

Local Government and Regeneration Committee
Scrutiny of the Draft Third National Planning Framework

John Muir Trust Evidence to
Local Government and
Regeneration Committee on
National Planning Framework 3



BACKGROUND

The John Muir Trust is the leading wild land conservation charity in the United Kingdom. Working with people and communities to conserve, campaign and inspire, the Trust is a membership organisation that seeks to ensure that wild land is protected and enhanced and that wild places are valued by and for everyone. The UK's wild land is an asset of national and international significance but it is a finite resource and rapidly disappearing resource.

The Trust has considerable experience of the planning process at both the strategic level and through involvement with individual applications.

SUMMARY

The government clearly states that “*the National Planning Framework (NPF) is a long-term strategy for Scotland. It is the spatial expression of the Government Economic Strategy, and of our plans for development and investment in infrastructure.*” There are also clear criteria for ensuring that the public have an adequate opportunity to look at and comment on proposals in the NPF3, including National Developments.

The Trust wishes to highlight some contradiction with this purpose and aims in the way in which issues are dealt with in the draft NPF3 and SPP. The Trust believes this suggests that the process followed needs reviewed.

The Trust comments to the LGR Committee address:

- The purpose of National Planning Framework 3 (NPF3)
- The statutory procedure and review process for NPF3
- The relationship between NPF3 and SPP2
- Specific issues arising from current procedure including:
- Treatment of wild land in planning process

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- Late changes in NPF3 including – late inclusion of National Developments (NDs)

PROCESS

The Trust considers that the consultation process of releasing a Main Issues Report (MIR), rather than a consultation draft NPF3, did not give a clear enough indication of what was likely to be included in the parliamentary draft NPF3. There are aspects of the parliamentary draft which are very significantly different from the MIR. How will the public be aware of and comment on new aspects of the NPF3? There is no public document accompanying the parliamentary draft explaining how the changes have been brought forward and included. It does not seem possible for the public to follow and understand the evolution of the NPF3.

In contrast, there is at least some explanation about the government's thinking about the SPP in the Scottish Government Position Statement on SPP - although it is difficult to follow and draws some sweeping conclusions from the analysis of SPP responses. A similar document explaining government thinking on changed aspects of the NPF would seem essential to allow consideration by the Parliament.

One particular example of significant change in the NPF, which the Trust regards with great concern, is the treatment of wild land in planning. The Main Issues Report made it clear that the government "*also want to continue our strong protection for our wildest landscapes.*" It is of very serious concern that the parliamentary draft of NPF3 has no reference to wild land, wildness or wildest landscapes. (See further detail below).

THE RELATIONSHIP BETWEEN NPF3 AND SPP2

Timing of drafts

The timing of the various drafts does not allow joined-up consideration of NPF and SPP.

A critical problem about the SPP being reviewed alongside the NPF is the different timing for the release of the final versions of the two documents. This means that the public and MSPs have no way of knowing what will be in the final SPP – they only have the consultation document of 2013 and the short SG position statement to "read the runes" in. The Parliament will have signed off the NPF without seeing a final SPP. If the SPP changes from the consultation draft as much as the NPF has changed, then the Parliament may well find in a few months' time that they have bought a pig in a poke.

So the Parliament and others are drawing conclusions about the NPF3 in the absence of a clear sense of what will be contained in the SPP.

NPF Needs to Include Key Policy and Spatial Aims, As the Statutory Document

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The process of reviewing NPF and SPP together is clearly intended to bring about a joined-up approach to government planning and that is a worthwhile aim. However, NPF needs to clearly state government aims and how they relate to SPP since NPF sits above the SPP, as a statutory document.

It is not adequate for the SPP to refer to an issue of national importance, without the over-arching government policy being identified in NPF. This is of particular relevance when there is a spatial dimension to the policy –as is the case with Core Areas of Wild Land mapping (see below).

Whilst the aim of reviewing NPF 3 and SPP together is worthwhile, the scale of the task and the time constraints may have led to some confusion over which proposals should be in which document.

REFERENCES TO LANDSCAPE AND WILDEST LANDSCAPES

One key aspect of the latest draft of NPF which the Trust wishes to highlight is the changes in the approach to “Landscape” in the document. It is relevant to look at what wording was used in previous drafts.

NPF2 stated “97. *Scotland’s landscapes are a national asset of the highest value.....*

99. Scotland’s remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and great care should be taken to safeguard their wild land character.”

NPF3 Main Issues Report (summer 2013) stated “*In addition to our nationally important, most scenic, landscapes, we also want to continue our strong protection for our wildest landscapes.”*

NPF3 parliamentary draft (January 2014) states “*4.4 Scotland’s landscapes are spectacular, contributing to our quality of life, our national identity and the visitor economy. Landscape quality is found across Scotland/ National Scenic Areas attract many visitors and reinforce our international image. All landscape makes an important contribution to quality of life.”*

There is no mention of wild land, wildness or the Core Area of Wild Land mapping in the latest draft of the NPF3.

The references to National Parks and National Scenic Areas do not encompass the large areas of Scotland’s best wild land which do not fall within these designations. This is a complete contradiction to the previous drafts. It is not adequate that the last draft of SPP considered wild land in detail as the NPF would be the over-arching government policy document considered in planning and the final SPP could be radically different.

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The CAWL map was referred to in the draft SPP but it is the NPF which is the government's spatial plan. So there should be some text in the NPF3 which refers to wildness as a quality to be considered in planning and which explains how the map sits alongside the NPF.

