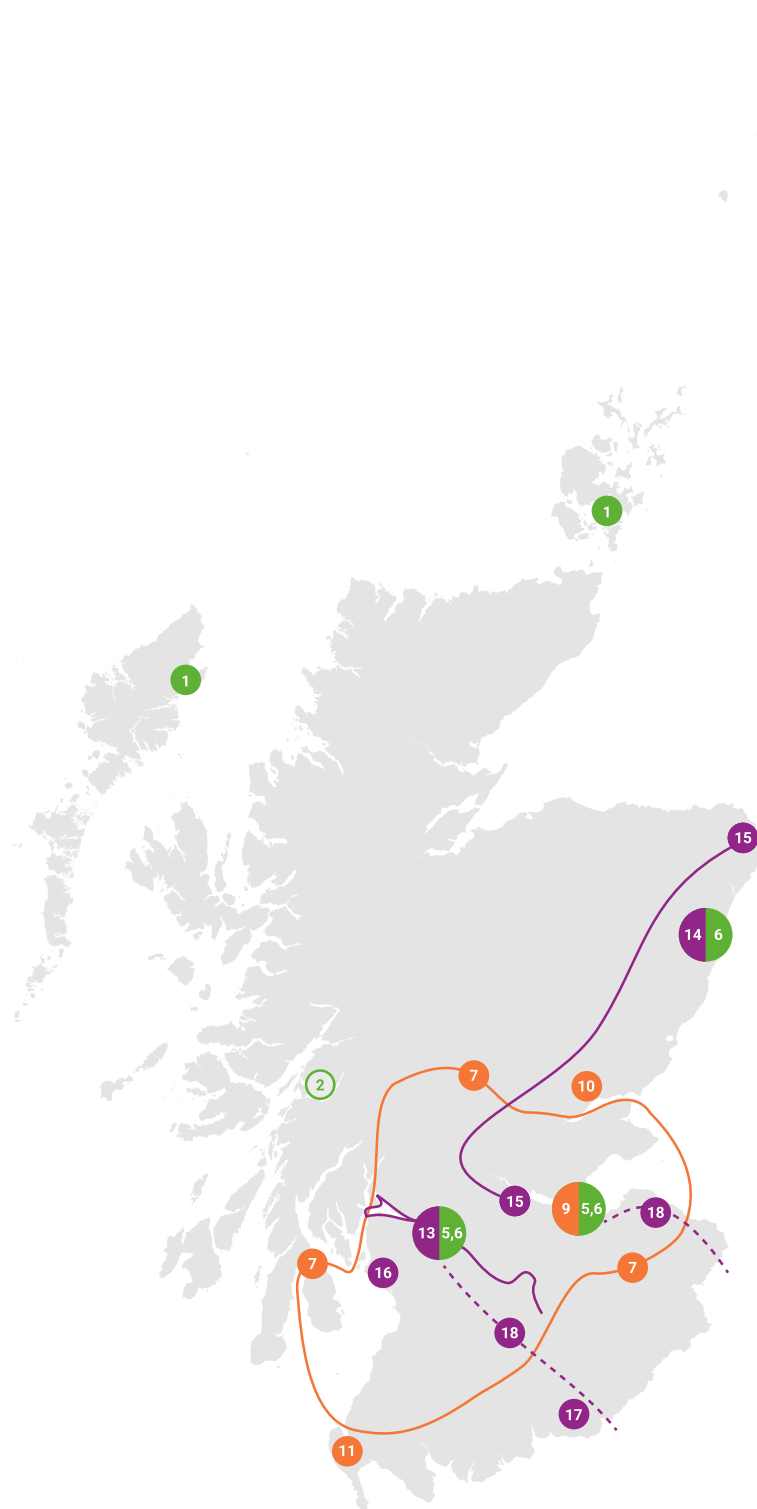
- 1 Energy Innovation Development on the Islands
- 2 Pumped Hydro Storage
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- 4 Circular Economy Materials Management Facilities
Scotland Wide
- 5 Urban Sustainable, Blue and Green Surface Water Management Solutions
Edinburgh and Glasgow
- 6 Urban Mass/Rapid Transit Networks
Aberdeen, Edinburgh and Glasgow

Liveable Places

- 7 Central Scotland Green Network
- 8 National Walking, Cycling and Wheeling Network
Scotland Wide
- 9 Edinburgh Waterfront
- 10 Dundee Waterfront
- 11 Stranraer Gateway
- 12 Digital Fibre Network
Scotland Wide

Productive Places

- 13 Clyde Mission
- 14 Aberdeen Harbour
- 15 Industrial Green Transition Zones
- 16 Hunterston Strategic Asset
- 17 Chapelcross Power Station Redevelopment
- 18 High Speed Rail



Indicative

Regional Spatial Priorities

North and West Coast and Islands

This part of Scotland will be at the forefront of our efforts to reach net zero emissions by 2045. It is a diverse area, from Shetland and Orkney in the north, to the Outer and Inner Hebrides and the coastal areas of Highland and Argyll and Bute. As one of the most renewable energy rich localities in Europe with significant natural resources, there is a real opportunity for this area to support our shared national outcomes.

Key centres where lifeline links provide access to the islands include Lerwick, Kirkwall, Stromness, Stornoway, Wick and Thurso, Ullapool, Mallaig and Oban, whilst Tarbert, Lochgilphead and Campbeltown are important hubs to the south of the area. These centres provide important services to their wider hinterlands. Local projects are ongoing, including the regeneration of Stromness, the Stornoway Deep Water Port development, the linked Islands Growth Deal Outer Hebrides Energy Hub project in Stornoway, and the Islands Growth Deal Knab Redevelopment project in Shetland.

The area has an exceptional environment with coastal and island landscapes that are an important part of our national identity. It is rich in biodiversity, sustaining many internationally significant ecological sites, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Global Geoparks in the North West Highlands and Shetland, and Wester Ross UNESCO Biosphere Reserve and species including some of the best remaining temperate rainforest sites in Europe. It has a rich history, language and distinctive cultural heritage including the St Kilda and the Heart of Neolithic Orkney UNESCO World Heritage Sites. These key assets require careful management to ensure they continue to benefit communities.

There will be significant climate challenges for this part of Scotland. Island and coastal ecosystems, and the communities they support, are naturally more vulnerable to the effects of climate change, sea level rise and extreme events. Of particular concern are the impacts on vulnerable low-lying coastal zones and

infrastructure, with potentially wide-ranging effects from biodiversity loss to coastal erosion, flooding and landslips. If we do not take action to plan and build resilience, communities could suffer disproportionately from the impacts of climate change.

A climate and nature conscious approach to development of this area can help to tackle wider challenges. The Carbon Neutral Islands project will support six islands (Hoy, Islay, Great Cumbrae, Raasay, Barra and Yell) to become carbon neutral by 2040. This will act as a catalyst for further climate action across all Scottish islands to make more attractive, resilient and sustainable communities in the long-term.

The relatively high levels of community land ownership, particularly in the Outer Hebrides, and strong ties with the land and sea reflect this area's strong sense of place and local resilience. Scotland's National Islands Plan aims to grow the population and economy, improve transport and housing, and ensure island communities are served by the facilities, jobs, education and services they need to flourish. Environmental wellbeing, clean and affordable energy, strong communities, culture and identity are also priorities.

Around 94 of Scotland's 900 islands are permanently inhabited. The size and composition of each population has changed over the years and continues to do so. Whilst most recent estimates indicate population growth across the majority of local authority areas with islands, population change within each area is more complex, with areas of growth and depopulation varying between islands and coastal communities, and across different strata of the population. An ageing population in some parts of the area will mean that we need to do more to reverse past patterns of population decline and sustain local facilities and services that support rural and dispersed communities.

Public service provision, transport, energy consumption, fuel poverty, child poverty and housing, including its affordability, will continue to be significant challenges. Employment varies across the area, and can tend to rely on the public sector, tourism and lower wage sectors,

limiting the scope and choice of skilled jobs in some locations. It can be difficult to attract and retain a local workforce to support some jobs, underlining the importance of building skills and promoting fair work principles to support future investment. Language skills are also important in many areas where Gaelic is used by the community.

Challenges from the end of free movement and changing markets, and the agriculture and fishing industries, will need support to ensure long-term sustainability, but there are also substantial economic opportunities presented by developments in sectors such as renewable energy generation.

Priorities

Alongside Scotland's marine planning authorities, we will work with the area's exceptional assets and natural resources to build a more resilient future for island and coastal communities. By guiding RSS and LDPs in this area, our strategy aims to:

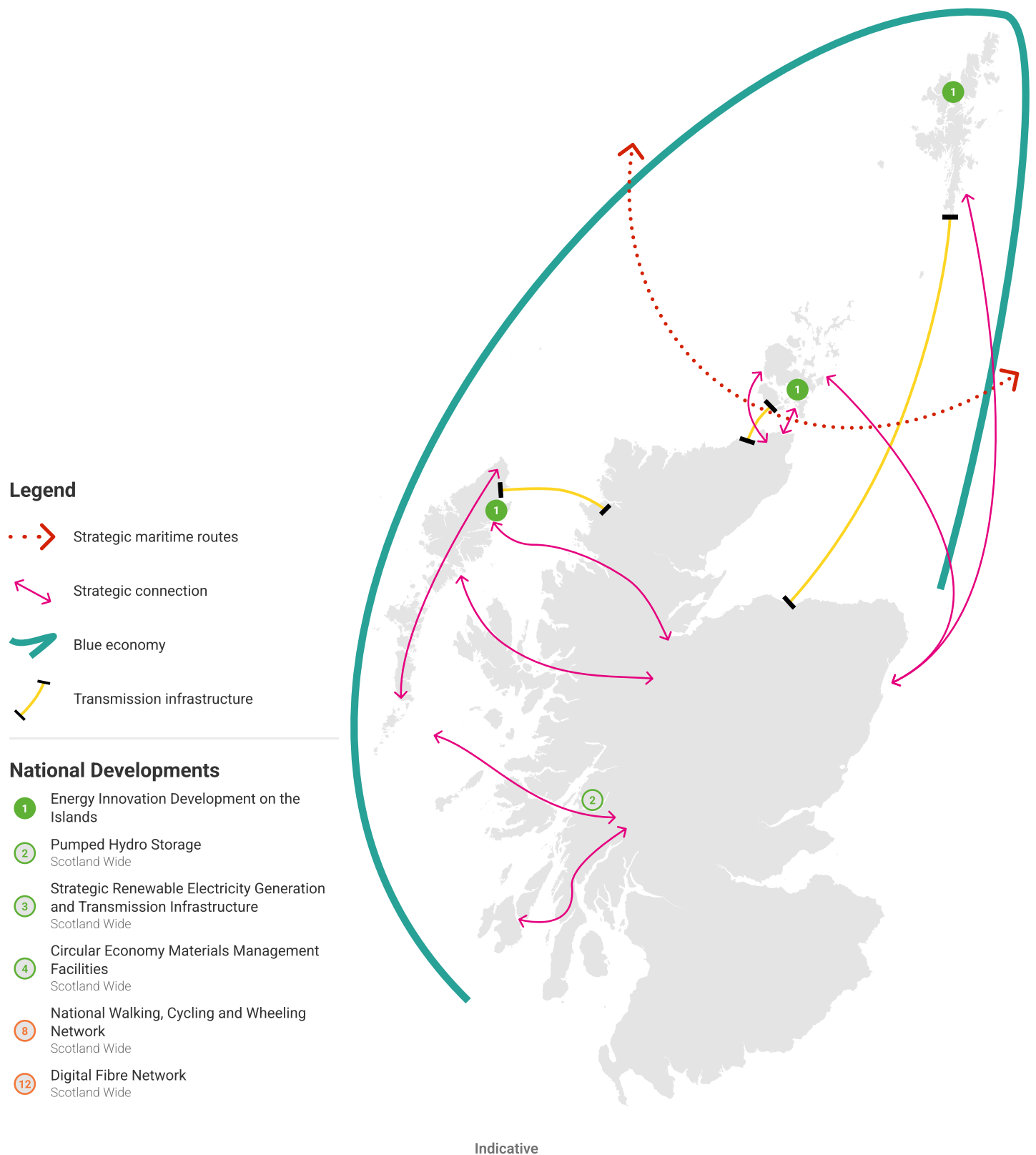
- Maximise the benefits of renewable energy whilst enhancing blue and green infrastructure, decarbonising transport and building resilient connections.
- Support coastal and island communities to become carbon neutral, thus contributing to net-zero commitments and reducing fuel poverty.
- Seize the opportunities to grow the blue and green economy, recognising the world-class environmental assets that require careful management and opportunities to develop skills and diversify employment.

The following national developments will support delivery of the spatial strategy for this area:

- [Energy Innovation Development on the Islands](#)
- [Pumped Hydro Storage](#)
- [Strategic Renewable Electricity Generation and Transmission Infrastructure](#)
- [Circular Economy Material Management Facilities](#)
- [National Walking, Cycling and Wheeling Network](#)
- [Digital Fibre Network](#)

Further detail about the priorities for this area is contained in [Annex C](#). Further details of national developments are contained in [Annex B](#).

North and West Coast and Islands



North

The Highlands of Scotland, Moray, mainland Argyll, northern parts of rural Stirling and Perthshire are world renowned for their stunning landscapes, rich biodiversity and cultural heritage.

Settlement patterns vary, from dispersed or low density crofting townships, to key centres such as Inverness, Ullapool, Dingwall, Grantown-on-Spey, Aviemore, Elgin, Pitlochry and Aberfeldy. Cairngorms National Park is a national asset with internationally significant habitats and landscapes and there is currently a proposal to make the Flow Country a UNESCO World Heritage Site. The northern part of the Loch Lomond and The Trossachs National Park also extends into this area.

Emissions here are partly offset by the climate sequestration from land use and forestry so that the area acts as a net carbon sink overall. There are few sources of significant industrial emissions. Climate change risks include changing levels of rainfall, increased storm events, temperature rise, flood risk, rising sea levels and associated erosion. Tailored measures will be required to assist communities in adapting to climate change and transitioning to net zero.

This rural heartland is much more than a place of beauty and isolation. Many thriving communities live here, and they depend on local jobs and learning to support their quality of life. Some communities have experienced outmigration, particularly the loss of younger people, especially outwith Inverness. Further population decline is a future risk, particularly for the west and north. People often depend on the car and more limited access to services creates disadvantage, despite the quality of life and good health that many living here enjoy. An ageing population will put pressures on some services.

Parts of the area have recently experienced an accelerated increase in house prices. The pandemic has reinforced long standing issues of affordability and a more mobile remote workforce has been attracted to the area, adding increased pressure. Without intervention, access to affordable homes, jobs and services that enable local people, including young people, to stay in their communities could become more challenging. Fuel and transport poverty is a particular challenge towards the north and west and there are significant areas which do not currently benefit from good quality digital connectivity.

The area's environmental quality, culture, language, landscape and wildlife sustain key economic sectors including tourism, food and drink, distilling and clean energy. Extensive areas of woodland and peatland act as a carbon sink, contributing significantly to our national sustainability. The area has a strong economy with growing income and low unemployment overall, but there remain pockets of deprivation both in urban areas and in more remote areas where there is a need for alternatives to low skilled and low paid jobs.

Priorities

This part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country by demonstrating how natural assets can be managed and used to secure a more sustainable future. By guiding RSS and LDPs in this area, our strategy aims to:

- Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections.
- Maintain and help to grow the population by taking a positive approach to rural development that strengthens networks of communities.
- Support local economic development by making sustainable use of the areas' world-class environmental assets to innovate and lead greener growth.


The following national developments will also support delivery of the spatial strategy for this area:

- [Pumped Hydro Storage](#)
- [Strategic Renewable Electricity Generation and Transmission Infrastructure](#)
- [Circular Economy Material Management Facilities](#)
- [National Walking, Cycling and Wheeling Network](#)
- [Digital Fibre Network](#)


Further detail about the priorities for this area is contained in [Annex C](#). Further details of national developments are contained in [Annex B](#).

North






Legend

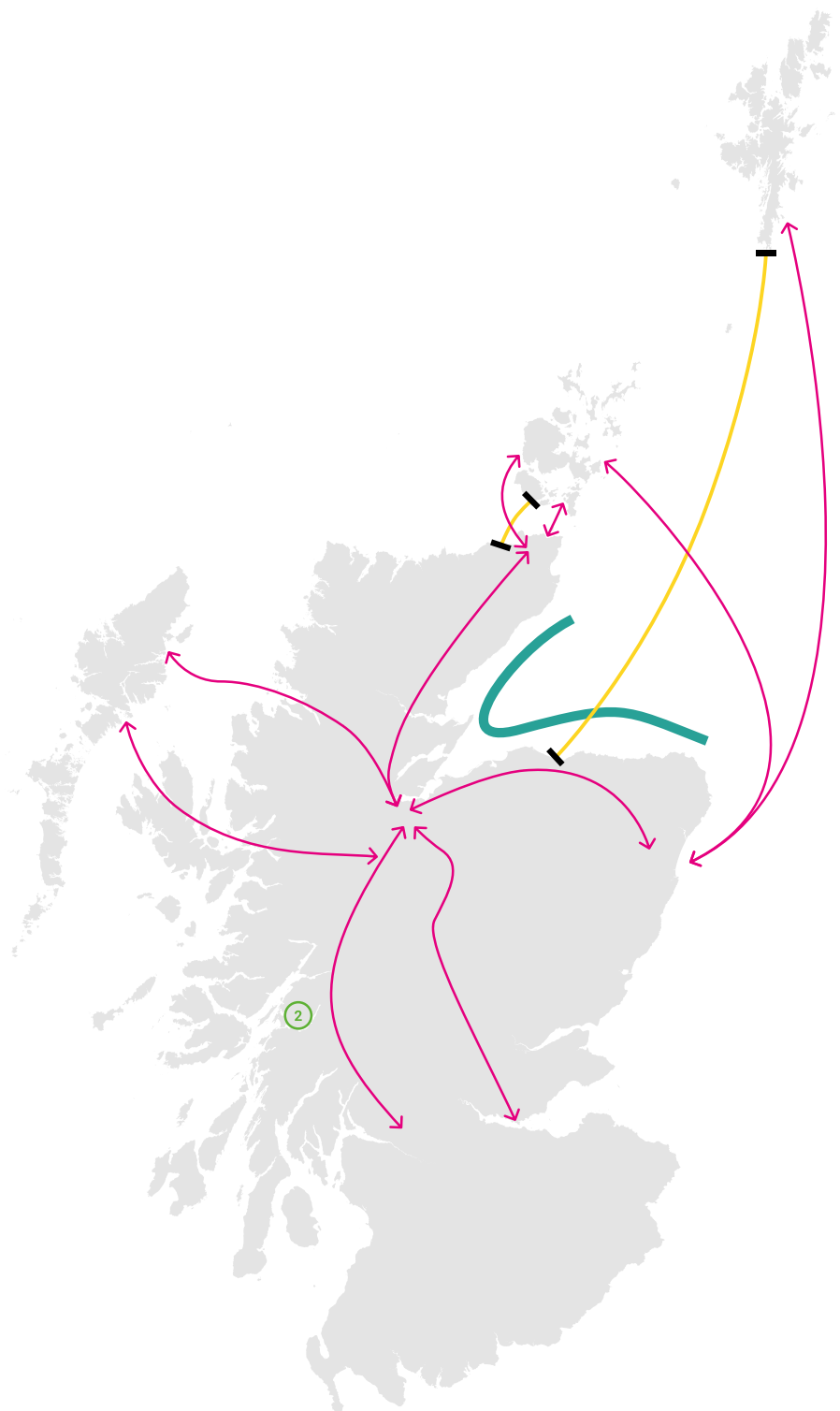
 Strategic connection

 Blue economy

 Transmission infrastructure

National Developments

-  **Pumped Hydro Storage**
Scotland Wide
-  **Strategic Renewable Electricity Generation and Transmission Infrastructure**
Scotland Wide
-  **Circular Economy Materials Management Facilities**
Scotland Wide
-  **National Walking, Cycling and Wheeling Network**
Scotland Wide
-  **Digital Fibre Network**
Scotland Wide



Indicative

North East

The north east is a centre for the skills and expertise we will need to meet our climate change commitments. This area will evolve, through a just transition, to move industry and business away from the oil and gas sector towards a cleaner, greener future. Rich in natural assets, this area, along with the wider Moray and Cromarty Firths, has built on its oil and gas experience to pioneer new technologies. This makes it a uniquely investable proposition that could benefit Scotland as a whole. We can build on the area's experience to find innovative solutions to climate change.

Emissions generated from this area arise mainly from transport, industrial and commercial activity and domestic properties, with land use and forestry providing carbon sequestration. Car ownership is particularly high in Aberdeenshire. Significant parts of the coast will be vulnerable to future climate impacts.

This area is amongst the most prosperous parts of Scotland, but has experienced significant economic challenges in recent years and has pockets of deprivation. The area comprises a mix of rural and urban communities, with the city of Aberdeen and a surrounding network of towns including Huntly, Fraserburgh, Peterhead, Ellon, Inverurie and Stonehaven, and significant rural areas including countryside around Aberdeen city. Whilst parts of the area have experienced population decline, several settlements around Aberdeen have grown. Links from Aberdeenshire to communities in Moray, Angus and Tayside are also important.

Affordability and choice of homes is acute across the area, especially within Aberdeen. The growing proportion of retirees in Aberdeenshire presents a further challenge to housing and service delivery. There are lower levels of educational attainment and limited access to services for communities along the Aberdeenshire and Moray coast. Many of these places will benefit from further regeneration that builds on their identity and natural assets.

The excellent quality of the built environment, natural assets and cultural heritage already contribute to health and wellbeing in the area

and can form the basis of a transition to net zero. Some of our highest quality productive agricultural land is concentrated here, together with other land-based industries, and the economy benefits from a strong fishing industry, alongside its globally significant energy sector. The dominance of these sectors, together with wider changes including from the pandemic, European Union (EU) Exit and global markets, means that economic diversification and repurposing of buildings and infrastructure will be key priorities.

Priorities

This part of Scotland will play a crucial role in achieving Just Transition to net zero. By guiding RSS and LDPs in this area, our strategy aims to:

- Plan infrastructure and investment to support the transition from oil and gas to net zero whilst protecting and enhancing blue and green infrastructure and decarbonising connectivity.
- Focus on continued regeneration through the principles of local living and 20 minute neighbourhoods to sustain the skilled workforce and improve local liveability.
- Support continued economic diversification and innovation.





The following national developments will also support delivery of the spatial strategy for this area:

- [Pumped Hydro Storage](#)
- [Strategic Renewable Electricity Generation and Transmission Infrastructure](#)
- [Circular Economy Material Management Facilities](#)
- [Urban Mass/Rapid Transit Networks](#)
- [National Walking, Cycling and Wheeling Network](#)
- [Digital Fibre Network](#)
- [Aberdeen Harbour](#)
- [Industrial Green Transition Zones](#)









Further detail about the priorities for this area is contained in [Annex C](#). Further details of national developments are contained in [Annex B](#).

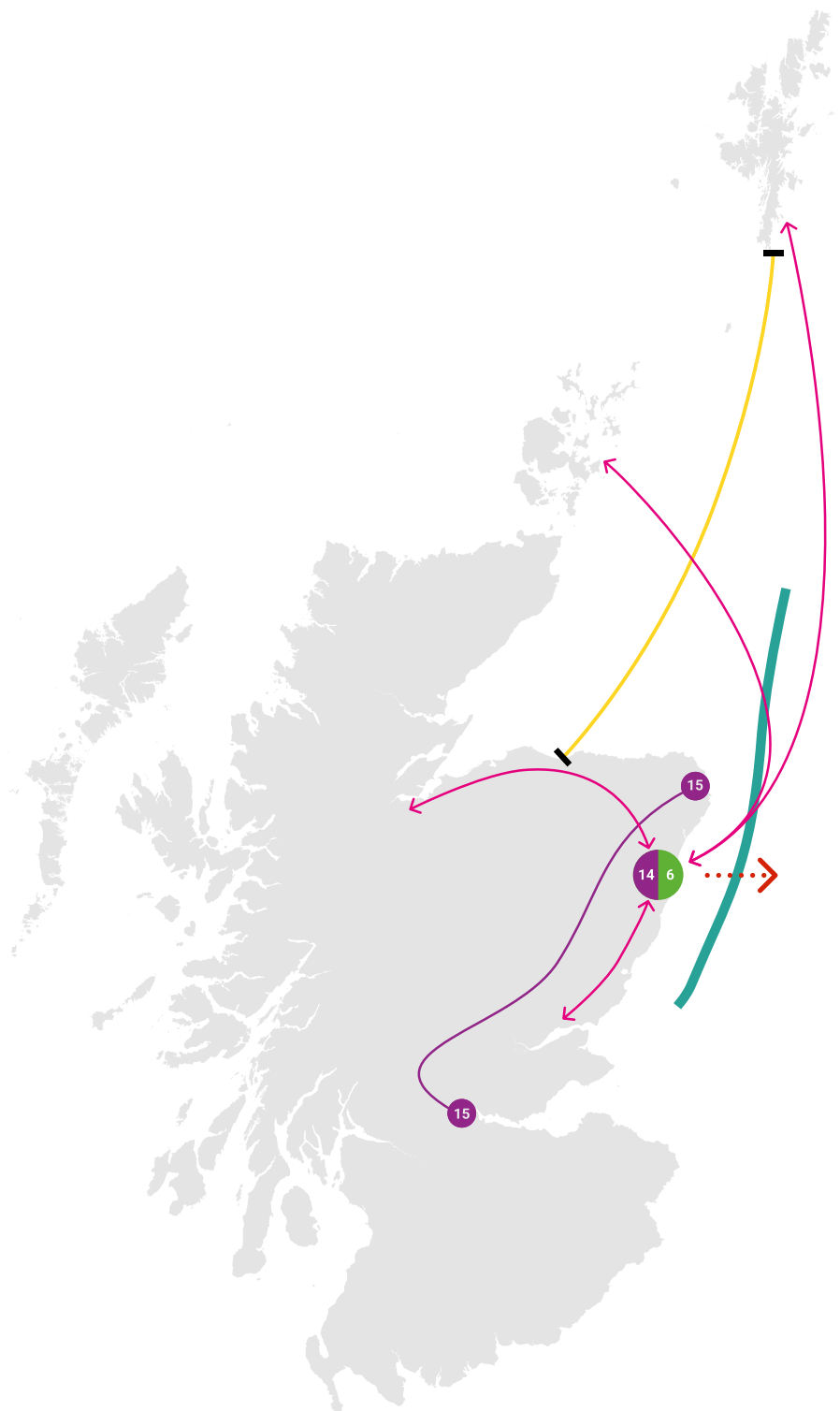
North East

Legend

-  Strategic maritime routes
-  Strategic connection
-  Blue economy
-  Transmission infrastructure

National Developments

-  **2** Pumped Hydro Storage
Scotland Wide
-  **3** Strategic Renewable Electricity Generation and Transmission Infrastructure
Scotland Wide
-  **4** Circular Economy Materials Management Facilities
Scotland Wide
-  **6** Urban Mass/Rapid Transit Networks
Aberdeen, Edinburgh and Glasgow
-  **8** National Walking, Cycling and Wheeling Network
Scotland Wide
-  **12** Digital Fibre Network
Scotland Wide
-  **14** Aberdeen Harbour
-  **15** Industrial Green Transition Zones



Indicative

Central

We will only meet our climate change commitments if we make significant changes to the densely populated central belt of Scotland. Our urban communities will play a critical role in reducing the emissions generated by the way we live our lives.

This area includes the Glasgow, Edinburgh, Stirling, Dundee and Perth city regions as well as networks of towns and smaller settlements, and more rural surroundings.

Many of our largest emitters of greenhouse gas emissions are located in this area, including Grangemouth where industrial activity is concentrated, providing high value manufacturing and employment, and playing a key role in our resilience. Other key sources include industrial, manufacturing and waste management sites and facilities. Overall emissions from domestic properties and transport are high as a result of the area's population density and the scale of daily movement within and between city regions. The growing risk of flooding could have significant impacts in the future, as many key settlements and economic assets are located on the Clyde, Forth and Tay estuaries.

We need to work together to decarbonise buildings and transport and tackle congestion, make more efficient use of existing land and buildings, generate renewable energy and establish supporting electricity and heat networks and create more inclusive, greener and sustainable places that will stand the test of time. By weaving blue and green infrastructure across our urban fabric we can ensure that nature and the outdoors are accessible to everyone, supporting lifelong health and wellbeing and creating places that are more resilient to flooding.

There are significant social and economic differences across the area – at a broad scale there are relatively high concentrations of poor health, child poverty, economic disadvantage and population decline in parts of the Glasgow city region contrasting with strong demand

and expected population growth in parts of the Edinburgh city region. The broad pattern is repeated for children living in poverty, who are more likely to live in the Glasgow city region. Across the area as a whole, however, there are localised areas of high and low deprivation.

As a nation we have a particular obligation to do more to tackle the concentration of poor health outcomes in west central Scotland. Action is needed to reduce inequality and improve health and wellbeing so that everyone is able to thrive. Better places can do more to support lifelong health and wellbeing by providing warm homes that are connected to services. Access to quality greenspace and nature-based solutions can help to mitigate health inequalities and improve physical and mental health, by providing opportunities for play, socialising, relaxation and physical activity. Developing our communities to promote local living and 20 minute neighbourhoods can help reduce inequalities in health. The frequency of urban car use can be reduced by improving local liveability and improved access to facilities, helping to reduce emissions and air pollution. Access to health and social care facilities will need to be built into our future places and can benefit from continuing investment in digital infrastructure and innovation.

Household projections show there will be a continuing demand for more homes across the most urban parts of Scotland. There has been a strong market, high levels of housebuilding and pressure on infrastructure in some 'hot spots' including the Edinburgh city region, Stirling and Falkirk, and Perth. In contrast, despite good connections and infrastructure capacity, it can be more challenging to encourage the market to deliver new homes particularly in parts of the west where unemployment is also higher.

There are also inequalities across each of the city regions, with local concentrations of economic deprivation and many former coalfield communities. Overall, economic performance is higher in Edinburgh and Glasgow and lower in surrounding areas including Inverclyde, Ayrshire, along parts of the Clyde Coast and Lanarkshire.

The diverse business base reflects nationally important sectors including financial services, business administration, life sciences, distribution and transport, retail and commercial, and manufacturing and production. City centres are experiencing significant challenges, caused or accelerated by the pandemic, but each retain a strong character and distinctive identity, offering opportunities for new business, homes, and services. Similar issues apply to the towns across this area.

A wellbeing economy goes beyond strategic investment sites to link more closely with the wellbeing of communities and their local environments. It will be critical to recognise the importance of anchor institutions who can support local investment in our places and natural and historic assets, provide education, employment and other services, and act as community hubs. Significant investment in our health and social care, justice and learning estates will continue to provide important sources of employment and income for smaller scale local businesses.

Around the area's settlements there are many high quality environments, from World Heritage Sites, historic burghs and conservation areas to protected biodiversity sites of international importance, ancient woodlands and areas of high landscape quality, including the coastline, country and national parks, and canals. This brings opportunities for outdoor recreation within a short distance of the majority of Scotland's population.

The coast is an integral part of the area's identity, combining natural and cultural heritage and acting as a focus for investment and regeneration. We have made progress in restoring and reusing areas that were historically a focus for heavy industry and mining, leaving a legacy of disused sites and areas blighted by dereliction. Key sites for further investment include urban waterfronts and former industrial sites where existing infrastructure can be reused to support the transition to a low carbon economy.

Priorities

A coherent strategy that focuses on climate change and responds to the challenges of the pandemic will drive forward change to tackle inequalities and build a new, greener, future for this part of the country. By guiding RSS and LDPs in this area, our strategy aims to:

- Provide net zero energy solutions including extended heat networks and improved energy efficiency, together with urban greening and improved low carbon transport.
- Pioneer low carbon, resilient urban living by rolling out networks of 20 minute neighbourhoods, future proofing city and town centres, accelerating urban greening, investing in net zero homes, and managing development on the edge of settlements.
- Target economic investment and build community wealth to overcome disadvantage and support a greener wellbeing economy.

The following national developments will also support delivery of the spatial strategy for this area:

- [Pumped Hydro Storage](#)
- [Strategic Renewable Electricity Generation and Transmission Infrastructure](#)
- [Circular Economy Material Management Facilities](#)
- [Urban Sustainable, Blue and Green Drainage Solutions](#)
- [Urban Mass/Rapid Transit Networks](#)
- [Central Scotland Green Network](#)
- [National Walking, Cycling and Wheeling Network](#)
- [Edinburgh Waterfront](#)
- [Dundee Waterfront](#)
- [Digital Fibre Network](#)
- [Clyde Mission](#)
- [Industrial Green Transition Zones](#)
- [Hunterston Strategic Asset](#)
- [High Speed Rail](#)

Further detail about the priorities for this area is contained in [Annex C](#). Further details of national developments are contained in [Annex B](#).

Central

Legend

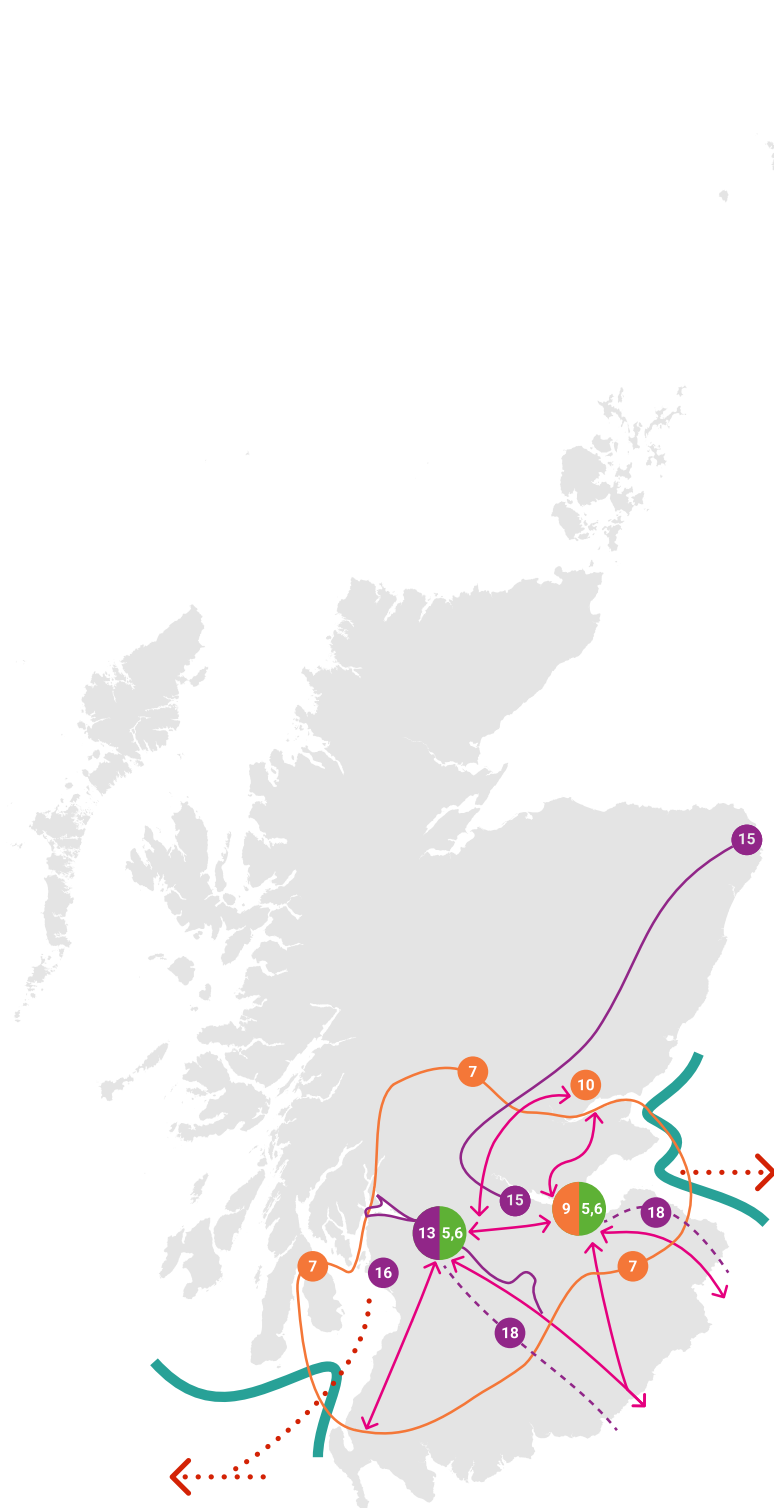
... Strategic maritime routes

↔ Strategic connection

➤ Blue economy

National Developments

- 2 Pumped Hydro Storage
Scotland Wide
- 3 Strategic Renewable Electricity Generation and Transmission Infrastructure
Scotland Wide
- 4 Circular Economy Materials Management Facilities
Scotland Wide
- 5 Urban Sustainable, Blue and Green Surface Water Management Solutions
Edinburgh and Glasgow
- 6 Urban Mass/Rapid Transit Networks
Aberdeen, Edinburgh and Glasgow
- 7 Central Scotland Green Network
Mapping is indicative
- 8 National Walking, Cycling and Wheeling Network
Scotland Wide
- 9 Edinburgh Waterfront
- 10 Dundee Waterfront
- 12 Digital Fibre Network
Scotland Wide
- 13 Clyde Mission
- 15 Industrial Green Transition Zones
- 16 Hunterston Strategic Asset
- 18 High Speed Rail



Indicative

South

The South of Scotland is strategically important with a strong sense of identity centred on networks of towns and villages, supported by distinctive landscapes and coasts. This is a place with a rich cultural heritage and exceptional environmental assets and natural resources, such as the Galloway and Southern Ayrshire UNESCO Biosphere and Galloway Forest Dark Sky Park. This area is ambitious for positive change in the coming years, and the immediate work to recover from the pandemic will form the basis of a longer term plan to respond to the challenges of climate change and support nature restoration and recovery.

Settlements across this area provide services to the surrounding rural communities. Towns are well placed to be models of sustainable living, with many undergoing regeneration. Larger settlements include Dumfries, Stranraer, Galashiels, Hawick, with a network of towns and villages throughout Dumfries and Galloway and the Scottish Borders. The area extends northwards to include Ayrshire towns such as Ayr, Girvan, Dalmellington and Cumnock in the west, as well as towards the southern rural parts of East Lothian in the east and parts of South Lanarkshire including Biggar and Moffat. Beyond the towns there are many small settlements and rural homes, farms and smallholdings.

Cross border relationships are important in this area, together with strategic transport connections to England, Northern Ireland and Ireland.

Emissions in this area are moderate, with transport and industry emissions being partly offset by land use. The area has significant areas of woodland and peatland which act as a carbon sink and form the basis for future investment opportunities. The few sites that are significant sources of greenhouse gas emissions include industrial and commercial activities, including some food and drink processing facilities. Coastal erosion and flood risk is expected to be a significant challenge in the future, particularly where there is a risk of impacts on key transport corridors or settlements.

Working with communities to find new ways of rural living that are consistent with climate change will be a challenge for this part of Scotland, given the relatively high levels of dependence on the car, limited public transport, housing affordability challenges and the dispersed population.

Despite having high levels of wellbeing and quality of life, population decline is projected to continue in some regions to the west of the area, with fewer younger people and more retired people living in the area in the future. Economic diversification will help to address dependence on low wage and public sector employment.

Priorities

Our strategy aims to ensure that this part of Scotland fulfils its potential. There is significant potential for the area to develop and increase recognition of it as a place to live, work and visit. By guiding RSS and LDPs in this area, our strategy aims to:

- Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient physical and digital connections.
- Increase the population by improving local liveability, creating a low carbon network of towns and supporting sustainable rural development.
- Support local economic development whilst making sustainable use of the area's world-class environmental assets to innovate and lead greener growth.

The following national developments will also support delivery of the spatial strategy for this area:

- [Pumped Hydro Storage](#)
- [Strategic Renewable Electricity Generation and Transmission Infrastructure](#)
- [Circular Economy Material Management Facilities](#)
- [National Walking, Cycling and Wheeling Network](#)
- [Stranraer Gateway](#)
- [Digital Fibre Network](#)
- [Clyde Mission](#)
- [Chapelcross Power Station Redevelopment](#)
- [High Speed Rail](#)

Further detail about the priorities for this area is contained in [Annex C](#). Further details of national developments are contained in [Annex B](#).

Legend

- Strategic maritime routes
- Strategic connection
- Blue economy

National Developments

- 2 Pumped Hydro Storage
Scotland Wide
- 3 Strategic Renewable Electricity Generation and Transmission Infrastructure
Scotland Wide
- 4 Circular Economy Materials Management Facilities
Scotland Wide
- 8 National Walking, Cycling and Wheeling Network
Scotland Wide
- 11 Stranraer Gateway
- 12 Digital Fibre Network
Scotland Wide
- 17 Chapelcross Power Station Redevelopment
- 18 High Speed Rail

Indicative

Part 2 – National Planning Policy



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Biodiversity

Policy Principles

Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - wherever feasible, nature-based solutions have been integrated and made best use of;
 - an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - local community benefits of the biodiversity and/or nature networks have been considered.
- Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

Natural places

Policy Principles

Policy Intent:

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy Outcomes:

- Natural places are protected and restored.
- Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

Local Development Plans:

LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

Policy 4

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. 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.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Rural development](#)

[Tourism](#)

Soils

Policy Principles

Policy Intent:

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy Outcomes:

- Valued soils are protected and restored.
- Soils, including carbon-rich soils, are sequestering and storing carbon.
- Soils are healthy and provide essential ecosystem services for nature, people and our economy.

