

ITEM No ...10.....

REPORT TO: CITY DEVELOPMENT COMMITTEE – 7 MARCH 2022

REPORT ON: DRAFT NATIONAL PLANNING FRAMEWORK 4 AND THE PLANNING (SCOTLAND) ACT 2019

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 72-2022

1 PURPOSE OF REPORT

1.1 The purpose of this report is to update members on the publication and content of the Draft National Planning Framework 4 (NPF4) and to seek approval of the Council's proposed response to the consultation. It also provides an update on the implementation of the Planning (Scotland) Act 2019.

2 RECOMMENDATION

2.1 It is recommended that the Committee:

- a notes the publication and content of the Draft National Planning Framework 4 and approve the Council's proposed response to the consultation as set out in Appendix 1;
- b remits the Executive Director of City Development to submit the proposed consultation response on the Draft NPF4 to the Scottish Government by the 31 March 2022; and
- c notes the key updates and timescales for the ongoing implementation of the Planning (Scotland) Act 2019 as set out in Appendix 2.

3 FINANCIAL IMPLICATIONS

3.1 There will be additional duties to undertake as a consequence of the NPF4 and the ongoing implementation of the Planning (Scotland) Act 2019. The Council will work closely with Scottish Government, the Convention of Scottish Local Authorities (COSLA) and Heads of Planning Scotland (HOPS) to ensure that resources are in place to deliver the responsibilities of NPF4 and the Planning (Scotland) Act 2019.

4 BACKGROUND

4.1 Members will be aware from Report 260-2020 (Article III of the minute of meeting of this Committee of 26 October 2020 refers) of the ongoing reforms to the Scottish planning system.

4.2 The National Planning Framework is a long-term plan for Scotland setting out where national developments and infrastructure is needed to support sustainable and inclusive growth. As such, it is central to the implementation of the Scottish Government's vision for the future of planning in Scotland.

4.3 The Planning (Scotland) Act 2019 set out that NPF4 will have an enhanced status as it will be considered part of the statutory development plan. It will therefore play a key role in the determination of planning applications and the preparation of the Council's next Local Development Plan.

4.4 The current NPF3 was published in 2014 and will remain in place until NPF4 is adopted by Scottish Ministers. Scottish Planning Policy 2014 (SPP) which contains detailed national policy on several planning topics is also being revised and will be incorporated into NPF4 and once adopted will provide spatial and thematic national planning policies in one single document.

- 4.5 The Council has contributed to the review of the National Planning Framework and has responded to the Scottish Government's Call for Ideas, Position Statement and consultation on the Minimum All Tenure Housing Land Requirement. The Council, along with its partners in Tayside, has also submitted an Indicative Regional Spatial Strategy (RSS) to the Scottish Government to inform the drafting of NPF4.

5 DRAFT NATIONAL PLANNING FRAMEWORK 4

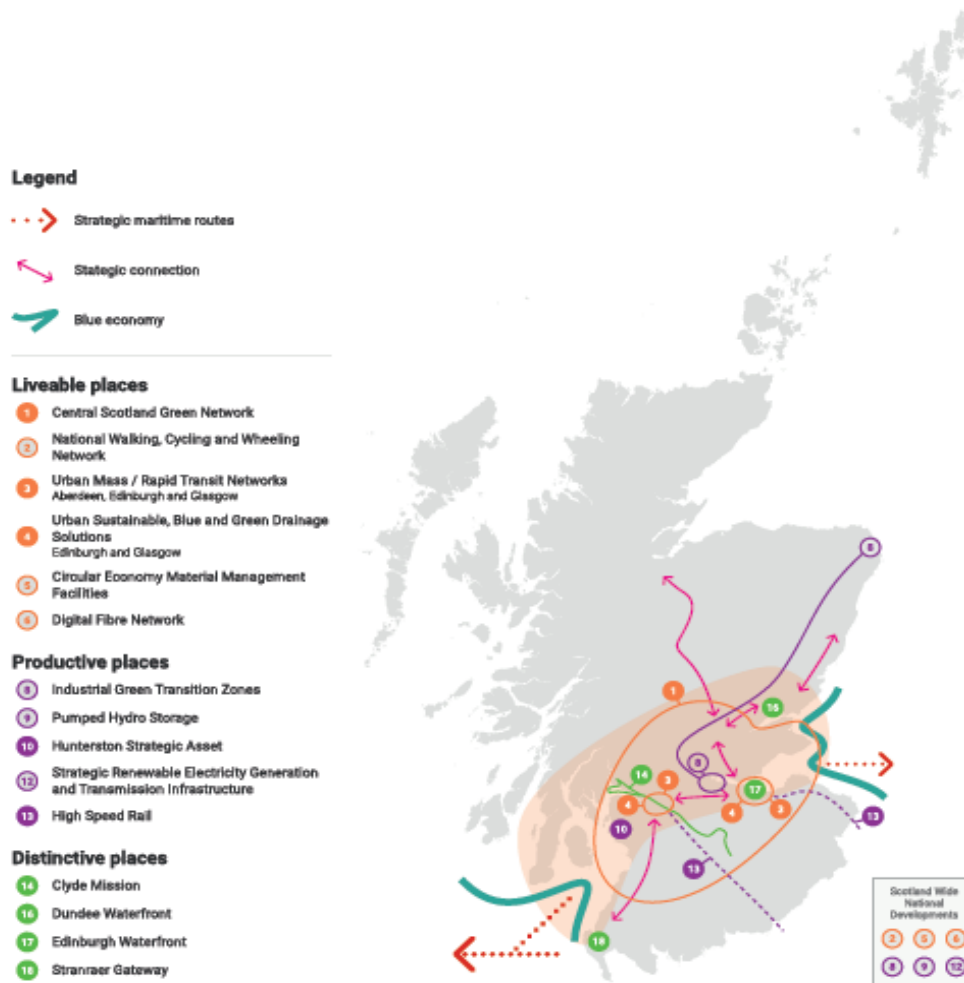
- 5.1 The Scottish Government published on 10 November 2021 the [Draft NPF4 \(external link\)](#) for a period of consultation that ends 31 March 2022. The Draft NPF4 sets out the Scottish Government's proposed long-term plan for the development of Scotland to 2045 that will guide spatial development, set out national planning policies, designate national developments and highlight regional spatial priorities.

