

Planning Democracy's NPF4 Position Statement Response

19th February 2021

Introduction and General Comments

We welcome the positive signals in Scotland's Fourth National Planning Framework Position Statement. However, further examination does not fill us with confidence that these signals hold real significance for the future of Scotland.

The National Planning Framework needs to be a statement of intent, but transformation requires strong leadership to deliver that intent. The position statement is perhaps trying to be all things to all people rather than grasping the really tough decisions that need to be taken. In that sense, it's disappointing.

Planning Democracy recently held an online event on NPF4 which was attended by 55 people with considerable experience of planning from a community perspective. The overwhelming message to the SG from this group was one of hope tinged with a great deal of scepticism about the likelihood of NPF4 achieving its stated aims. This is not to say that people doubted the desire to create a plan that addresses the Climate Emergency and Biodiversity crisis, but because there is nothing transformational in the approach.

People felt the overall indication is 'Business as Usual'.

There is a strong premise underlying the narrative of current planning policy that development is there to generate wealth, jobs and socially necessary construction and is therefore considered to be in the public interest. Government policy has reinforced a default 'presumption in favour of development'. This, in the context of our Climate and Biodiversity, emergencies is no longer acceptable.

Currently the message in the NPF4 is "we do not want to limit development", but "we want to enable development". NPF4 needs to have stronger ambitions to regulate in the public interest. Development that contributes to the realisation of key policy objectives should not be limited. Development that does not contribute towards just transitions to zero-carbon should, however, be limited. This should be a basic ambition for the planning system. .

The NPF4 should clearly set criteria for identifying acceptable development. This should be seen as establishing a set of tests that allow us to see how, as a result of NPF4, development is changing, how decision making is different and how outcomes are improved. (There are good examples contained within the position statement, such as a commitment to not supporting applications for peat extraction for horticultural purposes, but this is just a start.) Where development does not meet these tests NPF4 should make clear it will not be considered to be in the long-term public interest.

In doing so, NPF4 needs to be clear about the trade-offs that will emerge between different outcomes and policies and how these will be managed and prioritised. For example, how will the worthy commitments to the integration of ecological networks, policies to secure



net biodiversity benefits from new developments, protection of peatland and woodland restoration be weighted when they come up against proposals that claim significant economic development benefits?

We recommend the creation of a transition team with academic and representatives with the necessary expertise to explore ways to guide and accelerate sustainability transitions. The team should focus on developing transformational policies and devise an implementation programme that helps to institutionalise different values, mindset and behaviours that enable a transition towards a planning system orientated towards the creation of well-being economy and committed to addressing the climate and biodiversity emergencies.

National Developments

The national development process is clearly dominated by a market driven approach, rather than assessing needs and proactively seeking the right developments. There appears to be no clear methodology or criteria as to how needs will be assessed, and no indication of the weighting of different criteria.

We have concerns about a lack of transparency and genuine involvement over the process of deciding national developments. We continue to press for more deliberative mechanisms (e.g. citizens' assemblies) to be introduced to help our nation decide its own national development priorities.

Recommendation: To carry out a transparent **deliberative** process of decision making on National Developments using clear methodology and criteria.

1. Do you agree with our current thinking on planning for Net Zero Emissions?

The clear correlation between GDP and world carbon emissions (World Bank 2019 and World Resources Institute 2017) demonstrate that we cannot continue to believe that we can achieve net zero emissions whilst pursuing continuous economic growth.

Although we have achieved some success in decoupling the two at a national level, this has been achieved partly by outsourcing our emission production to other countries with lower labour costs and less stringent pollution regulations.

Some people argue that we can shift to different types of consumption that will continue to deliver growth, but the evidence shows that shifting is not enough, we need to reduce and limit resource use. Comprehensive decoupling of growth from unsustainable reliance on non-renewable natural resources remains a distant prospect.

The NPF4 position statement states that *“The strategy as a whole will be designed to minimise emissions from new development.”*



This in itself is nowhere near enough to achieve net zero.