Local Development Plans:

LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
 - b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
 - d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
 - i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Energy](#)

[Blue and green infrastructure](#)

[Rural development](#)

Forestry, woodland and trees

Policy Principles

Policy Intent:

To protect and expand forests, woodland and trees.

Policy Outcomes:

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

Local Development Plans:

LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

Policy 6

- Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- Development proposals will not be supported where they will result in:
 - Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

- Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Tourism](#)

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- building is no longer of special interest;
 - building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- architectural and historic character of the area;
 - existing density, built form and layout; and
 - context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)

Green belts

Policy Principles

Policy Intent:

To encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.

Policy Outcomes:

- Development is directed to the right locations, urban density is increased and unsustainable growth is prevented.
- The character, landscape, natural setting and identity of settlements is protected and enhanced.
- Nature networks are supported and land is managed to help tackle climate change.

Local Development Plans:

LDPs should consider using green belts, to support their spatial strategy as a settlement management tool to restrict development around towns and cities.

Green belts will not be necessary for most settlements but may be zoned around settlements where there is a significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside.

Green belts should be identified or reviewed as part of the preparation of LDPs. Boundary changes may be made to accommodate planned growth, or to extend, or alter the area covered as green belt. Detailed green belt boundaries should be based on evidence and should be clearly identified in plans.

Policy 8

a) Development proposals within a green belt designated within the LDP will only be supported if:

i) they are for:

- development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
- residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
- horticulture, including market gardening and directly connected retailing, as well as community growing;
- outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
- flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues);
- essential infrastructure or new cemetery provision;
- minerals operations and renewable energy developments;
- intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
- the reuse, rehabilitation and conversion of historic environment assets; or
- one-for-one replacements of existing permanent homes.

and

ii) the following requirements are met:

- reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
- the purpose of the green belt at that location is not undermined;
- the proposal is compatible with the surrounding established countryside and landscape character;
- the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
- there will be no significant long-term impacts on the environmental quality of the green belt.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Energy](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Business and industry](#)

[Rural development](#)

[Retail](#)

[Tourism](#)

[Minerals](#)

Brownfield, vacant and derelict land and empty buildings

Policy Principles

Policy Intent:

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy Outcomes:

- Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.
- The contribution of brownfield land to nature recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.
- Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.

Local Development Plans:

LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

Policy 9

- Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

- Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Historic assets and places](#)

[Zero waste](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Health and safety](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Culture and creativity](#)

Coastal development

Policy Principles

Policy Intent:

To protect coastal communities and assets and support resilience to the impacts of climate change.

Policy Outcomes:

- Coastal areas develop sustainably and adapt to climate change.

Local Development Plans:

LDP spatial strategies should consider how to adapt coastlines to the impacts of climate change. This should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and islands areas, and take a precautionary approach to flood risk including by inundation. Spatial strategies should reflect the diversity of coastal areas and opportunities to use nature-based solutions to improve the resilience of coastal communities and assets. LDP spatial strategies should identify areas of developed and undeveloped coast and should align with national, sectoral and regional marine plans.

Policy 10

- a) Development proposals in developed coastal areas will only be supported where the proposal:
 - i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
 - ii. is anticipated to be supportable in the long-term, taking into account projected climate change.
- b) Development proposals in undeveloped coastal areas will only be supported where they:
 - i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
 - ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
 - iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
 - iv. are designed to have a very short lifespan.
- c) Development proposals for coastal defence measures will be supported if:
 - i. they are consistent with relevant coastal or marine plans;
 - ii. nature-based solutions are utilised and allow for managed future coastal change wherever practical; and
 - iii. any in-perpetuity hard defense measures can be demonstrated to be necessary to protect essential assets.
- d) Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Rural development](#)

[Tourism](#)

[Aquaculture](#)

Energy

Policy Principles

Policy Intent:

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

Policy Outcomes:

- Expansion of renewable, low-carbon and zero emissions technologies.

Local Development Plans:

LDPs should seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.

Policy 11

- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
 - i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - ii. enabling works, such as grid transmission and distribution infrastructure;
 - iii. energy storage, such as battery storage and pumped storage hydro;
 - iv. small scale renewable energy generation technology;
 - v. solar arrays;
 - vi. proposals associated with negative emissions technologies and carbon capture; and
 - vii. proposals including co-location of these technologies.
- b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
- c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
 - i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
 - iii. public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv. impacts on aviation and defence interests including seismological recording;
 - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi. impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii. impacts on historic environment;
 - viii. effects on hydrology, the water environment and flood risk;
 - ix. biodiversity including impacts on birds;
 - x. impacts on trees, woods and forests;
 - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
 - xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Community wealth building](#)

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

Local Development Plans:

LDPs should identify appropriate locations for new waste management infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.

Policy 12

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
 - i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Compact urban growth

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Energy](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Community wealth building](#)

[Minerals](#)

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

Local Development Plans:

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

Policy 13

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[All other policies.](#)

Local Living and 20 minute neighbourhoods

Policy Principles

Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

Policy 15

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Retail](#)

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\) set out in Annex E](#).

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Rural homes](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

Rural homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy Outcomes:

- Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.
- Homes are provided that support sustainable rural communities and are linked with service provision.
- The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

Local Development Plans:

LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

Policy 17

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
 - i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
 - i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and

- iii. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- is in an area identified in the LDP as suitable for resettlement;
 - is designed to a high standard;
 - responds to its rural location; and
 - is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Historic assets and places](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

Infrastructure first

Policy Principles

Policy Intent:

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy Outcomes:

- Infrastructure considerations are integral to development planning and decision making and potential impacts on infrastructure and infrastructure needs are understood early in the development planning process as part of an evidenced based approach.
- Existing infrastructure assets are used sustainably, prioritising low-carbon solutions.
- Infrastructure requirements, and their planned delivery to meet the needs of communities, are clear.

Local Development Plans:

LDPs and delivery programmes should be based on an integrated infrastructure first approach. Plans should:

- be informed by evidence on infrastructure capacity, condition, needs and deliverability within the plan area, including cross boundary infrastructure;
- set out the infrastructure requirements to deliver the spatial strategy, informed by the evidence base, identifying the infrastructure priorities, and where, how, when and by whom they will be delivered; and
- indicate the type, level (or method of calculation) and location of the financial or in-kind contributions, and the types of development from which they will be required.

Plans should align with relevant national, regional and local infrastructure plans and policies and take account of the Scottish Government infrastructure investment hierarchy and sustainable travel and investment hierarchies in developing the spatial strategy. Consistent early engagement and collaboration between relevant stakeholders will better inform decisions on land use and investment.

Policy 18

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Energy](#)

[Zero waste](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Digital infrastructure](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Rural development](#)

Heat and cooling

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

Policy Outcomes:

- Development is connected to expanded heat networks which use and store heat from low or zero emission sources.
- Buildings and places are adapted to more extreme temperatures.

Local Development Plans:

LDPs should take into account the area's Local Heat & Energy Efficiency Strategy (LHEES). The spatial strategy should take into account areas of heat network potential and any designated Heat Network Zones (HNZ).

Policy 19

- Development proposals within or adjacent to a Heat Network Zone identified in a LDP will only be supported where they are designed and constructed to connect to the existing heat network.
- Proposals for retrofitting a connection to a heat network will be supported.
- Where a heat network is planned but not yet in place, development proposals will only be supported where they are designed and constructed to allow for cost-effective connection at a later date.
- National and major developments that will generate waste or surplus heat and which are located in areas of heat demand, will be supported providing wider considerations, including residential amenity, are not adversely impacted. A Heat and Power Plan should demonstrate how energy recovered from the development will be used to produce electricity and heat.

- Development proposals for energy infrastructure will be supported where they:
 - repurpose former fossil fuel infrastructure for the production or handling of low carbon energy;
 - are within or adjacent to a Heat Network Zone; and
 - can be cost-effectively linked to an existing or planned heat network.
- Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Energy](#)

[Zero waste](#)

[Infrastructure first](#)

[Blue and green infrastructure](#)

[Business and industry](#)

Blue and green infrastructure

Policy Principles

Policy Intent:

To protect and enhance blue and green infrastructure and their networks.

Policy Outcomes:

- Blue and green infrastructure are an integral part of early design and development processes; are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management.
- Communities benefit from accessible, high quality blue, green and civic spaces.

Local Development Plans:

LDPs should be informed by relevant, up-to-date audits and/or strategies, covering the multiple functions and benefits of blue and green infrastructure. The spatial strategy should identify and protect blue and green infrastructure assets and networks; enhance and expand existing provision including new blue and/or green infrastructure. This may include retrofitting. Priorities for connectivity to other blue and/or green infrastructure assets, including to address cross-boundary needs and opportunities, should also be identified.

LDPs should encourage the permanent or temporary use of unused or under-used land as green infrastructure. Where this is temporary, this should not prevent future development potential from being realised.

LDPs should safeguard access rights and core paths, including active travel routes, and encourage new and enhanced opportunities for access linked to wider networks.

Policy 20

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.

- c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.
- d) Development proposals for temporary open space or green space on unused or under-used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy impact:

- ✔ Just Transition
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Green belts](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Quality homes](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

[Rural development](#)

Play, recreation and sport

Policy Principles

Policy Intent:

To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Policy Outcomes:

- Natural and built environments are improved, with more equitable access to opportunities for play and recreation.
- Physical and mental health are improved through provision of, and access to, outdoor recreation, play and sport facilities.

Local Development Plans:

LDPs should identify sites for sports, play and outdoor recreation for people of all ages. This should be based on an understanding of the needs and demand in the community and informed by the planning authority's Play Sufficiency Assessment and Open Space Strategy. These spaces can be incorporated as part of enhancing and expanding blue and green infrastructure, taking account of relevant agencies' plans or policy frameworks, such as flood risk and/or water management plans. New provisions should be well-designed, high quality, accessible and inclusive.

Policy 21

- a) Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:
 - i. is ancillary to the principal use of the site as an outdoor sports facility; or
 - ii. involves only a minor part of the facility and would not affect its use; or
 - iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or
 - iv. can demonstrate 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.
- This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.
- b) Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate.
- This should be informed by the planning authority's Play Sufficiency Assessment.
- c) Development proposals for temporary or informal play space on unused or underused land will be supported.
 - d) Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.
 - e) Development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.
 - f) New, replacement or improved play provision will, as far as possible and as appropriate:
 - i. provide stimulating environments;
 - ii. provide a range of play experiences including opportunities to connect with nature;
 - iii. be inclusive;
 - iv. be suitable for different ages of children and young people;
 - v. be easily and safely accessible by children and young people independently, including those with a disability;

- vi. incorporate trees and/or other forms of greenery;
 - vii. form an integral part of the surrounding neighbourhood;
 - viii. be well overlooked for passive surveillance;
 - ix. be linked directly to other open spaces and play areas.
- g) Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy impact:

- ✔ Just Transition
- ✔ Compact urban growth
- ✔ Local living
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

[Culture and creativity](#)

Flood risk and water management

Policy Principles

Policy Intent:

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy Outcomes:

- Places are resilient to current and future flood risk.
- Water resources are used efficiently and sustainably.
- Wider use of natural flood risk management benefits people and nature.

Local Development Plans:

LDPs should strengthen community resilience to the current and future impacts of climate change, by avoiding development in areas at flood risk as a first principle. Resilience should also be supported by managing the need to bring previously used sites in built up areas into positive use; planning for adaptation measures; and identifying opportunities to implement improvements to the water environment through natural flood risk management and blue green infrastructure.

Plans should take into account the probability of flooding from all sources and make use of relevant flood risk and river basin management plans for the area. A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast. For areas where climate change is likely to result in increased flood exposure that becomes unmanageable, consideration should be given to alternative sustainable land use.

Policy 22

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- essential infrastructure where the location is required for operational reasons;
 - water compatible uses;
 - redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Green belts](#)

[Coastal development](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Health and safety](#)

[Business and industry](#)

Health and safety

Policy Principles

Policy Intent:

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Policy Outcomes:

- Health is improved and health inequalities are reduced.
- Safe places protect human health and the environment.
- A planned approach supports health infrastructure delivery.

Local Development Plans:

LDP spatial strategies should seek to tackle health inequalities particularly in places which are experiencing the most disadvantage. They should identify the health and social care services and infrastructure needed in the area, including potential for co-location of complementary services, in partnership with Health Boards and Health and Social Care Partnerships.

LDPs should create healthier places for example through opportunities for exercise, healthier lifestyles, land for community food growing and allotments, and awareness of locations of concern for suicide.

Spatial strategies should 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.

Policy 23

- a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

- b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- c) Development proposals for health and social care facilities and infrastructure will be supported.
- d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- f) Development proposals will be designed to take into account suicide risk.
- g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
- h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
- i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.
- j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Policy impact:

- ✓ Just Transition
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Forestry, woodland and trees](#)

[Energy](#)

[Zero waste](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

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[Heat and cooling](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Retail](#)

[Culture and creativity](#)

[Aquaculture](#)

[Minerals](#)

Digital infrastructure

Policy Principles

Policy Intent:

To encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

Policy Outcomes:

- Appropriate, universal and future proofed digital infrastructure across the country.
- Local living is supported and the need to travel is reduced.

Local Development Plans:

LDPs should support the delivery of digital infrastructure, including fixed line and mobile connectivity, particularly in areas with gaps in connectivity and barriers to digital access.

Policy 24

- Development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported.
- Development proposals that deliver new digital services or provide technological improvements, particularly in areas with no or low connectivity capacity, will be supported.
- Development proposals that are aligned with and support the delivery of local or national programmes for the roll-out of digital infrastructure will be supported.
- Development proposals that deliver new connectivity will be supported where there are benefits of this connectivity for communities and the local economy.
- Development proposals for digital infrastructure will only be supported where:
 - the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints;

- it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and
- there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Natural places](#)

[Green belts](#)

[Zero waste](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Health and safety](#)

[Community wealth building](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Rural development](#)



Productive Places

Community wealth building

Policy Principles

Policy Intent:

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

Policy Outcomes:

- local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains.
- support community ownership and management of buildings and land.

Local Development Plans:

LDPs should be aligned with any strategy for community wealth building for the area. Spatial strategies should address community wealth building priorities; identify community assets; set out opportunities to tackle economic disadvantage and inequality; and seek to provide benefits for local communities.

Policy 25

- Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.
- Development proposals linked to community ownership and management of land will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Brownfield, vacant and derelict land and empty buildings](#)

[Local Living and 20 minute neighbourhoods](#)

[Business and industry](#)

Business and industry

Policy Principles

Policy Intent:

To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

Policy Outcomes:

- Recovery within the business and industry sector is sustainable and inclusive.
- Investment in the business and industrial sector contributes to community wealth building.

Local Development Plans:

LDPs should allocate sufficient land for business and industry, taking into account business and industry land audits, in particular ensuring that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services. This allocation should take account of local economic strategies and support broader objectives of delivering a low carbon and net zero economic recovery, and a fairer and more inclusive wellbeing economy.

Policy 26

- Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
- Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

- Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
 - It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
 - The nature and scale of the activity will be compatible with the surrounding area.
- Development proposals for business and industry will take into account:
 - Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
 - The need for appropriate site restoration at the end of a period of commercial use.
- Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Health and safety](#)

[Digital infrastructure](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Rural development](#)

City, town, local and commercial centres

Policy Principles

Policy Intent:

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

Policy Outcomes:

- Centres are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit.
- Development is directed to the most sustainable locations that are accessible by a range of sustainable transport modes and provide communities with easy access to the goods, services and recreational opportunities they need.

Local Development Plans:

LDPs should support sustainable futures for city, town and local centres, in particular opportunities to enhance city and town centres. They should, where relevant, also support proposals for improving the sustainability of existing commercial centres where appropriate.

LDPs should identify a network of centres that reflect the principles of 20 minute neighbourhoods and the town centre vision.

LDPs should be informed by evidence on where clustering of non-retail uses may be adversely impacting on the wellbeing of communities. They should also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.

LDPs should provide a proportion of their Local Housing Land Requirements in city and town centres and be proactive in identifying opportunities to support residential development.

Policy 27

- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
 - i. will be supported in existing city, town and local centres, and
 - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
 - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
 - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
 - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

Town Centre First Assessment

For development proposals which are out of city/town centre and which will generate significant footfall a Town Centre First Assessment will be provided. Applicants should agree the data required with the planning authority before undertaking the assessment, and should present information on areas of dispute in a succinct and comparable form.

The town centre first assessment should:

- identify the potential relationship of the proposed development with the network of centres identified in the LDP;
- demonstrate the potential economic impact of the development and any possible displacement effects, including the net impact on jobs; and
- consider supply chains and whether local suppliers and workers will be a viable option; and
- the environmental impact of transporting goods and of staff and visitors travelling to the location.

The town centre first assessment should be applied flexibly and realistically for community, education, health and social care and sport and leisure facilities so that they are easily accessible to the communities they are intended to serve.

- c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
- i. Hot food takeaways, including permanently sited vans;
 - ii. Betting offices; and
 - iii. High interest money lending premises.

- d) Drive-through developments will only be supported where they are specifically supported in the LDP.

Town centre living

- e) Development proposals for residential development within city/town centres will be supported, including:
- i. New build residential development.
 - ii. The re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.
 - iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.
- f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:
- i. retain an attractive and appropriate frontage;
 - ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and
 - iii. not result in an undesirable concentration of uses, or 'dead frontages'.
- g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:
- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or
 - ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Historic assets and places](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Health and safety](#)

[Community wealth building](#)

[Business and industry](#)

[Retail](#)

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)

Retail

Policy Principles

Policy Intent:

To encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.

Policy Outcomes:

- Retail development and the location of shops support vibrant city, town and local centres.
- Communities can access the shops and goods they need by a range of sustainable transport modes including on foot, by bike, and by public transport, as part of local living.

Local Development Plans:

LDPs should consider where there may be a need for further retail provision, this may be:

- where a retail study identifies deficiencies in retail provision in terms of quality and quantity in an area; or
- when allocating sites for housing or the creation of new communities, in terms of the need for neighbourhood shopping, and supporting local living.

LDPs should identify areas where proposals for healthy food and drink outlets can be supported.

Policy 28

- a) Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:
- i. will be supported in existing city, town and local centres, and
 - ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.
 - iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).

- b) Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:
 - i. is of an appropriate scale for the location;
 - ii. will have an acceptable impact on the character and amenity of the area; and
 - iii. is located to best channel footfall and activity, to benefit the place as a whole.
- c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development:
 - i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
 - ii. can be demonstrated to contribute to the health and wellbeing of the local community.
- d) In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:
 - i. it will serve local needs, support local living and local jobs;
 - ii. the potential impact on nearby town and commercial centres or village/local shops is acceptable;
 - iii. it will provide a service throughout the year; and
 - iv. the likely impacts of traffic generation and access and parking arrangements are acceptable.

Policy impact:

- ✓ Local living
- ✓ Compact urban growth
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

[Rural development](#)

Rural development

Policy Principles

Policy Intent:

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy Outcomes:

- Rural places are vibrant and sustainable and rural communities and businesses are supported.
- A balanced and sustainable rural population.

Local Development Plans:

LDPs should identify the characteristics of rural areas within the plan area, including the existing pattern of development, pressures, environmental assets, community priorities and economic needs of each area. The spatial strategy should set out an appropriate approach to development in rural areas which reflects the identified characteristics. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Spatial strategies should support the sustainability and prosperity of rural communities and economies. Previously inhabited areas which are suitable for resettlement should be identified in the spatial strategy.

Policy 29

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
 - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
 - i. will support local employment;
 - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
 - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
 - i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Retail](#)

[Tourism](#)

[Culture and creativity](#)

[Aquaculture](#)

[Minerals](#)

Tourism

Policy Principles

Policy Intent:

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Policy Outcomes:

- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Local Development Plans:

LDPs should support the recovery, growth and long-term resilience of the tourism sector. The spatial strategy should identify suitable locations which reflect opportunities for tourism development by taking full account of the needs of communities, visitors, the industry and the environment. Relevant national and local sector driven tourism strategies should also be taken into account.

The spatial strategy should also identify areas of pressure where existing tourism provision is having adverse impacts on the environment or the quality of life and health and wellbeing of local communities, and where further development is not appropriate.

Policy 30

- Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- Proposals for tourism related development will take into account:
 - The contribution made to the local economy;
 - Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

- Impacts on communities, for example by hindering the provision of homes and services for local people;
 - Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - Accessibility for disabled people;
 - Measures taken to minimise carbon emissions;
 - Opportunities to provide access to the natural environment.
- Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.
 - Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.
 - Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Historic assets and places](#)

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Quality homes](#)

[Rural homes](#)

[Health and safety](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Retail](#)

[Rural development](#)

[Culture and creativity](#)

Culture and creativity

Policy Principles

Policy Intent:

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Policy Outcomes:

- Locally distinctive places reflect the diversity of communities and support regeneration and town centre vibrancy.
- Cultural and creative industries are expanded, providing jobs and investment.
- Communities have access to cultural and creative activities.

Local Development Plans:

LDPs should recognise and support opportunities for jobs and investment in the creative sector, culture, heritage and the arts.

Policy 31

- Development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported.
- Development proposals for creative workspaces or other cultural uses that involve the temporary use of vacant spaces or property will be supported.
- Development proposals that would result in the loss of an arts or cultural venue will only be supported where:
 - there is no longer a sustainable demand for the venue and after marketing the site at a reasonable rate for at least 12 months, through relevant local and national agents and online platforms, there has been no viable interest from potential operators; or
 - the venue, as evidenced by consultation, no longer meets the needs of users and cannot be adapted; or

- alternative provision of equal or greater standard is made available at a suitable location within the local area; and
 - the loss of the venue does not result in loss or damage to assets or objects of significant cultural value.
- Development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)
[Climate mitigation and adaptation](#)
[Historic assets and places](#)
[Brownfield, vacant and derelict land and empty buildings](#)
[Zero waste](#)
[Sustainable transport](#)
[Design, quality and place](#)
[Local Living and 20 minute neighbourhoods](#)
[Blue and green infrastructure](#)
[Play, recreation and sport](#)
[Health and safety](#)
[Digital infrastructure](#)
[Community wealth building](#)
[City, town, local and commercial centres](#)
[Rural development](#)
[Tourism](#)

Aquaculture

Policy Principles

Policy Intent:

To encourage, promote and facilitate aquaculture development and minimise any adverse effects on the environment, including cumulative impacts.

Planning should support an aquaculture industry that is sustainable, diverse, competitive, economically viable and which contributes to food security, whilst operating with social licence, within environmental limits and which ensures there is a thriving marine ecosystem for future generations.

Policy Outcomes:

- New aquaculture development is in locations that reflect industry needs and considers environmental impacts.
- Producers will contribute to communities and local economies.
- Prosperous finfish, shellfish and seaweed sectors.
- Migratory fish species are safeguarded.

Local Development Plans:

LDPs should guide new aquaculture development in line with National and Regional Marine Planning, and will minimise adverse environmental impacts, including cumulative impacts, that arise from other existing and planned aquaculture developments in the area while also reflecting industry needs.

Policy 32

- To safeguard migratory fish species, further salmon and trout open pen fish farm developments on the north and east coasts of mainland Scotland will not be supported.
- Development proposals for aquaculture will be supported where they comply with the LDP, the National Marine Plan and, where relevant, the appropriate Regional Marine Plan.
- Development proposals for fish farms will demonstrate that operational impacts (including from noise, acoustic deterrent devices (where applicable) light, access,

navigation, containment, deposition, waste emissions and sea lice, impacts on wild salmonids, aquaculture litter (and odour and impacts on other marine users)) are acceptable and comply with the relevant regulatory framework.

- Development proposals for fish farm developments will only be supported where the following impacts have been assessed and mitigated:
 - landscape and visual impact of the proposal including the siting and design of cages, lines and associated facilities taking into account the character of the location;
 - the impact of any land based facilities, ensuring that the siting and design are appropriate for the location;
 - impacts on natural heritage, designated sites and priority marine features; and
 - impacts on historic marine protected areas.
- Applications for open water farmed finfish or shellfish development are excluded from the requirements of policy 3b) and 3c) and will instead apply all relevant provisions from National and Regional Marine Plans.

Policy impact:

- ✓ Just Transition
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Historic assets and places](#)
- [Natural places](#)
- [Biodiversity](#)
- [Coastal development](#)
- [Design, quality and place](#)
- [Health and safety](#)
- [Community wealth building](#)
- [Business and industry](#)
- [Rural development](#)

Minerals

Policy Principles

Policy Intent:

To support the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment.

Policy Outcomes:

- Sufficient resources are available to meet industry demands, making an essential contribution to the Scottish economy.
- Important raw materials for manufacturing, construction, agriculture, and other industries are available.
- Important workable mineral resources are protected from sterilisation by other developments.
- Communities and the environment are protected from the impacts of mineral extraction.

Local Development Plans:

LDPs should support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33

- a) Development proposals that seek to explore, develop, and produce fossil fuels (excluding unconventional oil and gas) will not be supported other than in exceptional circumstances. Any such exceptions will be required to demonstrate that the proposal is consistent with national policy on energy and targets for reducing greenhouse gas emissions.
- b) 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.
- c) Development proposals that would sterilise mineral deposits of economic value will only be supported where:
 - i. there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or
 - ii. extraction of the mineral is impracticable or unlikely to be environmentally acceptable.
- d) Development proposals for the sustainable extraction of minerals will only be supported where they:
 - i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats and the historic environment, as well as landscape and visual impacts;
 - ii. provide 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, and the characteristics of the various environmental effects likely to arise;
 - iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations;
 - iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water;
 - v. minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical;
 - vi. have appropriate mitigation plans in place for any adverse impacts;
 - vii. include schemes for a high standard of restoration and aftercare and commitment that such work is undertaken at the earliest opportunity. As a further

safeguard a range of financial guarantee options are available, and the most effective solution should be considered and agreed on a site-by-site basis. 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.

- e) Development proposals for borrow pits will only be supported where:
- i. the proposal is tied to a specific project and is time-limited;
 - ii. the proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and
 - iii. appropriate restoration proposals are enforceable.

Policy impact:

- ✔ Conserving and recycling assets

Key policy connections:

[Tackling the climate and nature crises](#)

[Biodiversity](#)

[Natural places](#)

[Historic assets and places](#)

[Zero waste](#)

[Infrastructure first](#)

[Health and safety](#)

Part 3 – Annexes

Annex A – How to use this document

Purpose of Planning

The purpose of planning is to manage the development and use of land in the long-term public interest.

The decisions we make today will have implications for future generations. Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity

loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places.

Role of the National Planning Framework

Scotland 2045: our Fourth National Planning Framework, commonly known as NPF4, is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.

National Performance Framework

Our Purpose, Values and National Outcomes



SUSTAINABLE DEVELOPMENT GOALS



NPF4 includes a long-term spatial strategy to 2045. This reflects the spatial aspects of a range of Scottish Government policies, including the Infrastructure Investment Plan.

The Infrastructure Investment Plan (IIP) identified that NPF4 would include housing land requirements framed within a spatial strategy that aligns with the investment programme and principles, and highlighted that national planning policies would include an infrastructure first approach.

The NPF4 strategy, policies and national developments are aligned to the strategic themes of the IIP: enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places. The policies and instruction for LDPs activate the IIP priorities within the themes to the degree that those priorities involve physical development, opportunities for people and improvements for place. Minimum All Tenure Housing Land Requirements are set out at [Annex E](#). The investment hierarchy influences the approach to NPF4 overall and features specifically in instructions for LDPs in Policy 18 'Infrastructure First'.

NPF4 replaces National Planning Framework 3 (2014) and Scottish Planning Policy (2014). NPF4 should be read as a whole. It represents a package of planning policies to guide us to the place we want Scotland to be in 2045.

NPF4 is required by law to contribute to 6 outcomes:

- Meeting the **housing needs** of people living in Scotland including, in particular, the housing needs for older people and disabled people,
- Improving the **health and wellbeing** of people living in Scotland,
- Increasing the **population of rural areas** of Scotland,
- Improving **equality** and eliminating discrimination,
- Meeting any targets relating to the **reduction of emissions** of greenhouse gases, and
- Securing positive effects for **biodiversity**.

Statements setting out further detail on the contribution of NPF4 to each outcome are set out in Part 1.

Plan-led Approach

A plan-led approach is central to supporting the delivery of Scotland's national outcomes and broader sustainable development goals. It is a legislative requirement that planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise.

The statutory development plan for any given area of Scotland consists of the National Planning Framework and the relevant LDP(s). The Town and Country Planning (Scotland) Act 1997 prescribes four different plans, at different scales:

National Planning Framework (NPF)	<p>The National Planning Framework sets out the Scottish Ministers' policies and proposals for the development and use of land.</p> <p>The NPF must have regard to any adopted regional spatial strategy.</p> <p>NPF4 is part of the statutory development plan.</p>
Regional spatial strategies (RSS)	<p>The Planning (Scotland) Act 2019 introduced a new duty requiring the preparation of regional spatial strategies.</p> <p>A planning authority, or authorities acting jointly will prepare these long-term spatial strategies for the strategic development of an area.</p> <p>RSS are not part of the statutory development plan, but have an important role to play in informing future versions of the NPF and LDPs.</p>
Local development plans (LDPs)	<p>Planning authorities must prepare one or more LDPs for their area.</p> <p>The LDP sets out a spatial strategy for the development of that area. It must take into account the National Planning Framework and any registered local place plan in the area it covers. It must have regard to the authority's adopted regional spatial strategy. The LDP must also have regard to any local outcomes improvement plan for the area it covers.</p> <p>LDPs are part of the statutory development plan.</p>
Local place plans (LPPs)	<p>Local place plans are community-led plans setting out proposals for the development and use of land. They must have regard to the NPF, any LDP which covers the same area, and also any locality plan which covers the same area.</p> <p>LPPs are not part of the statutory development plan, but have an important role to play in informing LDPs.</p>

Spatial Strategy

[Part 1](#) sets out our spatial strategy for Scotland to 2045, identifying:

- [6 spatial principles](#) which will influence all our plans and decisions:
 - Just transition
 - Conserving and recycling assets
 - Local living
 - Compact urban growth
 - Rebalanced development
 - Rural revitalisation
- 3 themes, linked to the United Nations Sustainable Development Goals and Scottish Government National Performance Framework:
 - Sustainable places where we reduce emissions, restore and better connect biodiversity
 - Liveable places where we can all live better, healthier lives
 - Productive places where we have a greener, fairer and more inclusive wellbeing economy

LDPs should take account of these principles and outcomes, and they should also be reflected within regional spatial strategies and local place plans.

National Developments

Eighteen national developments have been identified. These are significant developments of national importance that will help to deliver the spatial strategy. They are intentionally high level and focus on key elements, as the projects are at different stages.

National development status does not grant planning permission for the development and all relevant consents are required.

Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors.

Their designation is not intended to describe in detail how the projects should be designed, matters to consider, or impact assessments and mitigation to be applied. In addition to the statement of need at [Annex B](#), decision makers for applications for consent for national developments should take into account all relevant policies.

LDPs should take forward proposals for national developments where relevant and facilitate their delivery. This could be through supporting land allocations, policy intervention and LDP delivery programmes.

Regional Spatial Priorities

Regional spatial priorities set out how each part of the country can use their assets and opportunities to help deliver the overall strategy. The detail of these priorities should be further considered and consulted upon through the local development planning process, and where appropriate through regional spatial strategies and regional transport strategies.

The maps are indicative, and certain authorities may have a role to play in more than one regional area. The broad areas identified in NPF4 are intended to act as a flexible framework to guide the preparation of future Regional Spatial Strategies. It is open to planning authorities to decide for themselves, including by working in partnership with others, the most appropriate scale and extent of areas to be covered by Regional Spatial Strategies.

Statutory guidance will guide the preparation of Regional Spatial Strategies.

National Planning Policy

[Part 2](#) sets out our policy framework by topic under the three themes.

Planning is complex and requires careful balancing of issues. The **policy intent** is provided to aid plan makers and decision makers to understand the intent of each policy and to help deliver policy aspirations.

The **policy outcomes** set out what we want to achieve and will help to influence future monitoring of the planning system.

The **Local Development Plan** section clarifies the expected role of LDPs for each topic. The focus for LDPs should be on land allocation through the spatial strategy and interpreting this national policy in a local context. There is no need for LDPs to replicate policies within NPF4, but authorities can add further detail including locally specific policies should they consider to be a need to do so, based on the area's individual characteristics.

The **policy** sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

The **policy impact** section shows which spatial principles the policy will help to deliver.

The **key policy connections** help to show the key connections between policies, but are not intended to be comprehensive.

Annex B – National Developments Statements of Need

National developments are significant developments of national importance that will help to deliver our spatial strategy.

Eighteen national developments will support the delivery of our spatial strategy. These national developments range from single large scale projects or collections and networks of several smaller scale proposals. They are also intended to act as exemplars of the Place Principle and placemaking approaches.

The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes.

An assessment of the likely impact of each proposed national development's lifecycle greenhouse gas emissions on achieving national greenhouse gas emissions reductions targets¹ (with the meaning given in the Climate Change (Scotland) Act 2009) has been undertaken. The assessment is based on the detail provided at the time of the assessment, and the conclusion may alter depending on the nature and detail of the projects taken forward.

The potential for national developments to affect European designated sites, depending on the precise design, location and construction of individual projects, has been identified by the Habitats Regulations Appraisal (HRA) of NPF4. Any such development would need to be considered carefully at project level and all relevant statutory tests met.

¹ Research project: Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments Assessment Findings (LUC 2021) available online at <https://www.transformingplanning.scot/national-planning-framework/>

1. Energy Innovation Development on the Islands

This national development supports proposed developments in the Outer Hebrides, Shetland and Orkney island groups, for renewable energy generation, renewable hydrogen production, infrastructure and shipping, and associated opportunities in the supply chain for fabrication, research and development.

Any strategy for deployment of these technologies must enable decarbonisation at pace and cannot be used to justify unsustainable levels of fossil fuel extraction or impede Scotland's just transition to net zero.

This is aligned with low carbon energy projects within the Islands Growth Deal that have been developed with local partners such as the Islands Centre for Net Zero and encompasses other projects that can facilitate net zero aims.

The use of low and zero emission fuels will play a crucial role in decarbonising island and mainland energy use, shipping, strengthening energy security overall and creating a low carbon energy economy for the islands and islanders. The developments will add value where they link into national and international energy expertise, learning and research and development networks.

Location

Outer Hebrides, Shetland, Orkney and surrounding waters.

Need

These classes of development support the potential of the three island authorities to exemplify a transition to a net zero society. This will support delivery of our spatial strategy by helping to sustain communities in rural and island areas by stimulating employment and innovation.

Designation and classes of development

A development contributing to 'Energy Innovation Development on the Islands' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

Outer Hebrides – Supporting the Arnish Renewables Base and Outer Hebrides Energy Hub

The classes below apply to development that is for delivery of the Arnish Renewables Base and Outer Hebrides Energy Hub:

- a) New or updated on and/or off shore infrastructure for energy generation from renewables exceeding 50 megawatts capacity;
- b) Electricity transmission cables and converter stations on and/or off shore of 132 kilovolts (kv) and above;
- c) Infrastructure for the production, storage and transportation of low and zero-carbon fuels (that are not electricity or heat) including renewable hydrogen; and hydrogen production related chemicals including ammonia with appropriate carbon capture linked to transport and storage infrastructure;
- d) Improved oil storage infrastructure for Stornoway, with appropriate emissions abatement; and
- e) Quay to service renewable energy, energy transportation, energy decommissioning, fabrication or freight handling, including new or enhanced associated laydown or operational area at Arnish.

Shetland Islands – Supporting the Opportunity for Renewable Integration with Offshore Networks (ORION) Clean Energy Project

The classes below apply to development that is for delivery of renewable and low carbon aspects of the ORION project:

- a) New or updated on and/or off shore infrastructure for energy generation from renewables exceeding 50 megawatts capacity;
- b) Electricity transmission cables and converter stations on and/or off shore of/ or exceeding 132kv;
- c) Infrastructure for the production, storage and transportation of low and zero-carbon fuels (that are not electricity or heat) including renewable hydrogen; and hydrogen production related chemicals including ammonia with appropriate carbon capture linked to transport, storage, and utilisation infrastructure at Sullom Voe;
- d) Quay to service renewable energy, energy transportation, energy decommissioning, fabrication or freight handling, including new or enhanced associated laydown or operational area at Sullom Voe, Scatsta, Lerwick, and Dales Voe (Lerwick);
- e) Oil terminal modifications at Sullom Voe to maintain asset use moving towards net zero emissions; and
- f) New infrastructure, and/or upgraded buildings and facilities to support the transportation and storage of captured carbon.

Orkney Islands – Supporting Scapa Flow Future Fuels Hub and Orkney Harbours

The classes below apply to development that is for the delivery of the Future Fuels Hub, new quay in Scapa Flow, and the Orkney Logistics Base at Hatston, which support services for the renewable and marine energy and shipping sectors:

- a) New or updated on and/or off shore infrastructure for energy generation from renewables exceeding 50 megawatts capacity;

- b) Electricity transmission cables and converter stations on and/or off shore of 132kv and above;
- c) Infrastructure for the production, storage and transportation of low and zero-carbon fuels (that are not electricity or heat) including renewable hydrogen; and hydrogen production related chemicals including ammonia with appropriate carbon capture linked to transport and storage infrastructure;
- d) Quay to service renewable energy, energy transportation, energy decommissioning, fabrication or freight handling, including new or enhanced associated laydown or operational area at, Scapa Flow, and Hatston (Kirkwall); and
- e) Oil terminal modifications at Scapa Flow to maintain asset use moving towards net zero emissions.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

2. Pumped Hydro Storage

This national development will play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of our transition to net zero. This is necessary as we continue to move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions.

This national development supports additional capacity at existing sites as well as at new sites. Cruachan in Argyll is a nationally important example of a pumped storage facility with significant potential for enhanced capacity that could create significant jobs in a rural location.

Location

All Scotland.

Need

This national development supports pumped hydro storage capacity within the electricity network through significant new or expanded sites. This supports the transition to a net zero economy through the ability of pumped hydro storage schemes to optimise electricity generated from renewables by storing and releasing it when it is required.

Designation and classes of development

A development contributing to 'Pumped Hydro Storage' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) New and/or expanded and/or upgraded water holding reservoir and dam;
- b) New and/or upgraded electricity generating plant structures or buildings;
- c) New and/or upgraded pump plant structures or buildings;
- d) New and/or expanded and/or upgraded water inlet and outlet pipework;
- e) New and/or upgraded substations and/or transformers; and
- f) New and/or replacement transmission cables.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

Location

All Scotland.

Need

Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas. Island transmission connections in particular can facilitate capturing the significant renewable energy potential in those areas as well as delivering significant social and economic benefits.

Designation and classes of development

A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;
- b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
- c) New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Local Living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Just transition

4. Circular Economy Materials Management Facilities

This national development supports the development of facilities required to achieve a circular economy. This sector will provide a range of business, skills and employment opportunities as part of a just transition to a net zero economy.

The range and scale of facilities required to manage secondary materials and their circulation back into the economy is not yet clear. However, sites and facilities will be needed to retain the resource value of materials so that we can maximise the use of materials in the economy and minimise the use of virgin materials in order to reduce greenhouse gas emissions. This is particularly significant for the construction and demolition industries and decommissioning industry.

Careful assessment of specific proposals will be required to ensure they provide sustainable low carbon solutions, include appropriate controls, manage any emissions and mitigate localised impacts including on neighbouring communities and the wider environment.

Location

All Scotland.

Need

This national development helps maximise Scotland's potential to retain the energy and emissions values within materials already in the economy.

Designation and classes of development

A development contributing to 'Circular Economy Materials Management Facilities' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#) is designated a national development:

- a) Facilities for managing secondary materials; and
- b) Recycling facilities.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Local Living
- ✓ Conserving and recycling assets
- ✓ Just transition

5. Urban Sustainable, Blue and Green Surface Water Management Solutions

This national development aims to build on the benefits of the Metropolitan Glasgow Strategic Drainage Partnership, to continue investment and extend the approach to the Edinburgh city region.

Our biggest cities and their regions will require improved infrastructure to ensure they are more resilient to climate change. A strategic, catchment scale approach to adaptation through surface water and drainage infrastructure investment will reduce impacts and risks for our urban population and is an example of an infrastructure first approach. Catchment scale nature-based solutions which may include blue and green infrastructure should be prioritised. Grey infrastructure should be optimised and only used when necessary to augment blue-green infrastructure solutions. Delivery of multiple climate, wellbeing and economic benefits should form the basis of the approach. Whilst this national development focuses on Edinburgh and Glasgow other cities and towns may benefit from similar approaches.

Location

Glasgow and Edinburgh City Regions and their wider water catchment areas.

Need

A large proportion of our population lives in our largest cities. The management of surface water drainage at scale across these city regions will help us to adapt to extreme weather events that will become more frequent as a result of climate change. A nature-based approach to surface water management has the potential to deliver multiple health, wellbeing, economic and climate adaptation and emissions reduction benefits and it may free up sewer capacity.