- 5.2 The Draft NPF4 comprises five parts:

a Part 1 - National Spatial Strategy

- 1 The national spatial strategy sets out a shared vision where each part of Scotland can be planned and developed to create places that are: Sustainable, Liveable, Productive and Distinctive. The national spatial strategy establishes a series of spatial principles and five geographic 'action areas' are identified across Scotland. These 'action areas' establish the development priorities for each area.
- 2 Dundee is within the "Central Urban Transformation" action area as seen in the map below on the next page.

Central urban transformation



- 3 The key policies, plans and programmes set out in the “Central Action Area” section are summarised under the following key headings of, pioneer low-carbon resilient urban living; reinvent and future-proof city centres; accelerate urban greening; rediscover urban coasts and waterfronts; reuse land and buildings; invest in net zero housing solutions; grow a wellbeing economy; reimagine development on the urban fringe and improve urban accessibility.
- 4 Dundee’s role in this Central Urban Transformation action area is recognised through the ongoing regeneration of the Waterfront. With specific reference to the unlocking of sites for new homes and new opportunities for economic development arising from the Port, Michelin Scotland Innovation Parc and the Eden Project Dundee.

b Part 2 - National Developments

National developments are significant developments of national importance that will help to strongly support the delivery of the spatial strategy. Designation as a national development means the principle of the development does not need to be agreed in later consenting processes but does not remove the requirement for relevant consents to be obtained before development can begin. Eighteen national developments across Scotland are proposed to support the delivery of the spatial strategy. These national developments

range from single large-scale projects or collections and networks of several smaller scale proposals. The Dundee Waterfront was designated as a national development in NPF3 and has continued to be designated within the Draft NPF4. The description of Dundee Waterfront as a national development includes the Central Waterfront, Seabraes, City Quay, Riverside Business Area and Nature Park, Dundee Port and has been enhanced to include the Michelin Scotland Innovation Parc and the Eden project in support and recognition of the Tay Cities Regional Economic Strategy. The Draft NPF4 establishes that the Dundee Waterfront has been grouped with the national developments that are to deliver sustainable, distinctive places. The focus is on ensuring the continued transformation of the Dundee Waterfront and recognition as a national development is to secure the role of the city as a location for investment in the net-zero economy through supporting population growth, economic opportunities and demonstrating the sustainability of urban living.

c Part 3 - National Planning Policy

This section of Draft NPF4 incorporates a revised Scottish Planning Policy and contains the detailed national planning policy. The national planning policies have been grouped into the four “place” themes of Sustainable (universal policies); Liveable; Productive and Distinctive.

There are 35 national planning policies set across the four themes and these policies, once NPF4 is adopted, will be used to determine planning applications as well as guide the content and requirements for Local Development Plans and Local Place Plans, masterplans and briefs.

Sustainable Places - policies are universal policies and are to be considered for all planning applications – these policies focus on climate and nature emergency, design considerations as well as introduction of community wealth building and public interest and equality considerations.

Liveable Places - policies strongly promote the 20-minute neighbourhood concept as well as promotion of quality homes, infrastructure first approach, blue green infrastructure and health and well-being.

Productive Places - policies focus on business and employment, culture and creativity, zero waste, green energy and digital infrastructure.

Distinctive Places - policies focus on delivering vibrant sustainable centres through directing retail and significant footfall generating uses to city and town centre locations, reuse of vacant and derelict land, historic assets, woodland and coasts.

These national planning policies introduce additional requirements for the assessment of planning applications and for consideration in the preparation of Local Development Plans. The response to the content of the policies is provided in Appendix 1.

d Part 4 – Delivery

In order to deliver the NPF4 strategy will require collaborative action from the public and private sectors and wider communities. Actions will range across different scales and include a mix of strategic and project investments. Part 4 of NPF4 will be developed into a standalone, live Delivery Programme once NPF4 has been approved and adopted. There is no Delivery Programme to comment on as part of this consultation and as a result there are limited details on timescales, funding mechanisms and lead stakeholders that will support the delivery of NPF4.

e Part 5 – Annexes

1 Annexes provide information on how statutory outcomes are being met and include the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning

authority in Scotland and the Glossary of terms used within the Draft NPF4. Annex B of the Draft NPF4 sets the MATHLR for Dundee over a 10-year period at 4,200 homes. This figure is in accordance with the consultation response that the Council provided to the Scottish Government as part of the consultation on MATHLR figures in 2021.

- 2 The Council's proposed response to the Draft NPF4 consultation is set out in Appendix 1 and the structure of the response follows the 58 questions that have been set by the Scottish Government. The proposed response covers the key aspects of the spatial strategy, the Central Urban Transformation Area, the national developments and consideration of the content of the national planning policies and the Minimum All Tenure Housing Land Requirement.

- 5.3 The key considerations raised within the proposed response highlight that the Draft NPF4 is ambitious and there is support for the inclusion of key themes of climate change, sustainability, nature-based solutions, place making and town centre first approach. The continued designation of Dundee Waterfront as a national development and as a focus for sustainable urban living and for economic investment is welcomed and provides certainty on the priorities that will deliver the national spatial strategy.
- 5.4 In terms of the national planning policies there is a concern over the imprecise wording of many of the policies and that this will result in difficulty in the practical application of the policies when assessing planning applications and in defending decisions at appeal. In addition, the merging of Local Development Plan requirements and planning application considerations into national planning policies will add to the difficulty in the assessment of applications and these requirements should be separated. The response highlights that the successful implementation of the ambitions set out in Draft NPF4 will depend on clear and practical national policies which all stakeholders can understand.
- 5.5 The introduction of a minimum all tenure housing land requirement within the Draft NPF4 is supported and allows for the option to deliver local needs and aspirations beyond this. There is a concern regarding the absence of a Delivery Programme and the lack of details on associated supporting financial commitments, timescales and lead partners creates uncertainty to the effectiveness and deliverability of NPF4.
- 5.6 A Tayside Region response to the Draft NPF4 will be submitted separately to the Scottish Government and will have a specific focus on the spatial strategy, national development and relationship between the proposed action areas with Regional Spatial Strategies.

