



27 January 2014

Rob Gibson MSP - Convenor of Rural Affairs, Climate Change & Environment Committee
Murdo Fraser MSP - Convenor of Economy, Energy & Tourism Committee
Kevin Stewart MSP - Convenor of Local Government & Regeneration Committee
Maureen Watt MSP - Convenor of Infrastructure & Capital Investment Committee

Dear Convenors

Current call for evidence on NPF3 Proposed Framework and SPP Position Paper

Due to timings of the calls for evidence and COSLA's own political meetings agenda setting processes, COSLA will further consider the recently published NPF3 proposed framework and the SPP Position Statement at the COSLA Leaders meeting on 28 February.

The comments attached therefore incorporate COSLA's previously agreed position prior to any further political consideration of more recent material supplied by the Government.

The attached outlines COSLA's position on NPF3/SPP and relevant associated matters as agreed by COSLA members at previous meetings of COSLA Leaders, COSLA Convention and the Development, Economy & Sustainability Executive Group corresponding to the various issues raised by the four Parliamentary Committees considering this matter, of which two (EET and RACCE) specifically requested COSLA to attend.

Given Leaders will not have an opportunity to consider the content of the latest publications until 28 February, COSLA will not attend Evidence Sessions at Scottish Parliament Committees as timings preclude appropriate political consideration.

The conclusions of Leaders deliberations will be submitted to the Clerks of the Parliamentary Committees following the 28 February meeting. I trust that this is satisfactory.

Yours sincerely



Cllr Stephen Hagan
COSLA Spokesperson
Development, Economy & Sustainability

Cc: Clerks of RACCE, EET, LGR and ICI Committees



Evidence submitted in relation to the Third National Planning Framework (NPF3) Proposed Framework and Scottish Planning Policy (SPP) Position Statement published on 14 January 2014.

Please note that these reflect COSLA's current agreed position on previous versions of NPF3/SPP. An update will be issued following the COSLA Leaders meeting on 28 February.

General comment

COSLA welcomed the simultaneous publication of the NPF3 MIR and the SPP refresh to give a complete picture of the Government's vision of where development will happen and how it will be delivered. COSLA did not comment on any proposed geographically specific candidate national developments in NPF3 instead these were deemed to be more appropriately the subject of member authorities' individual responses.

National Planning Framework 3 (NPF3)

A key objective of NPF3 is delivering sustainable economic growth, although balancing the inherent economic, environmental and social tensions will remain. Whilst we note that NPF3 is not a spending plan, in our view it needs to be aligned with other investment strategies and policy frameworks – National Transport Strategy, Second Report on Proposals and Policies, Zero Waste Plan etc. There is no reference to the broader context of demographic change and the impact that this will have on land use planning, whether in relation to an increasingly ageing population, areas of potential population growth and population decline. All plans should be evidence based. By providing this contextual information NPF3 can ensure that its proposals will achieve its aspiration as a statement of 'Ambition, Opportunity and Place'.

We note that the NPF3 refers to the need to link into SOA processes and CPPs at local level. NPF3, although national in scope, will be delivered and implemented locally. This local dimension should be highlighted in the document. In particular, reference should be made on how best advantage can be taken from the opportunities arising from the review of Community Planning and Single Outcome Agreements and the proposals for locking all public sector partners into a locally focussed leadership structure. This is consistent with the Local Government Vision that all decisions that can be taken locally should be taken locally and the Statement of Ambition published by Scottish Government and COSLA.

Connectivity in the NPF3 refers primarily to transport connectivity. Whilst this is important there is also a need for more emphasis on digital connectivity, especially given the national broadband project work currently being progressed by COSLA/Scottish Government. COSLA's view, in regard to SPP, is that it should also refer to the need for an updated national transport strategy for Scotland given the importance of effective transport options for tourism development.

The transition to a low carbon economy part of NPF3 is largely linked to the reduction and de-carbonisation of energy. Delivery is focused on supporting development of renewable energy supplies, carbon storage and grid capacity. This section should also give attention to improving energy efficiency. Local authorities are working with Scottish Government on the development of heat maps and it would be beneficial for NPF3 to make reference to this activity and the extent to which this will allow local authorities to support infrastructure investments.