Designation and classes of development

A development contributing to 'Urban Sustainable, Blue and Green Surface Water Management Solutions' in the location described, within the Class of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#) is designated a national development:

- a) Spaces, infrastructure, works, structures, buildings, pipelines, and nature-based approaches, for surface water management and drainage systems.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

6. Urban Mass/Rapid Transit Networks

This national development supports low carbon mass/rapid transit projects for Aberdeen, Edinburgh and Glasgow.

To reduce transport emissions at scale, we will require low carbon transport solutions for these three major cities that can support transformational reduction in private car use.

Development of the Glasgow 'Metro' and Edinburgh Mass Transit in these cities and their associated regions plus the Aberdeen Rapid Transit system are recommendations from the Strategic Transport Projects Review 2.

This will support placemaking and deliver improved transport equity across the most densely populated parts of Scotland, improving access to employment and supporting sustainable investment in the longer term. It can function as part of a broader transport network that includes active travel, and this places importance on multi-modal hubs or transport interchange points.

The type of interventions will be determined through the on-going development of business cases and studies but could include the provision of new systems or extensions to existing sustainable and public transport networks.

Location

Aberdeen, Glasgow and Edinburgh City Regions.

Need

This national development will help reduce transport related emissions overall, improve air quality, reduce the demand for private vehicle use, support the roll out of 20 minute neighbourhoods and improve transport equity.

Designation and classes of development

A development contributing to 'Urban Mass/Rapid Transit Networks' in the location described, within one or more of the Classes of Development below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#) is designated a national development. This relates to development supported by the Strategic Transport Projects Review 2 consisting of new or upgraded:

- a) Track or road infrastructure;
- b) Fuelling or power infrastructure;
- c) Passenger facilities; and
- d) Depots servicing the networks.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✔ Compact urban growth
- ✔ Local living
- ✔ Conserving and recycling assets
- ✔ Just transition

7. Central Scotland Green Network

This national development is one of Europe's largest and most ambitious green infrastructure projects. It will play a key role in tackling the challenges of climate change and biodiversity loss including by building and strengthening nature networks. A greener approach to development will improve placemaking, can contribute to the roll-out of 20 minute neighbourhoods and will benefit biodiversity connectivity. This has particular relevance in the more urban parts of Scotland where there is pressure for development as well as significant areas requiring regeneration to address past decline and disadvantage. Regeneration, repurposing and reuse of brownfield land should be a priority.

Priorities include enhancement to provide multi-functional green and blue infrastructure that provides greatest environmental, lifelong physical and mental health, social wellbeing and economic benefits. It focuses on those areas where greening and development can be mutually supportive, helping to improve equity of access to quality green and blue space, and supporting communities where improving wellbeing and resilience is most needed, including to help people adapt to future climate risks.

Nature-based solutions for climate change adaptation and mitigation may include woodland expansion and peatland restoration as a priority. The connectivity of biodiversity rich areas may be enhanced through nature networks, including corridors and stepping stones to provide enhanced natural capital and improved ecosystem services.

Location

Central Scotland local authorities within a boundary identified by the Green Action Trust.

Need

This national development is needed to improve quality of place and create new opportunities for investment. This will support delivery of our spatial strategy which highlights the importance of accelerating urban greening in this most densely populated part of Scotland.

Designation and classes of development

A development contributing to 'Central Scotland Green Network' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by '[The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)', is designated a national development:

- Development to create and/or enhance multi-functional green infrastructure including for: emissions sequestration; adaptation to climate change; and biodiversity enhancement;
- Reuse of vacant and derelict land and buildings for greening and nature-based solutions;
- New and/or upgraded sustainable surface water management and drainage systems and the creation of blue space;
- Use of land for allotments or community food growing; and
- Routes for active travel and/or recreation.

Lifecycle Greenhouse Gas Emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

8. National Walking, Cycling and Wheeling Network

This national development facilitates the shift from vehicles to walking, cycling and wheeling for everyday journeys contributing to reducing greenhouse gas emissions from transport and is highly beneficial for health and wellbeing.

The upgrading and provision of additional active travel infrastructure will be fundamental to the development of a sustainable travel network providing access to settlements, key services and amenities, employment and multi-modal hubs. Infrastructure investment should be prioritised for locations where it will achieve our National Transport Strategy 2 priorities and outcomes, to reduce inequalities, take climate action, help deliver a wellbeing economy and to improve health and wellbeing. This will help to deliver great places to live and work, including through connecting neighbourhoods, villages and towns, active freeways and long distance routes.

Location

All Scotland.

Need

Reducing the need to travel unsustainably is the highest priority in the sustainable transport investment hierarchy. This national development will significantly support modal shift and deliver multiple outcomes including our commitment to a 20% reduction in car kilometres by 2030, associated emissions reduction, health and air quality improvement. This will support the delivery of our spatial strategy by creating a more sustainable distribution of access across Scotland as a whole.

Designation and classes of development

A development contributing to 'National Walking, Cycling and Wheeling Network' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#) is designated a national development:

- a) New/and or upgraded routes suitable for a range of users for walking, cycling and wheeling that help create a national network that facilitates short and longer distance journeys and linkages to multi-modal hubs.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Rebalanced development
- ✓ Just transition

9. Edinburgh Waterfront

This national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh.

The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments.

Development will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for off-shore energy relating to port uses. Further cruise activity should take into account the need to manage impacts on transport infrastructure.

This will help maintain and grow Edinburgh's position as a capital city and commercial centre with a high quality and accessible living environment. Development locations and design will need to address future resilience to the risks from climate change, impact on health inequalities, and the potential to incorporate green and blue infrastructure.

Location

Leith to Granton.

Need

Waterfronts in our largest urban areas are frequently under-utilised and contain significant areas of brownfield land as well as existing infrastructure assets. Their location may be particularly vulnerable to climate change and likely risks will require careful management. This will support delivery of our spatial strategy, which recognises the importance of our urban coastline in supporting our sense of place, economy and wellbeing.

Designation and classes of development

A development contributing to 'Edinburgh Waterfront' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by '[The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)', is designated a national development:

- a) New and/or upgraded buildings for mixed use and/or residential development;
- b) New and/or upgraded buildings for commercial, industrial, business use;
- c) New and/or upgraded utilities;
- d) New and/or upgraded green and blue infrastructure;
- e) New and/or upgraded active and sustainable travel routes; and
- f) New and/or upgraded port facilities for vessel berthing and related landside activities including for lay-down, and marine sector services.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Just transition

10. Dundee Waterfront

This national development supports the redevelopment of the Dundee Waterfront Zones including: the Central Waterfront, Seabraes, City Quay, Dundee Port, Riverside Business Area and Nature Park, and the Michelin Scotland Innovation Parc.

Continued delivery of the waterfront transformation is crucial to securing the role of the city as a location for investment in the net zero economy. Supporting population growth alongside economic opportunities, and skills and career development, is important in continuing to demonstrate the sustainability of urban living in Scotland and a just transition to the net zero economy.

Further projects associated with this include: the Michelin Scotland Innovation Parc which will become an innovation hub for net zero emission mobility; the Eden Project; and an improvement of facilities at Dundee Port. This national development includes reusing land on and around the Dundee Waterfront to support the lifelong health and wellbeing of communities, deliver innovation and attract investment. As the development progresses it will be important to support sustainable and active transport options and to build in adaptation to future climate risks.

Location

Dundee Waterfront zones: Central Waterfront, Seabraes, City Quay, Dundee Port, Riverside Business Area and Riverside Nature Park; Michelin Scotland Innovation Parc.

Need

This national development supports the continued revitalisation of Dundee Waterfront, expanded to include Michelin Scotland Innovation Parc in support of the Tay Cities Region Economic Strategy and its continued use for economic purposes. Waterfront locations may be particularly vulnerable to climate change and so development requires to be carefully designed to manage likely risks.

Designation and classes of development

A development contributing to 'Dundee Waterfront' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by '[The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)' is designated a national development:

- a) New and/or upgraded buildings for mixed use and/or residential development;
- b) New and/or upgraded buildings for commercial, industrial, business, storage, distribution, research, educational, and/or tourism use;
- c) New and/or upgraded utilities;
- d) New and/or upgraded active and sustainable travel routes;
- e) New and/or upgraded port facilities for vessel berthing and related landside activities including for lay-down, freight handling and marine sector services; and
- f) New and/or upgraded green and blue infrastructure.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Just transition

11. Stranraer Gateway

This national development supports the regeneration of Stranraer.

Stranraer is a gateway town. It is located close to Cairnryan, a key port connecting Scotland to Northern Ireland, Ireland and beyond to wider markets.

High quality place-based regeneration will help address socio-economic inequalities in Stranraer and to support the wider population of south west Scotland by acting as a hub and providing a platform for future investment. This will be supported by any strategic transport interventions including road and rail that emerge from the second Strategic Transport Projects Review which embeds the National Transport Strategy's sustainable travel and investment hierarchies.

Location

Stranraer and associated transport routes.

Need

Loch Ryan and Stranraer act as a gateway to Scotland. Reusing the assets in this location will support the wellbeing, economy and community in line with the regional growth deal. It will help to deliver our spatial strategy by driving forward regeneration of a key hub.

Designation and classes of development

A development contributing to 'Stranraer Gateway' in the location described within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) Development contributing to Stranraer Waterfront regeneration;
- b) Marina expansion;
- c) Redevelopment of Stranraer harbour east pier;
- d) Sustainable, road, rail and freight infrastructure for access to Stranraer and/or Cairnryan;
- e) New and/or upgraded infrastructure for the transportation and use of low carbon fuels; and
- f) Reuse of vacant and derelict buildings and brownfield land, including regeneration of Blackparks industrial estate.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Compact urban growth
- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

12. Digital Fibre Network

This national development supports the continued roll-out of world-class broadband across Scotland.

Our strategy requires enhanced digital connectivity to provide high speed broadband or equivalent mobile services, prioritising those areas with weaker networks as part of the Reaching 100% (R100) programme and Project Gigabit, including urban, island specific and rural enhancements. This is a significant utility including 4G and 5G mobile infrastructure facilitating home based working, renewable energy development, rural repopulation and access to services. The data transmission network can also support the availability and use of 'big data.' Digital capability is a feature of a number of City Region and Growth Deals.

Opportunities should be taken to deliver the infrastructure as part of other infrastructure upgrades or installation works such as energy transmission, transportation, and travel networks where appropriate.

Location

All Scotland.

Need

This is a fundamentally important utility, required to support development, community wellbeing, equal access to goods and services, and emissions reduction from reduced demand for travel. This will help to deliver our spatial strategy by complementing a new emphasis of living locally, and by helping to sustain and grow rural and island communities.

Designation and classes of development

A development contributing to 'Digital Fibre Network' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) Installation of new and/or upgraded broadband cabling on land and sub-sea for fixed line and mobile networks; and
- b) Green data centres.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall negligible impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Local living
- ✓ Rebalanced development
- ✓ Rural revitalisation
- ✓ Just transition

13. Clyde Mission

This national development is a national, place-based Mission to make the Clyde an engine of economic success for Glasgow, the city region and Scotland.

The Clyde Mission is focused on the River Clyde and the riverside from South Lanarkshire in the east to Inverclyde and Argyll and Bute in the west and focusing on an area up to around 500 metres from the river edge. This footprint includes the parts of the Clyde Gateway, River Clyde Waterfront, North Clyde River Bank and River Clyde Corridor frameworks, and Glasgow Riverside Innovation District.

Across this area significant land assets are under-utilised, and longstanding inequality, in relation to poor environment and health outcomes require to be tackled as a national priority. An ambitious redevelopment programme is being taken forward under [Five Missions](#). It is a collective, cross-sector effort and partnership working will help bring forward assets and sites that are ready for redevelopment to sustain a range of uses. This will repurpose and reinvigorate brownfield and supporting local living as well as adapting the area to the impacts of climate change, where nature-based solutions would be particularly supported.

Location

The river and land immediately next to it (up to around 500 metres from the river) along its length.

Need

These classes of development revitalise a major waterfront asset which is currently under-utilised. This will support the delivery of our spatial strategy by attracting investment and reuse of brownfield land in west central Scotland where there is a particular need to improve quality of place, generate employment and support disadvantaged communities. It will also support adaptation to climate risks.

Designation and classes of development

A development contributing to 'Clyde Mission' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) Mixed use, which may include residential, redevelopment of brownfield land;
- b) New, reused and/or upgraded buildings and facilities for residential, commercial, business and industrial uses on brownfield land;
- c) Upgrade of existing port and harbour assets for servicing marine functions including freight and cruise uses and associated landside commercial and/or industrial land for supporting services;
- d) New and/or upgraded active and sustainable travel and recreation routes and infrastructure; and
- e) New and/or upgraded infrastructure for climate adaptation, including nature-based, green and blue solutions.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net negative impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✔ Compact urban growth
- ✔ Local living
- ✔ Rebalanced development
- ✔ Conserving and recycling assets

14. Aberdeen Harbour

This national development supports the continued relocation and repurposing of Aberdeen Harbour. The harbour is a strategically important asset supporting the economy of the north east of Scotland.

The south harbour can act as a cluster of port accessible offshore renewable energy research, manufacturing and support services. The facilities are also important for international connections.

At the south harbour the focus should be on regenerating existing industrial land and reorganising land use around the harbour in line with the spatial strategy of the LDP. By focusing future port activity here, parts of the existing harbour in the city centre will become available for mixed use development, opening up development land to help reinvigorate Aberdeen city centre.

This can help provide significant economic opportunities, in line with the objectives of the Aberdeen City Region Deal. Environmental benefits, for example to enhance access and improve the quality of green space and active travel options should be designed-in to help offset any potential impacts on the amenity of local communities with relevant projects addressing environmental sensitivities through careful planning, assessment and implementation.

The extent to which this should include additional business and industrial development outwith the existing north and south harbours is a matter to be determined in the relevant LDP, and is outwith the scope of this national development.

Location

Port of Aberdeen North and South Harbours.

This national development supports the optimisation of Aberdeen Harbour to support net zero and stimulate economic investment. It is also a significant opportunity to support better placemaking including city centre transformation, and regeneration of existing land by optimising the use of new and existing assets. This will

deliver our spatial strategy by helping the north east of Scotland to achieve a just transition from a high carbon economy whilst improving quality of place.

Designation and classes of development

A development contributing to 'Aberdeen Harbour' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#) is designated a national development:

- Mixed use development reusing land at the existing (north) Aberdeen Harbour;
- Upgraded port facilities at Aberdeen Harbour and completion of South Harbour;
- New and/or upgraded green infrastructure;
- Buildings and facilities for commercial, manufacturing and industrial uses;
- Infrastructure for the production, storage and transportation of low carbon and renewable hydrogen and related chemicals including ammonia, with carbon capture as necessary; and
- Transport infrastructure, including for sustainable and active travel, for the South Harbour as supported by the Aberdeen City Region Deal.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Just transition

15. Industrial Green Transition Zones

To secure a just transition to a net zero economy, the decarbonisation of nationally important industrial sites in a way that ensures continued jobs, investment and prosperity for these areas and the communities that depend on them is essential. Industrial Green Transition Zones (IGTZ) will support the generation of significant economic opportunities while minimising carbon emissions. Technologies that will help Scotland transition to net zero will be supported at these locations, with a particular focus on low carbon and zero emissions technologies including renewables and the generation, storage and distribution of low carbon hydrogen.

The deployment of hydrogen and CCUS at these locations must demonstrate decarbonisation at pace and cannot be used to justify unsustainable levels of fossil fuel extraction or impede Scotland's just transition to net zero. Hydrogen and CCUS are emerging industries, both government and industry in Scotland wish to accelerate and maximise the deployment of green hydrogen. For projects that utilise carbon capture and storage, we want to ensure the highest possible carbon capture rates in the deployment of these technologies. While there are examples internationally where CCUS projects have been associated with offshore Enhanced Oil Recovery, we understand there to be no plans for offshore Enhanced Oil Recovery as part of the Scottish Cluster. However, if any IGTZ is found to be incompatible with Scotland's transition to net zero, Scottish Government policy, along with designations of and classes of development, will change accordingly.

Industrial Green Transition Zones are:

- **The Scottish Cluster** encompasses a carbon capture and storage (CCS) projects network and is a key strategic vehicle for industrial decarbonisation, energy generation, and the transportation and storage of captured carbon. The designation relates to projects that form a Scottish Cluster in the first instance specifically Peterhead, St Fergus and Grangemouth. Further industrial transition sites are expected to emerge in the longer

term and benefit from the experience gained within the Scottish Cluster but do not form part of this national development. This national development will support the generation of significant economic opportunities for low carbon industry as well as minimising carbon emissions at scale, and will play a vital part in maintaining the security and operability of Scotland's electricity supply and network. The creation of hydrogen and deployment of negative emissions technologies, utilising CCUS, at commercial scale will establish the opportunities to decarbonise industry, transport and heat, as well as other sectors, and pave the way for the transportation and storage infrastructure to support the growing hydrogen economy in Scotland.

- **Grangemouth investment zone** currently hosts strategic and critical infrastructure, high value employment and manufacturing of materials that are currently vital for every-day life. This role will continue in the long-term but must seek to decarbonise given the significant contribution of the industrial activities to Scotland's emissions. It is a key location in the Scottish Cluster for carbon capture and storage, and hydrogen deployment. The Grangemouth Investment Zone will be a focus for transitioning the petro-chemicals industry and associated activities into a leading exemplar of industrial decarbonisation, significantly helped through the coordination activities of the Scottish Government's Grangemouth Future Industry Board. Decarbonisation could include opportunities for: renewable energy innovation; bioenergy; hydrogen production with carbon capture and storage; and repurposing of existing strategic and critical infrastructure such as pipelines.

Location

St Fergus, Peterhead, and Grangemouth.

Need

This national development is required to meet our targets for emissions reduction. It also supports a just transition by creating new jobs in emerging technologies and significant economic opportunities for lower carbon industry. It will help to decarbonise other sectors, sites and regions, paving the way for increasing demand

to be complemented by the production of further hydrogen in the future. This will also help to deliver our spatial strategy by supporting investment in the North East and the Central Belt where there has been a relatively high level of output from fossil fuel industries.

Designation and classes of development

A development contributing to 'Industrial Green Transition Zones' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by '[The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)' is designated a national development.

- a) Carbon capture with high capture rates and negative emission technologies, transportation and storage of captured carbon forming part of or helping to create an expandable national network;
- b) Pipeline for transportation and storage of captured carbon and/or hydrogen;
- c) Onshore infrastructure including compression equipment, supporting pipeline transportation and shipping transportation of captured carbon and/or hydrogen;
- d) Offshore storage of captured carbon;
- e) New and/or upgraded buildings and facilities for the utilisation of captured carbon;
- f) Infrastructure for the production of hydrogen on shore or off shore where co-located with off shore wind farms within 0-12 nautical miles;
- g) Infrastructure for the storage of hydrogen on shore or off shore, including on or near-shore geological storage;
- h) Port facilities for the transport and handling of hydrogen and carbon dioxide;
- i) The application of carbon capture and storage technology to existing or replacement thermal power generation capacity;
- j) Production, storage and transportation with appropriate emissions abatement of: bioenergy; hydrogen production related chemicals including ammonia;
- k) New and/or upgraded buildings for industrial, manufacturing, business, and educational or research uses related to the industrial transition;
- l) Town centre regeneration at Grangemouth;
- m) Grangemouth flood protection scheme;
- n) New and/or upgraded green and blue infrastructure;
- o) New and/or upgraded utilities and/or local energy network; and
- p) New and/or upgraded facilities at the port for inter-modal freight handling at Grangemouth.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive effect on lifecycle greenhouse gas emissions reductions targets.

Policy impact:

- ✔ Compact urban growth
- ✔ Local living
- ✔ Rebalanced development
- ✔ Conserving and recycling assets
- ✔ Rural revitalisation
- ✔ Just transition

16. Hunterston Strategic Asset

This national development supports the repurposing of Hunterston port as well as the adjacent former nuclear power station sites and marketable business land of the Hunterston Estate. Hunterston has long been recognised as a strategic location for the port and energy sectors given its deepwater access and existing infrastructure. Hunterston is a key site, anchoring other opportunities around the Firth of Clyde.

The location and infrastructure offers potential for electricity generation from renewables, and a variety of commercial uses including port, research and development, aquaculture, the circular economy, and environmental and economic opportunities around nuclear decommissioning expertise.

New development will need to optimise the capacity of the transport network, include active travel links and be compatible with a location adjacent to sites with nuclear power uses. Designated biodiversity sites will require protection and enhancement where possible, and sustainable flood risk management solutions will be required for the area. Aligned with the Ayrshire Growth Deal, jointly funded by the Scottish and UK Governments, investment in this location will support a wellbeing economy by opening up opportunities for employment and training for local people. A community wealth building approach has been embedded within the Deal and Regional Economic Strategy within Ayrshire, and would be expected to form a part of future development proposals to ensure the economic benefits are retained locally as far as possible, strengthening local supply chains and supporting businesses and communities across Ayrshire.

Location

Hunterston Port, nuclear power station sites and marketable employment land at Hunterston Estate.

Need

These classes of development support the redevelopment and reuse of existing strategic assets and land contributing to a net zero economy. It also supports delivery of our spatial strategy by stimulating investment in the west of Scotland, potentially contributing to the wider aim of tackling inequalities.

Designation and classes of development

A development contributing to 'Hunterston Strategic Asset' in the location described within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) Infrastructure to support a multi-modal deep water harbour;
- b) Land and buildings for bulk handling, storage, processing and distribution;
- c) Facilities for marine energy generation technology fabrication and decommissioning;
- d) Facilities for marine energy servicing;
- e) Land and buildings for industrial, commercial, research and development, and training uses;
- f) Infrastructure for the capture, transportation and long-term storage of greenhouse gas emissions, where transportation may be by pipe or vehicular means;
- g) Infrastructure for the production, storage and transportation of low carbon and renewable hydrogen; and hydrogen production related chemicals including ammonia;
- h) Infrastructure for the generation and storage of electricity from renewables exceeding 50 megawatts; and
- i) Electricity transmission infrastructure of 132kv or more.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✔ Compact urban growth
- ✔ Local living
- ✔ Rebalanced development
- ✔ Conserving and recycling assets
- ✔ Rural revitalisation
- ✔ Just transition

17. Chapelcross Power Station Redevelopment

This national development supports the redevelopment of Chapelcross, a former nuclear power station site of significant scale regionally and nationally, and our strategy supports the reuse of the site to help deliver on net zero and provide opportunities for communities in the South of Scotland.

Final uses for the site remain to be agreed, but the site has locational advantage to act as an energy hub with opportunities including: business development with a particular focus on energy and energy supply chain; energy generation from solar; electricity storage; generation of heat; production and storage of low carbon and renewable hydrogen. This could link to ambitions for low carbon heat and vehicle fuel at Stranraer.

The proposal aims to create new job opportunities, including high value employment. A community wealth building approach will ensure that benefits are retained locally as far as possible, and this in turn will help to sustain and grow the local population. We also support opportunities to reduce the fuel costs for local communities to tackle fuel poverty. Sustainable access to the site for workers and commercial vehicles will be required.

Location

Site of the former Chapelcross power station.

Need

This national development supports the reuse of a significant area of brownfield land in a rural area with economically fragile communities. It will also support the just transition to net zero.

Designation and classes of development

A development contributing to 'Chapelcross Power Station Redevelopment' in the location described, within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) Commercial, industrial, manufacturing, and office related development occurring on the Chapelcross development site;
- b) Generation of electricity from renewables exceeding 50 megawatts capacity;
- c) Infrastructure for the production, storage and transportation of low carbon and renewable hydrogen and related chemicals including ammonia, with carbon capture as necessary; and
- d) Active and sustainable travel connection to the site.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✓ Local living
- ✓ Rebalanced development
- ✓ Conserving and recycling assets
- ✓ Rural revitalisation
- ✓ Just transition

18. High Speed Rail

This national development supports the implementation of increased infrastructure to improve rail capacity and connectivity on the main cross-border routes, the east and west coast mainlines.

Rail connectivity that can effectively compete with air and road based transport between the major towns and cities in Scotland, England and onward to Europe is an essential part of reducing transport emissions, making best use of the rail network and providing greater connectivity opportunities. There can be significant emissions savings of approximately 75% to be made when freight is transported by rail instead of road.

Enhancement would be in addition to and in conjunction with High Speed 2 (HS2) and other enhancements identified by the UK Government.

Scottish Ministers have an agreement with the UK Government to develop infrastructure enhancements 'North of HS2' and Scottish Ministers continue to press the UK Government on the imperative that all nations and regions of Britain benefit from the prosperity that HS2 will deliver both in its construction and its implementation. The Strategic Transport Projects Review 2 is appraising through recommendation 45 and will provide the strategic case for investment in the rail network in Scotland, over and above the commitments within HS2.

Location

Central and southern Scotland to the border with England.

Need

This national development aims to ensure a low emissions air-competitive journey time to cities in the UK as well as connectivity with European cities and benefits to freight. This will support Scotland's ability to attract and compete for investment.

Designation and classes of development

A development contributing to 'High Speed Rail' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by ['The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009'](#), is designated a national development:

- a) New and/or upgraded railway track and electrification solution (overhead cabling and pylons or on track);
- b) New and/or upgraded multi-modal railway stations to service high-speed lines; and
- c) Depot facilities for high speed trains and/or related to the construction and onward maintenance of the UK high-speed rail infrastructure.

Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

Policy impact:

- ✔ Compact urban growth
- ✔ Conserving and recycling assets

Annex C – Spatial Planning Priorities

This information is intended to guide the preparation of Regional Spatial Strategies and LDPs to help deliver Scotland's national spatial strategy.

North and West Coast and Islands

This area broadly comprises the island communities of Shetland, Orkney, the Outer Hebrides, and parts of Highland and Argyll and Bute, and the north and west coastline of the Scottish mainland.

To deliver sustainable places, Regional Spatial Strategies and Local Development Plans should maximise the benefits of renewable energy whilst enhancing blue and green infrastructure, decarbonising transport and building resilient connections.

This area's natural and cultural assets will require careful planning and management so that their special qualities can continue to form a strong foundation for future development and investment. There are opportunities for local projects across this area to come together and create an enhanced nature network which benefits quality of life and contributes to biodiversity recovery and restoration as well as carbon sequestration.

Resilience and a growing green economy will depend on delivery of improved grid connections, including high voltage grid cables connecting the three island groups to the mainland. This will be complemented by the innovation in low and zero carbon fuels and the roll out of locally distributed energy systems to reduce emissions from buildings, address significant fuel poverty and secure longer term resilience.

Significant peatland restoration and woodland creation and restoration, along with blue carbon opportunities will secure wider biodiversity benefits and be a focus for investment to

offset carbon and secure existing natural carbon stores. The Lewis Peatlands and the Flow Country are internationally recognised as accounting for a significant proportion of the world's blanket bog habitat, and there are opportunities to protect and expand Scotland's temperate rainforest, including some of the best remaining rainforest sites in Europe. Access to the outdoors, as well as active travel, can benefit from continued investment in long distance walking and cycling routes with a range of projects emerging at a regional scale.

Communities in this area will need resilient transport connectivity to maintain accessibility and lifeline links, and further innovation will be required to help modernise connections and decarbonise transport systems. A net zero islands air network and decarbonisation of ferry services will help to secure the viability and service stability of island and remote coastal communities. Communities are keen to explore long-term ambitions for fixed links for example across the Sound of Harris and Sound of Barra, and potentially to connect the Outer Hebrides to mainland Scotland. An Islands Connectivity Plan will consider the role of ferries, fixed links and low carbon aviation in securing lifeline links and marine access for both leisure and freight. In addition to the investment potential of the area's ports and harbours, the strategic location of the Northern Isles as a hub for future shipping using long distance trade routes has significant potential for investment and growth over the longer term. There is also potential to consider decarbonisation of fishing fleets and the aquaculture industry in the future.

Electric vehicle ownership is already high in some parts of the area and continued expansion of charging networks will support further decarbonisation. Key routes and hubs are emerging – examples include the aspiration for an electric spinal route that extends across the Outer Hebrides. This should be viewed as one part of a wider system response to net zero that also strengthens active travel across the area.

Improved digital connectivity is a priority to sustain current businesses and create 'smart' communities. We are committed to investment in ultrafast broadband to ensure every property is connected and to improve mobile coverage. This will unlock opportunities for rural businesses and remote working, and make future community growth more feasible. Full benefits will be realised by actively tackling the digital divide by building skills, literacy and learning and addressing the financial barriers to internet access. Key projects include the Outer Hebrides Giga Fibre Network and the North Isles Fibre Project.

To deliver liveable places, Regional Spatial Strategies and Local Development Plans in this area should support coastal and island communities to become carbon neutral, thus contributing to net-zero commitments and reducing fuel poverty.

Future-proofing local liveability will benefit people as well as the planet. Island and coastal communities can apply the concept of local living, including 20 minute neighbourhoods, in a flexible way and find local solutions to low carbon living, for example by identifying service hubs in key locations with good public transport links. The aim is to build long-term resilience and self-reliance by minimising the need to travel whilst sustaining dispersed communities and rural patterns of development. Communities in this area will continue to rely to an extent on the private car, and low carbon solutions to the provision of services will need to be practical and affordable. Innovation including electric vehicle charging and digital connectivity will play an important role.

Increased coastal flooding and erosion arising from future climate change will need to be considered along with impacts on associated infrastructure such as bridges and transport networks. The majority of island populations live in coastal locations and there is a need for a pro-active and innovative approach that works with local communities to address this issue.

Regionally and locally driven plans and strategies will identify areas for future development that reflect these principles – for example planned population growth on the Western Seaboard of Argyll and in a growth corridor from Tobermory to Oban and on to Dalmally. Community hubs, where people can easily access a variety of services, will need to evolve and grow to support communities and sustain a range of functions. Ports and harbours can be a focal point for electric vehicle charging as well as employment. Sustainable and fair access to affordable healthier food will support future resilience and broader objectives including reduced child poverty and improved health outcomes. Innovative and equitable service provision, including digital solutions, will be needed to support dispersed communities in a low carbon way.

Communities will need greater choice and more flexible and affordable homes to support varying needs. This can be achieved to an extent by refurbishing the existing building stock to reduce the release of embedded carbon, as well as by delivering more affordable, energy efficient homes. The additional costs of island homebuilding and development generally, as well as in delivering net zero, is a challenge that needs to be factored into a planned approach.

There is a clear need for affordable housing provision across the region to improve choice and access to homes, to support local economies, and in some areas to help offset the impact of second home ownership and short term lets on the market. Local solutions may include key worker housing, temporary homes for workers in remote areas, and self-provided homes including self-build and custom-build. Continued innovation of holistic place-based solutions, such as the Rural and Islands Housing Fund, will be required to create homes that meet diverse community needs, including homes for an ageing population and to help young people to stay in or return to their communities. Greater efforts to ensure young people have more influence in decisions that affect their future places could support this, as well as helping more people access land and crofts and the reuse of abandoned sites where appropriate.

To reverse past depopulation and support existing settlements, planning can help to sustain communities in more peripheral and fragile areas in a way that is compatible with our low carbon agenda and resilient to climate change impacts. Further action should be taken where appropriate to encourage economically active people to previously inhabited areas. This will also need to reflect climate commitments and wider aspirations to create sustainable places that incorporate principles of 20 minute neighbourhoods and active travel networks. Coasts will continue to evolve, and development will be needed to sustain and grow communities in a sustainable way. Collaboration and strong alignment of terrestrial and marine planning, at all levels, will also be needed.

To deliver productive places, Regional Spatial Strategies and Local Development Plans in this area should seize the opportunities to grow the blue and green economy, recognising the world-class environmental assets that require careful management and the opportunities to develop skills and diversify employment.

This area has significant opportunities for investment that capitalise on its natural assets and further strengthen the synergies between people, land and sea. This will require strong collaboration and alignment of terrestrial and marine planning, especially as further development of related blue economy activities in the terrestrial environment may increase competition for marine space and resources offshore. To significantly reduce greenhouse gas emissions, more onshore and offshore renewable energy generation will be needed, bringing unprecedented opportunities to strengthen local economies, build community wealth and secure long-term sustainability. The island authorities have set targets for creating green jobs and for rolling out clean and efficient energy systems to build local resilience. We expect to see continued innovation to unlock the infrastructure and business opportunities arising from a blue and green prosperity agenda.

As a result of its natural advantages, the area is growing its research excellence, and driving low-carbon is a core theme of the Islands Growth Deal. This will support the emergence of the planned joint Islands Centre for Net Zero, alongside island-specific initiatives. Orkney has been home to the European Marine Energy Centre since 2003 and the Orkney Research and Innovation Campus (ORIC) in Stromness provides a focus for Orkney's renewable and low carbon industries and research facilities. There are plans to grow the role of Orkney's ports and harbours to support net zero. The Outer Hebrides Energy Hub plans to establish the initial infrastructure necessary to support the production of low carbon hydrogen from renewable energy and conduct a 'large village' trial for Stornoway, and there may also be co-benefits to be gained for aquaculture in the area. Shetland aims to grow its net zero contribution including through a planned ultra-deep water port development, which would support servicing the energy sector, oil and gas decommissioning and large-scale offshore renewables. In addition, Oban is developing as a university town, and the European Marine Science Park is a key opportunity to build the local economy and provide education locally.

Sea ports are a focus for investment in the blue economy and further diversification of activities could generate additional employment across the area. Potential for business development ranges from long distance freight to supporting the cruise and marine leisure sectors and decommissioning opportunities. There may also be opportunity for ports in the islands to establish themselves as near-Arctic marine transport and logistics hubs, including for transshipment operations.

There is an aspiration for the servicing of ultra large container ships with associated facilities within Scapa Flow. The potential for such development to adversely affect European site(s) has been identified through the HRA of NPF4. Therefore, this would need to be considered carefully at project level, including through the Habitats Regulations Appraisal process, to ascertain that there will be no adverse effects on

the integrity of European sites, or if this is not the case, whether there are imperative reasons of over-riding public interest and relevant statutory tests can be met.

New infrastructure and repurposing of land will help to shift industrial activity towards supporting the offshore renewables sector. Key strategic sites for industrial investment and associated port infrastructure and facilities include plans for: Dales Voe and Scapa Flow as part of the Islands Growth Deal; Cullivoe; Arnish in Stornoway; Wick; Scrabster; Gills Bay; Kishorn; Oban; Port Askaig; and Hatston, Kirkwall. Other key nodes on the ferries network, including Ullapool, Uig and Mallaig, will continue to act as important hubs to support communities, investors and visitors.

Proposed space ports, which make use of the area's relatively remote location and free airspace, could support our national ambitions to grow this sector. This includes plans for an Outer Hebrides Spaceport 1 in Scolpaig, North Uist and an emphasis on space research and skills development in Shetland as part of the Islands Growth Deal, a space port at Machrihanish and ancillary buildings at Benbecula. Planning permission has been granted for a space port at Melness in Sutherland, making use of its location away from populated areas to provide a vertical launch facility that could link with wider opportunities for manufacturing, research and development across Scotland.

Food and drink is a key sector, with aquaculture, distilleries, commercial fishing, and seaweed farming providing a crucial and growing source of employment for many local communities. This sector is of national significance, with whisky generating an estimated £5 billion to the UK economy and salmon accounting for more than 40% of total food exports. By improving the resilience of existing infrastructure we will ensure continued access to international markets. There are significant opportunities to build on experience and expertise through associated research and development. A development hub at Machrihanish to support aquaculture research in association with Stirling University could open up wider opportunities to expand

onshore aquaculture at sites across Scotland. Within Orkney, farming is still the main industry providing products for local consumption and for Scotland's food and drink sector.

Targeted investment in tourism infrastructure will ensure the coast and islands can capitalise on their rich natural assets, heritage and culture to support better quality and more stable jobs in the sector whilst providing a positive experience for visitors and residents. This sector has been significantly impacted by the pandemic and a short term focus on recovery can be underpinned by efforts to secure longer term sustainability. Planning can help to ensure that the Rural Tourism Infrastructure Fund is targeted to places where the pressure is most significant. Priorities include visitor management of the area's World Heritage Sites. Through the Islands Growth Deal, plans are in place for the Orkney World Heritage Site Gateway that will manage and disperse visitors to the Heart of Neolithic Orkney UNESCO World Heritage Site; and the Outer Hebrides Destination Development Project will support the strategic development of tourism infrastructure, bringing together key assets including St Kilda World Heritage Site, the Iolaire Centre, the Hebridean Way, Food and Drinks trail and the Callanish standing stones. Other ongoing projects, including long distance routes such as the Kintyre Way and the Argyll Sea Kayak Trail and Crinan Canal can help to expand a high quality offer of exceptional marine tourism across the area as a whole.

Regionally and locally there is a need for smaller scale investment across the area to put in place low maintenance, carefully designed facilities which better support and manage the impact of informal tourism including camping, campervans and day trips. This should reflect the scale and nature of operators including community trusts, which can have broad impact and influence. Efforts to provide access to education and build skills locally will also support this, with key projects including plans for the redevelopment of the Shetland Campus. Additionally, the lessons we have learned from the pandemic about remote working could also help to grow communities by extending the range of high quality jobs available locally.

North

This area broadly includes parts of Highland with parts of Argyll and Bute, Moray, Cairngorms National Park, as well as the north of Loch Lomond and The Trossachs National Park, Stirling and Perth and Kinross, with links west and north to coastal and island communities.

Priorities

To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections.

The area's natural capital will play a vital role in locking in carbon and building our resilience by providing valuable ecosystem services. This includes sustainable flood risk management, biodiversity, access and education.

Land and sea assets will play an internationally significant role in renewable energy generation and carbon sequestration. The area can act as a strategic carbon and ecological 'mitigation bank' that can make a major contribution to our national climate change commitments. A programme of investment in forestry, woodland creation, native woodlands and peatland restoration will play a key role in reducing our national emissions, providing investment opportunities, supporting ecosystems and biodiversity and benefiting current and future generations. There are also opportunities to explore the decarbonisation of the forestry sector, processing and the transport of timber, and to build community wealth through new businesses, such as a nationally important tree nursery in Moray.

Wider but closely related priorities include continuing conservation at a landscape-scale, to develop resilient nature networks, deer and moorland management, visitor management and recreation, rural housing, community empowerment and economic development. This will provide good quality local employment,

strengthen and diversify local economies and help to secure a sustainable future for local people. The area's rivers are also strategic assets that will continue to benefit from aligned land use, climate adaptation and biodiversity enhancement.

The Cairngorms National Park is bringing together conservation, the visitor experience and rural development to provide benefits that extend well beyond the park boundary. Landscape-scale solutions to build resilience to climate change, to manage sustainable tourism and outdoor access, and a commitment to reversing biodiversity decline and increasing woodland expansion and peatland restoration, are all key priorities. Demand for development, including in pressured areas, will require a planned response to minimise the impact of second homes on local communities and ensure new homes are affordable and meet local needs.

This area also makes an important contribution to our climate change targets by supporting renewable energy generation. Repowering and extending existing wind farms will optimise their productivity and capitalise on the area's significant natural energy resources, and there is potential to increase offshore wind energy capacity. A carefully planned approach can reduce environmental and other impacts and retain more benefits locally. Community ownership of renewable energy projects at all scales could play a key role in improving resilience, empowering local people to take control of their own assets and helping tackle fuel poverty. **Pumped hydro storage** at Cruachan and other sites such as Coire Glas can support the energy network, as well as providing tourism and recreation opportunities, and we expect to see a growth in solar power. As technologies continue to develop, storage and other forms of generation will grow. The electricity distribution and transmission network will require upgrading to support the large increase in onshore and offshore electricity generation required to achieve net zero, as well as to meet new demand from heat and transport. There will also be a need for more community-scale energy generation to serve the needs of local communities directly and build resilience.

The transport system as a whole will need to be planned to support a shift to more sustainable transport whilst maintaining access to markets and facilities. In line with the transport sustainable investment hierarchy, development should first be focused in locations which make the best use of existing infrastructure and services before building new infrastructure or providing new services.

Improvements to the Highland Main Line through electrification and delivery of new stations including at Inverness Airport, will help to create a sustainable commuter network for Inverness and open up more rural areas to lower carbon development. Our rolling programme of efficient electrification is also a key enabler for growth in rail freight, creating improved connectivity and providing additional capacity with faster journey times, better use of track capacity and lower unit costs. A continued modal shift to rail for both passengers and freight will bring significant environmental benefits over time.

Roads will continue to be arteries upon which local communities and businesses depend. There will be a need to adapt key routes due to the impacts of climate change alongside creating a strong network of charging points, including improvements to the A96 to improve safety and to the A9 to maintain a resilient road link from Thurso and Inverness to the central belt. Remote and rural areas including islands are dependent on reliable accessibility by road including connecting to ferries and ports, facilitating reliable public transport by road, access to essential services and transporting of goods. There is an urgent need for improvements to the A83 to ensure the resilience of the economy and communities of wider Argyll, as well as resilience challenges for other key routes such as the A82.

Continued investment in the national long distance walking and cycling network provides an opportunity to assist in decarbonising tourism and recreation across the area, whilst also providing, and acting as a spine for, sustainable active travel connections for everyday travel in the vicinity of towns and villages.