6 KEY UPDATES ON IMPLEMENTATION OF THE PLANNING (SCOTLAND) ACT 2019

- 6.1 The key provisions and implementation contained within the Planning (Scotland) Act 2019 are contained in Appendix 2. Appendix 2 summarises the various provisions of the Act in relation to development planning, community engagement and development management. A brief summary update is provided on the key activity, alongside the Scottish Government's proposed timescales for implementation. In addition to the most significant implications of the Act highlighted in the Appendix 2, the Act introduces other detailed matters that will require to be taken on board through the work of the planning authority.

7 POLICY IMPLICATIONS

- 7.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. There are no major issues.

8 CONSULTATIONS

- 8.1 The Council Management Team has been consulted in the preparation of this report.

9 BACKGROUND PAPERS

9.1 None.

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24 February 2022

APPENDIX 1

DUNDEE CITY COUNCIL RESPONSE TO DRAFT NATIONAL PLANNING FRAMEWORK 4

PART 1 – A NATIONAL SPATIAL STRATEGY FOR SCOTLAND 2045

Sustainable Places

Q1 - Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?

The concept and principles of Sustainable Places is welcomed and its prominence in the overall spatial strategy for Scotland. These principles are integral to the Council's city-wide Climate Action Plan and the development of our Climate Resilience and Circular Economy strategies and Council's Net Zero Plan.

The spatial principles set out on p10 should be an integral part of the policy and there is a need to include references to nature and biodiversity. There also needs to be more of a balance between urban and rural characteristics.

The deliverability of the approach will rely on culture change across the board with more emphasis on co-design and partnership working in order to implement new design approaches to successfully deliver places.

The Draft NPF 4 provides the correct spatial dimension for the wider sustainability discussion, but it needs a clear reference to an approach based on "the right development in the right place" and policy wording to support the ambition.

Liveable Places

Q2 - Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?

The Council agrees with the principles of this approach, but this will come down to delivery and how successful policy will be in delivering the required change. There are significant challenges to be addressed in urban contexts and this policy and the NPF4 Delivery Programme has a role to play. For the Council, Participatory Budgeting will have a key role in the implementation of this approach as will utilising place-based approaches and tools such as the Place Standard Tool in its new form (incorporating Climate Change).

The support for 20-minute neighbourhood is very positive but needs to be more explicit on the input and responsibilities of wider stakeholders and communities themselves. The approach to liveable places is supported and the transition to delivery of places and homes that are better designed, healthier and vibrant is a welcome change but will require a fundamental rethink in how developers design new developments.

In terms of delivering liveable places, a deep understanding of local context is required, so the NPF4 should be more explicit in stating that LDPs will be key to delivery, and what policies mean in different authorities. NPF4 must be more explicit that brownfield land and buildings must be reused first and that greenfield sites will only be considered for development when a set of specific circumstances is met. This will help achieve the zero-carbon target.

The Council is supportive of the aspirations for the liveable places theme, but greater clarity is required in relation to elements of the policy (e.g. 20-minute neighbourhoods, role of LDPs and other stakeholders). Stronger policy wording is required throughout to assist with decision making on planning proposals.

Productive Places

Q3 - Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?

The objectives of economic growth within Productive Places should enhance the approach of the other themes to provide more of a focus on net-zero carbon and green recovery objectives. The Council seeks a strong policy approach to allow for opportunities such as Michelin Scotland Innovation Parc, Dundee Port, and investment in net-zero economies to flourish.

Digital Infrastructure and Innovation should be referenced and introduced as they are later set out as a national planning policy at Policy 23 and so should be referenced within this wider setting of the theme.

Definitions are required either in the text or wider glossary for many of the terms used, including “community wealth”, “fair work” and “good green jobs”. If such phrases are not defined these will be open to interpretation and debate through planning applications and appeals. The culture and creativity sections need expanding and in a general sense the wording of the policies and use of the word “should” rather than “musts” requires consideration as this will undermine a strong policy approach.

Distinctive Places

Q4 - Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

This approach is aspirational and brings together aspects of the distinctive places policies set out later in the document. The successful implementation of the approach will rely on significant investment and a coordinated, multi-sector approach, and monitoring of the effects of the pandemic. It ties in well with the Council’s work on the City Centre Strategic Investment Plan which identifies key outcomes and actions across the themes of living, working, visiting, public realm and connectivity to support transformative change and making the city centre more distinctive and welcoming.

The approach does little to recognise existing distinctive places as assets and more emphasis should be placed on existing heritage and landscape. The Council would want to see a policy approach that supports delivery of future development that complements the existing distinctive assets across the city.

This section should also include regeneration as a key goal for Councils, communities, developers and politicians to address inequalities. There is a need to deliver distinctive places not only in town and city centres, but also in neighbourhoods with poor SIMD outcomes. Further details on measuring the distinctiveness of a place would be beneficial.

Policy 16 and Policy 17 in Productive Places theme are of close relevance to this theme and there should be improved linkages to these policies. There are aspects of distinctive places such as community cohesion, inclusivity, tourism and the spaces for people that could be referenced in order to strengthen this approach.

Q5 - Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?

The NPF4 needs to be viewed holistically and it will require a combination of every policy and principle to contribute to the delivery of sustainable, liveable, productive and distinctive places.

The Council is supportive of the priority to reuse existing buildings and conserve existing assets to provide a greater benefit to communities and the sustainable use of resources. The spatial strategy should provide stronger clarity on the balance and weighting of decision making and provide a clear focus on supporting economic growth through a green recovery.