We note that the management of waste is raised in NPF3 which asks whether it should support a decentralised approach to planning for waste management or if there should be a more strategic waste framework. This question should not be either/or as the answer will be dependent on local circumstances and need and could be both. COSLA's view is that waste infrastructure requirements must be informed by evidence from both Scottish Government and local government on waste projections and development to meet zero waste plan targets.

There are references to a national Tourism Development Plan which at the time of responding to the NPF3 MIR has not been published. We understand that this document will make explicit reference to the land use planning system and will focus on the role of the planning system in delivering the Visitor Economy to 2020. NPF3 should refer only those developments of a national scale and it will be for Local Development Plans to consider other tourism development projects

COSLA's Development Economy and Sustainability Executive Group considered VisitScotland's Draft National Tourism Development Plan at its meeting in March and May of last year. COSLA's response to VisitScotland's National Tourism Development Framework is accessible here along with responses from individual local authorities
http://www.visitscotland.org/what_we_do/tourism_development_plan/local_authority_response.s.aspx

Regarding onshore wind, both NPF3 and SPP imply that local sites which do not benefit from national status or protection are of less value and this is clearly not the case. A degree of protection should be afforded to locally significant landscapes given the important role they play in contributing to a sense of place and to community well-being. This is consistent with the joint policy position with Heads of Planning (HOPS) approved by the DES Executive Group submitted to the short life Ministerial working group on onshore consents. Appropriate compensation mechanisms should be established where developments are deemed necessary in the national interest.

The suggestion that local authorities prepare spatial strategies for onshore wind development as well as connections to offshore needs to be supported by adequate provision of resources.

COSLA commented that the status and purpose of maps published needs to be consistent with the narrative in SPP with particular reference to peat soils and onshore wind. For clarity we suggested that the Scottish Government may wish to cross-reference NPF3 to the relevant final SPP paragraphs in due course. We requested further clarification of the designation of sites as 'wild land', the precision of maps to designate such areas and this should be looked at in the next phase of the NPF3 development. *Additional note – this request led to the publication of the Core Wild Land Consultation and COSLA's DES Executive Committee responded as outlined below.*

Members endorsed a view that decisions are best taken locally on protected sites. An issue also raised by members is that there is insufficient guidance in SPP on impacts on ancient monuments in relation to their 'setting' to assist local decision-making.

Whilst COSLA's original response on NPF3 (and SPP) agreed at Convention in June 2013 did not comment on the identification of particular sites it did request that further work be done to

clarify the designation of sites as 'wild land', the precision of maps to designate such areas and proposed that this should be looked at in the next phase of the NPF3 development. Members additionally endorsed a view that decisions are best taken locally on protected sites. At our DES Executive Group meeting we noted that the SNH wild land consultation has, as requested, outlined the process for designation of wild land.

Members also acknowledged there may sometimes be a need to manage development in some areas of wild land. In our view the best way of achieving adequate balance is through locally based decision-making.

At Convention's earlier deliberations members were concerned that sites which do not benefit from national status or protection should not be viewed as being of less value. In our view a degree of protection should be afforded to locally significant landscapes given their importance in contributing to a sense of place and to community well-being. Whilst this particular issue go beyond the remit of the current SNH wild land consultation members asked me to reinforce this point in our response.

Members also wished to comment that there remains a need to ensure that the status and purpose of maps in NPF3 must be consistent with the narrative in SPP with particular reference to peat land carbon storage sites and those sites with the potential for onshore wind developments. Although again beyond the narrow scope of the wild land consultation, members asked me to highlight this as something which must be still to be addressed as SPP and NPF3 progress.

Scottish Planning Policy (SPP).

Greater recognition of the diversity of Scotland's communities and places needs to be acknowledged in SPP. Whilst SPP has a Principal Policy on Town Centres, Rural Development, National Parks and Coastal areas, there is no specific policy on Remote Rural or Island areas. We believe that if SPP is to encompass the diversity of Scotland then this gap needs to be addressed.