Inverness and Oban airports are hubs for air connections to dispersed communities and Wick John O'Groats Airport and Broadford Airstrip on Skye are key connections. Oban Airport is also an opportunity for investment in compliance operations and future drone technology. The Highlands and Islands are aiming to become the world's first net zero aviation region by 2040 by pioneering new approaches including electric aircraft. Investment in technology and facilities will be required to achieve this. The proposed Moray Aerospace Advanced Technology and Innovation Campus (MAATIC) at Lossiemouth intends to create a skilled workforce for the Moray region through focusing on aviation sector and supply chain.

To deliver liveable places, Regional Spatial Strategies and Local Development Plans in this area should maintain and help to grow the population by taking a positive approach to rural development that strengthens networks of communities.

We will do all we can to help reverse depopulation across rural Scotland. Here, as with other more rural areas of Scotland, 20 minute neighbourhoods can be tailored to work with both larger towns and more dispersed settlement patterns.

Inverness plays a vital role as a regional centre for services, health, justice, employment, education, sport, culture and tourism and has seen significant expansion in recent years. Key sites for its growth are located primarily to the east along the Moray coast. A sustainable and adaptive growth strategy will continue to be supported by planned investment in education and health and social care services, as well as employment uses. The new railway station serving Inverness Airport will help to connect local communities with growing employment opportunities in the wider area. Inverness Castle, as part of the Inverness and Highland City Region Deal, will be redeveloped and opened up to the public, attracting national and international tourists and encouraging visits to the wider Highlands and Islands.

Fort William, Dingwall, Grantown-on-Spey and Aviemore are key settlements, and the area has strong relationships with adjacent, more coastal settlements such as Mallaig, Oban, Wick and Thurso. Moray also has a strong network of towns including Forres, Elgin and Nairn. In more remote communities there is a need to reverse population decline. A place-based approach (as demonstrated by Fort William 2040), including work to improve town centres and reuse redundant buildings, will support recovery in a way which responds to the strong character and identity of each of the area's towns and villages. Such an approach is evident in Growth Deal projects such as Moray's Cultural Quarter proposal.

A positive approach to rural development could support the development of a network of hubs, and future service provision will require imaginative solutions so that places can be resilient and self-supporting. Investment in strategic health, justice and education facilities is already planned. In the longer term, digital solutions, including mobile and remote health services and virtual education, as well as continued investment in improved connectivity, will play an increasingly important role.

As with other parts of Scotland, more homes will be needed to retain people and attract new residents of all ages. Many communities have taken ownership of their land and this could form the foundations for future development by unlocking further development sites. Refurbishment of existing rural buildings and halting the loss of crofts could help to sustain the area, and new homes should align with infrastructure and service provision. They should also be located and designed to minimise emissions and to complement the distinctive character of existing settlements and wider landscapes. As climate change continues to have an impact, water supplies and drainage will need to be secured and maintained. Flood risk management and changing ecosystems will need to be factored into future plans to ensure nature-based adaptation solutions complement local living. Addressing fuel poverty will require

greater energy efficiency and affordable, low carbon, distributed heat and electricity networks, with a model for increased local generation, having potential to bring benefits. Maintaining connectivity will be essential, particularly through public transport that includes rail access and other active travel networks.

We will continue to support further investment in digital connectivity but will need to go further to adapt to climate change and make use of emerging technologies. Priorities include satellite and mobile solutions to address 'not spots', and to support local living by reducing the need to travel unsustainably. To complement existing physical connections, smart solutions, local hubs, demand responsive transport, and active travel networks will help people to access services and employment and make low carbon local living a more viable option.

To deliver productive places, Regional Spatial Strategies and Local Development Plans in this area should support local economic development by making sustainable use of the area's world-class environmental assets to innovate and lead greener growth.

Natural assets and environmental quality underpin the area's main economic sectors and must therefore be protected, restored and used sustainably. Planning will help to attract investment, grow and diversify businesses and enable local entrepreneurship, micro enterprises, self-employment and social enterprises to flourish. Remote working can be capitalised on to build economically active local communities. This will require the continued roll out of high quality digital infrastructure and maintenance and decarbonisation of transport routes to wider markets. Food miles can be reduced over time with the help of local community-led food growing networks, by supporting locally driven public procurement and, from a land use perspective, protecting higher quality agricultural land.

Ideas are emerging for the area to secure a low carbon future for tourism. Assets such as the North Coast 500 and, more recently, the Kintyre 66 in the adjacent coastal area, as well as the area's high quality environment and associated food and drink products, attract visitors. However, they also require investment in improvements to infrastructure to support local communities and visitors. This will maintain the quality of the experience and the environment, facilitate lower carbon transport, promote 'leave no footprint' and encourage longer stays. This could involve extending the availability of transport services. There are also many regionally significant opportunities to create jobs by growing support services for outdoor activities such as mountain biking, climbing, walking and angling and in support of the country's winter sport and recreation sector that is primarily focussed in this area.

Investment in research and development, business opportunities and local centres of expertise will help to retain benefits locally and broaden the range of skilled jobs. There will also be opportunities to build on and repurpose existing assets to create greener jobs, such as the former nuclear installation at Dounreay and development at Fort William associated with the Lochaber Smelter.

The area's coastline contributes to the beauty and experience of the area and is also a hub for economic activity including fishing, the cruise and marine leisure sectors, and the offshore renewable energy sector. Key ports include the Cromarty Firth (including Port of Cromarty, Nigg and Highland Deephaven), Corpach, Ardersier, Gills Bay, Inverness, Kishorn and Buckie. Through Opportunity Cromarty Firth and other projects, new facilities and infrastructure will help ports to adapt, unlocking their potential to support the transition from fossil fuels through oil and gas decommissioning, renewable energy (including the significant opportunities for marine energy arising from Scotwind) and low carbon hydrogen production and storage, and the expansion of supply chain and services. This will in turn benefit communities by providing employment and income for local businesses.

North East

This area focuses on Aberdeen City and Aberdeenshire with cross-boundary links to Moray, and south towards Angus and the Tay estuary.

Priorities

To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should plan infrastructure and investment to support the transition from oil and gas to net zero, whilst protecting and enhancing blue and green infrastructure and decarbonising connectivity.

Action is required to tackle industrial emissions and transition towards a greener future that benefits existing communities and attracts further investment.

Greener energy choices, including hydrogen and on and offshore renewables, have a natural home here and will be at the heart of the area's future wellbeing economy. Investment opportunities focus on the green and blue economy and energy innovation. Significant infrastructure will be required to deliver a hydrogen network for Scotland, including repurposing of existing facilities and the creation of new capacity. £62 million in the Energy Transition Fund is supporting four projects to protect existing jobs and create new jobs in the North East, and across Scotland, by opening up opportunities through energy transition and harnessing private sector funding. This funding aligns with the Aberdeen City Region Deal and continuing support for retraining and skills development. Ports and harbours throughout the area are key assets in the blue economy. As offshore renewables are an important part of Scotland's energy transition, there will be a need to align terrestrial and marine development so as to maximise the potential of this sector.

The area's growth strategy includes a commitment to building with nature by creating multi-functional blue and green networks and improving green spaces in and around settlements, connecting with the national long distance cycling and walking network

and facilitating active travel. Community-led climate action will help to provide locally-driven solutions. A new water supply and waste-water systems will play an important role in building long-term resilience.

Aberdeen is a key transport hub providing vital connections internationally, as well as lifeline services to Orkney and Shetland. Congestion will be reduced as a result of the construction of the Aberdeen Western Peripheral Route, and the A92/A96 Haudagain Improvement project. In the city, work is ongoing to lock in the benefits and prioritise sustainable transport, including Aberdeen Rapid Transit. More widely the Aberdeen to Central Belt Rail Improvements will bring benefits to both passengers and freight.

The area can lead the way in promoting low emissions vehicles, active travel and public transport connectivity as part of its contribution to net zero. Links south to the Central Belt and west towards Inverness remain vital. Work is progressing on the £200m investment being made to improve journey times and capacity between Aberdeen and the Central Belt for passengers and freight. Continuing improvements to digital connectivity and active travel will reduce the need to travel by unsustainable modes and facilitate further remote, home or hub based working.

To deliver liveable places, Regional Spatial Strategies and Local Development Plans in this area should focus on continued regeneration and encourage more 20 minute neighbourhoods to sustain the skilled workforce and improve local liveability.

A new focus on local living could help to address the high levels of car ownership and respond to the area's dispersed settlement pattern. Growth corridors extending from Aberdeen to Peterhead, Huntly and Laurencekirk will be a focus for future development, and strategic sites include new communities at Chapelton, Grandhome and Countesswells. There is significant potential to promote more compact growth by making better use of brownfield sites and increasing density.

There will be benefits for people of all ages arising from an increase in local living and a shift towards 20 minute neighbourhoods and the creation of connected, walkable, liveable and thriving places, in both urban and rural contexts. The aim is to encourage sustainable travel options, provide communities with local access to the wider range of facilities, services and amenities to support healthier and flourishing communities. In rural places, social and community infrastructure can be designed with different settlements working in clusters as a 'network of places', providing services and amenities that best meet the needs of local rural communities.

The area's towns contribute to its sense of place and further town centre regeneration will help communities to adapt to current challenges and future change. Service provision also needs to reflect the area's character. Several new or extended primary and secondary schools and community facilities are planned and the area will support wider rural communities by hosting a new centre of excellence for rural and remote medicine and social care. Access to good quality open space and opportunities for local food growing, including allotments and community orchards, can benefit health and wellbeing and tackle inequalities as an integral part of placemaking.

The area benefits from a productive coastline that will be a focus for future economic activity and investment associated with offshore renewable energy and the blue economy. The coast is home to communities who will benefit from continued regeneration and a move towards 20 minute neighbourhoods that reduces the need to travel. Key regional priorities include the regeneration of Banff, Macduff, Fraserburgh and Peterhead. Future coastal vulnerability to erosion, sea level rise and flood risk will need to be factored into development strategies. The fishing industry will continue to contribute to the area's strong sense of place and shared heritage, communities and economy, with some ports and harbours also having opportunities in the cruise and marine leisure sectors.

To deliver productive places, Regional Spatial Strategies and Local Development Plans in this area should support continued economic diversification and innovation.

The relocation of some activity at [Aberdeen Harbour](#) to the south harbour has been an important element in planning for the future. Further investment will help to realise its full potential as a low carbon hub and gateway, and there may be opportunities for development at the South Harbour to support the carbon capture and storage and hydrogen innovation work at St Fergus and Peterhead in Northern Aberdeenshire. This is also a significant opportunity to improve urban liveability by unlocking waterfront sites for mixed use development close to the city centre. Local people will need to be involved in deciding how potentially significant industrial and business activity can be accommodated, alongside regenerating a vibrant, redesigned city centre in the coming years.

It is essential that environmental impacts arising from relocation of the harbour and any onward reorganisation of the land uses around it are carefully managed in a way that recognises the location's natural assets and sensitivities. We expect the LDPs and consenting processes to be informed by the required impact assessments, to play a crucial role in guiding future development and addressing environmental sensitivities.

Central

This area broadly covers central Scotland from the Glasgow city region and the Ayrshires in the west to Edinburgh city region in the east, including the Tay cities, the Forth Valley and Loch Lomond and The Trossachs National Park.

Priorities

To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should support net zero energy solutions including extended heat networks and improved energy efficiency, together with urban greening and improved low carbon transport.

Blue and green infrastructure

The greening of the built environment, including former industrial areas, is a long held ambition that we now need to expedite to significantly reduce emissions, adapt to the future impacts of climate change and tackle biodiversity loss. Investment in green infrastructure will support urban sustainability, help to restore biodiversity, contribute to our overall targets for reducing emissions and improve health and wellbeing.

There is much that we have already learned from past work, for example initiatives to naturalise former mining features, reclaiming canals as a cultural heritage and natural asset, and extensive woodland creation. Wider woodland expansion across more urban areas could make a significant contribution to improving air quality and quality of life by reducing pollution, managing water and cooling urban environments. Blue and green networks can help to deliver compact and liveable cities.

Many initiatives will come together to achieve urban greening:

- The [Central Scotland Green Network](#) will continue to bring together environmental enhancement projects. Initiatives such as the John Muir Pollinator Way demonstrate how nature networks can help restore and better connect biodiversity and enhance green infrastructure at a landscape scale.

- The Glasgow City Region Green Network, a long-term transformational programme of environmental action, can achieve a step change in the quality and benefits of green places across west central Scotland and bring enhanced biodiversity closer to communities. As part of this, the Clyde Climate Forest is proposing natural solutions at scale across the Glasgow city region.
- The Inner Forth Futures Partnership is tackling the effects of climate change and providing recreation benefits through projects such as peatland restoration and woodland expansion, and supporting the creation of habitat networks.
- The River Leven Project in Fife is a holistic place-based approach to development. Blue and green infrastructure will support investment and provide environmental, health and wellbeing benefits for communities.
- The Tayside strategic green and active travel network also aims to create regionally significant assets that contribute to the quality of the area.
- Perthshire Nature Connections Partnership (PNCP) encompasses a long-term, nature-based vision for Perth and Kinross that aims to create a distinct connection between the Cairngorms and Loch Lomond and The Trossachs National Parks.
- There is a particular opportunity to build on the successful regeneration of our canals to provide an invaluable strategic greenspace that connects communities across the area as a whole, contributes to its strong post-industrial heritage and provides wider functions such as water management to support future resilience to climate change. The potential of a canal asset should be recognised as a shared priority.

There is a continuing need to invest in renewing and improving the capacity of flooding, water and drainage infrastructure to build the resilience of communities. A catchment-scale approach, using nature-based solutions, can also provide benefits for the health and quality of life of Scotland's urban communities, particularly where solutions seek to deliver multiple benefits, including biodiversity gain and active travel

routes. This approach can also be more cost-effective than hard engineering solutions and create lasting jobs. For example, the Glasgow city region recognises the challenges for future adaptation and is identifying sustainable solutions to sea level rise, urban overheating, and water management.

Engineered solutions to adapt our water and drainage infrastructure will be required in some circumstances, but should support more natural benefits as far as possible. There is scope to continue, and extend, the lessons from the Metropolitan Glasgow Strategic Drainage Partnership to future proof infrastructure in support of the long-term growth and development of Edinburgh. The Lothian Drainage Partnership is taking this forward with projects emerging within Edinburgh and at the ClimatEvolution Zone in East Lothian.

At a local scale there is significant potential to expand raingardens and sustainable urban drainage systems to help manage surface water as part of blue and green infrastructure for our future cities and towns.

Whilst predominantly urban, this part of Scotland benefits from a rich and diverse rural area and there are many areas where town meets countryside. These green areas and natural spaces are key assets, sustaining communities that could become better places to live if we can achieve this in a way that is compatible with our wider aims for climate change, nature restoration and 20 minute neighbourhoods. The pandemic has demonstrated that many people are looking for more space at home and in their communities. It will be important to plan positively and imaginatively to make sustainable use of the countryside around our cities and towns.

These areas have important functions – productive agricultural land, providing vital ecosystem services and spaces for local food growing, outdoor access and recreation. They support carbon sequestration, including through peatland restoration, woodland creation and conserving natural habitats, and there is scope for innovation in key sectors including sustainable food production.

Planning has the potential to address the impact of climate change on communities whilst also generating renewable heat and facilitating urban cooling from our rivers. Mine water, solar and onshore support for offshore renewables, including development that makes use of existing infrastructure at strategic hubs, all provide opportunities for decarbonisation.

Loch Lomond and The Trossachs National Park has landscape-scale opportunities to restore and enhance nature and respond to climate change, including through woodland creation and peatland restoration, as well as natural flood risk management. The National Park will continue to support the quality of life and health of the urban population and its future priorities include new infrastructure provision to provide a quality visitor experience and support people to connect with nature, as well as a greener tourism sector supported by innovative low carbon transport solutions. Long distance active travel and rail routes have untapped potential to provide sustainable tourism solutions. The area's communities can adapt to support more localised living and working opportunities, with improved digital connectivity and affordable housing. More integrated planning and land management offers opportunities to support land use change and reduction of greenhouse gas emissions. The approach also links with and relates to the action area to the north.

Urban accessibility

A focus on community wealth building, together with growing opportunities for longer term remote working, could address the high levels of transport movement by private car and challenges of congestion and air pollution across the area. Local living, including 20 minute neighbourhoods, will help to minimise future commuting and ensure jobs and income can be spread more evenly across the area. Accessibility and transport affordability can support more resilience which benefits communities who are less connected.

By putting in place [mass/rapid transit systems](#) for Edinburgh through plans to extend the tram network, and for Glasgow including the Clyde Metro and multi-modal connectivity, we have an

opportunity to substantially reduce levels of car-based commuting, congestion and emissions from transport at scale.

Connections to the rest of the UK will be strengthened in the longer term through [high speed rail](#) connectivity, with stations expected in Glasgow and Edinburgh. Decarbonisation of freight will require the construction of new hubs and associated facilities to support logistics. This will also support growing interest in express logistics from rail operators that would see passenger Electrical Multiple Units converted to carry small freight, targeting the UK parcel market. Ports on the Clyde, Forth and Tay coasts will also play a key role in this transition.

Digital connectivity will facilitate remote working, supporting the growth of towns and villages outwith the larger cities and potentially leading to a renaissance in more rural living. It will be crucial to address digital inequality, whether through cost, infrastructure or skills development, as virtual service provision continues to grow.

To deliver [liveable places](#), Regional Spatial Strategies and Local Development Plans in this area should pioneer low carbon, resilient urban living by rolling out networks of 20 minute neighbourhoods, future proofing city and town centres, accelerating urban greening, investing in net zero homes, and managing development on the edge of settlements.

20 minute neighbourhoods

The diversity of this area, from metropolitan districts to rural and dispersed settlements, will require concerted effort to develop networks of places that meet the principles of local living and 20 minute neighbourhoods, and with fair access to a range of services that support sustainable living. Planning should focus on revitalising cities and towns at scale, supporting a finer grained approach to placemaking, and a more intricate mix of land uses and density. This should incorporate networks of natural spaces and blue and green infrastructure, to create health and wellbeing benefits, increase resilience to climate change and support the growth of green job opportunities.

The car-based design of some of our places, including many suburban areas and new towns, mean that a significant shift to a more people centred approach will be required. Planning can help retrofit facilities and services into areas where they are scarce, such as predominantly residential areas, to enable better integrated, mixed-use areas. City, town and neighbourhood centres can be at the heart of this if they are planned to strengthen self-sufficiency and bring services and jobs closer to homes. The recommendations of the recent town centre review can be delivered by supporting a wider range of uses and making the most of their assets.

Accessibility will be a key part of the transition and will involve investment in infrastructure and services in line with the sustainable travel and investment hierarchies, to improve fair access and reduce carbon emissions. Active travel networks will need to expand to make walking, wheeling and cycling an attractive, convenient, safe, and sustainable choice for everyday travel. There are significant opportunities for investment in heat networks, energy storage and the circular economy to create more sustainable neighbourhoods.

Energy efficient, affordable homes

As well as building new homes to net zero standards, more will need to be done to meet the bigger challenge of upgrading the existing housing stock to reduce emissions and adapt to future climate impacts. Emissions from our homes need to be very substantially reduced – by 2030, they must fall by 68% from 2020 levels.

Improved energy efficiency will be needed, by providing zero emissions heating solutions and more sustainable water management practices for existing settlements and homes. Improving sustainable travel options and reliability will help to reduce transport based emissions associated with our homes.

There is a particular pressure for housing solutions, including provision of affordable homes that meet future needs, in the south east of Scotland. Edinburgh has committed to building affordable homes at scale, and will

need to work with the region to accommodate wider need and demand in a strategic way. Seven strategic sites, supported through the Edinburgh and South East Scotland City Region Deal, could accommodate up to 45,000 homes and associated economic and employment benefits including: Blindwells, Calderwood, Dunfermline, Edinburgh Waterfront, Shawfair, Tweedbank and Winchburgh. The need for proposals to be supported by low carbon transport solutions, in line with the Infrastructure Investment Plan and National Transport Strategy investment hierarchies and infrastructure first approach, will be critical to their success. The Edinburgh and South East Scotland City Deal identifies infrastructure investment as part of this. These interventions and commitments, taken with the additional transport investment made through the Deal, will ensure the city region continues to grow and flourish. Regionally significant services, including healthcare and social care facilities and investment in the learning estate, is also planned to support future growth and sustain the wellbeing of existing, new and expanding communities.

Waterfront regeneration

The region's coasts and firths define the area's history and shape its sense of place. There is potential to unlock the strategic importance of coasts, estuary and river corridors for climate mitigation, resilience, and positive environmental change. Coastal change, driven by climate change, will need to be managed to build long-term resilience and future-proof our waterfronts, where this is feasible. Progress has been made to create long distance walking and cycling routes to open up access to waterfront spaces and reclaim them as a resource for people as well as industry. There will be a need to anticipate and mitigate risk from coastal erosion, flood risk and storm surges, with a focus on natural solutions which work with the unique biodiversity and landscape character of these important places.

These coasts are rich in cultural and natural heritage. Along the Inner Forth, various projects provide multiple benefits, including flood management, cultural landscape enhancement, habitat creation, access and

tourism. Edinburgh's waterfront regeneration is ongoing, with Granton benefiting from an ambitious masterplan, the tram extension to Leith progressing and potential development at Seafield helping to redefine the city's relationship with its coastline. This is reusing existing assets and helping Edinburgh to become a more liveable city. A masterplanned approach to regenerating the [Edinburgh Waterfront](#) can take into account opportunities for the Port of Leith to service the offshore energy sector. More broadly, port facilities should continue to be capable of servicing freight traffic within the Firth of Forth given the importance of east coast freight links.

The successful regeneration of [Dundee Waterfront](#) has demonstrated the potential to make sustainable use of our urban coasts, and ongoing proposals include the creation of a marina at Victoria Dock and further development of central waterfront sites. Dundee port has an aspiration to expand its operational area into the Firth of Tay. The HRA of NPF4 has identified that such development would have a high probability of resulting in adverse effects on the integrity of European site(s). This would therefore need to be considered carefully at project level, including through the HRA process to ascertain that there will be no adverse effects on European sites, or if this is not the case, whether there are imperative reasons of over-riding public interest and relevant statutory tests are met.

Reuse of brownfield land

A more liveable Central Belt means that we will need to do more to reuse empty buildings and brownfield land, including vacant and derelict land, particularly spaces which have not been used for decades and can be accessed by sustainable modes. This will reduce further urban sprawl and improve local environments. Around 40% of Scotland's vacant and derelict land is concentrated in the Glasgow city region and its reuse for a range of uses is a key priority. Edinburgh has committed to building a significant share of future housing development on brownfield sites and progress is being made in Dundee to repurpose disused sites, including the creation of a new innovation park on the former Michelin site.

A combination of incentives, investment and policy support for productively reusing brownfield land and buildings at risk will be required to steer development away from greenfield locations, whilst also acknowledging their biodiversity value and potential for urban greening. Public-sector led development can shape future markets and deliver development in places where change is needed the most and can deliver multiple benefits. Redevelopment should include, but not be limited to, housing development. By de-risking sites and taking an infrastructure first approach, this land can help to achieve a better distribution of new homes to meet our future needs. This will also reduce pressure in places where growth is no longer sustainable. Key projects include the Eden project on the sites of the former Dundee gasworks, and the redevelopment of Ravenscraig, a longstanding post-industrial site where new development, including improved transport connectivity, can bring new models of low carbon living at scale.

To deliver [productive places](#), Regional Spatial Strategies and Local Development Plans in this area should target economic investment and build community wealth to overcome disadvantage and support a greener wellbeing economy.

This area has a diverse business base and is a key engine of growth for Scotland as a whole. There are many clusters of sites and businesses which form the basis of regional propositions for investment. In line with our aspirations to build a wellbeing economy, opportunities for investment and development should be designed to maximise economic, social and environmental wellbeing, rather than focusing on growth alone. A planned approach can help to target future development in areas of significant economic disadvantage so that new and better jobs are more fairly distributed to help address national, regional and more localised inequality.

City and town centres

The pandemic has brought obvious challenges for our city centres, but has also unlocked opportunities to take forward new models of working that could better support wellbeing and improve our places in the longer term. The continued growth of remote and local working and the creation of hubs within groups of settlements could significantly reduce the need to travel, whilst also helping to grow local businesses and communities.

This raises significant questions for the future of city centres. Existing offices have the potential to be repurposed to achieve higher density mixed use neighbourhoods with a lower carbon footprint and require careful planning to ensure future communities are properly supported by appropriate services.

Glasgow city centre, an exceptional asset and a primary location and cultural destination, has been significantly impacted by unprecedented changes in working patterns, service provision and the retail sector. Whilst these changes may not be sustained in the long-term, now is the time to accelerate work to diversify the city centre and invest in maintaining and re-using existing buildings so that it can evolve to be a more carbon conscious place. Existing connections mean the centre could sustain many more homes to meet a commitment to doubling the city centre population, revitalising places and creating a 24 hour city that is safe and open to everyone. Significant investment in schools, community services and greenspace will be needed to achieve this and more creative use of the public realm and a low emission zone will help to make this a safer and healthier environment for people of all ages. Innovative solutions, such as retrofitting energy efficiency measures to social housing across the city, could be extended to help improve the built fabric of the city centre's commercial properties.

Edinburgh has similar challenges and opportunities for positive change. High interest in investment and associated demand for new homes means that planning will need to help deliver sustainable development that supports the quality of life of existing and future residents.

As a capital city with a World Heritage Site at its core, it will be crucial that future development takes into account the capacity of the city itself and its surrounding communities and makes the most of its exceptional heritage assets, places and cultural wealth. The City Centre Transformation Plan supports a move away from a car-based city centre to create a more liveable and attractive place to live, work and visit. The Forth Bridge is also an inscribed UNESCO World Heritage Site, and our rich industrial and cultural heritage remains apparent across the area.

Dundee is well on the way towards reinventing itself through regeneration of the waterfront, unlocking strategic sites for new homes and new opportunities for innovation and economic development arising, such as the Michelin Scotland Innovation Park and at the port. Continued regeneration in this area, building on the city's rich culture, sense of place and appetite to innovate will also contribute to the overall aims for this part of Scotland. The V&A will continue to be a focal point for this, evolving to become a National Centre for Design within this UNESCO City of Design.

Town centres throughout this area will also play a critical role in driving a new economic future. The recent town centre review highlights opportunities to expand the range of services and facilities they offer, reuse redundant buildings and provide new homes for a wide range of people. This in turn will ensure their crucial role in defining our sense of place is protected and enhanced, future proofing a key asset for Scotland as a whole.

Strategic sites

Many business and investment sites are located along key transport corridors and new approaches may be required as investment transitions away from locations that can only be reached by car towards more accessible areas that are connected by low carbon and active travel options.

The [Clyde Mission](#) will stimulate investment in sites along the Clyde to build a wellbeing economy and achieve a step-change in the quality of the environment for communities. This

ambitious project will reuse extensive areas of vacant and derelict land in accessible locations and requires a sustainable approach to manage the future impact of climate change. Key sites extend from Greenock Ocean Terminal to Queens Quay, Tradeston, the Broomielaw and Glasgow City Centre, to Clyde Gateway – a longstanding regeneration project which has made exceptional progress in transforming communities and overcoming inequality. A national collaboration to support delivery of the project has significant potential to accelerate change, attract investment and achieve wider benefits for communities. The wider Clyde Coast, an iconic area rich in cultural heritage and natural assets, can be reimagined through collective efforts on regeneration in nearby coastal communities, such as Dunoon and Rothesay. The area's accessibility by train and water means that it is an ideal location for low carbon tourism and leisure.

Aligning with the Clyde Mission, the Ayrshire Councils are working together through their Ayrshire Growth Deal and Community Wealth Building programme to build economic resilience and address unemployment, poverty and inequality across their area, with town centres at the heart of communities. This includes proposals for advanced manufacturing and aerospace engineering which will make use of the existing infrastructure and investment opportunities available at Glasgow and Prestwick airports. Glasgow is already a centre of expertise for manufacturing satellites and will benefit from the associated development of a network of spaceports across the country, whilst supporting wider industry and employment. The Ardeer peninsula is also a significant site for redevelopment of the wider Ayrshire area. [Hunterston](#) is a strategic asset with deepwater access, where there are plans for new economic development and employment uses. Development of the site will need to take account of future vulnerability to climate change. A planned marine centre at Ardrossan will provide further opportunities.

The Edinburgh City Region supports investment in significant clusters including the Bioquarter, Mid Fife, Dunfermline, Guardbridge St. Andrews,

Galashiels, Cockenzie, Midlothian and the M8 corridor. A strategy for West Edinburgh is emerging which guides a wide range of uses to create a sustainable extension to the city, with added benefit from associated improvements to the quality of place of existing communities. Proposals focus on locating development on and around existing transport corridors and work is ongoing to improve accessibility including the Edinburgh tram extension. Further investment should take into account the impact of new development on potentially compounding existing capacity constraints and congestion, and prioritise sustainable choices.

As the highest single source of industrial emissions in Scotland, and a key part of our future resilience and manufacturing base, continued investment at Grangemouth, and the strategic sites it includes, will be required. Plans are emerging for innovative industry in the Falkirk/Grangemouth Investment Zone, building on the area's strengths in chemicals and making the most of strategic assets including the port and rail connection. There is great potential, not only to reduce emissions at the Grangemouth complex, but also to grow the cluster into a hub of low carbon manufacturing that can help unlock wider decarbonisation across the country, with its strategic location, infrastructure, assets and skills base. Opportunities include renewable energy innovation, bioenergy hydrogen production with carbon capture and storage, and repurposing of existing strategic and critical infrastructure such as pipelines. The skills, knowledge and experience that is currently situated there for the petro-chemicals sector is a prime resource for the transition to net zero. This can form a focal point in a wider masterplan for Forth Valley that brings together opportunities for energy with the circular economy to support wider investment in green economic opportunities.

Coastal sites formerly used for baseload power generation – specifically Longannet and Cockenzie – benefit from existing assets and infrastructure that can be repurposed to form the basis of new proposals. At Cockenzie, work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and

provide essential infrastructure for net zero, linked with the potential to expand the new sustainable settlement at Blindwells, within the Greater Blindwells Development Area. There is scope to build on the strategic location and rail connectivity of Longannet to benefit local communities around this part of the Forth. There are further opportunities for a range of economic activities and investment in ports associated with a green economy at Montrose, Dundee, Rosyth, Burntisland, and Methil.

The Levenmouth rail link will reconnect Leven to the mainline rail network with new stations at Leven and Cameron Bridge by 2024 subject to consenting processes. This will enhance the communities it serves and contribute positively to the lives of people who live there by unlocking access to social, cultural, employment and educational opportunity.

The Tay Cities Region has a strong regional proposal for developing clusters of investment in research and innovation supporting a range of sectors in both urban and rural areas including life sciences, energy, digital, and food production. Perth is managing housing development in strategic development areas and transport infrastructure investment and the creation of a bus and rail interchange to support modal shift and establish a new gateway to the city. Work is underway to deliver local heat and energy networks, Perth West Regional Innovation Park and to make Perth the 'Biodiversity Capital of Scotland'. Angus Council is progressing its Mercury Programme to support clean growth, low carbon transport and housing and agri tech which will contribute to future food security and reduce emissions. Key sites include Montrose Port, and the Angus Rural Mobility Hub in Brechin.

Stirling is bringing forward new opportunities for innovation and investment, building on the city's strong heritage and supported by the area's educational institutions. Within Forth Valley, a National Tartan Centre, the Canal corridor, the Frontiers of the Roman Empire: Antonine Wall World Heritage Site, Ochil Hills and Whisky Trail create a unique heritage offering which will support local employment and strengthen the

area's sense of place. Tourism is a key theme in the emerging regional economic strategy for the Forth Valley and both the Falkirk Growth Deal and Stirling and Clackmannanshire City Region Deal.

Ports

Key ports in this area can play a central role in supporting the expansion of renewable energy, in particular offshore wind energy. It will also be important to make use of the infrastructure to reduce road haulage and secure a more sustainable freight sector which directly links to international markets. There are opportunities for enhanced cruise facilities for the Forth, as well as the Clyde where Greenock Ocean Terminal, supported by the Glasgow City Region Deal, can build on its role as a key gateway. There may be opportunities to make use of harbour facilities to support the marine leisure industry.

Development of ports on the Firth of Forth will also need to take account of the potential for a substantial increase in freight and passenger traffic between Scotland and continental Europe, linked to the Scottish Government's objective that Scotland should accede to the EU as an independent Member State at the earliest possible opportunity.

South

This area broadly includes Dumfries and Galloway and the Scottish Borders, South and East Ayrshires, South Lanarkshire in the west, with links to the Lothians towards the east.

Priorities

To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient physical and digital connections.

This area's forests and woodland are a nationally significant asset and its extensive peatland will need to support carbon storage and sequestration. The Borderlands Natural Capital Programme will develop trials and sector strategies to restore biodiversity, build resilience and make the most of the area's natural assets to support climate change mitigation and adaptation. This will build on the successes of a range of nature restoration projects in the area, such as the Carrifran Wildwoods project.

The UNESCO Galloway and Southern Ayrshire Biosphere is a crucial environmental asset which can contribute to the area's future sustainability, liveability and productivity. The South of Scotland Regional Land Use Pilot is providing significant opportunity to work with landowners, landed interests and others to look at the multi-benefits from land use and to maximise natural capital opportunities.

The South of Scotland is an important centre for renewable energy generation. Proposals for consolidating and extending existing wind farms and associated grid improvements and supply chain opportunities will require a carefully planned approach. The Solway Firth has significant potential for renewable energy generation in the future, but development will require careful planning given the sensitivity of the environment and its international importance for nature conservation.

The area's low carbon future will depend on supporting modal shift and reducing car use, given current dependence on the car and need to improve access to services, education and employment. Low emissions vehicles will only go some of the way towards addressing future challenges. Enhancing public transport and improving connectivity between communities in the east and west will help to support thriving and distinct communities.

Public transport, including the bus network, will play an important role in decarbonisation and developing innovative solutions and linkages to the rail system. Active travel should be supported with wheeling, walking and cycling within and between towns and other communities linked to strategic routes for residents and visitors. This is important not only for local sustainability but also as a strategic attraction to take advantage of major outdoor recreation opportunities.

There is also a need to secure better digital links to unlock the potential of rural living and home or hub working. The Borderlands Digital Infrastructure Programme will play a key role in supporting connectivity and responding to future technology and innovation.

To deliver liveable places, Regional Spatial Strategies and Local Development Plans in this area should increase the population by improving local liveability, creating a low carbon network of towns and supporting sustainable rural development.

Quality of life for people living in the area will depend on the network of settlements in the future and existing communities should form the basis of a tailored response to the local living concept. Town centres can be strengthened as they recover from the pandemic. New measures to build resilience to climate change will be required including flood risk management in key settlements.

Housing provision will play a key role in supporting the area's aspirations for economic development as well as in maintaining

and growing a working age population. Decarbonisation of existing homes will be required, as well as a strategic approach to rolling out electric vehicle charging. Communities themselves will have a critical role to play in shaping their future development.

The area is already investing in regenerating and future proofing its towns and wider communities. The [Stranraer Gateway](#) Project is an opportunity to consolidate and bring new impetus to regenerate this strategically located settlement. Plans include expansion of the marina, supported by the Borderlands Inclusive Growth Deal, and low carbon heating can be incorporated as part of the transformation of the wider town. Nearby Cairnryan is a crucial gateway to Scotland, with a need to make best use of existing connections.

Regeneration innovation extends across the area. The HALO Kilmarnock project focuses on the reuse of vacant industrial land to create a low carbon community urban village, acting as an exemplar for innovative transformation of future places. The Ayrshire Manufacturing Investment Corridor project supports the economic generation of Kilmarnock and the wider region, whilst the CoRE (Community Renewable Energy) project in Cumnock seeks to explore, develop and provide solutions to energy supply and storage challenges in urban and non-urban areas, and to help in the development of a new, more flexible energy grid to complement existing power systems.

To deliver productive places, Regional Spatial Strategies and Local Development Plans in this area should support local economic development whilst making sustainable use of the area's world-class environmental assets to innovate and lead greener growth.

The future sustainability of the area will depend on the creation of high quality and green jobs for local people. The local economy will need to diversify from its focus on land based industries (agriculture and forestry), to sustain a wider range of businesses and jobs. An emphasis on

community wealth building will help to reduce dependence on public sector employment and a relatively low wage economy associated with rural and primary sectors.

The current approach to investment focuses on strategic growth corridors linking economic hubs with transport routes. Whilst the strategic road network is an asset and contributes to the area's connections north and south, a long-term strategy will require innovation and fresh thinking to ensure that future growth reflects our commitment to reducing greenhouse gas emissions and reducing inequality.

The future growth of the east of the area aims to consolidate existing settlements, capitalise on the strong sense of place of its towns and ensure accessibility by locating new development close to the Borders Rail Line. The Borderlands Place Programme, Borderlands Natural Capital Project, future Regional Land Use Partnerships and other strategic initiatives can support an integrated approach to protecting and restoring the area's natural assets, enhancing the built environment and achieving a greener, fairer and more inclusive wellbeing economy across the area.

Employment opportunities can support population growth, help to retain more young people and transition the area away from its current dependence on low wage sectors. New ways of working, including remote working could attract more people to live here, supporting the economy and sustaining local services and facilities. This will also benefit from continued support for local skills development and centres of further and higher education including the Galashiels campus of Heriot Watt University and Glasgow University at the Crichton Campus, Dumfries.

Significant investment sites include the former nuclear power station at Chapelcross which benefits from existing grid connections and is an opportunity to repurpose the land by establishing a green energy park that contributes to national ambitions and innovation. Low carbon accessibility will be a key challenge, as the site is remote from Annan and not served by public

transport. Providing access to wider markets, the port at Cairnryan could create further strategic growth opportunities. The expansion of Tweedbank and an inclusive approach to economic development in the Central Borders and Tweeddale are also strategic opportunities.

The area has aspirations to become a prime outdoor recreation and green tourism destination. Key projects include the South West Coastal Path, and projects supported by the Borderlands Inclusive Growth Deal; the Mountain Biking Innovation Centre at Innerleithen, updating the cycling experience and facilities at some of the 7stanes sites, and Destination Tweed which will deliver a multi-user path and cycle route from Moffat to Berwick upon Tweed. More could be made of the area's border location and attractions to ensure visitors make better use of local services and support the economy and communities.

The west of the area has a close relationship, and strategic connection to, Northern Ireland and Ireland via Cairnryan, as well as across the English border to Carlisle and onwards to European markets. The connection to Northern Ireland and Ireland is already a focus for freight movements as a result of EU Exit.

In the east, the Scottish Borders has a role to play as part of the Edinburgh City Region, with the Borders Railway opening up new sites for sustainable development towards the north, and the south sustaining rural industries. Work is ongoing to assess the feasibility of extending the Borders Railway from Tweedbank to Carlisle.

Annex D – Six Qualities of Successful Places

1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health

Designing for:

- **lifelong wellbeing** through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance and use of physical safety measures.
- **healthy and active lifestyles**, through the creation of walkable neighbourhoods, food growing opportunities and access to nature and greenspace
- **accessibility and inclusion** for everyone regardless of gender, sexual orientation, age, ability and culture
- **social connectivity** and creating a sense of belonging and identity within the community
- **environmentally positive places** with improved air quality, reactivating derelict and brownfield land, removing known hazards and good use of green and blue infrastructure

2. Pleasant: Supporting attractive natural and built spaces

Designing for:

- **positive social interactions** including quality of public realm, civic spaces, streets and ensuring a lively and inclusive experience
- **protection** from the elements to create attractive and welcoming surroundings, including provision for shade and shelter, mitigating against noise, air, light pollution and undesirable features, as well as ensuring climate resilience, including flood prevention and mitigation against rising sea levels
- **connecting with nature** including natural landscape, existing landforms and features, biodiversity and eco-systems, integrating blue and green infrastructure and visual connection
- **variety and quality** of play and recreation spaces for people of all ages and abilities
- **enjoyment**, enabling people to feel at ease, spend more time outdoors and take inspiration from their surroundings

3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Designing for:

- **active travel** by encouraging more walking, wheeling and cycling together with reliable, accessible, public transport and shared transport hubs that allow for simple modal shifts
- **connectivity** including strategic cycle routes, local cycle routes, footpaths, pavements, active travel networks, desire lines, destinations, permeability, accessibility and catering for different needs and abilities
- **convenient connections** including local and regional interconnection, infrastructure, sustainable travel, interchange between public transport and active travel and supporting easy modal shifts in transport
- **pedestrian experience** including safe crossing, pedestrian priority, reduced vehicular speed and noise, inclusive design and surfaces, assistive technology, reduced street clutter, catering for suitable vehicular parking and management of loading/unloading and deliveries and refuse collections

4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity

Designing for:

- **scale** including density, building heights, massing, orientation, building lines and legibility
- **built form** including mix of typologies, types, uses, sizes and tenures
- **sense of place** including design influences, architectural styles, choice of materials and finishes, detailing, landscape design, active frontages and cultural context

5. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience and integrating nature positive biodiversity solutions

Designing for:

- **transition to net-zero** including energy/carbon efficient solutions, retrofitting, reuse and repurposing and sharing of existing infrastructure and resources
- **climate resilience and nature recovery** including incorporating blue and green infrastructure, integrating nature positive biodiversity solutions
- **active local economy** including opportunities for local jobs and training, work spaces, enabling working from home, supporting community enterprise and third sector
- **community and local living** including access to local services and facilities, education, community growing and healthy food options, play and recreation and digital connectivity

6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time

Designing for:

- **quality and function**, ensuring fitness for purpose, design for high quality and durability
- **longevity and resilience** including recognising the role of user centred design to cater for changing needs over time and to respond to social, economic and environmental priorities
- **long-term maintenance** including effective engagement, clarity of rights and responsibilities, community ownership/stewardship, continuous upkeep and improvements

Place Standard Tool and the delivery of successful places

The Place Standard contains 14 themes that support the Six Qualities of Successful Places, providing a consistent framework to consider and to assess the quality of new and existing places. The Place Standard tool Design Version is specifically created to support the consideration of development planning and design within the framework of the 14 Place Standard themes and to deliver on the Six Qualities of Successful Places.