Spatial Principles

Q6 - Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

There is a need for clarity on the decision-making weight of the principles within the spatial strategy and there should be more emphasis on aiming for “the right development on the right places” to guide development to deliver the spatial strategy.

Spatial Strategy Action Areas

Q7 - Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

The Council is supportive of the Low Carbon Living action approach as a priority. There is no mention of biodiversity or nature-based solutions in these action area titles and that should be more prominent to tie in with the remainder of the document.

Q8 - Q13 and Q16-Q17

N/a – relates to geographic action areas that DCC do not form part of.

Central Urban Transformation

Q14 - Do you agree with this summary of challenges and opportunities for this action area?

The summary of challenges and opportunities for this area are supported and focus on the need to make significant changes to the densely populated central belt area of Scotland in order to achieve net zero commitments.

Q15 - What are your views on these strategic actions for this action area?

The Council is supportive of the strategic actions set out in ‘Central urban transformation area’ of low-carbon resilient urban living; reinvent and future-proof city centres; accelerate urban greening; rediscover urban coasts and waterfronts; reuse land and buildings; invest in net zero housing solutions; grow a wellbeing economy; reimagine development on the urban fringe and improve urban accessibility. These are strategic actions that correlate with Dundee as an urban authority and will provide a focus for the formation of the next LDP as well as the Regional Spatial Strategy. The Council is supportive of the reference to Dundee’s role in the action area through the ongoing regeneration of the waterfront and unlocking housing sites and opportunities for economic development.

National Spatial Strategy

Q18 - What are your overall views on this proposed national spatial strategy?

The principles set out in the national spatial strategy are supported and set out an ambitious vision to deliver sustainable, liveable, productive and distinctive places. The challenge will be in the implementation of the national spatial strategy and will require investment in places and infrastructure as well as a strong policy framework for decision making in order to deliver NPF4.

Further clarity is required to explain the role of the Action Areas and the geographic areas appear to overlap and this adds to the confusion. There needs to be more clarity on the role of Regional Spatial Strategies and how Local Development Plans are to reflect these ambitions in their strategies and policies.

PART 2 – NATIONAL DEVELOPMENTS

Q19 - Do you think that any of the classes of development described in the statements of need should be changed or additional classes added in order to deliver the national development described?

2 - National Walking, Cycling and Wheeling Network. The Council supports the inclusion of this national development and consider the focus on cycle, footway and wheeling infrastructure necessary to achieve a 20% reduction in car kilometres by 2030. Further clarity is required as to how this will be supported at a regional and local level and will require details of investment within the Delivery Programme.

3 - Urban Mass/Rapid Transit Network. This national development covers Glasgow, Edinburgh and Aberdeen but should include that Dundee is to bring forward public transport corridors with the Tayside Bus Alliance and support sustainable transport and bus priority which will assist in achieving net zero targets. Reference should be made to The Trunk Road (Kingsway) in the city and reference to the STPR2 which will hopefully bring forward proposals to improve public transport movements.

13 - High Speed Rail. There is an opportunity to look at routes via Dundee to ensure integrated, reliable rail service with substantial improvements to connections, frequency and speed of the whole rail network. These matters require to be addressed alongside improvements to infrastructure.

16 - Dundee Waterfront. The continued designation of Dundee Waterfront as a national development provides certainty on the priorities that will deliver the national spatial strategy. The focus on an approach to deliver sustainable urban living and for economic investment is welcomed as is the expanded description of the national development to include Michelin Scotland Innovation Parc and the Eden Project.

Q20 - Is the level of information in the statements of need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?

The definition and statement of need for when a proposal should be handled as a national development appears to be clear. The mapping of the boundaries for the location specific national development could be improved to provide clarity.

Q21 - Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?

The response to Q19 sets out aspects of proposed national developments that could include reference to Dundee. There are no other developments within Dundee that should be considered for national development status.

PART 3 – NATIONAL PLANNING POLICY

Sustainable Places

Q22 - We want our places to help us tackle the climate and nature crises and ensure Scotland adapts to thrive within the planet's sustainable limits. Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

The Council is supportive of the approach to address climate change and focus on nature recovery and that these should be the primary guiding principles. This approach requires clear guidelines for implementation and a further emphasis on green recovery in order to encourage economic development.

Preamble to the policy on page 68 states that Scotland 'will be facing a warmer climate' - this should be clarified that Scotland will face a warmer but drier summer, a milder and wetter winter with more intense rainfall events and storms.

Policy 1: Plan-led Approach To Sustainable Development

Q23 - Do you agree with this policy approach?

The Council is supportive of this plan-led approach to sustainable development as reflected in Scotland's National Outcomes. This policy is also included in the Universal Policy section although it only applies to Local Development Plans and this should be clarified and guidance provided on how to achieve this.

Policy 2: Climate emergency

Q24 - Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

This policy will require partnership working across a wide range of stakeholders and this needs to be set out in a clearer way. Planning is an important contributor to this challenging area, but it is not the sole or indeed principal player.

The draft policy does require greater clarity to ensure that it can be implemented and details are required to ensure a consistent approach to the assessment of the policy. The requirements add greater complexity to assessing planning applications, in particular those which will impact on key performance timescales. Significant resourcing is required, and this should be set out in the Delivery Programme.

With reference to the policy wording, the weighting of the criteria needs further clarity. The wording of Policy 24 criterion a) highlights that significant weight should be placed on Global Climate Emergency, however, in order to achieve ambitious net-zero targets this should be the primary consideration. Concern that the wording of Policy 24c) would allow for too much flexibility and offset criteria a) and b) and the policy requires stronger emphasis on redesign and a demands/need assessment for proposals that generate significant emissions.

Policy 3: Nature Crisis

Q25 - Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

The emphasis on the enhancement of biodiversity is welcomed and links with "Developing with Nature" by NatureScot. These external links to other critical plans and strategies need to be more explicit and the use of diagrams to connect these strategies would be helpful.