What is required is a shift towards considering limits to development, not just focussing on minimising emissions from new development. We have no choice but to move away from a pro development model of planning, recognising that all development uses resources and produces carbon emissions and therefore needs to be limited.

2. Do you agree with our current thinking on planning for resilient communities?

We welcome the steps towards land assembly and public led planning to enable the re-use of land and disused buildings. Alternative more proactive models of planning for housing promise to produce better results than the existing reliance on private market-led housing to deliver our housing needs and should be extended further.

However more needs to be done to overcome the limitations of the current approach to housing supply.

The speculative housing industry responds to economic uncertainties by seeking to minimise risk. This ultimately leads to them producing lower quality standardised design of housing on sites which have fewer constraints, but are less sustainable, such as greenfield sites. As a result, the Scottish Land Commission has observed that there has been a big release of greenfield land during the last two years. This helps deliver more units, but not necessarily of the right type, affordability or quality required to fulfil environmental and social standards that the NPF4 is seeking. Unless there is motivation to use the planning system to change these patterns of development, challenge the business models of firms reliant upon them, and enable other providers, these practices will persist and we will continue to create unsustainable car-dependent housing estates, which are a long way from stated ambitions of the NPF4 such as '20 minute neighbourhoods'.

We hope that improvements can continue to be made to more fully address the problems that the technical housing consultation identified. Some of the issues are addressed through the Finalised Amendments to Scottish Planning Policy produced in December 2020. These amendments, however, omitted some of the original proposals, all of which we fully supported. We had hoped that the provision that 'Housing sites should not be excluded from the effective housing land supply solely due to programming assumptions included in the Housing Land Audit' [in paragraph 123] would have been retained for example. We hope that improvements can continue to be made to more fully address the problems that the technical housing consultation identified.

The situation where Homes for Scotland (HfS) can dispute the effective land supply in the Housing Land Audit (including sites not under their members' own control) while at the same time their members may be putting forward proposals to meet the resultant "shortfall" of housing land needs to be resolved. We have examples that illustrate the problem, which we are happy to provide.

Although Homes for Scotland's role in the Housing Land Audit process is advisory, indications are that Reporters can and do take into account at least a proportion of disputed



sites when considering the adequacy of the housing land supply. The inclusion of HfS in the Housing Land Audit process operates against the public interest to a degree that is unacceptable.

The role and involvement of HfS reveals the extent to which the planning system has become subject to a form of regulatory capture. Rather than objectively assessing housing need and seeking to identify the most appropriate sites for sustainable development to meet housing need, the current planning system relies on the housebuilding industry to indicate a willingness to develop sites, irrespective of their merits. This significantly limits the capacity of the planning system to realise policy objectives and leads to plans being shaped around the preferences of landowners and prospective developers.

Planning Democracy, through its active and extensive network across Scotland, is aware of many people whose lives and communities are being challenged by speculative housing development. Their local needs are not being heard. The Scottish Government tone seems to be one that aims not to upset developers, based on the assumption that any housing development will contribute to resolving supply shortages. Yet, there is very little support for communities who play a crucial role in highlighting inadequacies of development proposals, which even the SG is now recognising often fail to meet housing needs and lead to poor quality developments. **We need to plan positively to meet housing need in our communities but the current process too often does not lead to right outcomes whilst effectively ignoring community input.**

Communities have been concerned about the impacts of large scale housing developments for a long time and yet those very communities have often been cast as the problem, because their input runs contrary to our market driven, pro development system of planning. It is time to recognise and value the contributions of communities and to call out aggressive behaviour on the part of developers, particularly volume housebuilders where their business model entail the relentless pursuit of lucrative sites, which are often highly valued by communities and play a significant role in shaping local sense of place.