Annex E – Minimum All-Tenure Housing Land Requirement

This Annex sets out the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland. This is to meet the requirement of Section 3A(3)(d) of the Town and Country Planning (Scotland) Act 1997, as amended. The MATHLR is the minimum amount of land, by reference to the number of housing units, that is to be provided by each planning authority in Scotland for a 10 year period. The MATHLR is expected to be exceeded in each Local Development Plan's Local Housing Land Requirement.


Local and National Park Authority	MATHLR
Aberdeen City	7,000
Aberdeenshire	7,550
Angus	2,550
Argyll & Bute	2,150
Cairngorms National Park	850
City of Edinburgh	36,750
Clackmannanshire	1,500
Dumfries & Galloway	4,550
Dundee City	4,300
East Ayrshire	4,050
East Dunbartonshire	2,500
East Lothian	6,500
East Renfrewshire	2,800
Eilean Siar	192
Falkirk	5,250
Fife (Central and South)	5,550
Fife (North)	1,750
All Fife*	7,300
Glasgow City	21,350
Highland	9,500
Inverclyde	1,500
Loch Lomond & The Trossachs National Park	300
Midlothian	8,850
Moray	3,450
North Ayrshire	2,950
North Lanarkshire	7,350
Orkney	1,600
Perth & Kinross	8,500
Renfrewshire	4,900
Scottish Borders	4,800
Shetland	850
South Ayrshire	2,000
South Lanarkshire	7,850
Stirling	3,500
West Dunbartonshire	2,100
West Lothian	9,850

* The total consists of Fife North and Fife Central and South. This reflects that Fife was formerly part of two Strategic Development Plan areas and contributed to separate Housing Need and Demand Assessments.

Annex F – Glossary of definitions

20 minute neighbourhood	A flexible approach to assessing our places against the concept of local living. A method of achieving connected and often compact neighbourhoods designed in such a way that people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods. The principle can be adjusted to include varying geographical scales from cities and urban environments, to rural and island communities. Housing would be planned together with local infrastructure including schools, community centres, local shops and health and social care to significantly reduce the need to use unsustainable methods of travel, to prioritise quality of life, help tackle inequalities, increase levels of health and wellbeing and respond to the climate emergency.
4G	4G is the fourth generation of mobile phone technology, following 2G and 3G. 2G technology was suitable for making calls and sending text messages, while 3G makes it possible to access the internet more effectively through devices such as a mobile, tablet or laptop. It's ideal for services that demand more capacity, like video streaming, mapping and social networking sites.
5G	<p>5G is much faster than previous generations of wireless technology. 5G also offers greater capacity, allowing thousands of devices in a small area to be connected at the same time.</p> <p>The reduction in latency (the time between instructing a wireless device to perform an action and that action being completed) means 5G is also more responsive. Together these features make 5G highly relevant for industrial applications.</p> <p>The connectivity and capacity offered by 5G is opening up the potential for new, innovative services while mobile spectrum can be used in more effective ways.</p>
Affordable home/affordable housing	Good quality homes that are affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared-equity, housing sold at discount (including plots for self-build), self-build plots and low cost housing without subsidy.
Agent of change principle	Where an application is made for development which is likely to be affected by noise from existing development such as, but not limited to, music venues, manufacturing or industrial sites, large retail outlets, etc., the applicant is required to demonstrate both that they have assessed the potential impact on occupants of the proposed development and that the proposed design incorporates appropriate measures to mitigate this impact.
Ancient woodland	Land that has maintained continuous woodland habitat since at least 1750.
Appropriate assessment	Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994, as amended, requires an authority, before deciding to undertake, or give any consent, permission or other authorisation for certain plans or projects likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), to make an 'appropriate assessment' of the implications for the site in view of that site's conservation objectives.

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).
Blue economy	The Blue Economy is sustainable use of ocean resources for economic growth, improved livelihoods and jobs, while preserving the health of marine and coastal ecosystem.
Blue infrastructure	Water environment features within the natural and built environments that provide a range of ecosystem services. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving, sustainable urban drainage systems and raingardens.
Brownfield	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.
Buildings at risk register	The Buildings at Risk Register (BARR) for Scotland (buildingsatrisk.org.uk) has been in operation since 1990 and highlights properties of architectural or historic merit that are considered to be at risk. Buildings at risk are not necessarily in poor condition, they may simply be standing empty with no clear future use or be threatened with demolition.
Business and industry	Business, general industrial and storage and distribution uses and smaller scale business uses such as home-working, live-work units and micro-businesses.
Carbon capture utilisation and storage	Carbon capture, utilisation and storage (CCUS) encompasses the methods and technologies used to capture the carbon dioxide generated by large-scale energy intensive processes, such as power generation and industrial processes, and transport that captured carbon dioxide for safe and permanent storage deep underground in a geological formation. In some applications, the captured carbon dioxide can be recycled and used to manufacture useful products, thus giving it economic value.
Carbon-rich soils	Organo-mineral and peat soils are known as carbon-rich soils. A peat soil is defined in Scotland as when soil has an organic layer at the surface which is more than 50cm deep. Organo-mineral soil or peaty soil is soil which has an organic layer at the surface less than 50cm thick and overlies mineral layers (e.g. sand, silt and clay particles). There is also a relatively rare group of soils in Scotland known as humose soils. These have organic rich layers with between 15 and 35% organic matter. These are mineral soils but also considered to be carbon rich.
Carbon sequestration	The long-term removal, capture, or sequestration of carbon dioxide from the atmosphere to slow or reverse atmospheric carbon dioxide (CO ₂) pollution and to mitigate or reverse climate change.
Carbon sink	A carbon sink is a natural or artificial reservoir that accumulates and stores CO ₂ for an indefinite period.

Circular economy	<p>A circular economy is one that is designed to reduce the demand for raw material in products; to encourage reuse, repair and manufacture by designing products and materials to last as long as possible in line with the waste hierarchy.</p>  <p>The diagram is a funnel-shaped hierarchy with five levels, each in a blue rounded rectangle. From top to bottom: 1. Prevention (If you can't prevent, then ...); 2. Prepare for reuse (If you can't prepare for reuse, then ...); 3. Recycle (If you can't recycle, then ...); 4. Recover other value (e.g. energy) (If you can't recover value, then ...); 5. Disposal (Landfill if no alternative available). Below the funnel is the text 'Waste Hierarchy'.</p>
Climate change adaptation	Climate change adaptation is about responding to the changes that we have seen in our climate over the last few decades, and preparing for the challenges that we will face as our climate continues to change.
Climate change mitigation	Climate change mitigation refers to efforts to reduce or prevent emissions of greenhouse gasses, which have a direct impact on global average temperatures, and reducing the current concentration of carbon dioxide by enhancing carbon sinks (for example, increasing the area of forest).
Commercial centre	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.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) common identity (for example a shared ethnicity, language, age) or common interest (for example the business community, amenity, sports, social or heritage groups).
Community facilities	Buildings or services used by the community, including community halls, recreation centres and libraries.
Community hub	A community hub is a multi-purpose centre, such as a community centre, medical centre or school, that provides a range of high quality and cost effective services to the local community.
Community wealth building	A people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people.
Conservation area	Conservation areas are areas which have special architectural or historic interest that are considered worthy of protection. Their selection, assessment and designation is carried out by the planning authority. To be designated as a conservation area it must meet the criteria of 'special architectural or historic interest the character or appearance of which is desirable to preserve or enhance', as set out in Section 61 of the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997.

Cultural significance	Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations. Cultural significance can be embodied in a place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.
Cumulative impact	Impact in combination with other development. That includes existing developments as appropriate, 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 impacts (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.
Custom-build housing	Where a person tasks a house builder to tailor a home to their preferences before it is built.
Decarbonisation	Reducing the amount of gaseous carbon compounds released by buildings, activities or operations.
Deliverable housing land pipeline	The expected sequencing of the Local Housing Land Requirement over the short (1-3 years), medium (4-6 years) and long-term (7-10 years), set out in the local development plan delivery programme.
Deliverable land	Land that is free from constraints or there is a commitment to overcome constraints, and development is able to be delivered in the period identified for the site within the Deliverable Housing Land Pipeline.
Derelict land	Previously developed land which is un-remediated and/or which has a constraint caused by its previous use which hampers its redevelopment or naturalisation.
Design flood	Magnitude of the flood adopted for the design of a site, usually defined in relation to the severity of the flood in terms of its return period.
Ecosystem services	The benefits people obtain from ecosystems.
Egress (safe, flood free pedestrian access and egress)	A route for the movement of people (not vehicles) of all abilities (on foot or with mobility assistance) between the development and a place of safety outwith the design flood level.
Enabling development	Enabling development is development that would otherwise be unacceptable in planning terms, but is essential, to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss.

Essential infrastructure	Essential infrastructure includes digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan.
Evidence report	A supporting document to the local development plan. An evidence report summarises the evidence base for those proposals and policies set out in the development plan and demonstrates that appropriate consultation has been undertaken and regard given to the views of the community.
Facilities for managing secondary materials	<p>Facilities where materials can be collected and sorted into the various component parts or consolidated into bulk quantities for re-use either in their original or an alternative function and for recovery.</p> <p>‘Recovery’ means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.</p> <p>‘material recovery’ means any recovery operation, other than energy recovery and the reprocessing into materials that are to be used as fuels or other means to generate energy. It includes, inter alia, preparing for re-use, recycling and backfilling; ‘preparing for re-use’ means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.</p>
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.
Flooding from all sources	<p>Includes:</p> <p>Watercourse /Fluvial Flooding – caused by excessive rainfall or snow melt within a limited period, which overwhelms the capacity of the watercourse or river channel, particularly when the ground is already saturated. It can also arise as a result of the blockage of a channel and/or associated structures such as small bridges and culverts;</p> <p>Pluvial Flooding – occurs when rainwater ponds or flows over the ground (overland flow) before it enters a natural or man-made drainage systems (e.g. a river or sewer/drain). It can also occur when drainage systems are at full capacity. It is often combined with sewer flooding and groundwater flooding;</p> <p>Sewer Flooding – occurs when the sewerage infrastructure has to deal with loads beyond its design capacity. This occurs most often as a result of high intensity rainfall events;</p> <p>Groundwater Flooding – occurs when the water table rises above ground level. In Scotland this is most commonly associated with the movement of water through sands and gravels, often connected to the rise and fall of river levels; and</p> <p>Coastal Flooding – occurs as a result of high tide, storm surge and wave activity raising the level of the sea above adjoining land.</p>


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.
Flood risk area or at risk of flooding	<p>For planning purposes, at risk of flooding or in a flood risk area means land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change.</p> <p>This risk of flooding is indicated on SEPA's future flood maps or may need to be assessed in a flood risk assessment. An appropriate allowance for climate change should be taken from the latest available guidance and evidence available for application in Scotland. The calculated risk of flooding can take account of any existing, formal flood protection schemes in determining the risk to the site.</p> <p>Where the risk of flooding is less than this threshold, areas will not be considered 'at risk of flooding' for planning purposes, but this does not mean there is no risk at all, just that the risk is sufficiently low to be acceptable for the purpose of planning. This includes areas where the risk of flooding is reduced below this threshold due to a formal flood protection scheme.</p>
Forestry and woodland strategy	A strategy prepared by a planning authority either singly or in collaboration with other planning authorities, which sets out policies and proposals for the development of forestry and woodlands in their area, according to [section A159] of the Town and Country Planning (Scotland) Act 1997.
Freeboard	Freeboard is the difference between the design flood level and either the finished floor levels, solum level, or deck level of a specific development. It is a safety margin designed to allow for the uncertainties involved in flood estimation and physical factors that cannot be assessed and vary between sites e.g., post construction settlement and wave action. In many cases an adequate freeboard allowance is 600mm above the design flood level ² (in some situations a more detailed assessment of appropriate freeboard will need to be carried out).
Gardens and designed landscapes	The Inventory of Gardens and Designed Landscapes recognises sites where garden grounds and landscapes have been intentionally laid out for artistic effect which are of national importance. Their selection, assessment and designation is carried out by Historic Environment Scotland. Designed landscapes are managed primarily through the planning process by the appropriate planning authority.
Green infrastructure	Features or spaces within the natural and built environments that provide a range of ecosystem services.
Green networks	Connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.
Green recovery	An economic recovery that helps us work toward net zero emissions in a way that is fair and that maximises the opportunities to deliver a thriving, sustainable economy.

² In line with CIRIA Guidance C624 Development and Flood Risk – Guidance for the Construction Industry 2004.

Green space	Space, other than agricultural land, which serves a recreational or an amenity function for the public, or provides aesthetic value to the public such as areas of— (a) grass, (b) trees, (c) other vegetation, (d) water.
Historic battlefields	The Inventory of Historic Battlefields recognises sites where a nationally important battle took place, soldiers fought and died, and where significant military activities happened. Their selection, assessment and designation is carried out by Historic Environment Scotland. Battlefields are managed primarily through the planning process by the appropriate planning authority.
Historic environment	The 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 environment asset	An asset (or ‘historic asset’ or ‘heritage asset’) is a physical element of the historic environment – a building, monument, site, place, area or landscape identified as having cultural significance.
Historic marine protected areas	Historic Marine Protected Areas are areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine assets of national importance. These can be wrecks of boats or aircraft or more scattered remains, such as groups of artefacts on the seabed from a submerged prehistoric landscape. Their designation is carried out by Marine Scotland based on advice from Historic Environment Scotland.
Huts	A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30 square meters ; 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.

Infrastructure first	<p>Putting infrastructure considerations at the heart of placemaking. For the purpose of applying the Infrastructure First policy, the following meaning of infrastructure will apply:</p> <ul style="list-style-type: none"> • communications – including digital and telecommunications networks and connections; • existing and planned transport infrastructure and services; • water management – supply, drainage systems and sewerage (including flood risk management); • energy supplies/energy generation – including electricity and heat networks, distribution and transmission electricity grid networks, and gas supplies; • health and social care services – including both services provided in the community directly by Health Boards and services provided on their behalf by contractors such as GPs, dentists and pharmacists; • education – including early years, primary, secondary, further and higher education services; • green and blue infrastructure; and • spaces for play and recreation.
Infrastructure investment hierarchy	<p>Scottish Government-wide common hierarchy to aid planning and decision-making, which prioritises enhancing and maintaining our assets over new build. See Infrastructure Investment Plan for Scotland 2021-22 to 2025-26 for further details. To support the Infrastructure Investment Plan and its Infrastructure Investment Hierarchy, also see ‘A guide to Property Asset Strategy in the Scottish Public Sector’</p>
Just transition	<p>Ending our contribution to climate change in a way that is fair and leaves no one behind</p>
Landbank (construction aggregates)	<p>A landbank is calculated by a Planning Authority and is a means of gauging whether there is sufficient consented construction aggregates (sand/gravel and hard rock) within their relevant market area, to avoid possible disruption and/or delays to supply. The calculation is primarily based on annual extraction figures, sales trends and the known reserves within existing consented sites.</p>
Lifeline links	<p>A lifeline ferry service required in order for a community to be viable.</p>
Listed building	<p>A listed building is a built structure of ‘special architectural or historic interest’. The term ‘building’ can be defined as ‘anything made by people’ such as houses, schools, factories, boundary walls, bridges and sculptures. Listing covers the whole of a building or structure including its exterior, interior and any ancillary structures within its curtilage (provided these were constructed before 1 July 1948). Their selection, assessment and designation is carried out by Historic Environment Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listed Buildings are managed primarily through the Listed Building Consent process by the appropriate planning authority.</p>

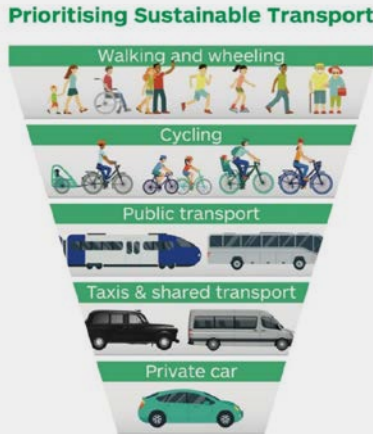
Local authority supported affordable housing plan	Plans or strategies for housing approved by a local authority e.g. Local Housing Strategy, Strategic Housing Investment Plan or future versions of such documents.
Local housing land requirement	The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework.
Local housing strategy	Local Housing Strategies were introduced as part of the Housing (Scotland) Act 2001 to widen the strategic and enabling role for local authorities in relation to housing in their area. The Local Housing Strategy (LHS) sets out the outcomes the Council and its partners want to achieve, and the actions they will take, to address housing need and demand in their area
Local outcomes improvement plan	A local outcomes improvement plan (LOIP) is produced by a community planning partnership (CPP), and describes its local priorities, what improvements the CPP plans for its local communities, and when it will make these improvements. The LOIP covers the whole of the council area that the CPP is responsible for.
Locality plan	A locality plan is produced by a CPP, and describes its local priorities, what improvements the CPP plans for its local communities, and when it will make these improvements. A locality plan covers a smaller area within a whole CPP area, or may also be produced for groups who share common interests or features, for example, young people leaving care or vulnerable adults.
Locations of concern	A location of concern has been defined as a specific, usually public, site that is used as a location for suicide and which provides either means or opportunity for suicide.
Masterplan	A strategic scheme within which a location is proposed to be regenerated or changed in order to meet a perceived challenge or strategic need.
Masterplan consent area	A masterplan consent area scheme can grant authorisation for the type of development set out in the scheme, within the geographic location (area) to which the scheme relates. In setting out the type of development that the scheme authorises, this can be either expressly specified or described as type of development that is specified in the scheme.
Minimum all-tenure housing land requirement	There is a statutory requirement for the National Planning Framework to contain targets for the use of land in different areas of Scotland for housing. To meet this, the National Planning Framework includes a Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland. The MATHLR is the minimum amount of land, by reference to the number of housing units, that is to be provided by each planning authority in Scotland for a 10 year period, as set out in Annex E. The MATHLR is expected to be exceeded in the local development plans Local Housing Land Requirement.

Mitigation hierarchy	<p>The mitigation hierarchy indicates the order in which the impacts of development should be considered and addressed. These are:</p> <ol style="list-style-type: none"> Avoid – by removing the impact at the outset Minimise – by reducing the impact Restore – by repairing damaged habitats Offset – by compensating for the residual impact that remains, with preference to on-site over off-site measures.  <p>The diagram shows a pyramid divided into four horizontal sections. From bottom to top, the sections are labeled: Avoid, Minimise, Restore, and Offset. To the left of the pyramid is a vertical arrow pointing upwards, labeled 'Decreasing Preference'. Below the pyramid is the text 'Mitigation Hierarchy'.</p>
National transport strategy 2	<p>The National Transport Strategy sets out an ambitious vision for Scotland's transport system for the next 20 years. The vision is underpinned by four priorities: Reduces Inequalities, Takes Climate Action, Helps Deliver Inclusive Economic Growth and Improves our Health and Wellbeing, each with three associated outcomes.</p> <p>The Strategy sets out the strategic framework within which future decisions on investment will be made, including the sustainable travel and investment hierarchies.</p>
Nature-based solutions	<p>Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits.</p>
Nature network	<p>A Nature Network is a joined-up system of places important for wild plants and animals, on land and in water. It allows plants, animals, seeds, nutrients and water to move from place to place and enables the natural world to adapt to change, providing plants and animals with places to live, feed and breed. Effectively functioning nature networks will connect existing nature rich areas through habitat corridors, habitat 'stepping stones', or habitat restoration areas.</p> <p>Scotland's Nature Networks will enable opportunities for achieving ecological connectivity that meet local priorities for biodiversity and nature; whilst building and strengthening an evolving regional and national connectivity. Opportunities for implementation may be identified through, e.g. LDPs and/or Local Biodiversity Action Plans and/or other existing or new mechanisms such as those developed under the Scottish Biodiversity Strategy Delivery Plan, to achieve connectivity within and across urban, peri-urban and rural landscapes.</p>
Negative emissions technologies	<p>Negative Emissions Technologies (NETs) are an emerging field of technologies that remove greenhouse gases from the atmosphere and utilising carbon capture and storage sequester them permanently.</p> <p>NETs can include forms of Direct Air Capture with Carbon Storage (DACCS), Bioenergy with Carbon Capture and Storage (BECCS) or other more experimental means such as enhanced weathering or biochar.</p> <p>NETs can be considered one form of Greenhouse Gas Removals (GGRs), which also includes natural sequestration methods such as afforestation. It can also be used interchangeably with Carbon Dioxide Removal technologies (CDR).</p>

Net zero	Scotland has set a target to become ‘ Net Zero ‘ by 2045. This means the amount of greenhouse gas emissions we put into the atmosphere and the amount we are able to take out will add up to zero.
Open space	Space within and on the edge of settlements comprising green space or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function
Open space strategy	An open space strategy is to set out a strategic framework of the planning authority’s policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks. It must contain; an audit of existing open space provision, an assessment of current and future requirements, and any other matter which the planning authority consider appropriate.
Outdoor sports facilities	Uses where sportscotland 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: (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green.
Peatland	Defined by the presence of peat soil or peaty soil types. This means that “peat-forming” vegetation is growing and actively forming peat or it has been grown and formed peat at some point in the past.
Placemaking	Placemaking is the process of creating good quality places that promotes people’s health, happiness and wellbeing. It concerns 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. Placemaking is a collaborative approach involving the design and development of places over time, with people and communities central to the process.
Place principle	All those responsible for providing services and looking after assets in a place need to work and plan together, and with local communities, to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.
Play sufficiency assessment	A play sufficiency assessment is the assessment of the sufficiency of play opportunities for children in their area, carried out by a planning authority under the duty as set out in Section 7(5) Part 16D(1) of Planning (Scotland) Act 2019. The assessment forms part of the evidence report for the preparation of the Local Development Plan.
Prime agricultural land & land of lesser quality that is culturally or locally important for primary use	<p>Prime agricultural land is that 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).</p> <p>However, for land of lesser quality that is culturally or locally important for primary use (i.e. for example food production, flood management, water catchment management and carbon storage), this value should be recognised in decision-making.</p>

Priority peatland habitat	Peatland habitats can be divided into four broad classes (blanket bog, upland raised bog, lowland raised bog, and fen), depending on the types of plants that formed the peat. Priority peatland habitats are sub-sets of these broad habitats which have been recognised under the Scottish Biodiversity Framework as being important to protect for their conservation and biodiversity value.
Protected characteristics	The Equality Act defines the following as protected characteristics: <ul style="list-style-type: none"> • age • disability • gender reassignment • marriage and civil partnership • pregnancy and maternity • race • religion or belief • sex • sexual orientation
Public benefits	Public benefits as defined by the current Scottish Government policy on woodland removal.
Ramsar sites	Wetlands designated under the Ramsar Convention on Wetlands of International Importance.
Remedial notice (forestry)	<p>A Remedial Notice is a notice issued by Scottish Ministers if it appears to them that a person has failed or is failing to comply with a condition on felling permission, a felling direction (including any condition imposed on it), a restocking direction (including any condition imposed on it), or a registered notice to comply.</p> <p>A Remedial Notice requires the person to take such steps or stop such activity as may be specified in the notice on order to comply with or otherwise give effect to the condition, direction or (as the case may be) registered notice to comply, and, to take steps or stop the activity within the period specified in the notice.</p>
Restocking direction	A Restocking Direction is a notice issued by Scottish Ministers, in response to an unauthorised felling or a failure to comply with a continuing condition on a felling permission. A restocking direction requires an owner of the land on which the felled tree was located or the land to which the continuing condition relates, to stock the land in question.
Recycling facilities	Facilities for the purpose of recycling. Recycling means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations. It does not include nuclear reprocessing.
Self-build housing	Where a person builds their own house or appoints their own builder.
Self-provided housing	Includes self-build housing, custom-build housing and collective build housing.

Setting	<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 or 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.</p> <p>‘Setting’ is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.</p>
Scheduled monument	<p>Scheduled monuments are archaeological sites or monuments of national importance that are legally protected under the Ancient Monuments and Archaeological Areas Act 1979. Their selection, assessment and designation is carried out by Historic Environment Scotland who maintains the schedule. Works to Scheduled Monuments are regulated by Historic Environment Scotland through their Scheduled Monument Consent process.</p>
Short term let	<p>The use of a dwellinghouse (a residential house or flat) for rental by persons other than the owner for short periods and for financial or other remuneration.</p> <p>Typically includes properties advertised as being available for holiday let, although can apply to other situations.</p>
Strategic transport network	<p>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.</p>
Sustainable development	<p>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).</p>
Sustainable investment hierarchy	<p>The National Transport Strategy 2 Sustainable Investment Hierarchy will be used to inform future investment decisions and ensure transport options that focus on reducing inequalities and the need to travel unsustainably are prioritised. We also need to focus on maintaining and safely operating existing assets, taking due consideration of the need to adapt to the impacts of climate change. Investment promoting a range of measures, including innovative solutions, to make better use of existing capacity will then be considered, ensuring that existing transport networks and systems are fully optimised. Only following these steps should investment involving targeted infrastructure improvements be considered.</p>
Sustainable tourism	<p>Sustainable tourism is defined by the United Nation World Tourism Organisation as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities.”</p>

Sustainable travel	<p>Sustainable travel includes travel by the top three modes in the sustainable travel hierarchy. It is recognised that in some locations, particularly in rural areas, where the top three modes have been judged as unfeasible for day to day travel, low emissions vehicles and shared transport options will play an important role.</p>	
Sustainable travel hierarchy	<p>The National Transport Strategy 2 Sustainable Travel Hierarchy should be used in decision making by promoting walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. The efficient and sustainable freight transport for the movement of goods, particularly the shift from road to rail should also be promoted.</p>	
Town centre	<p>Centres which display:</p> <ul style="list-style-type: none"> - 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. 	
Town centre first	<p>The Town Centre First Principle asks that government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of decision making. It seeks to deliver the best local outcomes, align policies and target available resources to prioritise town centre sites, encouraging vibrancy, equality and diversity.</p>	
Town centre vision	<p>Towns and town centres are for the wellbeing of people, the planet and the economy. Towns are for everyone and everyone has a role to play in making their own town and town centre successful.</p>	
Transport appraisal	<p>A Transport Appraisal should inform the spatial strategy by appraising the impact of the potential spatial strategy options on the transport network, in line with Transport Scotland's Development Planning and Management Transport Appraisal Guidance. It should determine the potential impacts of development on the transport network and mitigation to address adverse impacts, how they will be funded and who should deliver these. This should inform the Proposed Plan.</p>	

Transport assessment	A Transport Assessment report should aim to provide supporting evidence to accompany the planning application to demonstrate that the development is sited in a location where current and likely future travel behaviour will produce a desired and predicted transport output. The Transport Assessment should provide information in a suitable form to enable the local authority and, if necessary, Transport Scotland to assess and determine the planning application, seek any changes to the proposal and devise necessary planning conditions or negotiate planning or other legal agreements.
Travel plan	A Travel Plan (TP) is a document that sets out a package of positive and complementary measures for the overall delivery of more sustainable travel patterns for a specific development. Their ability and success in influencing travel patterns is dependent upon the commitment of the developer or occupier of a development and the enforcement of travel plan monitoring by the local authority. Travel plans should be implemented to encourage a shift in transport mode for those travelling to and from a development.
Unused or under-used land	An area of land that is stalled awaiting development, or a pocket of land within neighbourhood that is not developed or cannot be developed for other meaningful use or does not have particular identified long-term use.
Vacant land	Previously developed land, without physical constraint, which the Planning Authority has indicated is currently available for redevelopment.
Veteran tree	A veteran tree can be classified as such due to age (including relative age for its species) or for its biological, aesthetic, or cultural interest. Veteran trees are usually mature and provide additional habitat from natural damage, environmental conditions or management (e.g. coppice, decay hollows, fungal fruiting bodies, cavities).
Water compatible uses	<p>Comprise:</p> <ul style="list-style-type: none"> - flood control infrastructure - environmental monitoring stations - water transmission infrastructure and pumping stations - sewage transmission infrastructure and pumping stations - sand and gravel workings - docks, marinas and wharves - navigation facilities - Ministry of Defence (MOD) defence installations - ship building, repairing, and dismantling - dockside fish processing and refrigeration and compatible activities requiring a waterside location - water-based recreation (excluding sleeping accommodation) - lifeguard and coastguard stations - amenity open space - nature conservation and biodiversity - outdoor sports and recreation and essential facilities such as changing rooms - essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific operational warning and evacuation plan.

Wellbeing economy	Building an economy that is inclusive and that promotes sustainability, prosperity and resilience, where businesses can thrive and innovate, and that supports all of our communities across Scotland to access opportunities that deliver local growth and wellbeing.
Wheeling	Travelling by wheelchair.
Woodland	Land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this, including integral open space, and including felled areas that are awaiting restocking (replanting). The minimum area is 0.1 ha and there is no minimum height.
World heritage sites	World Heritage Sites are internationally important cultural and/or natural heritage sites which have been inscribed for their “Outstanding Universal Value”. Though no additional statutory controls result from world heritage designation, the impact of proposed development upon the outstanding universal value, including its authenticity and integrity of a World Heritage Site and its setting, is a material consideration in determining planning applications. Their assessment and designation is carried out by United Nations Educational, Scientific and Cultural Organisation (UNESCO) based on advice from State Parties and the relevant devolved Government.

Annex G – Acronyms

BARR	Buildings at Risk Register
BECCS	Bioenergy with Carbon Capture and Storage
CCS	Carbon Capture and Storage
CCUS	Carbon Capture Utilisation and Storage
CDR	Carbon Dioxide Removal technologies
CO ₂	Carbon Dioxide
CoRE	Community Renewable Energy
CPP	Community Planning Partnership
CWB	Community Wealth Building
DACCS	Direct Air Capture with Carbon Storage
EIA	Environmental Impact Assessment
EU	European Union
GGRs	Greenhouse Gas Removals
HNZ	Heat Network Zones
HRA	Habitats Regulations Appraisal
HS2	High Speed 2
IGTZ	Industrial Green Transition Zones
IIP	Infrastructure Investment Plan
kv	Kilovolts
LDPs	Local Development Plans
LHEES	Local Heat & Energy Efficiency Strategy
LHLR	Local Housing Land Requirement
LOIP	Local Outcomes Improvement Plan
LPPs	Local Place Plans
MATHLR	Minimum All-Tenure Housing Land Requirement
MOD	Ministry of Defence
NETs	Negative Emissions Technologies
NPF	National Planning Framework
NPF4	National Planning Framework 4
ORIC	Orkney Research and Innovation Campus
ORION	Opportunity for Renewable Integration with Offshore Networks
PNCP	Perthshire Nature Connections Partnership
RSS	Regional Spatial Strategies
SDGs	Sustainable Development Goals
SEPA	Scottish Environment Protection Agency
TP	Travel Plan
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation



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8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a



provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments¹, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

¹ [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)². The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

²NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

Policy 27(d) - Drive through developments

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.

In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

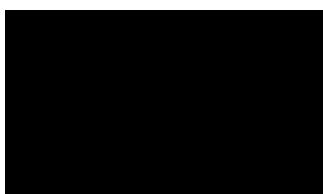
Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth

PART 2 – NATIONAL PLANNING POLICY

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Policy 04	Natural places
Policy 05	Soils
Policy 06	Forestry, woodland and trees
Policy 07	Historic assets and places
Policy 08	Green belts
Policy 09	Brownfield, vacant and derelict land and empty buildings
Policy 10	Coastal development
Policy 11	Energy
Policy 12	Zero waste
Policy 13	Sustainable transport
	Liveable Places
Policy 14	Design, quality and place
Policy 15	Local Living and 20 minute neighbourhoods
Policy 16	Quality homes
Policy 17	Rural homes
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Policy 20	Blue and green infrastructure
Policy 21	Play, recreation and sport
Policy 22	Flood risk and water management
Policy 23	Health and safety
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	Productive Places
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	<h2>Sustainable Places</h2>
Policy 01 - Tackling the climate and nature crises	
	<p>When considering all development proposals significant weight will be given to the global climate and nature crises.</p>

	<h2>Sustainable Places</h2>
Policy 02 - Climate mitigation and adaptation	
a)	<p>Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</p>
b)	<p>Development proposals will be sited and designed to adapt to current and future risks from climate change.</p>
c)	<p>Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.</p>



Sustainable Places

Policy 03 - Biodiversity

a)	Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
b)	Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
	<ul style="list-style-type: none"> i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered.
c)	Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
d)	Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural

	environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.
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Sustainable Places

Policy 04 - Natural places

a)	Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
b)	Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
c)	Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
	<ul style="list-style-type: none"> i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. 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. <p>All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.</p>
d)	Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
	<ul style="list-style-type: none"> i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
e)	The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
f)	Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its

	presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
g)	Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
	<ul style="list-style-type: none"> <i>i.</i> will support meeting renewable energy targets; or <i>ii.</i> is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. <p>All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.</p>



Sustainable Places

Policy 05 - Soils

a)	Development proposals will only be supported if they are designed and constructed:
	<ul style="list-style-type: none"> <i>i.</i> In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and <i>ii.</i> In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
b)	Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
	<ul style="list-style-type: none"> <i>i.</i> Essential infrastructure and there is a specific locational need and no other suitable site; <i>ii.</i> Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; <i>iii.</i> The development of production and processing facilities associated with the land produce where no other local site is suitable; <i>iv.</i> The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and <p>In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.</p>
c)	Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be supported for:
	<ul style="list-style-type: none"> <i>i.</i> Essential infrastructure and there is a specific locational need and no other suitable site; <i>ii.</i> The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; <i>iii.</i> Small-scale development directly linked to a rural business, farm or croft; <i>iv.</i> Supporting a fragile community in a rural or island area; or <i>v.</i> Restoration of peatland habitats.

d)	Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
	<ul style="list-style-type: none"> <i>i.</i> the baseline depth, habitat condition, quality and stability of carbon rich soils; <i>ii.</i> the likely effects of the development on peatland, including on soil disturbance; and <i>iii.</i> the likely net effects of the development on climate emissions and loss of carbon. <p>This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.</p>
e)	Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> the extracted peat is supporting the Scottish whisky industry; <i>ii.</i> there is no reasonable substitute; <i>iii.</i> the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including drainage features; <i>iv.</i> the time period for extraction is the minimum necessary; and <i>v.</i> there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.



Sustainable Places

Policy 06 - Forestry, woodland and trees

a)	Development proposals that enhance, expand and improve woodland and tree cover will be supported.
b)	Development proposals will not be supported where they will result in: <ul style="list-style-type: none"> <i>i.</i> Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; <i>ii.</i> Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; <i>iii.</i> Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; <i>iv.</i> Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
c)	Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
d)	Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.



Sustainable Places

Policy 07 - Historic assets and places

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| a) | <p>Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.</p> <p>Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.</p> |
| b) | <p>Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:</p> <ul style="list-style-type: none"> <i>i.</i> building is no longer of special interest; <i>ii.</i> building is incapable of physical repair and re-use as verified through a detailed structural condition survey report; <i>iii.</i> repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or <i>iv.</i> demolition of the building is essential to delivering significant benefits to economic growth or the wider community. |
| c) | <p>Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.</p> |
| d) | <p>Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:</p> <ul style="list-style-type: none"> <i>i.</i> architectural and historic character of the area; <i>ii.</i> existing density, built form and layout; and <i>iii.</i> context and siting, quality of design and suitable materials |
| e) | <p>Development proposals in conservation areas will ensure that existing</p> |

	natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
f)	Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
	<ul style="list-style-type: none"> <i>i.</i> reasonable efforts have been made to retain, repair and reuse the building; <i>ii.</i> the building is of little townscape value; <i>iii.</i> the structural condition of the building prevents its retention at a reasonable cost; or <i>iv.</i> the form or location of the building makes its reuse extremely difficult.
g)	Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
h)	Development proposals affecting scheduled monuments will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> direct impacts on the scheduled monument are avoided; <i>ii.</i> significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or <i>iii.</i> exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
i)	Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
j)	Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
k)	Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

l)	Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
m)	Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
n)	Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
	<ul style="list-style-type: none"> <i>i.</i> essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and <i>ii.</i> the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. <p>The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.</p>
o)	<p>Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.</p> <p>Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.</p> <p>When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.</p>



Sustainable Places

Policy 08 - Green belts

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| a) | Development proposals within a green belt designated within the LDP will only be supported if: |
| i. | <p>they are for:</p> <ul style="list-style-type: none"> • development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands); • residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available; • horticulture, including market gardening and directly connected retailing, as well as community growing; • outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths); • flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues); • essential infrastructure or new cemetery provision; • minerals operations and renewable energy developments; • intensification of established uses, including extensions to an existing building where that is ancillary to the main use; • the reuse, rehabilitation and conversion of historic environment assets; or • one-for-one replacements of existing permanent homes. <p>And</p> <p>i. the following requirements are met:</p> <ul style="list-style-type: none"> • reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt; • the purpose of the green belt at that location is not undermined; • the proposal is compatible with the surrounding established countryside and landscape character; • the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and • there will be no significant long-term impacts on the environmental quality of the green belt. |



Sustainable Places

Policy 09 - Brownfield, vacant and derelict land and empty buildings

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| a) | Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. |
| b) | Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. |
| c) | Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. |
| d) | Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option. |



Sustainable Places

Policy 10 - Coastal development

a)	Development proposals in developed coastal areas will only be supported where the proposal:
	<ul style="list-style-type: none"> <i>i.</i> does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and <i>ii.</i> is anticipated to be supportable in the long- term, taking into account projected climate change.
b)	Development proposals in undeveloped coastal areas will only be supported where they:
	<ul style="list-style-type: none"> <i>i.</i> are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site; <i>ii.</i> do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and <i>iii.</i> are anticipated to be supportable in the long-term, taking into account projected climate change; or <i>iv.</i> are designed to have a very short lifespan.
c)	Development proposals for coastal defence measures will be supported if:
	<ul style="list-style-type: none"> <i>i.</i> they are consistent with relevant coastal or marine plans; <i>ii.</i> nature-based solutions are utilised and allow for managed future coastal change wherever practical; and <i>iii.</i> any in-perpetuity hard defense measures can be demonstrated to be necessary to protect essential assets.
d)	Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.



Sustainable Places

Policy 11 - Energy

a)	Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
	<ul style="list-style-type: none"> <i>i.</i> wind farms including repowering, extending, expanding and extending the life of existing wind farms; <i>ii.</i> enabling works, such as grid transmission and distribution infrastructure; <i>iii.</i> energy storage, such as battery storage and pumped storage hydro; <i>iv.</i> small scale renewable energy generation technology; <i>v.</i> solar arrays; <i>vi.</i> proposals associated with negative emissions technologies and carbon capture; and <i>vii.</i> proposals including co-location of these technologies
b)	Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
c)	Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
d)	Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
e)	In addition, project design and mitigation will demonstrate how the following impacts are addressed:
	<ul style="list-style-type: none"> <i>i.</i> impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; <i>ii.</i> significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable; <i>iii.</i> public access, including impact on long distance walking and cycling routes and scenic routes; <i>iv.</i> impacts on aviation and defence interests including seismological recording; <i>v.</i> impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are

	<p>not compromised;</p> <ul style="list-style-type: none"> <i>vi.</i> impacts on road traffic and on adjacent trunk roads, including during construction; <i>vii.</i> impacts on historic environment; <i>viii.</i> effects on hydrology, the water environment and flood risk; <i>ix.</i> biodiversity including impacts on birds; <i>x.</i> impacts on trees, woods and forests; <i>xi.</i> proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; <i>xii.</i> the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and <i>xiii.</i> cumulative impacts.
	<p>In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.</p> <p>Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.</p>
f)	<p>Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.</p>



Sustainable Places

Policy 12 - Zero waste

a)	Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
b)	Development proposals will be supported where they: <ul style="list-style-type: none"> <i>i.</i> reuse existing buildings and infrastructure; <i>ii.</i> minimise demolition and salvage materials for reuse; <i>iii.</i> minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life; <i>iv.</i> use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; <i>v.</i> use materials that are suitable for reuse with minimal reprocessing.
c)	Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including: <ul style="list-style-type: none"> <i>i.</i> provision to maximise waste reduction and waste separation at source, and <i>ii.</i> measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
d)	Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where: <ul style="list-style-type: none"> <i>i.</i> there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets; <i>ii.</i> environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable; <i>iii.</i> any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised; <i>iv.</i> an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise; <i>v.</i> a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is

	restored; <i>vi.</i> consideration has been given to co-location with end users of outputs.
e)	Development proposals for new or extended landfill sites will only be supported if:
	<ul style="list-style-type: none"> <i>i.</i> there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and <i>ii.</i> waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided
f)	Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
g)	Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
	<ul style="list-style-type: none"> <i>i.</i> is consistent with climate change mitigation targets and in line with circular economy principles; <i>ii.</i> can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified; <i>iii.</i> is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage); <i>iv.</i> complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and <i>v.</i> has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.