New developments should be required to help restore nature and biodiversity to mitigate the effects of climate change through creating eco-systems and incorporating functional greenspaces and connections to greenspace for community's health and wellbeing. New development should focus on brownfield redevelopment and not on natural sites rich in biodiversity. Consideration to restrict felling of mature trees prior to submission of planning applications should be considered.

Policy 4: Human Rights and Equality

Q26. Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

These areas will require further clarification and guidance if they are to be relevant to planning processes, and engagement with local communities and stakeholders.

It would be more appropriate for human rights matters and the promotion of equality to be incorporated into the requirements for the preparation of Local Development Plans. The inclusion of these matters

as a planning policy-based approach to be used for the assessment of planning applications will be open to challenge.

Policy 5: Community Wealth Building

Q27 - Do you agree that planning policy should support community wealth building, and does this policy deliver this?

The concept of community wealth building is supported but further detail would be welcome on how this can be supported through the statutory planning process. Policy 5b refers to all national and major applications contributing to community wealth building, but it is not clear how this should be achieved within the parameters of a statutory land use process. The success and implementation of the policy will depend on the individual approach being taken in local authorities and the corporate approach and strategy to deliver community wealth building.

Policy 6: Design, Quality and Place

Q28 - Do you agree that this policy will enable the planning system to promote design, quality and place?

The general emphasis of this policy approach and inclusion of the 6 qualities of Successful Places is supported. However, the policy wording is imprecise and will result in difficulty in clearly assessing development proposals for application. There should be better integration of this policy section within the overall policy sections to reflect the broader concepts of place-making and policies referred to in older documents need to be urgently updated e.g., Creating Places 2013 and Designing Streets 2010. Design concepts and theories have moved on in the last decade and this progress and thinking needs to be reflected in the Draft NPF4.

Policy 7: Local Living

Q29 - Do you agree that this policy sufficiently addresses the need to support local living?

This policy has the potential to support local living but is lacking the clarity and robustness to be useful as a development management tool. The inclusion of the 20-minute neighbourhood concept is supported and aligns well with priorities for the next Local Development Plan and City Centre Strategic Investment Plan. More emphasis is required on the delivery of 20-minute neighbourhoods through a community-led approach and a key focus should be on changing behaviours and travel choices. The policy should focus on evidence gathering to understand the diversity of needs of local people depending on age, gender, race, sexuality, and disability. The Delivery Programme should outline funding to support capacity to develop this through preparation of Local Place Plans and Local Development Plans.

In Dundee, the city centre and district centres are currently threatened by competition from out of centre retailing. The policy approach should be to reverse the trend of car-dependent, out-of-town retail and leisure developments which are not closely located to populated areas. In order to provide more certainty to the decision-making process, Policy 7 should state that proposed major developments clearly not consistent with 20-minute neighbourhood principles in an urban location will not be supported. There should also be a stronger policy approach in terms of increasing the density of developments in appropriate locations.

The challenges will lie in developing brownfield sites due to the fragmented property ownership in the city centre, and the funding implications of high-quality infrastructure/amenities. The concept has the potential to inadvertently increase inequalities. There is a real risk that communities who are already engaged can mobilise themselves to access support, including funding, at the expense of other communities less able to engage.

This policy could be integrated with Policy 6, with the 20-minute neighbourhood concept applied throughout. In terms of assessing planning proposals the criteria set out in b) are 'shoulds' and more certainty is required to be provided in the policy wording to determine if a development proposal

complies or not. The criteria outlined in b) appears to allow of a range of uses and concern that this principle could be viewed as conflicting with Town Centre's First Principle.

Policy 8: Infrastructure First

Q30 - Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning?

This policy would be strengthened with definition on what is meant specifically by 'infrastructure' i.e. digital/roads/green etc. A range of funding streams/investments would need to be established for this to be an effective approach. The importance of energy infrastructure for land use planning to deliver net zero future is understated and should have more prominence within this policy. Should include community engagement as infrastructure decisions will impact on many other factors affecting communities.

From a development management perspective, (and like Policy 7 comment) – does 'not supported' mean robust grounds for refusal of a proposal? It is also important to ascertain what takes precedence i.e., design-led, green-infrastructure led, nature-based solutions etc. or infrastructure first? Lastly, the policy wording requires the applicant to submit a lot of additional information and question whether this is proportionate requirement as could lead to resource issue in assessment of applications.

Policy 9: Quality homes

Q31 - Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

This policy puts pressure on planning authorities to deliver sites and would benefit from a recognition that local authorities cannot influence when house builders will build and how fast they do so. The policy wording is open to interpretation and could be susceptible to legal challenge.

It is also noted that there is a potential for an oversupply of homes or unnecessary release of greenfield land which could promote an additional clause to the first exception to ensure no brownfield opportunities are available. A greater focus on climate resilient housing would be welcomed.

Policy 10: Sustainable transport

Q32 - Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

The emphasis on sustainable places and the need for policy interventions to travel sustainably is supported. Collaborative action on the transport system is needed to make emissions commitments achievable. It is recognised that this needs to be prioritised by local authorities and developers to ensure developments are in the right locations with provisions for active travel/decarbonization at the forefront. It would be useful to clarify how the policy can be implemented, and by whom, through the publication of the Delivery Programme. There is potential for this to be applied alongside Policy 8 Infrastructure First policy.

Guidance is required for the term "significant" increase in person trips. Completion of transport assessments and Travel Plans are not outcomes. Actions to mitigate any trips generated and provide usable alternatives to help tackle the climate crisis and improve obesity/health issues are important.

Clarity is needed on whether submission of a Travel Plan is a requirement and how it will be assessed, resourced, enforced and monitored. The reference to new road junctions could result in the justification of unsustainable locations.

Policy 11: Heat and Cooling**Q33 - Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?**

The Council is supportive of the ambitions for Heat Networks Partnerships and the value this can bring to the built environment, but this should go further and promote a whole systems approach to energy through LDPs and strategies.

This policy may be more suited to delivery through Building Standards legislation.