Town Centres Review

In general terms there is a need to consider how the proposals in the review fit with the COSLA vision for local government in relation to empowering local democracy; integration as opposed to centralisation; focussing on outcomes; and local democracy, accountability and choice. There is also a need to consider how the review fits with other Scottish Government strategies and documents such as NPF3, the Cities Strategy, Enterprise Areas, and whether there is any conflict or inconsistency between these documents. It is likely given some of the recommendations in the review that these are at odds with the COSLA Vision, and that various Scottish Government strategy documents emphasise different ways to enhance sustainable economic growth, e.g. via Cities, Enterprise Areas or Major Developments.

Place based initiatives have in the past been difficult for COSLA's membership to reach a consensus view given local factors, and there have been a variety of such initiatives over the past few years, with various documents asserting the importance of certain areas over others as the way to increase sustainable economic growth. For example there has been a focus on Cities, via the Agenda for Cities, and also in terms of Enterprise Areas, and now there is a focus on town centres. There is a need to ensure these initiatives do not run counter to one another or cause difficulties for local authorities in terms of prioritisation. For example Enterprise Areas have various incentives in place to attract investment, most of which are out of town, however now the town centre review emphasises the need to adopt a town centre first policy. An alternative solution could be if there are more Enterprise Areas to be designated in the future; perhaps some of these should be targeted at town centres.

There is a need to empower local authorities to create innovative solutions suited to the local context, while some of this is reflected in the review, for the majority of the text the tone is more directional to local authorities, which again goes against the grain of the COSLA Vision for Local Government.

Town Centre First Policy/ Planning

A Town Centre First Policy will need to square with other duties on local government, for example in relation to Best Value, which has already been recognised in the draft Procurement Reform Bill discussions. Although this is a recommendation, and is not suggesting a change to legislation, it is possible this would create problems of a hierarchy of considerations/duties /presumptions etc. While the importance of town centres may be recognised, and funding may be directed towards the reinvigoration of town centres either by local authorities or nationally by Scottish Government, it must also be recognised that local authorities have many other priorities that must also be considered and balanced when making decisions in relation to town centres in their area. A town centre first policy cannot or should not override any other considerations or priorities in terms of deciding where developments or services should be located within a local authority area.

There is a need to recognise that the current planning system already recognises the importance of town centres. However there is a need to also recognise wider social and environmental factors. For example the proposed presumption of locating all public facilities in town centres must not over-ride other legitimate planning considerations. Proportionate decision-making appropriate to local circumstances is required, not a one-size fits all approach. Councils and planning authorities already consider a range of economic, social and environmental issues when making any decisions on the location or relocation of public services and this would also apply to other public bodies. We would wish to stress that there should be no presumption that the town centre first policy would override any other considerations or priorities. Such an approach may not be consistent with an assets based approach to poverty reduction, e.g. community hubs in areas of deprivation. Empowering communities and locally appropriate solutions to entrenched problems of inequality and poverty may not be consistent with a town centre focus.

One of the actions proposed was for all public bodies to consider and audit a public right of access to public services, in particular CPPs to be fortified through the Community Empowerment and Renewal Bill, and the Town Centre First Presumption brought to the fore in SOAs. Given COSLA's view was that given timescales, it's unlikely this will or could be incorporated into SOAs at this time. Furthermore, it may be that demonstration project(s) may be better placed to emphasise or test this approach as opposed to trying to embed this in SOAs.

The Architecture and Place Policy was considered at DES Executive Group in November 2013 where no specific comments were made. COSLA has been engaged with SG on emerging discussions around a proposed Place Standard and seeks to understand the linkages and implications which may arise from that proposal on planning, place-making, housing, community well-being and other local government services.

Economic Benefit

We note that in SPP it is proposed that the planning system should attach 'significant weight' to the economic benefit of proposed developments, particularly jobs. COSLA's view is that economic benefit will vary according to local circumstances. 'Significant' may in fact be difficult to define and therefore be open to challenge. A more proportionate and balanced assessment would be preferable rather than giving primacy to economic considerations, given these may be short term, whereas environmental considerations are often longer-term.