Sustainable Places

Policy 13 - Sustainable transport

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| a) | Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals: |
| | <ul style="list-style-type: none"> <i>i.</i> for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy. <i>ii.</i> which support a mode shift of freight from road to more sustainable modes, including last-mile delivery. <i>iii.</i> that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems). |
| b) | Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: |
| | <ul style="list-style-type: none"> <i>i.</i> Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; <i>ii.</i> Will be accessible by public transport, ideally supporting the use of existing services; <i>iii.</i> Integrate transport modes; <i>iv.</i> Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; <i>v.</i> Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; <i>vi.</i> Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles. <i>vii.</i> Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and <i>viii.</i> Adequately mitigate any impact on local public access routes |
| c) | Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance. |

d)	Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
e)	Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
f)	Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
g)	Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

	<h1>Liveable Places</h1>
Policy 14 - Design, quality and place	
a)	<p>Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.</p>
b)	<p>Development proposals will be supported where they are consistent with the six qualities of successful places:</p>
	<p>Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.</p> <p>Pleasant: Supporting attractive natural and built spaces.</p> <p>Connected: Supporting well connected networks that make moving around easy and reduce car dependency</p> <p>Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.</p> <p>Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.</p> <p>Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.</p> <p>Further details on delivering the six qualities of successful places are set out in Annex D.</p>
c)	<p>Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.</p>



Liveable Places

Policy 15 - Local Living and 20 minute neighbourhoods

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.



Liveable Places

Policy 16 - Quality homes

a)	Development proposals for new homes on land allocated for housing in LDPs will be supported.
b)	Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to: <ul style="list-style-type: none"> <i>i.</i> meeting local housing requirements, including affordable homes; <i>ii.</i> providing or enhancing local infrastructure, facilities and services; and <i>iii.</i> improving the residential amenity of the surrounding area.
c)	Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
	<ul style="list-style-type: none"> <i>i.</i> self-provided homes; <i>ii.</i> accessible, adaptable and wheelchair accessible homes; <i>iii.</i> build to rent; <i>iv.</i> affordable homes; <i>v.</i> a range of size of homes such as those for larger families; <i>vi.</i> homes for older people, including supported accommodation, care homes and sheltered housing; <i>vii.</i> homes for people undertaking further and higher education; and <i>viii.</i> homes for other specialist groups such as service personnel
d)	Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality
e)	Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
	<ul style="list-style-type: none"> <i>i.</i> a higher contribution is justified by evidence of need, or

	<p><i>ii.</i> a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.</p> <p>The contribution is to be provided in accordance with local policy or guidance.</p>
f)	Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
	<p><i>i.</i> the proposal is supported by an agreed timescale for build-out; and</p> <p><i>ii.</i> the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;</p> <p><i>iii.</i> and either:</p> <ul style="list-style-type: none"> • delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or • the proposal is consistent with policy on rural homes; or • the proposal is for smaller scale opportunities within an existing settlement boundary; or • the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
g)	Householder development proposals will be supported where they:
	<p><i>i.</i> do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and</p> <p><i>ii.</i> do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.</p> <p><i>iii.</i></p>
h)	Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.



Liveable Places

Policy 17 - Rural homes

a)	Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
	<ul style="list-style-type: none"> <i>i.</i> is on a site allocated for housing within the LDP; <i>ii.</i> reuses brownfield land where a return to a natural state has not or will not happen without intervention; <i>iii.</i> reuses a redundant or unused building; <i>iv.</i> is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; <i>v.</i> is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work; <i>vi.</i> is for a single home for the retirement succession of a viable farm holding; <i>vii.</i> is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or <i>viii.</i> reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
b)	Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
c)	Development proposals for new homes in remote rural areas will be supported where the proposal:
	<ul style="list-style-type: none"> <i>i.</i> supports and sustains existing fragile communities; <i>ii.</i> supports identified local housing outcomes; and <i>iii.</i> is suitable in terms of location, access, and environmental impact.
d)	Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

	<ul style="list-style-type: none"><i>i.</i> is in an area identified in the LDP as suitable for resettlement;<i>ii.</i> is designed to a high standard;<i>iii.</i> responds to its rural location; and<i>iv.</i> is designed to minimise greenhouse gas emissions as far as possible
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Liveable Places

Policy 18 - Infrastructure first

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| a) | Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported |
| b) | The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply. |
| | <p>Where planning obligations are entered into, they should meet the following tests:</p> <ul style="list-style-type: none"> • be necessary to make the proposed development acceptable in planning terms • serve a planning purpose • relate to the impacts of the proposed development • fairly and reasonably relate in scale and kind to the proposed development • be reasonable in all other respects |
| | <p>Planning conditions should only be imposed where they meet all of the following tests. They should be:</p> <ul style="list-style-type: none"> • necessary • relevant to planning • relevant to the development to be permitted • enforceable • precise • reasonable in all other respects |



Liveable Places

Policy 19 - Heating and cooling

a)	Development proposals within or adjacent to a Heat Network Zone identified in a LDP will only be supported where they are designed and constructed to connect to the existing heat network.
b)	Proposals for retrofitting a connection to a heat network will be supported.
c)	Where a heat network is planned but not yet in place, development proposals will only be supported where they are designed and constructed to allow for cost-effective connection at a later date.
d)	National and major developments that will generate waste or surplus heat and which are located in areas of heat demand, will be supported providing wider considerations, including residential amenity, are not adversely impacted. A Heat and Power Plan should demonstrate how energy recovered from the development will be used to produce electricity and heat.
e)	Development proposals for energy infrastructure will be supported where they:
	<ul style="list-style-type: none"> <i>i.</i> repurpose former fossil fuel infrastructure for the production or handling of low carbon energy; <i>ii.</i> are within or adjacent to a Heat Network Zone; and <i>iii.</i> can be cost-effectively linked to an existing or planned heat network.
f)	Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.



Liveable Places

Policy 20 - Blue and green infrastructure

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| a) | Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this. |
| b) | <p>Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.</p> <p>Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi- functional and well integrated into the overall proposals.</p> |
| c) | Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park. |
| d) | Development proposals for temporary open space or green space on unused or under- used land will be supported. |
| e) | Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these. |



Liveable Places

Policy 21 - Play, recreation and sport

a)	Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:
	<ul style="list-style-type: none"> i. is ancillary to the principal use of the site as an outdoor sports facility; or ii. involves only a minor part of the facility and would not affect its use; or iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or iv. can demonstrate 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.
	This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.
b)	<p>Development proposals that result in the quantitative and/or qualitative loss of children's outdoor play provision, will only be supported where it can be demonstrated that there is no ongoing or future demand or the existing play provision will be replaced by a newly created, or improved existing asset, that is better quality or more appropriate.</p> <p>This should be informed by the planning authority's Play Sufficiency Assessment.</p>
c)	Development proposals for temporary or informal play space on unused or underused land will be supported.
d)	Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well- designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.
e)	Development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move

	around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.
f)	New, replacement or improved play provision will, as far as possible and as appropriate:
	<ul style="list-style-type: none"> <i>i.</i> provide stimulating environments; <i>ii.</i> provide a range of play experiences including opportunities to connect with nature; <i>iii.</i> be inclusive; <i>iv.</i> be suitable for different ages of children and young people; <i>v.</i> be easily and safely accessible by children and young people independently, including those with a disability; <i>vi.</i> incorporate trees and/or other forms of greenery; <i>vii.</i> form an integral part of the surrounding neighbourhood; <i>viii.</i> be well overlooked for passive surveillance; <i>ix.</i> be linked directly to other open spaces and play areas.
g)	Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.



Liveable Places

Policy 22 - Flood risk and water management

a)	Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
	<ul style="list-style-type: none"> i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.
	<p>The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.</p> <p>In such cases, it will be demonstrated by the applicant that:</p>
	<ul style="list-style-type: none"> • all risks of flooding are understood and addressed; • there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; • the development remains safe and operational during floods; • flood resistant and resilient materials and construction methods are used; and • future adaptations can be made to accommodate the effects of climate change.
	Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:
	<ul style="list-style-type: none"> • the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and • that the proposal does not create an island of development and that safe access/ egress can be achieved
b)	Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c)	Development proposals will:
	<ul style="list-style-type: none"> <i>i.</i> not increase the risk of surface water flooding to others, or itself be at risk. <i>ii.</i> manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer. <i>iii.</i> seek to minimise the area of impermeable surface
d)	Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
e)	Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.



Liveable Places

Policy 23 - Health and safety

a)	Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.
b)	Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
c)	Development proposals for health and social care facilities and infrastructure will be supported.
d)	Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
e)	Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
f)	Development proposals will be designed to take into account suicide risk.
g)	Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.
h)	Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.
i)	Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.


j)	Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).
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Liveable Places

Policy 24 - Digital infrastructure

a)	Development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported.
b)	Development proposals that deliver new digital services or provide technological improvements, particularly in areas with no or low connectivity capacity, will be supported.
c)	Development proposals that are aligned with and support the delivery of local or national programmes for the roll-out of digital infrastructure will be supported.
d)	Development proposals that deliver new connectivity will be supported where there are benefits of this connectivity for communities and the local economy.
e)	Development proposals for digital infrastructure will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints; <i>ii.</i> it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and <i>iii.</i> there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities.

	<h1>Productive Places</h1>
Policy 25 - Community wealth building	
a)	<p>Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.</p>
b)	<p>Development proposals linked to community ownership and management of land will be supported.</p>



Productive Places

Policy 26 - Business and industry

a)	Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
b)	Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
c)	Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
d)	Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
	<ul style="list-style-type: none"> i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and ii. The nature and scale of the activity will be compatible with the surrounding area.
e)	Development proposals for business and industry will take into account:
	<ul style="list-style-type: none"> i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment; ii. The need for appropriate site restoration at the end of a period of commercial use.
f)	Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.



Productive Places

Policy 27 - City, town, local and commercial centres

a)	Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
b)	Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
	<ul style="list-style-type: none"> <i>i.</i> will be supported in existing city, town and local centres, and <i>ii.</i> will not be supported outwith those centres unless a town centre first assessment demonstrates that:
	<ul style="list-style-type: none"> • all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; • the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and • the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
c)	Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
	<ul style="list-style-type: none"> <i>i.</i> Hot food takeaways, including permanently sited vans; <i>ii.</i> Betting offices; and <i>iii.</i> High interest money lending premises
d)	Drive-through developments will only be supported where they are specifically supported in the LDP.
	Town Centre Living
e)	Development proposals for residential development within city/town centres will be supported, including:
	<ul style="list-style-type: none"> <i>i.</i> New build residential development. <i>ii.</i> The re-use of a vacant building within city/ town centres where it can

	<p>be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.</p> <p><i>iii.</i> The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.</p>
f)	Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:
	<p><i>i.</i> retain an attractive and appropriate frontage;</p> <p><i>ii.</i> not adversely affect the vitality and viability of a shopping area or the wider centre; and</p> <p><i>iii.</i> not result in an undesirable concentration of uses, or 'dead frontages'.</p>
g)	Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:
	<p><i>i.</i> a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or</p> <p><i>ii.</i> there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.</p>



Productive Places

Policy 28 - Retail

a)	Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:
	<ul style="list-style-type: none"> <i>i.</i> will be supported in existing city, town and local centres, and <i>ii.</i> will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP. <i>iii.</i> will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).
b)	Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:
	<ul style="list-style-type: none"> <i>i.</i> is of an appropriate scale for the location; <i>ii.</i> will have an acceptable impact on the character and amenity of the area; and <i>iii.</i> is located to best channel footfall and activity, to benefit the place as a whole.
c)	Proposals for new small scale neighbourhood retail development will be supported where the proposed development:
	<ul style="list-style-type: none"> <i>i.</i> contributes to local living, including where relevant 20 minute neighbourhoods and/or <i>ii.</i> can be demonstrated to contribute to the health and wellbeing of the local community.
d)	In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:
	<ul style="list-style-type: none"> <i>i.</i> it will serve local needs, support local living and local jobs; <i>ii.</i> the potential impact on nearby town and commercial centres or village/local shops is acceptable; <i>iii.</i> it will provide a service throughout the year; and <i>iv.</i> the likely impacts of traffic generation and access and parking arrangements are acceptable.



Productive Places

Policy 29 - Rural development

a)	Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
	<ul style="list-style-type: none"> <i>i.</i> farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected; <i>ii.</i> diversification of existing businesses; <i>iii.</i> production and processing facilities for local produce and materials, for example sawmills, or local food production; <i>iv.</i> essential community services; <i>v.</i> essential infrastructure; <i>vi.</i> reuse of a redundant or unused building; <i>vii.</i> appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; <i>viii.</i> reuse of brownfield land where a return to a natural state has not or will not happen without intervention; <i>ix.</i> small scale developments that support new ways of working such as remote working, homeworking and community hubs; or <i>x.</i> improvement or restoration of the natural environment.
b)	Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
c)	Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
	<ul style="list-style-type: none"> <i>i.</i> will support local employment; <i>ii.</i> supports and sustains existing communities, for example through provision of digital infrastructure; and <i>iii.</i> is suitable in terms of location, access, siting, design and environmental impact.
d)	Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:

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| | <ul style="list-style-type: none"><i>i.</i> is in an area identified in the LDP as suitable for resettlement;<i>ii.</i> is designed to a high standard;<i>iii.</i> responds to their rural location; and<i>iv.</i> is designed to minimise greenhouse gas emissions as far as possible. |
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Productive Places

Policy 30 - Tourism

a)	Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
b)	Proposals for tourism related development will take into account: <ul style="list-style-type: none"> <i>i.</i> The contribution made to the local economy; <i>ii.</i> Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; <i>iii.</i> Impacts on communities, for example by hindering the provision of homes and services for local people; <i>iv.</i> Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; <i>v.</i> Accessibility for disabled people; <i>vi.</i> Measures taken to minimise carbon emissions; <i>vii.</i> Opportunities to provide access to the natural environment.
c)	Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.
d)	Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.
e)	Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in: <ul style="list-style-type: none"> <i>i.</i> An unacceptable impact on local amenity or the character of a neighbourhood or area; or <i>ii.</i> The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits



Productive Places

Policy 31 - Culture and creativity

a)	Development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported.
b)	Development proposals for creative workspaces or other cultural uses that involve the temporary use of vacant spaces or property will be supported.
c)	Development proposals that would result in the loss of an arts or cultural venue will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> there is no longer a sustainable demand for the venue and after marketing the site at a reasonable rate for at least 12 months, through relevant local and national agents and online platforms, there has been no viable interest from potential operators; or <i>ii.</i> the venue, as evidenced by consultation, no longer meets the needs of users and cannot be adapted; or <i>iii.</i> alternative provision of equal or greater standard is made available at a suitable location within the local area; and <i>iv.</i> the loss of the venue does not result in loss or damage to assets or objects of significant cultural value.
d)	Development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.



Productive Places

Policy 32 - Aquaculture

a)	To safeguard migratory fish species, further salmon and trout open pen fish farm developments on the north and east coasts of mainland Scotland will not be supported
b)	Development proposals for aquaculture will be supported where they comply with the LDP, the National Marine Plan and, where relevant, the appropriate Regional Marine Plan.
c)	Development proposals for fish farms will demonstrate that operational impacts (including from noise, acoustic deterrent devices (where applicable) light, access, navigation, containment, deposition, waste emissions and sea lice, impacts on wild salmonids, aquaculture litter (and odour and impacts on other marine users)) are acceptable and comply with the relevant regulatory framework.
d)	Development proposals for fish farm developments will only be supported where the following impacts have been assessed and mitigated:
	<ul style="list-style-type: none"> <i>i.</i> landscape and visual impact of the proposal including the siting and design of cages, lines and associated facilities taking into account the character of the location; <i>ii.</i> the impact of any land based facilities, ensuring that the siting and design are appropriate for the location; <i>iii.</i> impacts on natural heritage, designated sites and priority marine features; and <i>iv.</i> impacts on historic marine protected areas
e)	Applications for open water farmed finfish or shellfish development are excluded from the requirements of policy 3b) and 3c) and will instead apply all relevant provisions from National and Regional Marine Plans.



Productive Places

Policy 33 - Minerals

a)	Development proposals that seek to explore, develop, and produce fossil fuels (excluding unconventional oil and gas) will not be supported other than in exceptional circumstances. Any such exceptions will be required to demonstrate that the proposal is consistent with national policy on energy and targets for reducing greenhouse gas emissions.
b)	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.
c)	Development proposals that would sterilise mineral deposits of economic value will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or <i>ii.</i> extraction of the mineral is impracticable or unlikely to be environmentally acceptable.
d)	Development proposals for the sustainable extraction of minerals will only be supported where they:
	<ul style="list-style-type: none"> <i>i.</i> will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats and the historic environment, as well as landscape and visual impacts; <i>ii.</i> provide 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, and the characteristics of the various environmental effects likely to arise; <i>iii.</i> can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations; <i>iv.</i> demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water; <i>v.</i> minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical; <i>vi.</i> have appropriate mitigation plans in place for any adverse impacts; <i>vii.</i> include schemes for a high standard of restoration and aftercare

	and commitment that such work is undertaken at the earliest opportunity. As a further safeguard a range of financial guarantee options are available, and the most effective solution should be considered and agreed on a site-by-site basis. 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.
e)	Development proposals for borrow pits will only be supported where:
	<ul style="list-style-type: none"> <i>i.</i> the proposal is tied to a specific project and is time-limited; <i>ii.</i> the proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and <i>iii.</i> appropriate restoration proposals are enforceable.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

INTERVENING SAFELY POLICY – CHILDREN'S RESIDENTIAL SERVICES

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

To seek Council Executive approval for an Intervening Safely Policy for children's residential services.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Note the content of the report
2. Approves the Intervening Safely Policy for use in West Lothian Council's Children's Residential Services

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | <ul style="list-style-type: none"> – Focusing on our customers' needs – Being honest, open and accountable – Developing employees – Working in partnership |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <ul style="list-style-type: none"> – West Lothian Children's Services Plan 2020-2023 – Human Rights Act 1998 – Children (Scotland) Act 1995 – Children (Scotland) Act 2020 – Children (Equal Protection from Assault) (Scotland) Act 2019 – UN Convention on the Rights of the Child 1989 – Holding Safely Guidance 2005 – Mental Health (Care and Treatment) (Scotland) Act 2003 – Getting It Right for Every Child (GIRFEC), – Looked After Children (Scotland) Regulations 2009 – Health and Safety at Work Act 1974 – Children and Young People (Scotland) Act 2014 – Adoption and Children (Scotland) Act 2007 – Children's Hearings (Scotland) Act 2011 – The Promise Scotland |
| III Implications for Scheme of Delegations to Officers | None |
| IV Impact on performance and performance Indicators | None |

V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed People most at risk are protected and supported to achieve improved life chances
VI	Resources - (Financial, Staffing and Property)	Staff training within core budget
VII	Consideration at PDSP	The report and policy were presented to the Social Work and Health PDSP on 2 February 2023. No changes to the Policy were proposed by the panel members.
VIII	Other consultations	Physical Intervention in Schools Guidance Consultation

D. TERMS OF REPORT

- D.1** West Lothian Council is committed to improving the life experiences of Care Experienced children and young people by providing services that are holistic and focus on improved outcomes for all children and young people.

This Policy applies to West Lothian Council Residential Childcare Services and is not intended to be utilised in any other service areas. There are two residential houses in West Lothian, with a staff group of 1 manager, 2 assistant managers, 22 Residential Care Officers, 1 cook and 1 domestic who work across both houses. There is also a locum staff pool. The average number of children and young people that are cared for in the residential houses across both settings at any given time is 8 young people. The average age range of the children and young people cared for is between 12 to 17 years old. The policy will operate within the context of all relevant legislation and policies relating to children and young people.

The policy provides a framework for the workforce within West Lothian Council's Residential services to manage any situation where it is necessary to intervene to keep young people or those caring for them safe.

All the managers, residential care officers and locum staff within the residential houses will be provided with the accredited Crisis Prevention Institute (CPI) Safety Intervention Foundation Training. The training is based on the providers core values of 'Care, Welfare, Safety and Security' and encourages organisations to reduce and ultimately eliminate restrictive practice. This training incorporates trauma-informed and person-centred approaches with a focus on prevention, it also teaches staff de-escalation skills as well as non-restrictive and restrictive interventions.

West Lothian Council have a common law duty of care to the children and young people living within the residential houses and also have a duty of care to employees to keep them safe. Specific to Looked After Children, West Lothian Council employees also have a duty to safeguard and promote their welfare. This is set out at Section 17 of the Children (Scotland) Act 1995. This means that employees of West Lothian Council, responsible for the care or supervision of looked after children must, at all times, take reasonable care to safeguard their welfare and to keep them safe. The Council also has a statutory duty of care towards employees set out in Section 2 of the Health and Safety at Work etc Act 1974. There is a duty to ensure that the health, safety and welfare of employees is protected as far as is reasonably practicable.

West Lothian Council is committed to incorporating recommendations from The Promise

into working practices. This includes the recommendation that “Scotland must strive to become a nation that does not restrain its children”.

D.2 Engagement, Consultation and Benchmarking

The following groups/people were consulted in relation to the development of this policy with feedback being incorporated into the final draft of the policy:

- Children and young people currently residing within our residential houses;
- Staff working in our residential houses (including Group Manager, Team Managers, assistant managers and residential care officers)
- West Lothian Council's (WLC) Legal Service;
- The Care Inspectorate;
- CELCIS (the Centre for Excellence for Children's Care and Protection)
- Scottish Physical Restraint Action Group (SPRAG);
- Representatives from WLC's Education service;
- WLC's Human Resources department;
- Children's Rights - the facilitator for the 'Having Your Say' group;
- Trade Unions;
- A representative from WLC's Learning and Development 'Customer & Community' team;
- WLC's Insurance Department;
- WLC's Health & Safety Department.

The Intervening Safely Policy was drafted within the context of all relevant legislation and government policy. In addition to this, consideration was also given to policies and resources available from other Local Authority areas through a benchmarking exercise. All of the information gathered was analysed and appropriate cognisance was given to it when drafting this policy.

The Scottish Government published draft guidance for 'Physical Intervention in Schools' in June 2022 and a national consultation was carried out (the final version of the guidance is yet to be published following any amendments that may be made as a result of the consultation process). In drafting the Intervening Safely Policy, the draft guidance and key consultation responses were examined including West Lothian's response and the response submitted by the Centre for Excellence for Children's Care and Protection (CELCIS). Whilst the Scottish Government's draft guidance is designed for school settings and will not apply to children and young people's residential settings, it was appropriate to take into account when drafting the Intervening Safely Policy.

Following the development of an initial draft of the Intervening Safely Policy, consultation was carried out both internally and externally. A range of stakeholders and organisations were asked to contribute and provide feedback (as listed above). The views of the children and young people currently living in the residential houses and the workforce providing care to them were gathered. The children and young people advised they agreed the policy was necessary to keep themselves and staff safe. They highlighted their preference for de-escalation to be used but identified some high-risk situations where physical intervention may be necessary. The staff team were also in agreement with the need for the policy, highlighting that it would ensure consistency, that everyone understood their roles, responsibilities and were supported to keep all of the children and young people safe. They were positive about receiving accredited training and welcomed clear guidance contained within the policy to ensure the safety of all where physical intervention may be the only option.

As highlighted above there were a number of people consulted, including representatives from the Care Inspectorate and the Scottish Physical Restraint Action Group (SPRAG). The Care Inspectorate is the regulatory body who regulate and inspect care services in

Scotland. SPRAG is a large network with representation from interested parties throughout Scotland including Local Authorities formed with a purpose of co-productively reducing, and where possible eliminating, physical restraint in residential child care. Feedback received on the Intervening Safely policy included “The policy is comprehensive and covers all significant and important aspects in relation to such a complex subject.” Suggestions for amendments were received which were incorporated into the policy.

Contributions from all stakeholders and organisations were instrumental in shaping the final draft of the policy.

- D.2.1** The draft policy was considered at the Social Work and Health PDSP on 2 February 2023. The PDSP members had a range of questions in relation to how the draft Policy would be applied, the range of staff who would be supported by training and the nature and frequency of events where such interventions could be used. Panel members made no suggested changes to the draft Policy and agreed to refer the Policy to the Council Executive for approval.

The Panel requested an update on broader strategic work in West Lothian to improve outcomes for care experienced young people and it was agreed that officers would bring a report on this to a future meeting of the Social Work and Health PDSP.

D.3 Policy Review

The Policy will be reviewed annually within the context of any amendments required due to potential legal changes, practice-based evidence or any other relevant published guidance. An Integrated Impact Assessment was also carried out as part of the process of developing the Policy in line with the Council's legal duty to consider equality, human rights and health when implementing new policies.

E. CONCLUSION

West Lothian Council have a duty of care for the children and young people that reside within the residential houses. There is also a duty of care to the staff group that are being supported to provide their care. We are committed to improving the life experience of Care Experienced children and young people and believe all interactions should be relationship based and trauma informed. It is a necessity that clear direction is provided to the workforce in respect of any exceptional circumstances where there may be a need to safely intervene. This policy is to ensure that the workforce and the children and young people cared for are aware of West Lothian Council's expectations and their rights. Any physical intervention must only be used when all other options have been exhausted and it must come from an act of care.

This Policy is intended to provide a framework for West Lothian Council's children's residential services to ensure that the health, safety and welfare of children, young people and employees is protected as far as is reasonably practicable.

F. BACKGROUND REFERENCES

Benchmarking undertaken:

Glasgow City Council 'Promoting Positive Relationships' (2011)

Highland Council 'Promoting Positive Relationships Framework and Guidance (2018)

The Clyde Valley Councils training courses delivered to Social Care staff in Clyde Valley called

'Promoting Positive Behaviour'

Scottish Government Physical Intervention in Schools: draft guidance

Appendices/Attachments: 1. Intervening Safely Policy
 2. Intervening Safely Policy – Integrated Impact Assessment

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Jo MacPherson, Head of Social Policy

Date: 28 February 2023



West Lothian Council

INTERVENING SAFELY POLICY

Children's Residential Services

February 2023

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Context

This policy applies to West Lothian Council owned Residential Childcare Services only and is not intended to be utilised in any other services within the Council. The service will also be required to have local operational procedures in place to demonstrate adherence to this policy.

This policy should not be considered in isolation but should work alongside Child Protection Procedures, Individual child risk assessments, service risk assessments and each individual child or young person's care plan as well as the Council's Whistleblowing Policy.

West Lothian Council is committed to ensuring that staff working within our residential houses receive training from an accredited training provider which is trauma-informed and person-centred with a focus on prevention and de-escalation (see page 8 for training details).

The policy will be reviewed annually within the context of any amendments required due to potential legal changes, practice-based evidence or any other relevant published guidance. An Integrated Impact Assessment was carried out as part of the process of developing the policy in line with the Council's legal duty to consider equality, human rights and health when implementing new policies.

The following groups/people were consulted in relation to the development of this policy:

- Children and young people currently residing within our residential houses;
- Staff (including Group Manager, Team Managers, assistant managers and residential care officers)
- West Lothian Council's (WLC) Legal Service;
- The Care Inspectorate;
- Scottish Physical Restraint Action Group (SPRAG);
- Representatives from WLC's Education service;
- WLC's Human Resources department;
- Children's Rights - the facilitator for the 'Having Your Say' group;
- Trade Unions;
- A representative from WLC's Learning and Development 'Customer & Community' team;
- WLC's Insurance Department;
- WLC's Health & Safety Department.

Guiding Principles and Legal Context

West Lothian Council is committed to improving the life experiences of our Care Experienced children by providing services that are holistic and focus on improved outcomes for all children and young people in our care.

Every child and young person has the right to be treated with dignity and respect, to have their needs assessed and to receive the correct support in order to meet those identified needs. At times, all children and young people can become distressed and for those young people who have a history of trauma, they may react by displaying behaviours which could be significantly harmful to themselves or others. This may require adults to intervene safely in order to minimise the impact of the young person's distressed behaviour on themselves and/or other people.

Applicable to all situations is the guiding principle that a positive and proactive approach to behaviour support which is trauma informed, alongside effective care planning and other proactive strategies, can help to de-escalate distressed behaviour and should always be regarded as the first and preferred approach.

West Lothian Council is committed to incorporating recommendations from The Promise into working practices. This includes the recommendation that “**Scotland must strive to become a nation that does not restrain its children**”¹ (see Appendix 2).

There may, however, be exceptional situations where interventions such as physical restraint is the only option available to ensure that the child or young person and/or others are kept safe from significant harm. **Where physical restraints do occur, they should come from an act of care and should only be used when absolutely necessary, once all alternative options have been exhausted.** If physical restraints and/or restrictive interventions or practices are deemed necessary, then these must be carried out in accordance with the law and the **LEAST** restrictive measures possible should be applied for the **MINIMUM** time possible and must always be recorded appropriately in accordance with local processes and regulatory body requirements (see ‘Reporting and Record Keeping’ section on page 9).

Effective care planning and risk assessment processes with multidisciplinary team input and the development of an environment where processes and relationships are robust should support the development of effective proactive support strategies. This should reduce the need for the use of restrictive interventions and/or practices and work towards eradicating their use altogether.

In addition, the principles behind the following pieces of legislation and policy should also be considered when any form of restraint is considered or used (See Appendix 2):

- Human Rights Act 1998
- Children (Scotland) Act 1995
- Children (Scotland) Act 2020
- Children (Equal Protection from Assault) (Scotland) Act 2019
- UN Convention on the Rights of the Child 1989 (UNCRC)
- Holding Safely Guidance 2005 published by Celcis
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Getting It Right for Every Child (GIRFEC)
- The Looked After Children (Scotland) Regulations 2009
- Children and Young People (Scotland) Act 2014
- Adoption and Children (Scotland) Act 2007
- Children’s Hearings (Scotland) Act 2011
- The Promise Scotland

West Lothian Council have a common law duty of care to the children and young people living within our residential houses and also has a duty of care to employees to keep them safe. It is a question of whether it is reasonably foreseeable that a child or young person would seek to harm themselves or others. In order to ascertain this, a risk assessment requires to be drafted in respect of the child or young person. If it is reasonably foreseeable, the child’s care plan and risk assessment should set out necessary interventions to help minimise the risk to

¹ The Promise, independent care review, 2020, pg85.

the child and others as far as possible. The risk assessment and the child or young person's care plan requires to be reviewed regularly as a result in order to assess the reasonable foreseeability (see page 7, 'A Positive and Proactive Approach' for review timescales). Staff require to receive the appropriate training in order that interventions are used in an appropriate manner (see page 8 for training details). It must be recognised that even where restrictive interventions can be justified, it may become unlawful if the methods used are excessive under the circumstances or are applied for longer than deemed necessary.

Specific to Looked After Children, West Lothian Council employees also have a duty to safeguard and promote their welfare. This is set out at Section 17 of the Children (Scotland) Act 1995. This means that employees of West Lothian Council, responsible for the care or supervision of looked after children must, at all times, take reasonable care to safeguard their welfare. This includes keeping them safe. The Council also has a statutory duty of care towards employees set out in Section 2 of the Health and Safety at Work etc Act 1974. There is a duty to ensure that the health, safety and welfare of employees is protected as far as is reasonably practicable.

Definition

We have written this policy to support our workforce within our residential houses and the children and young people who they care for. It was felt it would be helpful to provide clarity around the meanings given to certain terms.

The language used within our residential houses is reflective of the preferred terms as identified through the work of The Promise Scotland. However, due to legislative language that continues to be used, we have included a definition for both 'Care Experienced' and 'Looked After Children':

Care Experienced Children - The term 'care-experienced' refers to anyone who has been or is currently in care or from a looked-after background at any stage in their life, no matter how short, including adopted children who were previously looked-after. This care may have been provided in one of many different settings such as in residential care, foster care, kinship care, or through being looked-after at home with a supervision requirement ([Taken from the Scottish Government's Care Experienced Children and Young People Fund, National Operational Guidance, 2021](#))

Looked After Children - Under the Children (Scotland) Act 1995 'looked after children' are defined as those in the care of their local authority – sometimes referred to as a 'corporate parent'

Significant Harm – “Although there is no absolute criteria for determining whether or not harm is “significant”, local authorities such as social services, police, education and health agencies work with family members to assess the child, and a decision is made based on their professional judgement using the gathered evidence” ([Taken from the Scottish Government's national risk framework to support assessment of children and young people](#)).

In terms of restraint, the following definitions which were identified by the Care Inspectorate and the Scottish Physical Restraint Action Group (SPRAG) have been used:

Physical restraint – ‘an intervention in which staff hold a child to restrict his or her movement and [which] should only be used to prevent harm’.

Seclusion - An act carried out with the purpose of confining and isolating a child or young person, away from other children and young people and staff, in an area from which they are prevented from leaving.

Restrictive physical intervention - 'an action involving using a worker's body, for example blocking the path of a child or any guiding him or her away from a harmful situation.'

Restrictive practice - [other] 'methods of limiting freedom such as verbal control, psychological pressure or social exclusion can have just as restraining an effect on a person's behaviour as direct physical intervention.'

See **Appendix 1** for a link to the full guidance from which these definitions were taken on the Care Inspectorate's '**Records that all registered children and young people's care services must keep and guidance on notification reporting**'

A Positive and Proactive Approach

A positive and proactive, relationship-based approach is essential for staff to identify and anticipate when there will be a need for robust de-escalation and redirection which would reduce or avoid the need for restrictive interventions and/or practices.

Behaviour is a form of communication which will always have a cause and a purpose. Behaviour that is unmanageable for the child or young person and which may cause risk will usually indicate an unmet need. It is therefore important for staff to understand what has caused or triggered the behaviour and the links between trauma and aggression & violence. The child or young person needs support to equip them with alternative ways of expressing themselves that meets the same need but is less harmful.

Every child or young person residing in a residential house must have their own individual child-centred care plan detailing how they would like to be supported to achieve their outcomes. The plan should include any agreed individual behaviour support strategies and risk assessments. Involving the child in every stage of developing this care plan ensures that their views and wishes are respected and enables those supporting them to better understand their needs. All child-centred care plans must be reviewed in accordance with the timescales set out in the Looked After Children (Scotland) Regulations 2009 (i.e. reviews must take place initially within 72 hours of placement; then after 6 weeks & 3 months; and then 6-monthly thereafter OR more frequently if the needs of the child or young person require this).

It should be part of the culture in residential houses that positive behaviour is modelled and rewarded and that behaviour which is negative or destructive is discouraged. Employees have a duty of care to children and young people residing in residential houses and this duty should always be carried out in an appropriate manner with an appropriate value base. It is an expectation that staff will be individually accountable and responsible for their actions towards children and young people.

Managers and leaders should maintain a practice leadership approach at all times, modelling the values and positive approaches that are expected from all staff. It is important that leaders encourage staff to develop their knowledge and skills and work in a relationship-based way with the children and young people in their care.

Restrictive Intervention in an Emergency Situation

In relation to self-defence, common law recognises that someone may use force or restraint if there is a reason to believe another person is about to cause them harm. However, no more than the minimum force necessary may be used. If the person acts in bad faith or uses more force than is reasonably necessary, his or her action may be considered to be a crime and may be treated as assault.

Common law also allows someone to restrain another person if it is necessary to prevent immediate harm to others, to stop someone harming themselves or to stop them committing a crime. The level of restraint must be reasonable and should only continue for as long as is necessary to bring the situation under control. What is a reasonable or unreasonable level will depend on the particular circumstances of each case.

Staff will be provided with the accredited CPI Safety Intervention Foundation Training. The training is based on the providers core values of 'Care, Welfare, Safety and Security' and it encourages organisations to reduce and ultimately eliminate restrictive practice. This training incorporates trauma-informed and person-centred approaches with a focus on prevention, it also teaches staff de-escalation skills as well as non-restrictive and restrictive interventions. In addition to the initial training course, staff will be provided with annual refresher training thereafter and/or when necessary. In addition, staff will be expected to complete all other mandatory training courses relevant to their role.

Risk Assessment

Where physical restraints and/or restrictive interventions or practices may require to be used in a non-emergency situation either as a direct intervention or as a safety measure, a comprehensive risk assessment will need to have been undertaken. Risk assessments should be individual to each child or young person and should be undertaken with a child-centred and trauma-informed approach. There may be a need for more than one risk assessment to be included in a child or young person's care plan in order to account for different environments and different situations that may arise.

Staff should always be familiar with the care plans and risk assessments pertinent to the children or young people under their care and ensure that they follow these at all times. It is, however, important to note that situations may arise which are not covered by the child or young person's care plan. This will occur when a child or young person behaves unexpectedly in a way that places themselves and/or others at risk of significant harm. Should this happen, staff will be required to conduct a dynamic risk assessment and respond appropriately to prevent and/or limit injury. This should be done in line with their training and with the guiding principles of this policy and their duty of care to the child or young person. After the event, all relevant risk assessments should be completed or reviewed as soon as practicably possible and any service-specific risk assessments should be recorded on Sphera and reviewed annually or as soon as practicable following a serious incident.

Reporting and Record Keeping

Whenever an incident occurs where restrictive interventions have been used, staff must follow a process of post incident management. Post incident management will ensure that any potential or existing risk is reduced. Post incident management will begin when a staff member reports the incident to an appropriate manager and records the incident under West Lothian Council's Incident/Accident Reporting Procedure (using the Sphera incident recording system) and should also include the following:

- De-briefing with young person and staff will take place as soon as practically possible following any incident;
- Ensuring that all appropriate people are informed of the incident (including submitting a notification to the Care Inspectorate where this is required);
- Ensuring appropriate recording of the incident on social work recording systems;
- Ensuring that the risk assessment and behaviour support plan are reviewed/drafted and amended as appropriate and also dated with any changes detailed;
- Ensuring that the child/young person is fully involved and informed of all action and has the opportunity to see appropriate written files.

As previously stated, the Care Inspectorate have provided detailed guidance on **'Records that all registered children and young people's care services must keep and guidance on notification reporting'**. A link to this can be found in **Appendix 1**.

Leaders and Managers should create a culture of reflective practice in residential houses, encouraging staff and children/young people to reflect and learn from incidents in a way that focuses on being proactive and working together to avoid similar incidents in the future. It is good practice for managers and leaders to carry out analyses of incidents as this may identify any triggers, trends or patterns that are not obvious at the time of the incident. This type of analysis can assist in shaping proactive strategies and interventions which will help to reduce and ultimately eradicate the use of any restrictive interventions and/or practices.

Child or Young Person Concerns

Where any child or young person believes they have been subject to ill-treatment or that their rights have not been respected, they should be supported to share this with an appropriate manager or advocacy service, who will ensure that the child or young person is listened to and that the correct response is actioned with any appropriate procedures followed. The child or young person should be provided with the details of Advocacy support. In addition, children and young people should be supported to understand and access the Complaints Procedure. For ease of reference, the link to the Complaints Procedure has been included in Appendix 1. Children and young people can also access the website for the [Children & Young People's Commissioner for Scotland](#) where they can find out about their human rights and how to get help if they feel their rights have not been respected.

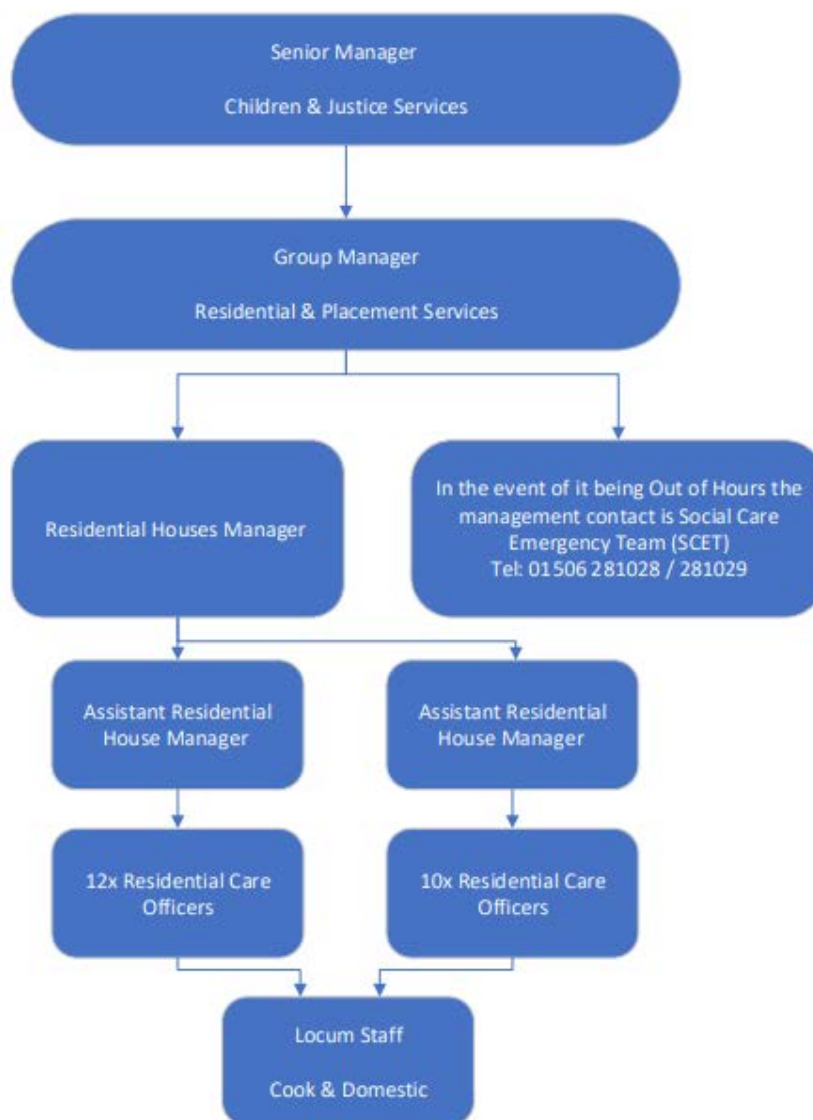
Staff Concerns

Should any member of staff have concerns with regards to a child or young person who has been subject to restrictive intervention or where there are child protection concerns, this should be reported immediately to their line manager or an appropriate available manager who will thereafter ensure that all procedures are followed and appropriate actions taken. If a concern arises out with office hours, staff members should report it immediately to the Social Care Emergency Team (SCET). For ease of reference, the link to our child protection procedures is contained in Appendix 1 along with the contact telephone number for SCET.