Policy 12: Blue and Green Infrastructure, Play and Sport**Q34 - Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?**

The Council is supportive of this policy, particularly the requirement for effective management and maintenance plans of public spaces, providing quality spaces for outdoor access. The provision for this could go further with linkage to Play Space sufficiency and Open Space Strategies that will be developed as part of Local Development Plan process and potential to identify new/enhanced provision for identification of play opportunities (both indoors/outdoors) to mitigate health effects.

There is a view that this policy is trying to cover too much, and would benefit from being two separate policies (i.e. blue and green infrastructure independent of play and sport). From a development management perspective, this policy places the onus on planning authority to demonstrate why a development does not meet policy test than on developer to show how it does.

Policy 13: Sustainable Flood Risk and Water Management**Q35 - Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?**

The Council is generally supportive of this policy but notes that there is no mention of water conservation as part of water management e.g. rainwater harvesting, grey water recycling etc for climate resilience. Additional detail should be provided relating to existing areas of flood risk and how these are mitigated. The policy could build on links to COP26, climate changes and nature-based solutions at a strategic level.

Policies 14 and 15: Health, Wellbeing and Safety**Q36 - Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?**

The precise role of planning authorities in this process needs further clarity, as it may well require further upskilling of staff and new areas of expertise to be developed. Clarity is also sought around Health Impact Assessments - what should be included, how is it assessed, what constitutes significant health effects?

The Council's position is that appropriate greenspace for food growing purposes should be provided for all new developments and biodiverse community spaces should be available within proximity to housing for resilience, health & wellbeing. The Council is supportive of the considerations for air quality and traffic but believes there should be a greater focus on active travel through high quality green public realm and business environments, including pedestrianisation where appropriate.

Policy 16: Land and Premises For Business and Employment

Q37 - Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?

Land use planning decisions and investment in new businesses/economic development opportunities are inextricably linked. The policy would be strengthened if more clarity around key terms could be provided e.g., wellbeing economy, guidance on criteria to assess net economic benefit.

This policy could present issues for planning authorities as it lacks protection for existing business/employment sites from alternative uses and runs the risk of undermining LDP sites/allocations. In addition, the parameters to be met for allocated sites could be perceived as burdensome when the principle is established, subject to normal development management considerations.

Policy 17: Sustainable Tourism

Q38 - Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net-zero and nature commitments?

The Council does not agree that this policy alone will inspire people to visit Scotland as it does not recognise the importance of well-designed public spaces and visitor attractions, award-winning architecture, natural assets, blue and green infrastructure, sustainable travel, tourist-friendly cultural events, and affordable services, in encouraging tourism.

Net-zero aspirations and nature commitments are not coming through strongly enough in this policy. This could be improved by promoting the concentration of tourism facilities in city centres and district centres which would also contribute to economic growth. This would be consistent with the Town Centre First Principle and the 20-minute neighbourhood concept. There should also be more specific wording on the impact of tourism-related development on traffic, travel and roads. Visitor attractions can cause access issues for locals when roads are congested which increases carbon emissions. There is no definition of "tourism-related facility" (f). Does that include leisure developments such as cinemas, bowling alleys, entertainment complexes and theatres? Further clarification would be beneficial.

Policy 18: Culture and Creativity

Q39 - Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

Culture and arts are essential parts of society/communities, there are however, practical issues to the procurement of public art. There should be a high level of community participation and involvement in the process of developing, commissioning and creating artworks for public spaces but this can take up considerable time and resources. The relationship of public art to Local Place Plans and developer contributions is missing. Definitions of public art and cultural venues would be beneficial to ensure they are applied appropriately. Implementation of this policy will require liaising with Culture Plans and the work of other local authority departments.

The "agent of change" principle requires planners to work with Environmental Protection teams on applications and the consideration of noise impact assessments. However, we welcome its contribution to the protection of cultural venues and the responsibility it places on developers to demonstrate sufficient standards can be achieved.

Policy 19: Green Energy

Q40 - Do you agree that this policy will ensure our places support continued expansion of low carbon and net-zero energy technologies as a key contributor to net-zero emissions by 2045?

A strong green energy policy is required for Scotland's local authorities to work towards net zero, and this policy needs further clarification to be adopted successfully. The policy states that LDP's should "ensure that an area's full potential for electricity and heat from renewable sources is achieved." Is this to be achieved through policy or spatially? There are also resource implications for assessing decarbonisation strategies.

A general observation on this policy is that it includes a range of caveats that would be onerous from a development management perspective, with no clear policy test when assessing proposals. There are other policies in the Draft NPF4 which appear to be set against this approach and better integration of relevant policies is required.

Policy 20: Zero Waste

Q41 - Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

The requirement for Local Development Plans to identify new locations for new infrastructure and support development in line with the national hierarchy is supported. This is an area where cross-sector and cross-agency working will be crucial and there is a key co-ordination and leadership role for the Scottish Government needed to assist Councils.

Policy 21: Aquaculture

Q42 - Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

This policy does not have a lot of relevance to Dundee City but generally speaking, this is extremely difficult to monitor and enforce, often leading to pollution and impact on other species. Much tighter regulation and monitoring required and details on how risk is managed in the marine environment would strengthen the policy. Overall, the policy needs detailed guidance of the environmental impacts that must be addressed throughout.

Policy 22: Minerals

Q43 - Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

This policy does not have a lot of relevance to Dundee City. The Council supports limiting the extraction of minerals and if such business is conducted, companies should be obliged to off-set the environmental harm in the wider area. Efforts should be made for sites need to operate carbon neutrally.

Policy 23: Digital Infrastructure

Q44 - Do you agree that this policy ensures all of our places will be digitally connected?

This is a critical area for further promotion and expansion to assist in dealing with future data and mapping demands and to make planning processes more efficient and customer friendly. The policy to require proposals to incorporate future proofed digital infrastructure is supported, whilst recognising this is a fast-developing and specialist area which needs to be accompanied by sufficient investment and delivery. This will be an ever-expanding activity which needs to be fully supported by the relevant public/private sectors.