By proposing that economic benefit should be treated as a material consideration in planning decision-making, SPP could undermine the plan-led approach and make it inconsistent with the Government's planning reform agenda. Consideration should be given as to whether appropriate local thresholds should be established (locally) before applicants are required to provide additional economic information to enable decision-makers to assess fully the economic benefits. The current draft suggests all applications are required to submit this information regardless of scale of development.

SPP should afford sufficient time in the decision making process for authorities to respond to community concerns. In particular there is a need for some degree of recognition not only of sites of special national or European designation but also for local designations that are important to communities. This links directly to the emerging "local place" agenda through Single Outcome Agreements and the need to preserve local democratic decision making consistent with local development plan priorities. The status of locally significant landscapes should not be disregarded in Scottish Planning Policy, given their important role in general community well-being.

Flexibility is needed within SPP to recognise new and emerging issues to ensure adequate future-proofing' of the planning system. As an example, unconventional gas extraction (such as shale or 'fracking') is seen as an opportunity in SPP. However there are concerns about the impact on communities on a range of grounds and further consideration must be given in SPP on definitions of adequate buffer zones for communities, to aid local decision-making.

Additional comment: COSLA additionally requested further guidance in relation to shale gas extraction in SPP as part of our response to the sustainable development consultation considered at our DES Executive Group in November 2013.

Sustainable Development

In our view consideration of the balance of economic, social and environmental impacts which contribute to sustainable development is best made at a local level. The policy principles outlined in the short consultation published by the Scottish Government on sustainable development particularly emphasise economic and environmental issues but largely disregard social aspects. The social policy context, in particular the demographic issues facing Scotland's communities also need to inform our decision-making. We would therefore suggest that the principles by which decisions are made should also take account of the needs of our communities to ensure a properly balanced approach.

The reference to proportionate information requests by planning authorities must be balanced by a need for applicants to provide good quality and timely information. Both are crucial in ensuring effective consideration of development proposals. Members also stressed that some requests for additional information may be outwith the discretion of the planning authority and may be requested by key agencies or arise from other legislative requirements.

Regeneration & Housing

Effective project management and use of processing agreements (where both applicant and authority agree to have one) is an operational tool to facilitate the streamlining of development management and is already a feature agreed in the key performance markers. Whether it is a matter of 'policy' to be included in SPP was a matter raised by members.

Additionally although not covered in the SPP consultation members also considered the recent press announcement by the Scottish Government regarding unconventional gas extraction and the announcement that the creation of buffer zones' would be incorporated into SPP.

COSLA members stated that they are already receiving interest from developers on such matters and there is an urgent need for the policy context to be formally clarified pending publication of the SPP next summer. Guidance for councils in developing Supplementary Guidance on this issue would therefore be welcome.

Regeneration plays an important role in economic development. SPP refers to the use of 'previously developed land' (formerly known as 'brownfield land'). It states that development plans should promote previously developed land before development on greenfield sites. It is not clear that a change in language clarifies matters, given the widespread use and understanding of the term brownfield, despite potential negative connotations. However we welcome the emphasis on the need for 'previously used land' to be developed before new sites in order to protect local landscapes and green spaces. We are concerned however that proposed housing land supply targets in certain areas along with 'land banking' activities by developers may in fact mean that planning authorities may have to release greenfield sites. This may help short term economic growth but will not necessarily achieve sustainable development in the longer term.

There is a need for greater clarity on definitions in SPP for example the use of terms such as 'generous housing supply'. Discussions with planning officers confirm that the proposed upper limit of 20% is too high. Availability will vary according to the diversity of Scotland's planning authorities and the requirements and timeframes laid down in Local Housing Strategies. COSLA's view is that without evidence behind this proposal, linked to local housing supply need, set figures could, in tight land supply areas, force planning authorities to identify greenfield sites. This is of course contrary to the national policy direction of promotion and use of previously developed (brownfield) sites first. Members also requested that affordable housing limits should be locally flexible and increased where locally appropriate from the proposed 25% outlined.