In fact, the Trust would suggest that specific reference to Core Areas of Wild Land (CAWL) mapping should have been in the NPF – as a spatial plan. There has been considerable confusion and side-lining of the wild land issue within the planning review which is partly due to the mapping being linked to the SPP. Since the map has been linked to the SPP, however, reference must be continued within the NPF using the wording used in the MIR - *“In addition to our nationally important, most scenic, landscapes, we also want to continue our strong protection for our wildest landscapes.”*

It is hard to understand the removal of this important wording from NPF when the SPP consultation responses showed a two to one majority in favour of strengthened protection for wild land through the Core Areas of Wild Land map and strong wording in NPF3 and the SPP to make clear policy protection.

- Of the more than 110 or so submissions supporting the wild land map, the vast majority came from Scotland, and included environmentalists, charities, businesses, local authorities, community groups, professional bodies and individuals.
- Of the fewer than 50 submissions opposing wild land, almost all were from businesses with a financial interest in exploiting Scotland's wild land – two-thirds of them from outside Scotland, and one third multinational corporations from outside the UK.

Where does consideration of these latest changes lie in the parliamentary scrutiny?

The Trust is concerned that consideration of this critical part of the planning review process will fall between two stools. There is no reference to wildest landscapes in the parliamentary draft of NPF and yet it was clearly stated by government last year and in MIR that this was important. What the final SPP treatment of the CAWL mapping will be is unknown, but the CAWL is before the Parliament for consideration.

The Trust welcomes the opportunity to discuss CAWL mapping at the Economy, Energy and Tourism Committee as part of the NPF process. However, any such consideration can only be partial since it is focused on the possible constraint by CAWL mapping on onshore wind energy expansion. The Trust believes the CAWL mapping should have been referred to in the “natural resources” section of SPP rather than under “onshore wind energy”. It is unfortunate and misleading that wild land consideration has been included as a specific possible constraint on onshore wind development.

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The long-term aspirations of NPF should consider the mistakes of the past (e.g. commercial forestry on wild land) and realise that these maps should be promoted with pride. The CAWL brings a great opportunity to protect one of Scotland's unique assets from varied and as yet unpredicted potential inappropriate developments. It is an opportunity, not a constraint. Planning policy about our best landscapes should be considered as part of our natural environment protection and as a contribution to our economy from tourism and ecosystems services.

It is critical that wild land is properly protected. **Sadly, there has been a significant worsening of the policy wording and intention in the parliamentary draft despite the public wishes.** The Trust asks the various Committees and Parliament to correct this direction.

LATE CHANGES IN NPF3

A general procedure question which arises is about the process when very significant changes have been "parachuted" into the parliamentary NPF3 draft since many of those changes have had no public consultation about them.

What is the capacity for these points to be adequately reviewed by the Parliament and, if necessary, changed, in the 60 day scrutiny?

Looking beyond parliamentary engagement, the Trust asks the Committee to consider how the public and stakeholders comment on late inclusions in the NPF3.

Has there been adequate opportunity for public engagement?

NATIONAL DEVELOPMENTS WHICH WERE NOT IDENTIFIED IN MIR AND HAVE NO SPATIAL INDICATION

Another specific concern is the addition to the parliamentary draft of proposed National Developments (NDs) when those developments were not in the list of proposed National Developments at the time of the Main Issues Report. One such development is pumped storage hydro stations. Although pumped storage was assessed in the April 2013 Assessment of proposed National Developments Report (proposals 26 and 163), this was not assessed at that time as a good National Development candidate nor was it put forward in the Main Issues Report. The only vague indication came under Q 5 which asked about what more could be done to improve energy storage. So the public engagement would not have included substantive discussion around this proposal.

Now that this National Development is proposed, another aspect of concern with this proposal and others is the lack of a spatial framework in which to consider it. The government states regarding NPF and SPP, "Reviewing these two key national planning policy document at the same time will enable connections to be made between **where** we want to see development (NPF) and **how** we want to see it delivered (SPP)." However, the NPF gives no clear indication of the overall scope of

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the planned pump storage expansion, or what sites, other than Cruachan, would be potentially impacted. Although Cruachan is named on the NPF map, the text makes it clear that the ND would include any pumped storage development deemed necessary. This would mean that the need for the development would be regarded as proven despite the fact that, at the time of that need being accepted, there is no indication of where such developments might be.

The Trust is in favour of a coherent National Energy Strategy. Unfortunately, the current process of including large chunks of energy infra-structure under amorphous National Developments, such as “grid infra-structure” or “pump storage” is the opposite of a strategy. It appears to be reactive loosening of planning process in response to industry lobbying, without consideration of environmental constraints or economic case. It does democracy a disservice.

CONCLUSIONS

The Trust asks the Committee to consider whether the process of having a Main Issues Report, rather than a consultation draft NPF3, gave a clear enough indication of what was likely to be included in the parliamentary draft NPF3.

The Trust asks the Committee to consider whether the public and stakeholders have had adequate opportunity to comment on late inclusions in the NPF3.

The Trust asks the Committee to consider the treatment of wildest landscapes within the NPF process and ask whether there has been and is adequate opportunity to consider and understand what policy will exist after the NPF and SPP are finalised.

The Trust asks the Committee to consider whether the responses from the public to the planning consultations regarding wild land protection have been properly considered.