Policies 24 to 27 – Distinctive Places

Policy 24: Centres

Policy 25: Retail

Policy 26: Town centre first assessment

Policy 27: Town Centre Living

Q45. Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

These policies will support low carbon urban living if implemented cohesively across Scotland, but more guidance will be needed to help direct development to the most sustainable locations. An evidence report on the national trends and projections of city and town centres (including the impact of Covid-19) would be beneficial, in combination with local retail studies, to help ensure a uniform and joined up approach across Scotland.

Concern with the wording of Policy 26a) as references to drive-through which by the nature of the use rely on significant private car movements and so would appear to separate it from the other types of uses referenced and seems at odds to bullet point 4 which would discourage car reliant uses of this nature.

The wording is unclear in places and weak in others. Language such as "consideration should be given to" (26c) and "Development proposals that improve the vitality and viability of city, town and local centres...should be supported" (24b) is not strong enough and allows for different interpretations.

The Town Centre First Assessment is a welcome measure but may place additional requirements for the assessment of planning applications at development management stage. Emphasis of policy should support inclusion of centres within new developments to support 20-minute neighbourhood concept.

The principles of 20-minute neighbourhoods should be clearly defined as they are referred to throughout the draft NPF4. 27d) is not consistent with the 20-minute neighbourhood concept because local businesses on the ground level provide more opportunities for residents to socialise and high-quality active frontages result in more positive perceptions of public space and more active travel.

Policy 28: Historic Assets and Places

Q46 - Do you agree that this policy will protect and enhance our historic environment, and support the re-use of redundant or neglected historic buildings?

The Council supports this policy as it aims to encourage the retention and reuse of historic buildings, many of which are vacant/derelict. The policy wording leaves little room for manoeuvre and would be relatively clear for decision makers to refer to. However, most of the points relate to development management and this policy is light on Local Development Plan guidance relating to historic assets and places.

Policy 28 may compete with other policy requirements in the Framework such as the 20-minute neighbourhood concept. It is unclear whether the two policies will work together or contradict each other, and the different balance and weighting of the policies needs to be further clarified.

The environmental impact of existing buildings should be assessed when deciding whether to reuse or demolish. This could include the identification of potential alterations which would improve climate resilience and biodiversity and reduce carbon emissions.

Policy 29: Urban Edges and the Green Belt**Q47 - Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?**

The Council broadly supports this policy as green belts encourage density, protect and enhance Scotland's natural assets and ensure that urban residents have access to countryside. Policy 31 Development in Open Countryside of Dundee's Local Development Plan works in a similar way to green belt policies and outwith the tight boundaries of Dundee City are similar policies in neighbouring LDPs. This policy approach has been guided by TAYplan and the NPF should provide another layer of policy to strengthen planning decisions relating to green belts and to increase the density of the city.

For these policies to be effective, resources must be allocated to encourage and direct investment to the development of brownfield land sites to meet housing demand.

Policy 30: Vacant and Derelict Land**Q48 - Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?**

This policy is critical for the protection of greenfield land and the reuse of underused land will attract new investment, create useable spaces for people, and build community resilience.

Many vacant and derelict sites are in areas of multiple deprivation and negatively impact the area and wellbeing of residents. These should be recognised as valuable local assets for community resilience. Therefore, the policy should be supported by funding for community groups and organisations to empower them to come up with creative and innovative solutions. There also needs to be a commitment to compulsory purchase powers to unlock complicated land and incentives for contaminated land remediation.

It is good to see that demolition is being regarded as the least preferred option, but the planning system has limited control of demolition. Local Place Plans may identify buildings or land which would not have otherwise been considered an asset but that communities value. A beneficial addition to this policy would be to incorporate linkages as to how developments/plans can support local biodiversity enhancements to vacant sites.

There is a potential issue with the wording of 30a) "Planning applications for proposals that result in the permanent or temporary reuse of vacant or derelict land and buildings should be supported in principle" as it suggests that any use on a brownfield site should be supported in principle.

Policy 31: Rural Places**Q49 - Do you agree that this policy will ensure that rural places can be vibrant and sustainable?**

There needs to be a better definition of what constitutes a rural/urban area and recognition that some rural areas are more remote than others. There should be more emphasis as to how rural and urban areas affect one another such as the influence of commuting and tourism. Finally, there should be better cycling infrastructure (safe and segregated from cars) between rural places and urban areas to enhance their vibrancy and sustainability.

Policy 32: Natural places**Q50 - Do you agree that this policy will protect and restore natural places?**

This policy has the potential to protect and restore natural places, but it seems to be open to misinterpretation and lacking enforceability. There is a lack of consistency in terms used here with reference being made to "nature rich areas", "nature networks" and "natural places". Terminology such as blue/green networks would clarify the approach. There could be more linkages between this policy and Policy 28 as many natural places are valued for their historic significance. There should be more

training and skills development opportunities for planners, developers and communities on ways of assessing and minimising the various impacts of developments on natural places.

Policy 33: Peat and Carbon Rich Soils

Q51 - Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

Dundee as an urban authority do not anticipate this policy would be of relevance. However, some concerns are highlighted below:

33b) This section allows for some development proposals to be supported when they may disturb soils. Only those proposals with the goal of the protection of said land should be supported.

d) Extraction of peat should be prohibited. Peat is a significant carbon sink and its removal contributes to GHG emissions.

Policy 34 – Trees, Woodland and Forestry

Q52 - Do you agree that this policy will expand woodland cover and protect existing woodland?

This policy is based around larger collections of trees (woodlands and forestry) but does not refer to the protection of small clusters of trees which are important, especially in urban settlements as they provide shade, contribute to biodiversity, water management, and the reduction of noise pollution, and can be used to screen temporarily derelict sites. Guidance on the regulation of garden and streets trees through measures such as Tree Preservation Orders should be included in this section.