Whistleblowing

Where a member of staff feels unable to raise their concerns with their line manager or another appropriate manager, the member of staff is able to contact a Senior Manager or make use of the Council's Whistleblowing Policy. For ease of reference, the link to the whistle blowing policy is contained in Appendix 1 and the current management structure is contained below.

Current Residential Houses Staffing Structure



Equality Impact

In applying this policy, consideration shall be given to undue negative impact based on protected characteristics (Appendix 2) set out in the Equality Act 2010.

Appendix 1 – Key Links

[Interagency Child Protection Procedures \(Edinburgh and Lothians\)](#)

[The Care Inspectorate – ‘Records that all registered children and young people’s care services must keep and guidance on notification reporting](#)

[West Lothian Health & Social Care Partnership Child Protection website with contacts](#)

[Social Care Emergency Team \(SCET\) contact details](#)

[West Lothian Council Complaints Procedure](#)

[West Lothian Council Whistleblowing Procedure](#)

Appendix 2 – Relevant Policy and Legislation with links

The Promise

- **“Scotland must strive to become a nation that does not restrain it’s children”**
- “Where a child or young person’s stress is met by a stressed adult who is unable to respond sensitively and effectively to the child’s needs, the stress of both the care giver and the child increases”
- “Scotland must support its workforce to manage very difficult situations. This means a genuine focus on response to challenging behaviour in a trauma informed way, building relationships in advance so that a child or young person’s history, current circumstances and behavioural triggers are known and can be responded to individually, in advance of, during and after a crisis occurs. To ensure a caring response, there must be a curiosity about the reasons behind challenging behaviour, recognising that all behaviour is communication”
- “Settings of care must establish a leadership culture that upholds children’s rights and applies the values of care, attachment, attainment and co-regulation in day to day life”

Human Rights Act 1998

- Anyone planning an intervention under this law should consider the following rights:
- Article 2: Right to life, where failure to intervene may lead to the danger of death.
- Article 3: No one shall be subjected to torture or to inhumane or degrading treatment or punishment.

- Article 5: Right to liberty and security of person. Any infringement of article 5 rights should allow the person right to appeal.
- Article 8: Right to respect for private and family life. Any interference with article 8 must be necessary and proportionate and in accordance with the law.

The United Nations Convention on the Rights of the Child (UNCRC) 1989

- Article 3: The best interests of the child must be a top priority in all decisions and actions that affect children.
- Article 12: Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously
- Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them
- Article 25: If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.
- Article 37: Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults
- Article 39: Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

Children (Scotland) Act 1995

- Section 17 – Local Authorities have a duty to safeguard and promote the welfare of children ‘looked after’ by them. Looked after’ is defined in Section 17(6).
- Section 22 – Local Authorities have a duty to safeguard and promote the welfare of children ‘in need’ in their area. ‘In need’ is defined in Section 93(4).

Children (Scotland) Act 2020

- Aims to put children and children's views at the heart of the decision-making process; to ensure the fair treatment of children and families by Scotland's civil courts. The 2020 Act gives children in Scotland a level of certainty that their views, and the views of important people in their lives, will be heard and, in-turn valued by the civil courts.

Children (Equal Protection from Assault) (Scotland) Act 2019

- Gives children the same protections against assault as adults.

Getting It Right For Every Child (GIRFEC)

- Aims to help children to grow up feeling loved, safe and respected so that they can realise their full potential.
- A child focused approach - it ensures the child or young person and their family is at the centre of decision-making and the support available to them.
- A personalised child's plan will be available when a child needs a range of extra support planned, delivered and co-ordinated. This will explain what should improve for the child, the actions to be taken and why the plan has been created.
- The GIRFEC approach is based on tackling needs early - it aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing.
- Wellbeing SHANARRI – every child and young person should be Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Looked After Children (Scotland) Regulations 2009

- These regulations bring together the regulation of the care planning services offered to looked after children and their families with the care provision required when children are separated from their birth parents.
- Effective and transparent planning procedures for children who become looked after are central to the provision of a service which is fair to all parties.
- Every looked after child must have a 'Child's Plan' detailing the Local Authority's immediate and longer term plans for the child, details of the services required to meet the care, health and education needs of the child and the respective responsibilities of the local authority; the child; any person with parental responsibility; any foster carer or kinship carer for the child; where the child is placed in a residential establishment, the designated manager of that establishment; and of any other relevant person. Reviews of a 'Child's Plan' must take place initially within 72 hours of placement; then after 6 weeks & 3 months; and then 6-monthly thereafter OR more frequently if the needs of the child or young person require this.

Holding Safely Guidance 2005

- "There are exceptional situations in residential establishments when physically restraining a child is necessary and the most appropriate action to take".
- "children should only be restrained when restraining them cannot be avoided and restraining them is necessary because of your duty to care to the child or others".
- "If you restrain children when there are other workable, less restrictive options available to them, children are hurt, their rights are breached, the focus remains on behavioural

issues rather than the whole child and their needs, and civil or criminal proceedings could also result. However, you should be aware that if you do not restrain a young person in situations when it is needed, it can be dangerous to them and to others. Restraining a child at the right time, in the right way, for the right reasons, can be a better thing to do than failing to restrain them”.

The Care Inspectorate: A Quality Framework for Care Homes for Children 2019

- Staff (should) make early and effective use of strategies for preventing escalation of distressed behaviour. If children and young people do experience restraint or physical intervention to prevent harm, this is always carried out in accordance with best practice.

Mental Health (Care and Treatment) (Scotland) Act 2003

Principles:

Anyone who is providing treatment under the law must take into account:

- The person's past and present wishes about their care and treatment.
- The care and treatment that will be of most benefit.
- The range of options available for care and treatment of the individual.
- The person's individual abilities and background.
- The person's age, gender, sexual orientation, religion, racial origin or membership of any ethnic group.

People providing care should also make sure:

- Any restrictions on a person's freedom are proportionate and the least necessary.
- The person being treated under the act shouldn't be treated less favourably than anyone else being treated for a mental illness.
- Carer's needs are taken into account.
- The person being treated is getting services that are right for them.
- When a person is no longer receiving compulsory treatment, he or she should still continue to get care and treatment if it is needed.
- If the person being treated is under 18, his or her welfare is of the highest priority.

The Equality Act 2010

The Equality Act 2010 protects people against discrimination because of the protected characteristics that we all have. Under the Equality Act 2010, there are nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Children and Young People (Scotland) Act 2014

- Puts the UNCRC into a Scottish statute for the first time. It encourages Scottish Ministers and public bodies to consider children's rights and requires them to prepare reports on what they are doing to progress children's rights. The Act also gives more powers to the Children and Young People's Commissioner Scotland.
- Increased powers given to the Children and Young People's Commissioner for Scotland, notably that they can investigate the extent to which a service provider has regarded the rights and views of particular groups of children.

The Adoption and Children (Scotland) Act 2007

Key Principles:

- To give paramount consideration to the welfare of the child
- To consider the views of the child
- To avoid delay and to make the minimum necessary intervention to a child's life

The Children's Hearings (Scotland) Act 2011

- Re-states the child-centred, participative nature of the hearings system but also sets out fundamental structural changes. These include the creation of a National Convener and a national body, Children's Hearings Scotland (CHS), to support this role. This Act also updated some procedural issues; for example, it introduced pre-hearing panels and extended the definition for relevant persons.

DATA LABEL: PUBLIC



Integrated Relevance Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Intervening Safely Policy – Children’s Residential Services
Service Area	Social Policy, Children & Families
Lead Officer	Pauline Cochrane, Senior Manager Children and Justice Services
Other Officers/Partners Involved	Denise Arbeiter, Business Support Team Leader and Emma Goldie Business Support Officer
Date relevance assessed	01/10/2022

2. Does the council have control over how this policy will be implemented?			
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	<input checked="" type="checkbox"/>
Disability – people with disabilities/long standing conditions	<input checked="" type="checkbox"/>
Gender reassignment – trans/transgender identity – anybody who’s gender identity or gender expression is different to the sex assigned to them at birth	<input checked="" type="checkbox"/>
Marriage or civil partnership – people who are married or in a civil partnership	N/A
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	N/A
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	N/A
Religion or belief – people with different religions and beliefs including those with no beliefs	N/A
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	N/A
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	N/A

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?

Consideration must be given particularly to children and families

Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	N/A
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	N/A
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A
Socio-economic Background – social class i.e. parents' education, employment and income	N/A

5. Integrated impact assessment required?

(Two ticks above = full assessment necessary)

YES	✓	NO	
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6. Decision rationale

If you have ticked no above, use this section to evidence why a full IIA is not required

Signed by Lead Officer	Pauline Cochrane
Designation	Senior Manager, Children and Justice Services
Date	13/01/2023
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	Jo MacPherson
Date	23/01/2023



Full Integrated Impact Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Intervening Safely Policy – Children’s Residential Services
Details of Others Involved	Head of Social Policy, Senior Manager, Children & Families Group Manager, Business Support Officer (Strategy, Policy and Change Team)
Date Assessment Conducted	07/10/2022

2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes including the context within which it will operate)
<p>West Lothian Council is committed to improving the life experiences of our care experienced children and young people by providing services that are holistic and focus on improved outcomes for all children and young people in our care.</p> <p>Every child and young person has the right to be treated with dignity and respect, to have their needs assessed and to receive the correct support in order to meet those identified needs. At times, all children and young people can become distressed and for those young people who have a history of trauma, they may react by displaying behaviours which could be significantly harmful to themselves or others. This may require adults to intervene safely in order to minimise the impact of the young person’s distressed behaviour on themselves and/or other people.</p> <p>This policy only applies to West Lothian Council owned Residential Childcare Services and it aims to ensure that staff are equipped with the appropriate knowledge, skills and training to enable them to intervene safely in situations where a young person’s distressed behaviour poses a risk of significant harm to themselves and/or others. West Lothian Council has a duty of care under section 17 of the Children (Scotland) Act 1995 to safeguard and promote the welfare of looked after children. The Council also has a duty of care towards employees under section 2(1) of the Health and Safety at Work Act 1974 to ensure that the health, safety and welfare of employees is protected as far as is reasonably practicable.</p> <p>This policy will operate within the context of various pieces of legislation and policy relating to children and young people including the;</p> <ul style="list-style-type: none"> • Human Rights Act 1998 • Children (Scotland) Act 1995 • Children (Scotland) Act 2020 • Children (Equal Protection from Assault) (Scotland) Act 2019 • UN Convention on the Rights of the Child 1989 • Holding Safely Guidance 2005 published by Celcis • Mental Health (Care and Treatment) (Scotland) Act 2003 • Getting It Right for Every Child (GIRFEC) • The Looked After Children (Scotland) Regulations 2009 • The Promise Scotland • Children and Young People (Scotland) Act 2014 • Adoption and Children (Scotland) Act 2007 • Children’s Hearings (Scotland) Act 2011

Within the context of the legislation and policies listed above, the Intervening Safely Policy is centred around the guiding principle that a positive and proactive approach to behaviour support, which is trauma informed, alongside effective care planning and other proactive strategies can help to de-escalate distressed behaviour and should always be regarded as the first and preferred approach.

West Lothian Council is also committed to incorporating recommendations from The Promise into working practices. This includes the recommendation that **“Scotland must strive to become a nation that does not restrain its children”**

There may, however, be exceptional situations where interventions such as physical restraint is the only option available to ensure that the young person and/or others are kept safe from significant harm. **Where physical restraints do occur, they should come from an act of care and should only be used when absolutely necessary, once all alternative options have been exhausted.** If physical restraints and/or restrictive interventions or practices are deemed necessary then these must be carried out in accordance with the law and the **LEAST** restrictive measures possible should be applied for the **MINIMUM** time possible

Effective care planning and risk assessment processes with multidisciplinary team input and the development of an environment where processes and relationships are robust should support the development of effective proactive support strategies. This should reduce the need for the use of restrictive interventions and/or practices and work towards eradicating their use altogether.

3. Please outline any needs and/or barriers which equality groups (people with protected characteristics) may have in relation to this policy

Age	<p>What effect/difference will the policy have on people?</p> <p>This policy applies to children and young people residing in residential houses owned by West Lothian Council. At times, all children and young people can become distressed and those young people who have a history of trauma, they may react by displaying behaviours which could be significantly harmful to themselves or others. This type of behaviour may require adults to intervene safely in order to minimise the impact and risk the young person's distressed behaviour may have on themselves and/or others.</p> <p>Having this policy in place in conjunction with additional staff training provided by an approved and accredited provider will ensure all staff's response to distressed behaviour is based on the guiding principle that we need a positive and proactive approach to behaviour support.</p> <p>This policy will ensure that there will be equity of treatment and that individuals will always get support that is right for them.</p>
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	<p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to ensure staff intervene safely in any behaviour that may prove harmful to the child, young person or others.</p> <p>Physical intervention should only ever be used when absolutely necessary, once all alternative options have been exhausted. This website provides information on the impact of restraint - Restraint and use of force - rights4children</p> <p>When engagement was carried out, the children and young people we consulted were in favour of the policy being introduced. They told us that the policy is needed to provide clear guidance in situations where children and young people become distressed.</p>
Disability	<p>What effect/difference will the policy have on people?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition the policy is written to ensure staff intervene safely in any behaviour that may prove harmful to the child, young person or others. This would include any child or young person with a disability. This policy will ensure that there will be equity of treatment and that individuals will always get support that is right for them.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p> <p>In line with the Looked After Children (Scotland) Regulations 2009, every child or young person residing in a residential house must have their own individual child-centred care plan detailing how they would like to be supported to achieve their outcomes, including any agreed individual behaviour support strategies and risk assessments and this care plan should be reviewed in line with the Looked After Children (Scotland) Guidance or more regularly if required to meet the needs of the child or young person.</p> <p>The child / or young person is involved at every stage of the care plan development to ensure their views and wishes are respected. This enables staff supporting the person to better understand their individual needs.</p>
Gender Reassignment – Trans/Transgender Identity	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person.</p> <p>By implementing the SHANARRI principles, each young person who may be transitioning will be supported and respected throughout their transition.</p>

	<p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p> <p>The use of physical intervention should only ever be used when absolutely necessary, once all alternative options have been exhausted.</p> <p>We know from previous research that the LGBT community faces high rates of mental illness (Life in Scotland, 2018), in part due to the impact of discrimination and abuse. This is increased for care experienced LGBT people.</p> <p>LGBTYS CC Top Tips, proof 2.cdr (lgbtyouth.org.uk)</p>
Marriage or Civil Partnership	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person irrespective of this protected characteristic.</p> <p>No disproportionate impacts are identified through the application of this policy.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>
Pregnancy and Maternity	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person irrespective of this protected characteristic.</p> <p>No disproportionate impacts are identified through the application of this policy.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>
Race	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person irrespective of this protected characteristic.</p> <p>No disproportionate impacts are identified through the application of this policy. Cultural and language awareness will continue to be recognised and supported.</p>

	<p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>
Religion or Belief	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person irrespective of this protected characteristic.</p> <p>No disproportionate impacts are identified through the application of this policy. Understanding of religious traditions, philosophies, and practices will continue to be recognised and supported.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>
Sex – Gender Identity	<p>What effect/difference will the policy have on people?</p> <p>This policy has been written to support our staff team working in residential houses owned by West Lothian Council to provide high quality care to our children and young people. It focuses on the individual needs of each child/young person irrespective of this protected characteristic.</p> <p>No disproportionate impacts are identified through the application of this policy.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>
Sexual Orientation	<p>What effect/difference will the policy have on people?</p> <p>No disproportionate impacts are identified through the application of this policy. The importance of forming a strong, positive sense of sexual identity is recognised and supported.</p> <p>How do you know that?</p> <p>This policy specifically applies to children and young people residing in residential houses owned by West Lothian Council and by definition, the policy is written to intervene safely in any behaviour that may prove harmful to the person or others.</p>

4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy.

Vulnerable groups may include the following:

<ul style="list-style-type: none"> • Unemployed • Single parents and vulnerable families • People on benefits • Those involved in the criminal justice system • People in the most deprived communities (bottom 20 SIMD areas) • People who live in rural areas 	<ul style="list-style-type: none"> • Pensioners • Looked After Children • Carers including young carers • People misusing services • Others e.g. veterans, students • Single adult households • People who have experienced the asylum system 	<ul style="list-style-type: none"> • Those leaving the care setting including children and young people and those with illness • Homeless people • People with low literacy/ numeracy • People with lower educational qualifications • People in low paid work • People with one or more protected characteristics
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What effect/difference will the policy have on people?

By definition all care experienced young people residing in residential houses are vulnerable and West Lothian Council has a duty of care to safeguard them and to protect their physical and mental wellbeing.

The policy as a whole, focuses on keeping young people and others safe from harm and as such, it is not expected that they will fall into poverty and disadvantage in relation to this policy.

How do you know that?

West Lothian Council has a 'Duty of Care' to safeguard and promote the welfare of all 'looked after children'. This is a legal requirement as set out in the Children (Scotland) Act 1995 (section 17). For employees of West Lothian Council, this means that any employee who is responsible for the care or supervision of care experienced children and young people must, at all times, take reasonable care to prevent the child or young person from coming to any foreseeable harm.

Furthermore, when children and young people reach an age where they are transitioning into adulthood, there are a number of initiatives and supports available to assist them to reach positive destinations.

For example, children and young people who are care experienced are being supported with transitions to independent living through close partnership with West Lothian Housing teams and commissioned third sector organisations.

This includes stabilising current care arrangements, support with independent living skills, assessing need and support with appropriate move on options at the right time. This has ensured successful matching of our young people to suitable support packages and accommodation provision when making the transition from being care experienced to independent living.

5. Action Plan

What action/s will be taken, by whom and what is the timescale for completion?

Actioner Name:

Action Date:

What is the issue?

What action will be taken?

Progress against action

Action Complete

Date Complete

Actioner Name:	Action Date:
What is the issue?	
What action will be taken?	
Progress against action	
Action Complete	Date Complete

Actioner Name:	Action Date:
What is the issue?	
What action will be taken?	
Progress against action	
Action Complete	Date Complete

6. Details of consultation and involvement

Who will be or has been involved in the consultation process?

- State which service users and groups are involved in this process and describe their involvement.
- Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.
- Describe the results of the involvement and how you have taken this into account.

Young People:

Laura Cain (Group Manager) and Emma Goldie (Business Support Officer) visited a West Lothian Council residential house on Friday 28 October and met with five children and young people who are currently living there to consult with them and gather feedback on the draft policy. The children and young people were provided with a one-page brief to give them an overview of the key points contained in the policy. Feedback from the children and young people was that they agreed the policy was necessary to keep themselves and staff safe. They highlighted their preference for de-escalation to be used but identified some high-risk situations where physical intervention may be necessary (i.e. if "I was about to smash a plate on someone's head")

Staff:

Staff were provided with a copy of the draft policy and discussed it with Laura Cain at their Team Meeting on 27 October 2022. The staff team agreed with the need for the policy to ensure everyone understood their roles, responsibilities and were supported to keep all of the children and young people safe. They were positive about receiving accredited training and welcomed clear guidance contained within the policy to ensure the safety of all where physical intervention may be the only option.

WLC's Legal Service:

Legal were provided with a copy of the draft policy and asked for feedback. A number of changes to wording and formatting throughout the policy were recommended and these were incorporated into the final draft of the policy.

The Care Inspectorate:

The Care Inspectorate were provided with a copy of the draft policy with post incident de-brief example and asked for feedback. They provided positive feedback on some parts of the policy and did not recommend any changes.

Scottish Physical Restraint Action Group (SPRAG):

SPRAG were provided with a copy of the draft policy and asked for feedback. SPRAG provided feedback stating that “the policy is comprehensive and covers all significant and important aspects in relation to such a complex subject”. They suggested adding more consistency to use of wording throughout the policy when referring to children or young people. They also suggested adding more detail to the staff training section and using the Care Inspectorate’s definitions for restraint and restrictive practice. These changes have been incorporated into the final draft of the policy.

Representatives from WLC’s Education service:

Education representatives were provided with a copy of the draft policy and asked for feedback. Feedback was positive with one suggestion to amend the training section to include more detail about the type of training staff will receive. This section has been amended to include more detail about the specific training staff will receive.

WLC’s Human Resources department:

HR were provided with a copy of the draft policy asked for feedback. HR advised that as the policy relates to practical issues within the residential houses, there wasn’t a requirement for HR to comment at this stage.

Children’s Rights - the facilitator for the ‘Having Your Say’ group:

The facilitator for the ‘Having Your Say’ group was provided with a copy of the draft policy and asked for feedback. Feedback was largely positive with a suggestion to add in two additional items to appendix 1. Both these items have now been added.

Unison Trade Union:

Unison were provided with a copy of the draft policy and asked for feedback. Unison advised that they did not have any issues with the policy being introduced and did not request any changes to the draft.

A representative from WLC’s Learning and Development ‘Customer & Community’ team:

A Business Support Officer from the ‘Customer & Community’ team has been involved in policy draft review meetings throughout the process of developing the policy and has provided feedback at each stage which has been incorporated into the final draft of the policy.

WLC’s Insurance Department:

Insurance were provided with a copy of the draft policy and asked for feedback. There was nothing further to feedback and were happy with the contents of the policy.

WLC’s Health & Safety Department:

Health & Safety were provided with a copy of the draft policy and asked for feedback. They provided feedback to ensure service risk assessments were in place and reviewed as per internal procedures.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

- a) What information or other evidence has been used in the development of the policy?
- b) What does research, consultation and other data or information tell you about the impact of the policy? (describe the information and conclusions, and state where the information can be found)
 - i. Quantitative (numbers, percentages, statistical analysis)
 - ii. Qualitative (written/spoken words, opinions, surveys)

- c) Describe any gaps in the available information, and record within section five (Action Plan), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.
- d) Give details of any existing local or national evidence which has been used to inform the development of your policy.

Local Authorities are responsible for providing care and support for care experienced children and young people whether at home, within their kinship network, residing in foster care, residential houses or school and in secure care accommodation. The number of care experienced children and young people in West Lothian has reduced by 6% overall from on average 411 in 2020/21 to 384 in 2021/22. A contributing factor to this is the reduction in children and young people who are looked after at home.

The total number of care experienced children and young people West Lothian at 31/03/2021 and 31/03/2022 by statute and length of time under statute is detailed in the table below:

Looked After Children												
	Under 1		1-4		5-11		12-15		16+		Total	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
At Home with parents	1	1	14	7	40	24	23	21	4	4	82	57
Away from home – Community setting	12	13	48	65	110	105	71	72	29	32	270	287
Away from home – Residential setting	0	0	0	0	3	1	18	22	9	9	30	32
Secure care	0	0	0	0	0	0	0	0	0	0	1	0
Total	13	14	62	72	153	129	112	115	43	45	383	376

In line with the findings and recommendations of the Independent Care Review (2020), West Lothian is committed to delivering services for children, young people and families in line with The Promise.

There has been investment by resource shifting from residential services to earlier intervention and intensive family support services to prevent children becoming care experienced away from their families. On 31 March 2022, West Lothian were supporting 34 young people in continuing care placements with seven of those being in residential care.

The Promise

- **“Scotland must strive to become a nation that does not restrain it’s children”**
- “Where a child or young person’s stress is met by a stressed adult who is unable to respond sensitively and effectively to the child’s needs, the stress of both the care giver and the child increases”
- “Scotland must support its workforce to manage very difficult situations. This means a genuine focus on response to challenging behaviour in a trauma informed way, building relationships in advance so that a child or young person’s history, current circumstances and behavioural triggers are known and can be responded to individually, in advance of, during and after a crisis occurs. To ensure a caring response, there must be a curiosity about the reasons behind challenging behaviour, recognising that all behaviour is communication”
- “Settings of care must establish a leadership culture that upholds children’s rights and applies the values of care, attachment, attainment and co-regulation in day to day life”

Human Rights Act 1998

- Anyone planning an intervention under this law should consider the following rights:
- Article 2: Right to life, where failure to intervene may lead to the danger of death.

- Article 3: No one shall be subjected to torture or to inhumane or degrading treatment or punishment.
- Article 5: Right to liberty and security of person. Any infringement of article 5 rights should allow the person right to appeal.
- Article 8: Right to respect for private and family life. Any interference with article 8 must be necessary and proportionate and in accordance with the law.

[The United Nations Convention on the Rights of the Child \(UNCRC\) 1989](#)

- Article 3: The best interests of the child must be a top priority in all decisions and actions that affect children.
- Article 12: Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously
- Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them
- Article 25: If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.
- Article 36 – Children have the right to be kept safe from anything which may harm their development.
- Article 37: Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults
- Article 39: Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

[Children \(Scotland\) Act 1995](#)

- Section 17 – Local Authorities have a duty to safeguard and promote the welfare of children ‘looked after’ by them. ‘Looked after’ is defined in Section 17(6).
- Section 22 – Local Authorities have a duty to safeguard and promote the welfare of children ‘in need’ in their area. ‘In need’ is defined in Section 93(4).

[Children \(Scotland\) Act 2020](#)

- Aims to put children and children’s views at the heart of the decision-making process; to ensure the fair treatment of children and families by Scotland’s civil courts. The 2020 Act gives children in Scotland a level of certainty that their views, and the views of important people in their lives, will be heard and, in-turn valued by the civil courts.

[Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#)

- Gives children the same protections against assault as adults

[Getting It Right For Every Child \(GIRFEC\)](#)

- Aims to help children to grow up feeling loved, safe and respected so that they can realise their full potential.
- A child focused approach - it ensures the child or young person and their family is at the centre of decision-making and the support available to them.
- A personalised child’s plan will be available when a child needs a range of extra support planned, delivered and co-ordinated. This will explain what should improve for the child, the actions to be taken and why the plan has been created.

- The GIREFEC approach is based on tackling needs early - it aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing.
- Wellbeing SHANARRI – every child and young person should be Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Looked After Children (Scotland) Regulations 2009

- These regulations bring together the regulation of the care planning services offered to looked after children and their families with the care provision required when children are separated from their birth parents.
- Effective and transparent planning procedures for children who become looked after are central to the provision of a service which is fair to all parties.
- Every looked after child must have a 'Child's Plan' detailing the Local Authority's immediate and longer term plans for the child, details of the services required to meet the care, health and education needs of the child and the respective responsibilities of the local authority; the child; any person with parental responsibility; any foster carer or kinship carer for the child; where the child is placed in a residential establishment, the designated manager of that establishment; and of any other relevant person.

Holding Safely Guidance 2005

- "There are exceptional situations in residential establishments when physically restraining a child is necessary and the most appropriate action to take".
- "children should only be restrained when restraining them cannot be avoided and restraining them is necessary because of your duty to care to the child or others".
- "If you restrain children when there are other workable, less restrictive options available to them, children are hurt, their rights are breached, the focus remains on behavioural issues rather than the whole child and their needs, and civil or criminal proceedings could also result. However, you should be aware that if you do not restrain a young person in situations when it is needed, it can be dangerous to them and to others. Restraining a child at the right time, in the right way, for the right reasons, can be a better thing to do than failing to restrain them".

The Care Inspectorate: A Quality Framework for Care Homes for Children 2019

- Staff (should) make early and effective use of strategies for preventing escalation of distressed behaviour. If children and young people do experience restraint or physical intervention to prevent harm, this is always carried out in accordance with best practice.

Mental Health (Care and Treatment) (Scotland) Act 2003

Principles:

Anyone who is providing treatment under the law must take into account:

- The persons past and present wishes about their care and treatment.
- The care and treatment that will be of most benefit.
- The range of options available for care and treatment of the individual.
- The person's individual abilities and background.
- The person's age, gender, sexual orientation, religion, racial origin or membership of any ethnic group.

People providing care should also make sure:

- Any restrictions on a person's freedom are proportionate and the least necessary.
- The person being treated under the act shouldn't be treated less favourably than anyone else being treated for a mental illness.
- Carer's needs are taken into account.
- The person being treated is getting services that are right for them.

- When a person is no longer receiving compulsory treatment, he or she should still continue to get care and treatment if it is needed.
- If the person being treated is under 18, his or her welfare is of the highest priority.

[The Equality Act 2010](#)

The Equality Act 2010 protects people against discrimination because of the protected characteristics that we all have. Under the Equality Act 2010, there are nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

[The Children and Young People \(Scotland\) Act 2014](#)

- Puts the UNCRC into a Scottish statute for the first time. It encourages Scottish Ministers and public bodies to consider children's rights and requires them to prepare reports on what they are doing to progress children's rights. The Act also gives more powers to the Children and Young People's Commissioner Scotland.
- Increased powers given to the Children and Young People's Commissioner for Scotland, notably that they can investigate the extent to which a service provider has regarded the rights and views of particular groups of Children.

[The Adoption and Children \(Scotland\) Act 2007](#)

Key Principles:

- To give paramount consideration to the welfare of the child
- To consider the views of the child
- To avoid delay and to make the minimum necessary intervention to a child's life

[The Children's Hearings \(Scotland\) Act 2011](#)

- restates the child-centred, participative nature of the hearings system but also sets out fundamental structural changes. These include the creation of a National Convener and a national body, Children's Hearings Scotland (CHS), to support this role. This Act also updated some procedural issues; for example, it introduced pre-hearing panels and extended the definition for relevant persons.

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you **MUST**

identify, how the policy can be amended or justified so the Council acts lawfully.

- a) How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.
- b) How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.
- c) Describe any modifications which you can make without further delay (for example, easy, few resource implications).
- d) If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.
- e) Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.

Children and young people residing in residential houses in West Lothian were consulted during the process of drafting this policy. This gave them an opportunity to share their views and have their opinions heard and taken into account.

Staff working within residential services in West Lothian were also consulted during the drafting process and had an opportunity to share their views and have their opinions taken into account when developing the final draft of the policy.

The policy itself has very clear guiding principles which are based on the belief that a positive and proactive approach to behaviour support which is trauma informed, alongside effective care planning and other proactive strategies can help to de-escalate distressed behaviour and should always be regarded as the first and preferred approach. Furthermore, West Lothian Council is committed to incorporating recommendations from The Promise into working practices. This includes the recommendation that **“Scotland must strive to become a nation that does not restrain its children”**

In addition, the principles behind the Human Rights Act 1998, Children (Scotland) Act 1995, Children (Scotland) Act 2020, Children (Equal Protection from Assault) (Scotland) Act 2019, UN Convention on the Rights of the Child 1989, Holding Safely Guidance 2005, Mental Health (Care and Treatment) (Scotland) Act 2003, Getting It Right for Every Child (GIRFEC), the Looked After Children (Scotland) Regulations 2009, the Children and Young People (Scotland) Act 2014, The Adoption and Children's (Scotland) Act 2007, and the Children's Hearing (Scotland) Act 2011 and The Promise must be taken into account when any form of restraint is considered or used

West Lothian Council have a common law duty of care to the children and young people living within our residential houses and also has a duty of care to employees to keep them safe. It is a question of whether it is reasonably foreseeable that a child or young person would seek to harm themselves or others. In order to ascertain this, a risk assessment requires to be drafted in respect of the child or young person. If it is reasonably foreseeable, the child's care plan and risk assessment should set out necessary interventions to help minimise the risk to the child and others as far as possible.

The risk assessment and the child or young person's care plan requires to be reviewed regularly as a result in order to assess the reasonable foreseeability. Staff require to receive the appropriate training in order that interventions are used in an appropriate manner. It must be recognised that even where restrictive interventions can be justified, it may become unlawful if the methods used are excessive under the circumstances or are applied for longer than deemed necessary.

Specific to Looked After Children, West Lothian Council employees also have a duty to safeguard and promote their welfare. This is set out at Section 17 of the Children (Scotland) Act 1995. This means that employees of West Lothian Council, responsible for the care or supervision of looked after children must, at all times, take reasonable care to safeguard their welfare. This includes keeping them safe. The Council also has a statutory duty of care towards employees set out in Section 2 of the Health and Safety at Work etc Act 1974. There is a duty to ensure that the health, safety and welfare of employees is protected as

far as is reasonably practicable.

9. Monitoring and Review

- a) How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
- b) What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
- c) How will results of monitoring be used to develop future policies?
- d) When is the policy due to be reviewed?
- e) Who is responsible for ensuring this happens? Please detail below

All incidents in residential houses should be immediately reported to an appropriate manager. In addition, they should also be reported via the Council's incident reporting process using the Corporate reporting system Sphera. Reports are regularly reviewed by senior managers and the Health and Safety Officer.

Whenever an incident occurs where restrictive interventions have been used, staff must follow a process of post incident management. Post incident management will ensure that any potential or existing risk is reduced. Post incident management will begin with the staff member immediately informing an appropriate line manager and then reporting the incident under West Lothian Council's Incident/Accident Reporting Procedure and should include the following:

- De-briefing with the children and young people and staff will take place as soon as practically possible following any incident.
- Ensuring that all appropriate people are informed of the incident
- Ensuring appropriate recording of the incident on social work systems
- Ensuring that the risk assessment and behaviour support plan are reviewed and amended as appropriate.
- It may also be ongoing and reflective which will inform future practice.
- Children and young people will be fully involved and informed of all action and will have the opportunity to see appropriate written files.

It is expected that Leaders and Managers should create a culture of reflective practice in residential houses, encouraging staff and children/young people to reflect and learn from incidents in a way that focuses on being proactive and working together to avoid similar incidents in the future. It is good practice for managers and leaders to carry out analyses of incidents as this may identify any triggers, trends or patterns that are not obvious at the time of the incident. This type of analysis can assist in shaping proactive strategies and interventions which will help to reduce and ultimately eradicate the use of any restrictive interventions.

The policy will be reviewed annually. West Lothian Council's Social Policy service has a group which was established to oversee the review and implementation of policies and procedures. The Policy Procedure and Recording Group will be responsible for ensuring that this policy is reviewed within the context of any relevant legal changes, practice-based evidence such as incident data analysis and any other relevant information which may require an amendment to the policy.

Following approval from appropriate governance groups, the policy will be introduced within West Lothian owned residential services. It is estimated that governance will be completed in February 2023. Pauline Cochrane (Senior Manager) and Laura Cain (Group Manager) will be responsible for introducing the approved policy and communicating the start date to staff and young people.

10. Recommendation and Reasoning

- ☐ Implement proposal with no amendments
- ☐ Implement proposal taking account of mitigating actions (as outlined above)

<input type="checkbox"/> Reject proposal due to disproportionate impact on equality, poverty and socioeconomic disadvantage	
Reason for Recommendation	
Signed by Lead Officer	Pauline Cochrane
Designation	Senior Manager, Children and Justice Services
Date	13/01/2023
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	Jo MacPherson
Date	23/01/2023

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

STATUTORY OFFICER ROLES IN THE SCHEME OF DELEGATIONS

REPORT BY CHIEF EXECUTIVE

A PURPOSE OF REPORT

To consider an updated set of role descriptions for significant statutory posts and related amendments to the Scheme of Delegations to Officers.

B RECOMMENDATIONS

1. To agree the updated and revised role descriptions in the appendix for the statutory officer posts of Head of Paid Service, Chief Financial Officer, Monitoring Officer, and Chief Social Work Officer, and a new role description for the Data Protection Officer
2. To amend the Scheme of Delegations by inserting those new descriptions in its Appendix 3 and by making the necessary additions and amendments elsewhere in the Scheme to reflect those new descriptions
3. To delegate authority to the Chief Executive to make temporary or interim appointments to the posts as and when required, and (except for the Monitoring Officer post) to appoint deputies in consultation, where practicable, with the relevant postholder
4. In light of current changes being implemented in relation to Information Governance responsibilities, to delegate authority to the Chief Executive to make a permanent new appointment to the post of Data Protection Officer
5. To appoint the Governance Manager to be Monitoring Officer on a permanent basis

C SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Local Government & Housing Act 1989; Social Work (Scotland) Act 1968; Data Protection Act 2018; Scheme of Delegations to Officers
III Implications for Scheme of Delegations to Officers	The Scheme will be amended as set out in the report
IV Impact on performance and	N/a

performance Indicators

V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	Corporate Policy & Resources PDSP, 13 February 2023
VIII	Other consultations	Head of Finance & Property Services; Chief Solicitor; Head of Corporate Services; Head of Social Policy; Governance Manager

D TERMS OF REPORT

- 1 Scottish councils are empowered to employ or appoint the officers they determine are required to carry out their statutory functions and then to allocate duties and responsibilities as they see fit. However, there is a variety of posts that are required by statute, referred to as "Proper Officers". They are appointed to discharge statutory functions but may have other contractual and management duties which arise through contractual arrangements. The statutory role is assigned and attached to a substantive post in the council's management structure.
- 2 A small number of those Proper Officer posts carry substantial responsibilities and are significant in terms of corporate governance and legal compliance. Those posts are as follows:-
 - Head of Paid Service, to co-ordinate the discharge of the council's functions and to organise and employ staff
 - Chief Financial Officer, to have responsibility for the arrangements the council makes for the proper administration of its financial affairs
 - Chief Social Work Officer, to ensure the provision of appropriate professional advice in relation to specified social work and social care functions
 - Monitoring Officer, to ensure legal compliance and prevent unlawful action by the council
 - Data Protection Officer, to provide professional advice and secure the council's compliance with all aspects of data protection
- 3 There are role descriptions for the first four of those positions in Appendix 3 to the Scheme of Delegations to Officers. Those are due to be reviewed. Draft revised role descriptions for them are in the appendix. A role description for the Data Protection Officer has not been included before. A draft role description for that post is also in the appendix.
- 4 The five descriptions follow the same format. They include only the statutory aspects. Any additional corporate or management duties will be specified either in the contract of employment or services for the substantive positions held by the postholders, or through delegation from senior management.

- 5 Vacancies occur from time to time in these posts. To allow gaps to be filled quickly, authority is sought to allow the Chief Executive to make temporary or interim appointments. Permanent appointments will require approval by full council or Council Executive.
- 6 Of the five posts, only the Monitoring Officer requires a depute to be appointed. Legislation says that is for the Monitoring Officer to do. A depute for the other four position may be required from time to time, for example, during prolonged periods of absence. Authority is sought to allow that to be done by the Chief Executive. There would be prior consultation with the postholder where that is practicable.
- 7 There is work ongoing in relation to responsibility in the council for Information Governance. That covers not just data protection but also other regimes such as freedom of information and records management. To enable a fresh appointment to be made promptly it is recommended that committee delegates authority to the Chief Executive to do so. The post is currently attached to the post of Head of Corporate Services and that will remain the case until the Chief Executive makes a new appointment.
- 8 On 18 January 2022 Council Executive appointed the Governance Manager to be Monitoring Officer on an interim basis as a result of temporary changes at Head of Service level. It is recommended that appointment is now made permanent.
- 9 Approval of the recommendations in the report will require a small number of adjustments in the Scheme to complement the new role descriptions in its Appendix 3, for example, to reflect the new authority delegated to the Chief Executive. Those changes will be made as a matter of routine by the Governance Manager when the quarterly update is made to the Scheme to catch council and committee decisions and management changes.
- 10 The recommendations were considered at Corporate Policy & Resources PDSP on 13 February 2023. The Panel noted the recommendations and agreed to referral to Council Executive for approval and made no observations.

E CONCLUSION

Approval of the five role descriptions in the appendix will ensure the council's arrangements for those statutory positions are complete and up-to-date. The changes recommended to the Scheme of Delegations will properly record where those statutory responsibilities lie.