SPP also refers to the (then) unpublished Tourism Development Plan for Scotland as a key policy document to support business and employment and to promote sustainable and active travel in all its modes. COSLA's view is that SPP should also refer to the need for an updated national transport strategy for Scotland, given the importance of effective transport options for tourism development. In particular there is a need for SPP to consider full protection for approach routes for flight paths into airports from windfarm and other developments which may cause disruption.

As a general point members noted that following the ending of the MIR phase the Marine Plan consultation was due to be issued by the Government for consultation (now concluded). Members highlighted concerns around the maps that may emerge from that consultation and expressed a view that such NPF and marine plan consultations should be more closely aligned in future given the connections between marine, coastal and land use planning issues, particularly in relation to renewables.

Report on Proposals and Policies 2

The RPP2 is a welcome document as it brings together interlinking areas which contribute to Scotland tackling the global issue of climate change through the reduction of greenhouse gases. The development and detail required to meaningfully link these areas and to realise the intended progress towards ever challenging targets is not provided within RPP2. It is therefore not clear how many proposals and policies will be enacted and, importantly, financed. Local authorities are a key stakeholder and delivery partner in the majority of the policies and proposals within RPP2 and COSLA would welcome ever greater involvement of Scottish councils in the drafting and actioning of RPP policies and proposals.

The headline message in RPP2 is that good progress towards meeting carbon reduction targets has been achieved with a reduction in emissions of 24.3% by 2010 since 1990. Despite emissions targets for 2010 not being achieved due to extreme winter temperatures,

assumptions within RPP2 show targets to be on track to be met each year up to 2027. However the emissions projection targets to 2020 show that only through implementation of all RPP2 policies and proposals, and an increase in EU climate change policy targets to change from 20% to 30%, will the targets be met. This emphasises action on all policies and proposals.

The Scottish Government's carbon targets have been revised in RPP2 using the latest information from the Greenhouse Gas Inventory. This has resulted in the 2020 annual target of 42% reduction in emissions now equating to a 43.66% reduction, with the trajectory towards 80% by 2050 likely to result in a target of around 60% reduction required by 2030.

The overall cost to implement proposals and policies within RPP2 is estimated to be £1.6 billion per annum. The average benefits are estimated to be £1.2 billion per annum.

Costs are exclusive of transformational investments in the electricity generation sector. Benefits only include potential fuel and energy savings and do not include additional benefits, e.g. job creation, air quality, biodiversity. COSLA's view is that the costs and benefits need to be better determined by the Scottish Government to allow local authorities to make fully informed investment decisions. COSLA officers would propose that job creation as a key benefit for achievement of carbon targets, in-keeping with the ambition for a low carbon economic future and for the opportunity for this to be made clear within the RPP2.

Financial support to fund the capital investment required for projects that pay back in the long-term, and full consideration of the role of EU funds 2014-2020, in empowering local government to support the achievement Scotland's low carbon ambitions through infrastructure provision, business growth and resource efficiency advice, re-skilling and employment opportunities.

There is a need to localise RPP at local authority level. This has been a long-term ask of local authorities but requires access to expertise held centrally within the public sector and whilst we welcome mini-Sterns in Cities the current review of Community Planning, and the proposals of locking all public sector partners across every local authority into a locally focussed leadership structure, present clear opportunities for the sustainability agenda.

The opportunities this presents include a clear mechanism to localise the Report on Policies and Proposals into local service delivery and community-desired outcomes, an approach which strongly echoes the conclusions of the Christie Commission Report and would lend considerable further weight to the building blocks of a stronger, more joined up, and more extensive approach to prevention, early intervention and focus on 'local place' that have been put in place following the joint COSLA and Scottish Government Review of Community Planning and Single Outcome Agreements.

Conclusions

We hope that this will assist the Committee in its deliberations.

Further comments will be issued when COSLA Leaders have had an opportunity to consider the recently published NPF3 Proposed Framework and the SPP Position Statement at their meeting on **28 February 2014**.