Trees and woodland removal should be avoided as much as possible and existing trees and woodlands should be integrated where possible into proposed developments in order to maximise public benefit of clean air, natural flood management and biodiversity. Compensatory planting will take time to grow and does not have the same health benefit as established trees and woodlands.

Policy 35: Coasts

Q53 - Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

The Council agrees that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities. The impact of climate change on coastal areas is significant and requires more attention. We support the emphasis on minimising developments in undeveloped coastal areas and the need to include long term coastal vulnerability in design statements.

PART 4 – DELIVERING OUR SPATIAL STRATEGY

Q54 - Do you agree with our proposed priorities for the delivery of the spatial strategy?

Most of the national planning policies have a criterion outlining the requirements for the preparation or inclusion within the Local Development Plan. The inclusion of these strategic requirements as policy criteria will complicate the assessment of planning applications. The Council considers that the LDP requirements should be separated out in NPF4 as the inclusion of the criteria in a development management policy will lead to potential challenge and issues with the delivery of the spatial strategy.

Q55 - Do you have any other comments on the delivery of the spatial strategy?

The Council is concerned that Part 4 – Delivering the Spatial Strategy is the shortest section in the draft NPF4 and does not include a Delivery Programme. This is a crucial aspect of how the ambitious strategy can be effectively delivered by practitioners and communities.

The Delivery Programme must include alignment of other plans and strategies and also their respective timescales. The Draft NPF4 needs to set out a clear investment programme, the monitoring processes involved, and the additional resources that are to be invested in planning services throughout Scotland. This is in a context where Planning Authorities are addressing the 49 new, unfunded duties set out in the Planning (Scotland) Act 2019.

The draft NPF4 introduces areas requiring particular specialist skills and areas of expertise which will require additional funding for up-skilling and a need for external expertise for a range of assessments set out in the draft national policies.

PART 5- ANNEXESAnnex A**Q56 - Do you agree that the development measures identified will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?**

Annex A outlines the 6 high level outcomes and references the national planning policies and aspects of the spatial strategy that will contribute towards these outcomes. The Council in the response above have outlined comments to the individual policies and in order to achieve these outcomes would stress the importance of clear policy wording to support the decision making process and provide certainty.

Annex B**Q57 - Do you agree with the minimum all-tenure housing land requirement (mathlr) numbers identified above?**

Dundee City Council provided a formal response to the Scottish Government in 2021 with an amended MATHLR calculation. This was provided following a period working and consulting with Tayside regional stakeholders and evidenced with local housing data and involved consultation exercises with housing partners/stakeholder. The amended MATHLR figure that Dundee City Council put forward as part of this process has been carried through to the Draft NPF4 and the Council are therefore in agreement with the housing land requirement figure.

Annex C**Q58 - Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?**

The following terms are used within the document and for context it would be useful to include these within the glossary. The suggested terms for inclusion are “community wealth building”; “fair work”; “local living”; “compact growth” and “a just transition”.

APPENDIX 2

PLANNING (SCOTLAND) ACT 2019 IMPLEMENTATION TIMESCALES

* Please note that the information compiled below represents a summary of the position in relation to key areas of the Act and is not exhaustive.

KEY ACTIVITY	PROGRESS	TIMESCALES
National Planning Framework 4	<ul style="list-style-type: none"> NPF4 is a key driver of Planning Reform Spatial Strategy for Scotland Draft NPF4 out for consultation until 31 March 2022 	Q2 2022
Local Development Plans (LDP)	<ul style="list-style-type: none"> Considering emerging policies (NPF4) and how these will relate to processes/content of LDP's The Planning (Scotland) Act 2019 removed provisions of LDP Draft regulations out for consultation until 31st March 2022 	Q2 2022
Open Space Strategy	<ul style="list-style-type: none"> The Planning (Scotland) Act 2019 introduced new duties on planning authorities to publish an Open Space Strategy, and to assess sufficiency of Play Opportunities in their area Out for consultation until 31st March 2022 	Q2 2022
Regional Spatial Strategy	<ul style="list-style-type: none"> Requirement for Strategic Development Plans removed Authorities to prepare regional spatial strategies setting out strategic development priorities This part of the Act has not been implemented 	Q3 2022

DEVELOPMENT PLANNING**COMMUNITY ENGAGEMENT**

KEY ACTIVITY	PROGRESS	TIMESCALES
Mediation in Planning	Planning Circular 2/2021 - planning system - promotion and use of mediation: guidance	Published July 2021
Local Place Plans (LPPs)	<ul style="list-style-type: none"> • Aim to encourage communities to be active participants in planning for their futures • Focus on land use and place-making • Came into force 22nd Jan 2022 (Circular 1/2022) 	Published January 2022
Effective Community Engagement	Guidance is ongoing (delayed due to pandemic), looking to produce draft guidance during 2022	Q3 2022
Pre-application Consultation	The changes to requirements for pre-application consultation requirements with communities for national and major development, which were due to come into force on 1 October 2021, and the related changes in section 18 of the Planning (Scotland) Act 2019, are to be postponed until 1 April 2022	Q2 2022

DEVELOPMENT MANAGEMENT

KEY ACTIVITY	PROGRESS	TIMESCALES
Agent of Change Principle	The NPF4 will to include a new policy to address the Agent of Change principle, recognising the need to support arts venues and their contribution to Scottish culture and society.	Q2 2022
Compensation	The Act provides for Ministers to make regulations about the payment of compensation where planning permission granted by a development order is withdrawn, and an application subsequently made for permission that would have been granted by that order is refused.	Summer 2022
Enforcement	Work on charging orders and enforcement charters was paused, but this will recommence in 2022 with a view to having the new regulations in place later in the year.	Q3 2022
Fees and Performance	A new approach to measuring and improving performance and a new structure for planning fees. Work paused but will be actioned in 2022.	2022
Permitted Development Rights	Phase 1 introduced new PD rights for: digital telecommunications infrastructure; agricultural development; peatland restoration; development related to active travel; and aquaculture development. We expect to consult on Phase 2 in early 2022.	Q2 2022