F BACKGROUND REFERENCES

- 1 [Scheme of Delegations to Officers](#)
- 2 Council Executive, 22 January 2022

Appendices/Attachments: 1. Draft role descriptions

Contact Person: James Millar, Governance Manager, Chief Executive's Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613, james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 28 February 2023

APPENDIX

ROLE DESCRIPTIONS

HEAD OF PAID SERVICE	
1	Legislation and guidance
1.1	The Head of Paid Service is a statutory appointment by virtue of section 4 of the Local Government and Housing Act 1989 (the 1989 Act).
1.2	There is no statutory or other recognised guidance about the post.
1.3	By virtue of section 2(1)(a) of the 1989 Act, the Head of Paid Service is a politically restricted post.
2	Appointment
2.1	Permanent appointments must be made by full council or a committee with appropriate powers. Temporary or interim appointments may be made by the Chief Executive (Council Executive, 18 January 2022).
2.2	The appointment is identified in the council's Scheme of Delegations to Officers in the entries relating to the substantive post held. It is also included in the list of Proper Officer appointments in Appendix 2 to the Scheme. The officer appointed will have corporate and management responsibilities and employment duties, not included here, arising from their substantive post.
3	Qualifications
3.1	The law does not require the Head of Paid Service to hold any specific qualifications. However, they are expected to have appropriate standing, leadership, communication and interpersonal skills, and qualities of integrity and impartiality in order to deliver the objectives of the post.
3.2	The statutory responsibilities and duties of the post point to the post-holder being at the highest level of senior management. Typically, councils appoint their Chief Executives to the post. That is a matter of practice only.
4	Duties and powers
4.1	The statutory duties of the post are:-
	<ul style="list-style-type: none"> to co-ordinate the discharge of the council's different functions
	<ul style="list-style-type: none"> to determine the number and grades of staff required for the discharge of the council's functions
	<ul style="list-style-type: none"> to organise the council's staff
	<ul style="list-style-type: none"> to appoint and properly manage the council's staff
4.2	The Head of Paid Service has both a power and a duty to make a statutory report to full council where considered appropriate in respect of the four duties above.

4.3	The council's Scheme of Delegations describes decisions and actions that may be taken without reference to elected members and so those where committee or council decisions are required. It may be necessary or advisable to seek approval from members in certain circumstances. The Scheme also permits sub-delegation of authority to other council officers to act in their name and on their behalf.
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CHIEF FINANCIAL OFFICER	
1	Legislation and guidance
1.1	The Chief Financial Officer is a statutory appointment by virtue of section 95 of the Local Government (Scotland) Act 1973 (the 1973 Act). It is sometimes referred to as "the Section 95 Officer". The post is established under different legislation to its equivalent in England and Wales where the legislation is more prescriptive and expansive about the role, powers and responsibilities.
1.2	There is no statutory guidance about the post. The Chartered Institute of Public Finance and Accountancy's "Statement on the Role of the Chief Financial Officer in Local Government" (2016) provides well-regarded advice and assistance (CIPFA Statement).
1.3	By virtue of section 2(1)(b) and (6)(d) of the Local Government and Housing Act 1989 (the 1989 Act), the Chief Financial Officer is a politically restricted post.
2	Appointment
2.1	Permanent appointments must be made by full council or a committee with appropriate powers. Temporary or interim appointments may be made by the Chief Executive (Council Executive, 18 January 2022).
2.2	The same person cannot hold the statutory post of Monitoring Officer (section 5(1) of the 1989 Act).
2.3	The appointment is identified in the council's Scheme of Delegations to Officers in the entries relating to the substantive post held. It is also included in the list of Proper Officer appointments in Appendix 2 to the Scheme. The officer appointed will have corporate and management responsibilities and employment duties, not included here, arising from their substantive post. The CIPFA Statement is a useful source for identifying what those related, but non-statutory, duties should comprise.
3	Qualifications
3.1	The law does not require the Chief Financial Officer to hold any specific qualifications. Legislation for the English and Welsh equivalents requires membership of a specified accountancy body. The CIPFA Statement recognises that as widely-acknowledged good practice.
3.2	The statutory responsibilities and duties of the post point to the post-holder being at the highest level of senior management, holding accountancy qualifications and relevant professional body membership.
4	Duties and powers

4.1	The principal statutory duty of the post is to have responsibility for the administration of the arrangements that must be made by the council for the proper administration of its financial affairs (section 95 of the 1973 Act). The Chief Financial Officer must therefore ensure those arrangements are made and then take responsibility for their administration.
4.2	“Proper administration” is not defined in law. Drawing on the CIPFA Statement, it comprises:-
4.3	<ul style="list-style-type: none"> ensuring compliance with statutory requirements for accounting and internal audit
	<ul style="list-style-type: none"> ensuring corporate responsibility for securing proper administration of the council's financial affairs, including observing proper accounting practices
	<ul style="list-style-type: none"> managing the council's financial affairs in all its dealings
	<ul style="list-style-type: none"> recognising the fiduciary responsibility owed by the council to local taxpayers
4.4	“Financial affairs” is not defined in law either. Its components (for example, funds and accounts, investments, borrowing, council tax setting and collection) are found in a wide range of primary and secondary legislation (not listed here).
4.5	In one area of financial administration, statutory duties are imposed directly on the Chief Financial Officer rather than on the council as a corporate body. Those relate to audit of the council's accounts and are found in the Local Authority Accounts (Scotland) Regulations 2014. They require the Chief Financial Officer to:-
	<ul style="list-style-type: none"> set up and maintain accounting control systems, and accounting records and supporting accounting records, ensuring the accounting control systems are observed and that accounting records are kept up to date - regulation 6(6) and 6(7)
	<ul style="list-style-type: none"> ensure the statement of responsibilities in the annual accounts accurately reflects the Chief Financial Officer's responsibilities – regulation 8(5)
	<ul style="list-style-type: none"> ensure the financial statements in the annual accounts give a true and fair view of the council and its group's financial position at the end of the financial year and of their transactions for that year – regulation 8(5)
	<ul style="list-style-type: none"> certify those matters by signing and dating the statement of responsibilities and the balance sheets in the annual accounts – regulation 8(6)
	<ul style="list-style-type: none"> submit the annual accounts to the auditor no later than 30th June each year – regulation 8(6) and (7)
	<ul style="list-style-type: none"> advise the council as to whether the audited annual accounts should be signed – regulation 10(2)
	<ul style="list-style-type: none"> after approval of the annual accounts for signature, sign the statement of responsibilities and the balance sheets in the annual accounts – regulation 10(3)
	<ul style="list-style-type: none"> certify that the financial statements give a true and fair view of the council and its group's financial position at the end of the financial year and of their transactions for that year – regulation 10(6)

	<ul style="list-style-type: none"> after signature of the annual accounts, provide the Annual Accounts, including the signed statements, to the auditor – regulation 10(7)
4.6	The council's Scheme of Delegations describes decisions and actions that may be taken without reference to elected members and so those where committee or council decisions are required. It may be necessary or advisable to seek approval from members in certain circumstances. The Scheme also permits sub-delegation of authority to other council officers to act in their name and on their behalf.

CHIEF SOCIAL WORK OFFICER	
1	Legislation and guidance
1.1	The Chief Social Work Officer is a statutory appointment by virtue of section 3 of the Social Work (Scotland) Act 1968 (the 1968 Act). The Chief Social Work Officer role was established to ensure the provision of appropriate professional advice in the discharge of specified statutory functions.
1.2	The council must carry out its social work functions under the general guidance of the Scottish Ministers (section 5(1) of the 1968 Act). The Ministers have issued guidance to councils in relation to the Chief Social Work Officer post. It describes and summarises the competencies expected and the duties, rights and responsibilities attaching to the post.
1.3	Further information on the skills and competencies required of the Chief Social Work Officer is in the Standard for Chief Social Work Officers (issued by the Scottish Social Services Council in July 2015) .
1.4	The Chief Social Work Officer is <i>ex officio</i> a non-voting member of the West Lothian Integration Joint Board (regulation 3(1)(c) of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014). The board is responsible for carrying out older people's and adult health and social care services. The Chief Social Work Officer performs a similar role there, in relation to the functions delegated to the Integration Joint Board..
1.5	The post is a politically restricted post by virtue of section 2(1)(b) and (6)(c) of the 1989 Act.
2	Appointment
2.1	Permanent appointments must be made by full council or a committee with appropriate powers. Temporary or interim appointments may be made by the Chief Executive (Council Executive, 18 January 2022).
2.2	The appointment is identified in the council's Scheme of Delegations to Officers in the entries relating to the substantive post held. It is also included in the list of Proper Officer appointments in Appendix 2 to the Scheme. The officer appointed will have corporate and management responsibilities and employment duties, not included here, arising from their substantive post.
2.3	The Chief Social Work Officer should have direct access to people and information across the local authority, including the Chief Executive, elected members,

	managers and frontline practitioners. They must be able to bring matters covered by legislation and guidance to the attention of the Chief Executive and elected members to ensure that professional standards and values are maintained, that personal freedoms are not unnecessarily and disproportionality curtailed, that individuals and the general public are protected, that services are delivered lawfully, competently and in accordance with professional standards, and that significant case reviews and learning reviews are carried out and improvements made following incidents that resulted in or may have resulted in death or serious harm.
2.4	The Chief Social Work Officer may be a member of the senior management team. If not, they must be guaranteed appropriate access and influence at the most senior level and given adequate support. Although they may be line-managed in administrative and employment terms, their statutory rights and responsibilities require that they are not subject to direction in relation to the Chief Social Work Officer's statutory role.
3	Qualifications
3.1	The 1968 Act allows the Scottish Ministers to prescribe the qualifications required of the Chief Social Work Officer. That has been done through the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996. In short, the post-holder must be a qualified social worker. The regulations require the possession of a certificate or diploma awarded under UK legislation or their equivalent from further of the UK.
3.2	The Chief Social Work Officer should have extensive experience at a senior level of both operational and strategic management of social work and social care services. They should have the competence and confidence to provide effective professional advice at all levels within the organisation and with the full range of partner organisations.
4	Duties and powers
4.1	The statutory functions covered by the Chief Social Work Officer post are those contained in the 1968 Act itself and those listed in section 5(1B) of the Act. That list is updated from time to time as and when legislation creates new functions. In addition, there are a small number of areas of decision-making where legislation confers functions directly on the Chief Social Work Officer. Those arise where individual freedom may be curtailed and where the protection of both individuals and the public is concerned. Such decisions may be delegated to a suitably qualified, experienced and senior social worker. The Chief Social Work Officer retains overall responsibility for ensuring quality and oversight of the decisions.
4.2	The Chief Social Work Officer is responsible for providing professional leadership and support for social workers, social work students and staff in social work services, promoting values and standards of professional practice, and ensuring adherence with the relevant Codes of Practice and other professional requirements and standards. They should be visible and available to any social services worker requiring professional advice and practice guidance, and must provide professional advice to senior managers across the authority and its partners in support of strategic and corporate agendas. They should seek to enhance professional leadership and accountability to support the quality of service and delivery. The Chief Social Work Officer also has a contribution to make at a strategic level, in advising on specification and standards for commissioned services, in workforce planning, in supporting overall performance improvement, and in the management of corporate risk.

4.3	The Chief Social Work Officer should promote partnership working across professions and agencies to support the delivery of integrated services. They should assist partner organisations in understanding the complexities and cross-cutting nature of social work service delivery and the key role social work plays in contributing to the achievement of a wide range of national and local outcomes.
4.4	The Chief Social Work Officer should also produce and publish an annual report, in accordance with a national template, on the functions of the Chief Social Work Officer role and delivery of the council's social work services functions.
4.5	The council's Scheme of Delegations describes decisions and actions that may be taken without reference to elected members and so those where committee or council decisions are required. It may be necessary or advisable to seek approval from members in certain circumstances. The Scheme also permits sub-delegation of authority to other council officers to act in their name and on their behalf. The Scheme also provides that they are not subject to direction from more senior management in relation to the Chief Social Work Officer's statutory role.

MONITORING OFFICER	
1	Legislation and guidance
1.1	The Monitoring Officer is a statutory appointment by virtue of section 5 of the Local Government and Housing Act 1989 (the 1989 Act). The terms of section 5 are different for councils in England and Wales and the statutory role there is more expansive.
1.2	There is no statutory guidance in Scotland about the post. The Standards Commission for Scotland has produced a non-statutory Advice Note on the Role of the Monitoring Officer , but only in relation to the ethical standards framework and the Councillors' Code of Conduct (see 2.2, below).
1.3	By virtue of section 2(1)(e) of the 1989 Act, the Monitoring Officer is a politically restricted post.
2	Appointment
2.1	Permanent appointments must be made by full council or a committee with appropriate powers. Temporary or interim appointments may be made by the Chief Executive (Council Executive, 18 January 2022).
2.2	The appointment is identified in the council's Scheme of Delegations to Officers in the entries relating to the substantive post held. It is also included in the list of Proper Officer appointments in Appendix 2 to the Scheme. The officer appointed will have corporate and management responsibilities and employment duties, not included here, arising from their substantive post. Those duties may include the roles expected of the Monitoring Officer by the Standards Commission for Scotland and in relation to the investigation and determination of complaints against councillors made internally.
2.3	By virtue of section 5(7) of the 1989 Act, the duties of the Monitoring Officer must be carried out personally by them or, where they are unable to act owing to

	absence or illness, personally by an officer nominated by them as their deputy. The Scheme of Delegations gives the post-holder the power to appoint a Depute Monitoring Officer (see 4.5, below).
2.4	Section 5(1) allows the Monitoring Officer to also hold the statutory post of Head of Paid Service, but prevents the Monitoring Officer from being appointed as Chief Finance Officer under section 95 of the Local Government (Scotland) Act 1973.
3	Qualifications
3.1	The law does not require the Monitoring Officer to hold any specific qualifications. In particular, they do not require to be a solicitor or advocate. They are expected to have appropriate seniority, standing, leadership, communication and interpersonal skills, and qualities of integrity and impartiality in order to fulfil the post's statutory responsibilities.
3.2	The statutory responsibilities and duties of the post point to the post-holder being at least at Corporate Management Team level, or in a relevant post such as Chief Solicitor with guaranteed access to senior managers and elected members. It makes sense for the post-holder to have complementary responsibilities in relation to democratic services, legal services or corporate governance.
4	Duties and powers
4.1	The statutory function of the Monitoring Officer is to take action (see 4.2, below) where:-
	<ul style="list-style-type: none"> • it appears to the Monitoring Officer
	<ul style="list-style-type: none"> • that a proposal, decision or omission
	<ul style="list-style-type: none"> • by the council, a committee, a sub-committee, a joint committee or a council officer
	<ul style="list-style-type: none"> • has given rise to, or is likely to give rise to, or would give rise to
	<ul style="list-style-type: none"> • a contravention of legislation or other rule of law (see 4.4, below), or
	<ul style="list-style-type: none"> • maladministration or injustice under Part II of the Local Government (Scotland) Act 1995 (see 4.5, below)
4.2	The action to be taken by the Monitoring Officer in those circumstances, where prevention or remedial action fails, is:-
	<ul style="list-style-type: none"> • first to consult the head of Paid Service and the Chief Finance Officer
	<ul style="list-style-type: none"> • then to prepare a report to full council on the proposal, decision or omission
	<ul style="list-style-type: none"> • and to send a copy to all councillors
4.3	The consequences of such action are that :-
	<ul style="list-style-type: none"> • implementation is suspended until the day after the report is considered
	<ul style="list-style-type: none"> • full council must consider the report within 21 days of it going to all members
	<ul style="list-style-type: none"> • the council must ensure nothing is done to implement it while it is suspended
4.4	In practice, the Monitoring Officer does not act in all cases of breach of the law. Some are too routine, common and trivial to justify the activation of the Monitoring Officer's statutory duty (e.g., every late response to a freedom of information request is a breach of the law; every minor accidental breach of procurement

	legislation is a breach of the law). Instead, a higher non-statutory test is applied. Locally that has been to refrain from deploying the statutory powers unless the proposal, decision or omission:-
	<ul style="list-style-type: none"> • is itself material or significant, and/or
	<ul style="list-style-type: none"> • presents a significant risk to the continuing operation and effective delivery of council services and control, and/or
	<ul style="list-style-type: none"> • will have a material or significant impact on the operations or finances of the council
4.5	The reference to maladministration and injustice in Part II of the Local Government (Scotland) Act 1975 is now redundant. That entire Part was repealed by the Scottish Public Services Ombudsman Act 2002 and a new maladministration regime introduced. The reference in section 5(2)(b) of the 1989 Act not having been repealed, and references to the new regime not having been substituted into the 1975 Act, the maladministration aspect of the Monitoring Officer's statutory duties lapsed.
4.6	The council's Scheme of Delegations describes decisions and actions that may be taken without reference to elected members and so those where committee or council decisions are required. It may be necessary or advisable to seek approval from members in certain circumstances. The Scheme also permits sub-delegation of authority to other council officers to act in their name and on their behalf. In the case of the Monitoring Officer that will be subject to the statutory provision in relation to the personal performance of duties and appointment of a depute (see 2.3, above).

DATA PROTECTION OFFICER	
1	Legislation and guidance
1.1	The Data Protection Officer is a statutory appointment by virtue of section 69 of the Data Protection Act 2018 (the 2018 Act) and Article 37 of the UK General Data Protection Regulation (UKGDPR). The post is regulated by UK-wide legislation. Compliance with the legislation is regulated by the Information Commissioner's Office (ICO). The role is concerned with personal data and not, in terms of law and guidance, with complementary information governance regimes, such as freedom of information.
1.2	The ICO has issued statutory guidance for organisations on the role - Data Protection Officer for Organisations . It has issued other guidance relevant to the role, for example, Guide to UK GDPR: Accountability and governance .
1.3	The post is not automatically a politically restricted post. The council has designated it as such under section 2(1)(g) and (2) of the Local Government & Housing Act 1989.
2	Appointment
2.1	Permanent appointments must be made by full council or by a committee with appropriate powers. Temporary or interim appointments may be made by the Chief Executive (Council Executive, TBC 2023).
2.2	In making the appointment, council must by law have regard to the professional

	qualities of the postholder, especially their expert knowledge of data protection law and practice and their ability to perform the statutory tasks set out in section 71 of the 2018 Act.
2.3	The appointment is identified in the council's Scheme of Delegations to Officers in the entries relating to the substantive post held. It is also included in the list of Proper Officer appointments in Appendix 2 to the Scheme. The officer appointed will have corporate and management responsibilities and employment duties, not included here, arising from their substantive post.
2.4	The Data Protection Officer must be provided with resources and support to enable them to perform their role and to maintain their expert knowledge. They must be involved in a proper and timely manner with all issues concerning the protection of personal data and provided with full access to personal data and processing operations. They are not required to be, but may be, part of the Corporate or Executive Management Team. Regardless, the Data Protection Officer is entitled to report to the highest level of management in the council and to elected members on matters within their statutory role.
2.5	Although they may be line-managed in administrative and employment terms, the Data Protection Officer's statutory rights and responsibilities require that they are not subject to direction in relation to their statutory role. They may have other roles and responsibilities in the council but they must not be asked to carry out other tasks which give rise to any conflict with their statutory role. They may not be penalised or dismissed for carrying out the tasks listed in section 71 of the 2018 Act (see below).
3	Qualifications
3.1	The post-holder must have the professional qualities required by legislation and to which the council must have regard in making the appointment, especially expert knowledge of data protection law and practice and ability to perform the statutory tasks set out in section 71 of the 2018 Act (see below).
3.2	There is no requirement for the Data Protection Officer to have a legal or any other specific professional or academic qualification.
4	Duties and powers
4.1	The statutory tasks, proactive and reactive, of the Data Protection Officer are listed in section 71 of the 2018 Act. In summary:-
	<ul style="list-style-type: none"> Informing and advising the council and its staff of their data protection obligations
	<ul style="list-style-type: none"> Providing advice on carrying out data protection impact assessments and monitoring compliance
	<ul style="list-style-type: none"> Co-operating with the ICO, acting as the ICO contact point, and consulting the ICO when appropriate
	<ul style="list-style-type: none"> Monitoring compliance with relevant council policies, including assigning responsibilities, raising awareness of policies, training staff involved in processing, and conducting audits required under the policies
	<ul style="list-style-type: none"> Monitoring compliance by the council with the law

4.2	In performing these statutory tasks, the Data Protection Officer must:-
	<ul style="list-style-type: none"> • have regard to the risks associated with processing
	<ul style="list-style-type: none"> • take into account the nature, scope, context and purposes of the processing
4.3	The council's Scheme of Delegations describes decisions and actions that may be taken without reference to elected members and so those where committee or council decisions are required. It may be necessary or advisable to seek approval from members in certain circumstances. The Scheme also permits sub-delegation of authority to other council officers to act in their name and on their behalf. The Scheme also provides that they are not subject to direction from more senior management in relation to the statutory role.

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****REPORT BY GOVERNANCE MANAGER****SCHEME OF DELEGATIONS – ELECTRONIC COMMUNICATIONS DETERMINATION****A PURPOSE OF REPORT**

To amend the Scheme of Delegations to enable non-alcohol licensing schemes to be processed more easily and flexibly through electronic communication as an alternative to hard copy documents.

B RECOMMENDATION

To amend the Scheme of Delegations to Officers by authorising the Chief Solicitor to make and vary the council's Electronic Communications Determination in relation to all non-alcohol licensing schemes under the Civic Government (Scotland) Act 1982, as set out in paragraph D5.

C SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; making best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Civic Government (Scotland) Act 1982, sections 4 and 45; Scheme of Delegations to Officers
III	Implications for Scheme of Delegations to Officers	The Scheme will be amended as recommended in Parts B and D
IV	Impact on performance and performance Indicators	Processing applications and making decisions will be made easier and more efficient by use of electronic means of communication
V	Relevance to Single Outcome Agreement	Not relevant
VI	Resources - (Financial, Staffing and Property)	Within existing budgets
VII	Consideration at PDSP	Not required
VIII	Other consultations	Chief Solicitor; Head of Housing, Customer & Building Services

D TERMS OF REPORT

- 1 The Civic Government (Scotland) Act 1982 (the 1982 Act) confers duties and powers on the council in relation to a wide range of non-alcohol licensing schemes. It covers long-established schemes such as taxi and private hire driver and operator licences and second-hand dealer licences. It has been frequently extended to cover new schemes, such as knife dealer and tattooing/skin-piercing. The most recent addition was the Short Term Lets Licensing Scheme approved by committee in December 2022.
- 2 The 1982 Act originally expected licensing schemes to operate through hard/paper copies of documents. It was later amended to allow for the use of electronic communications as an alternative. That must be implemented by a determination by the council for the licensing schemes it extends to, the parts of the process to be covered, and the means of electronic communication to be employed. The power to make that determination has been delegated to the Chief Solicitor as part of the extensive delegation of authority to that post to ensure the effective day-to-day administration of schemes administered in Legal Services.
- 3 When the Short Term Let Licensing Scheme was approved in December 2022, its administration was delegated, unusually, to the Head of Housing Customer & Building Services. The Chief Solicitor's delegated power to make the Electronic Communication Determination did not therefore cover the Short Term Let Licensing Scheme. The power to do so was, by oversight, not conferred on the Head of Housing Customer and Building Services.
- 4 After discussion and consideration, it is the view of officers that the power to make and amend the Electronic Communications Determination should rest with the Chief Solicitor for any and all schemes under the 1982 Act. That would apply regardless of where responsibility for the administration of a scheme sits. The legal provisions are not straightforward. There are legal consequences of the determination for applications covered by it. Conferring a more general power should help avoid any gaps in the decision-making about electronic communications as and when new schemes are introduced.
- 5 It is therefore recommended that the Scheme of Delegation is amended to add the following to the Chief Solicitor's delegated powers in relation to all licensing schemes under the 1982 Act. The determination would be made and amended after consultation in each case with the relevant Head of Service:-
 - "To make and amend the council's determination on communication by electronic means for any licensing scheme under the Civic Government (Scotland) Act 1982"

E CONCLUSION

The new wording in the Scheme of Delegation to Officers will make the administration of non-alcohol licensing schemes easier and speedier and will help ensure that legal provisions are recognised and implemented.**Error! Bookmark not defined.**

F BACKGROUND REFERENCES

- 1 Council Executive, 20 December 2022
- 2 [Scheme of Delegation to Officers](#)

3 [Short Term Let Licensing Scheme](#)

Appendices/Attachments: None

Contact Person: James Millar, Governance Manager and Interim Monitoring Officer, 01506 281613, james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 28 February 2023

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

QUICK BUILD HOUSING

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to provide Council Executive with an update on concepts and funding regarding quick build solutions, including the use of cabins and containers, to assist with the homeless situation and as an alternative to B&B/Hotel accommodation.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Notes the council's proactive approach to reducing homelessness;
2. Notes the temporary accommodation provision;
3. Notes the position on funding of temporary accommodation;
4. Notes the key findings of a review of quick build concepts and the work being undertaken to reduce the use of B&B/Hotel accommodation; and
5. Notes the next steps.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Housing (Scotland) Act 1987 as amended in accordance with the Homelessness (etc) (Scotland) Act 2003, Housing (Scotland) Act 2001, Housing (Scotland) 2014. Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The RRTP activities are aimed at early intervention and prevention. Where homeless does occur, the aim is to provide housing as quickly as possible to reduce the need for temporary accommodation.
V	Relevance to Single Outcome Agreement	Outcome 6: People most at risk are protected and supported to achieve improved life chances. Outcome 7: we live longer, healthier

lives and have reduced health inequalities

VI	Resources - (Financial, Staffing and Property)	<p>Housing Need General Fund 2022/23 budget is £4.114million, consisting of:</p> <ul style="list-style-type: none"> • Base budget of £3.349 million • RRTP resource of £315,000 • Prevention one off funding £400,000 <p>One off funding for B&B pressures £450,000</p>
VII	Consideration at PDSP	The report was considered by Housing Services PDSP on 26 January 2023
VIII	Other consultations	Property Services, Financial Management Unit

D TERMS OF REPORT

D.1 BACKGROUND

The report sets out the work undertaken by officers to consider quick build solutions, including the use of containers/cabins by the council to provide temporary accommodation, to assist with reducing the use of B&B/Hotels accommodation. The report also details other concepts which have been taken forward to alleviate the use of B&B/Hotel accommodation.

D.2 COUNCIL MOTION

At a meeting of West Lothian Council on the 22 November 2022 a composite motion was agreed for a report to be brought to Housing Services PDSP with officers' concepts regarding quick build provision to assist with the homeless crisis. The Composite Motion highlighted the use of container/cabin houses, as well as the Social Bite model in Granton, Edinburgh as a potential solution for temporary housing while homeless people wait for permanent housing. A copy of the composite motion set out in Appendix 1.

D.3 WEST LOTHIAN RAPID RE-HOUSING TRANSITION PLAN (RRTP) AND TEMPORARY ACCOMMODATION PROVISION

The imbalance between supply and demand for permanent social rented accommodation continues to be a key challenge in West Lothian. There remains a high number of people applying to the council for permanent housing through the council's allocations policy, as well as permanent and temporary accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty.

The council's approach to reducing homelessness is set out in the West Lothian RRTP 2019/20 - 2023/24 which is updated on an annual basis.

Appendix 2 provides detail on the range of temporary accommodation provision within West Lothian. Excluding B&B/Hotel accommodation, the council has a total of 632 one to four-bedroom properties including homeless supported

accommodation, dispersed temporary tenancies owned by the council, Registered Social Landlords (RSLs) and Private Sector Leases (PSLs) leased from the private rented sector.

To meet the statutory duty to provide emergency and temporary accommodation the council must adhere to the requirements of the Unsuitable Accommodation (Scotland) Order (UAO) 2014 as well as best practice guidance. The UAO sets out the physical requirements as well as location of temporary accommodation. Appendix 3 provides detail on the design and site location criteria.

The composite motion identifies the Cabinet Secretary for Housing having invited councils to come up with innovative ideas for the homeless crisis as regards quick build provision. The Scottish Government has confirmed that there is no funding provision for the capital costs of temporary accommodation including quick build solutions. RRTP funding allocations to local authorities also cannot be used for the capital costs associated with temporary or permanent accommodation.

D.4 QUICK BUILD HOUSING

The term, 'quick build housing' can encompass a wide range of temporary and permanent structures including cabin/container housing and modular construction.

Cabin and Container housing

These vary in size, configuration, quality and life span depending on cost but are self-contained units and are generally of a temporary nature. Short to medium term use of cabin/container housing may be more effective where there are longer lead in times for finding permanent housing options due to affordable housing supply challenges. The homeless village at Granton developed by Social Bite uses caravan style units to reduce rough sleeping, is an example of this and is discussed further in Section D.5.

Modular Housing Construction

This term is used for a unit manufactured off site, designed and built to be used for permanent occupancy and set on a permanent foundation. Modular housing can be used to provide a potentially quicker solution to more traditional build methods for permanent affordable housing due to homes being almost complete when leaving the factory which, in theory, reduces waste, negates the impact of adverse weather and can allow for overlap of site preparation and build phases.

The sector has until very recently favoured traditional construction methods for larger scale affordable housing. There is one example of a recent modular affordable housing development in West Lothian. Places for People Housing Association completed a modular constructed affordable housing development in May 2021 consisting of 18 flats at Quentin Court, Livingston. The overall costs and delivery timescales were comparable with traditional construction mainly due to component delays which impacted on the overall programme.

There are other examples of more recent larger scale modular affordable housing construction providing permanent accommodation. The Wee House Group has recently completed 63 affordable modular houses in Dundonald Ayrshire the Riverside Housing Association.

There is a 101-unit modular affordable housing development currently on site which is being delivered by Cunninghame Housing Association in Kilmarnock, Ayrshire with the expected date of occupancy of the first homes being summer 2023. The Housing Association acquired the site from the contractor on 31 March 2022 and had been working with the contractor on designs for some months prior to this date. The projected cost is £17million and attracted Scottish Government funding.

D.5 CONCEPTS AND SOLUTIONS

The council has considered and taken forward a number of different concepts and quick solutions for the current supply and demand challenges in West Lothian for permanent and temporary accommodation. These concepts have been developed in accordance with new legislation. This section outlines the work undertaken to date on each concept.

D.5.1 Permanent Housing Supply

The council, along with RSLs, partners and the Scottish Government are undertaking a number of actions to ensure a continued supply of permanent housing.

- Completion of the balance of the 3,000 new build affordable houses targeted over the period 2012 – 2022 and seeking Scottish Government Grant for future developments;
- The use of modular housing construction affordable housing delivery continues to be explored as an option by the council and its RSL partners;
- 65% of all council properties, and 56% of social rented properties collectively with RSL's, are let to homeless applicants to reduce the backlog of open homeless cases waiting for permanent accommodation, and;
- The council is establishing a West Lothian Empty Homes Partnership to identify and bring back into use empty homes in West Lothian.

D.5.2 Temporary Accommodation

The council is in the process of delivering a number of sustainable and affordable concepts for temporary accommodation which meet the UAO while services transition to a rapid rehousing approach.

- Mainstreamed sharing spaces which created 2 spaces within 1 property for letting to 2 individual homeless applicants with a total of 52 spaces with a further 2 currently being set up.
- On 4 October 2022 the council agreed to the purchase of up to a further 30 two-bedroom houses through the Open Market Acquisition Scheme (OMAS) to provide a further 60 sharing spaces

- Increased the use of Private Sector Leases (PSL) as temporary accommodation. At the end of December 2022 there were 98 properties with a target of 110 to be achieved by end of 2022/23.
- Delivery of the approved supported housing for young people project young person – 28 units with onsite support at Almondvale Crescent, Livingston. The housing is estimated to be completed by November 2024 and will meet the requirements of the UAO.

D.5.3 Cabin/Container and Modular Housing

There is potential for housing to be delivered more quickly through the provision of cabins/container and permanent modular housing provision, but it depends on community resistance, site availability and conditions, preparation and having the units delivered quickly when the site is ready.

- Property Services have approached a range of suppliers including construction companies, companies that provide prefabricated units and providers of static caravans. There is relatively little difference in costs due to the UAO requirements. Statutory consents (Planning and Building Warrant) are also required whatever the type of development and the timescales for these remain the same whether a development is short/medium term or permanent.
- Officers have examined the model used for the homeless village at Granton, developed by Social Bite which is small scale and includes on site staff, with 24-hour waking support, providing intensive support to residents. The village was completed in 2018 and comprises 10 caravan style units, housing up to 20 people. The design of the village and the units were developed with people with lived experience of homelessness and rough sleeping. The land was leased from City of Edinburgh Council at nil cost to Social Bite, and the cost of the development was in the region of £1.5million which equates to £150,000 per unit. The cost excludes site acquisition and is comparable to the average cost per unit for one-bed new build permanent houses but more than the cost per unit for houses purchased through the Open Market Acquisition Scheme.
- The former Travelling People's site in Bathgate could accommodate around 30 detached temporary homes (single storey), however, the site location and costs had ruled this out due to it not being close to amenities, public transport and essential services with the costs being similar to permanent housing.

D.5.4 Repurposing of Existing Assets

Officers are working with Property Services and partners to consider possible quick solutions through the repurposing of existing assets. These include the following;

- Repurposing a specific block of current houses for homeless people requiring intensive support. Due to high demand there are no areas suitable for this purpose and it would require rehousing existing tenants making timescales uncertain.

- Rock Trust have worked in partnership with Almond Housing Association to implement the Live and Work Programme for 7 young people through the repurposing of a former adult care home in Livingston. The council is also working with Rock Trust to establish if there are any further empty assets available which can be repurposed and may attract external funding out with the council.

D.6 NEXT STEPS

Given there is no cost advantage of using cabin or container housing for homeless temporary accommodation, the lack of funding, challenges such as community resistance, finding a suitable site and the need to meet the UAO, it is not recommended that any further work is undertaken on this concept.

The increase in dispersed sharing spaces and the new build housing for young people project will provide an additional 58 units (88 spaces) to ensure those who require temporary accommodation have sustainable and long-term solutions. These measures will provide more suitable options of temporary accommodation as an interim measure in advance of the completion of future new build housing and ultimately represents a more effective solution in addressing homelessness.

Officers will continue however, to follow best practice and benchmark modular housing construction in the delivery of larger scale affordable new build housing and work in partnership with the Scottish Government, RSLs as well as colleagues in procurement to identify the potential for a permanent modular housing project. Officers will also consider all opportunities for the use of modular construction in the development of future affordable housing, to ensure timescales are minimised for delivery whilst also maintaining quality standards.

Officers will also continue to engage with the Scottish Government to determine if there are any other opportunities to lever in additional funding for temporary accommodation for homelessness and will bring a report back to Housing Services PDSP before summer recess with an update on progress.

D.7 Consideration at PDSP

The report was considered at Housing Services PDSP on 26 January 2023 and discussion took place regarding the options appraisal. Panel members agreed that the report should be taken forward to Council Executive for consideration and noting. Panel members also discussed the establishment of a short life working group to consider issues relating to quick build housing.

In establishing any working group of elected members, council or committee must determine its purpose, remit and lifespan; its membership; its chair and vice-chair; and its lead officer. Working groups cannot make decisions and require to report any recommendations to council or committee for consideration.

E. CONCLUSION

The report outlines the work undertaken to date to consider quick build solutions through the use of cabin/container and modular construction for both the provision of temporary and permanent housing to assist with the homeless crisis in West Lothian. It also outlines other concepts which officers have worked on and considered.

Due to the statutory requirements for homeless temporary accommodation, as well as the high costs for relatively short-term accommodation, it is not proposed to take this concept forward as a viable, sustainable and cost-effective solution. Officers will continue to keep up to date with best practice examples and costs of both cabin/container housing and modular housing construction in the supply of permanent affordable housing.

The report was considered at Housing Services PDSP and discussion took place regarding the options appraisal and Members of PDSP agreed that the report should be taken forward to Council Executive for consideration and noting.

F. BACKGROUND REFERENCES

West Lothian RRTP Update 2022/23, Council Executive 21 June 2022

Appendices/Attachments: 3

Contact Person: Marjory Mackie, Housing Strategy and Development Manager

Julie Whitelaw

Interim Head of Housing, Customer and Building Services

28 February 2023

Appendix 1

**Composite Motion
for the Council meeting on 22nd November 2022
Item 9 – Homelessness**

West Lothian has over 1400 homelessness application, too many people in Scotland are becoming homeless because of the housing emergency, this demand is growing and will continue to grow.

There are too many people in West Lothian being accommodated within B&B or having to move away to another areas for example Falkirk, Edinburgh and even further afield, leaving family support networks behind.

We need to find solutions quickly, to save West Lothian Council money but more importantly, to improve people's lives.

One solution, which can be introduced speedily and cost effectively is in the introduction of container/cabin houses. These can be installed in more locations across West Lothian and be a short-term solution before enough houses are built.

Council is asked to note that container/cabin houses have been used to meet specific housing need in certain circumstances within the United Kingdom, it represents a very small element of addressing homelessness. Generally, elements of off-site prefabrication and delivery have, to a certain extent, been utilized within West Lothian Council's new build programme by mainly focusing on open timber kit supplies and prefabricated stairs, doors and windows.

Social Bite village – Granton

Council is also asked to note that Officers have examined the model used for the homeless village at Granton, developed by Social Bite which was completed in 2018 and comprises 10 caravan style units, housing up to 20 people, the land being leased from City of Edinburgh Council at nil cost to Social Bite, and the cost of the development was in the region £150k per unit.

Council is also asked to note that no Scottish Government grant is available at present to build/provide prefabricated/container houses, but does agree that a report on the topic be brought to the Housing Services PDSP covering building/maintenance cost, life span, speed of delivery and impact on housing capital programme.

However, in view of the comments in Scottish Parliament made by Shona Robison, Cabinet Secretary for Housing, whereby she invited Councils to come up with innovative ideas on the homelessness crisis as regards quick build provision, Council calls for an urgent report to Housing Services PDSP with officer's concepts to allow the Chief Executive to put such case to the Cabinet secretary for decision. Also, that her response be brought back to full council.

Councillor Angela Doran-Timson

Councillor George Paul

Appendix 2**Table 1: Temporary Accommodation Provision in West Lothian**

Property Type	Number of Properties
West Lothian Council Dispersed Temporary Tenancies	354
West Lothian Council Sharing Spaces	52
West Lothian Council Supported Accommodation (Blackburn Homeless Unit, Strathbrock Homeless Unit, Quentin Court and Open Door)	84
Registered Social Landlord Temporary Tenancies	44
Private Sector Leases	98
Total	632

Appendix 3

Table 2: Temporary Accommodation (UAO) – Site Criteria

	Site Criteria	Comments
a	Within the main settlements of West Lothian, preferably within a community to enable integration	Accommodation provided should be located so that the main essential services used by a household can be reached by foot, by public transport or by transport provided by a local authority. Services to include education/school/nursery, supermarket or convenience store, doctors, dentists, support or other health providers and advice agencies (where applicable). Therefore, the site needs to be in the main settlements of West Lothian, close to amenities and in walking distance to public transport.
b	Must be usable by the household for 24 hours a day	Site cannot have restricted access to homeless households who will need to have secure land rights for usage of the site and good access routes to and from the site.
c	Be in the locality of the place of employment of a member of the household	The location of the property should also consider the needs of all household members in terms of reasonable access to place of employment and formal or informal support networks. Therefore, must have reasonable access to good public transport. Parking spaces should also be provided for homeless households with access to a car.
d	Social and economic needs	The location of the accommodation also needs to consider the social and economic needs of the household.
e	Personal safety	An assessment of personal safety of the household, specifically households fleeing domestic abuse, predominately women, and whether the temporary accommodation being offered is in an area that is close to the perpetrator's family and/or is too far from children's school, social network etc.
f	Small scale	To avoid hostel type/congregate accommodation and high-density accommodation due to risk of stigmatisation.
g	Adjacent to existing buildings with services and support or, Site which can be easily serviced.	Access to good and reliable sources of water and electricity. Connection to mains surface and foul water drainage.
h	Site topography and environmental impacts	To ensure effective surface water drainage and no impact on local environment - bat/trees/badgers.
i	Cultural or religious needs	Cultural or religious need should also be identified and met through the location of accommodation where possible.

Table 2 (contd.): Temporary Accommodation - Design Requirement

	Design Criteria	Comments
a	Toilet and Washing facilities	Adequate toilet and personal washing facilities for the exclusive use of the household. Must have access to on site laundry facilities if not provided within the accommodation.
b	Living Space	Must have the use of adequate cooking facilities and the use of a living room. Have adequate communal living space for the household which includes, for example, space for children to play or do homework.
c	Bedrooms	Adequate bedrooms for the exclusive use of the household. Have sufficient bedroom space to meet the needs of the household in line with the overcrowding and HMO standards. Link to overcrowding standards http://www.legislation.gov.uk/ukpga/1987/26/part/VII/crossheading/definition-of-overcrowding
d	Space for visitation	Be suitable for visitation by a child who is not a member of the household but whom a member of the household has parental rights. For example, space for children to play or do homework.
e	Scale and Layout of units	To avoid hostel type/congregate accommodation and high density accommodation as due to risk of stigmatisation.
f	Accessible	Be accessible and able to meet the needs of any disabled person within the household.
g	Housing quality standards compliance	Comply with relevant housing quality standards including health and safety, hygiene, fire, furniture and electrical equipment legislation and regulations.
h	Security	Provide units that are secure with individual locks so people feel that their belongings are safe; Provide a facility to secure personal mail, where appropriate.
i	Digital Access	Allow access to digital technologies (e.g. via WiFi), where possible, so households can access online facilities e.g. welfare benefits, choice based letting systems.
j	Pets	Have the means to support people to maintain relationships with their pets.
k	Heating system	Have a sufficient and affordable heating system at an acceptable efficiency rating in line with those published in the Energy Efficiency Standard for Social Housing and those for Private Rented Property