Many communities are exhausted from having to repeatedly respond to LDP consultations and modifications, planning applications, appeals and court challenges, sometimes for decades. **Their huge voluntary effort – which helps to bring about better planning outcomes - is rarely recognised.** Indeed, too many people who have been involved in planning applications feel that they were regarded as being illegitimate and a nuisance by planners and reporters, as well as by developers. The failure to acknowledge the impact of aggressive developers and the lack of respect shown for communities that become involved with planning applications is responsible for the acknowledged lack of trust in the planning system. The stated intention in the position statement is that “the changes we are making to the planning system aim to strengthen public trust and encourage engagement in decisions about the future of our places”. In order to do so it needs to protect communities from the unreasonable and aggressive behaviours ‘allowed’ by the volume housebuilders. To do so the planning system, including policies within SPP should identify and seek to proactively encourage positive ‘developer’ behaviours.



Local Place Plans.

Local Place Plans have potential to be truly transformative for Scotland because communities are well placed to help fulfil the Scottish Government's ambitions expressed in NPF4. However, the current priorities and hierarchical structure of the planning system make it impossible for LPPs to become an integral part of the planning system.

The ambition should be for LPPs to be seen as setting a framework for development within local areas in keeping with the broad aims of the NPF, to shape well-being economies, meet net zero emissions and meet housing need, reduce inequalities and so on.

However, we doubt that they have the powers they need to do this or that the resources are in place to ensure that all communities will be able to engage with them equally

Addressing inequalities.

We agree with a much stronger ambition to use the planning system to address inequalities, particularly given all we know about environmental determinants of health and well-being. We feel that outcome based measures of the social impact of development are required and should be part of the public interest tests of development that we recommended in our Call for Ideas. Alongside this, however, there is a need to ensure inequalities are addressed in planning processes. This means better resourcing to ensure that underrepresented voices are heard, better representation from across society within local authorities and the planning profession, a commitment to ensuring that development is not done to but with affected communities, including ensuring equal rights between different interests in the planning system/ planning processes including an Equal Right of Appeal.

3. Do you agree with our current thinking on planning for Well Being Economy?

There remains an unresolved tension between the continued commitment to growth and the desire to achieve the stated outcomes of the NPF4. **The NPF4 needs to provide a strong message that development is not acceptable unless it is necessary and contributes significantly to the needs of Scotland's people and environment.**

4. Do you agree with our current thinking on planning for Better Greener Places?

NPF4 must reflect the First Minister's promising recognition of the equal importance of Biodiversity loss as well as Climate Change. We need transformative policies which ensure that restoration of biodiversity is an essential part of Scotland's approach to tackling climate change and biodiversity loss. **New approaches and innovative solutions need to be found to go beyond the symptoms of unsustainability to also address the root causes driving biodiversity loss and degradation.** This entails engaging with the development industry to help shift them towards new ways of considering their developments and to help reorient



development pathways towards an economy that stays within ecological boundaries, while meeting social and ecological development goals.

As long as the biodiversity agenda is seen as separate or perceived as an additional priority, transformative action is unlikely. Despite positive planning policies in conserving and restoring ecosystems, the state of Scotland's biodiversity has continued to deteriorate. Many positive effects appear to have been offset by growing consumption of land and other natural resources and use of (fossil) resources. This therefore is the thorny issue that needs tackled, not ignored.

We believe that **biodiversity concerns need to be mainstreamed into decision making.**

We recommend that policies and activities need to:

- provide biodiversity related knowledge and support for those involved in development processes.
- empower planners, decision makers and communities to challenge incumbent interests and path-dependent unsustainable development trajectories.
- improve the way developments are determined to ensure that every development is assessed against the objective of protecting and enhancing biodiversity. All major developments must show how they will help to combat Climate Change and contribute to Biodiversity targets.
- determine the red lines and limits to encroachment on natural spaces and ensure that natural protections are effective.

National Nature Network National Development

NPF4 should be a major vehicle to create new opportunities for nature to flourish - creating nature networks, new, accessible greenspaces and ensuring that access to them is equitable.

As such we would **encourage the consideration of the incorporation of a Scotland-wide Nature Network as a National Development.**

