

# Title: National Planning Framework 4 (NPF4) - key changes, issues and next steps.

**Date: 7 December 2022**

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| **Purpose:** | Discussion |
| **How does this link with our corporate priorities of improving biodiversity or delivering nature-based solutions to climate change:** | The Paper highlights the key updates to National Planning Policies which are relevant to our corporate objective to Protect nature by expanding protected areas; regulating species management; and delivering effective planning advice on land and at sea |
| **Summary:** | The Paper provides a very brief update on key changes, issues and next steps as a result of the latest draft of National Planning Framework (NPF4) |
| **Actions:**  | The Board are asked to note changes to the policy landscape we work within the planning framework and the likely consequent change of emphasis in our approach to planning casework as a result. |
| **Recommendations:**  | The Board are asked to note progress with the latest planning policies and agree we will implement a review of our casework involvement in the planning system and our national interest guidance. |
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| **Appendices**: *Please note all appendices.* | Annex 1 – NPF4 further policy detail  |

**Purpose**

1. The paper provides a brief update on key changes to the National Planning Framework (NPF4) and the implications for NatureScot.

**Background**

1. The Scottish Government published the ‘National Planning Framework: Revised Draft’ on 8th November 2022. This sets out how Scotland’s approach to planning and development will help to achieve a net zero and sustainable Scotland by 2045.
2. This paper summarises key changes arising from the new Draft Framework, the timetable for adoption, and what NatureScot needs to consider by the time of enactment of NPF4.

**Key Points to Highlight**

1. The Climate and Nature emergencies are strongly emphasized and linked within NPF4 and now form a strong foundation for the policy approach set out in the planning framework.
2. Many of the issues we supported in the original draft have been retained or those we suggested needed strengthening have been incorporated. Generally, the wording is much stronger and less ambiguous and the drive to reduce carbon emissions is forefront in many of the policies, particularly all renewable technologies.

**Headlines for NatureScot**

1. The focus on reducing carbon emissions, in particular the support for renewable energy will have significant implications on *wild land and landscape*. Protection for wild land is weakened and landscape in general is less prominent throughout the document. NatureScot will have to revise our position in relation to renewables and wild land and we are considering the implications of this change as a priority.
2. We will also have to give further thought to how we secure *protection of peatland habitats* in the interests of renewables and other essential infrastructure.
3. NPF 4 includes policy to ensure that any development will conserve, restore and enhance biodiversity so it is in a demonstrably better state than without intervention. There is greater clarity on the methodology to secure *positive effects for biodiversity* with reference to ‘best practice assessment methods’ and ‘national and local guidance’. We will be continuing to engage with Scottish Government in delivering the Developing with Nature Guidance and inputting into the development of a biodiversity metric.
4. The stronger links to *Regional Spatial Strategies* through the revised draft will help us incorporate nature-networks into the planning system. The Place principle and *place-based approach* have been retained; The importance of *blue and green infrastructure* have been strengthened as an integral part of the approach to design and development; *National Developments* are further clarified; and the National Walking Cycling Wheeling Network has been retained.
5. A summary of the Key Policies are provided in **Annex 1**

**Stakeholder views**

1. Generally there have favourable reviews (e.g. RTPI, Scottish Renewables, Scottish Futures Trust) about the revised draft, which places planning at the heart of the drive towards net-zero. There is a recognition by many though that budget constraints within planning departments and a lack of planners make the realisation of the ambition a challenge. From the ENGOs, reviews have been mixed with some suggesting that due to the urgency of the climate crisis, the time for half measures has long since passed.

**Next Steps**

1. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. The current timetable is expected to be:
* Committees 22/29Nov – we have not been asked to provide evidence
* 6 week consideration by Parliament
* Vote in Parliament before New Year
* No further consultation proposed
* Likely to be enacted Jan/Feb if approved on expected schedule.

**Key issues** **for NatureScot to resolve by enactment**

1. In particular we need to assess/consider:
* What are the opportunities for us to engage at strategic levels of the planning system to encourage nature networks and enhancement of nature within this new system.
* Scottish Government and Planning Authorities expectations on our involvement in Positive Effects for Biodiversity at differing scales, including where we would engage with individual development proposals.
* Our involvement and engagement with wild land and broader landscape as adviser to Scottish Government on landscape issues.
* Weakening of peatland protection in relation to renewables proposals (which may be offset by interaction between the various policies ).
* General tenor of fast tracking renewables with fewer apparent constraints.
1. The Board should note that we’re not yet in a position to fully consider the resource implications from these changes until further consideration has been done and we know what the final approved form NPF4 takes. More detail of this will emerge in the development and refinement of our business plan for 22/23.

## Recommendations:

1. The Board are asked to note the impending change of emphasis for our work and agree the need for us to revisit our approach to planning casework and the requirement to update and review our associated guidance.

### **Annex 1 – Further Policy Detail included in NPF4**

*Policy 1 - Tackling the climate and nature crises*

This is a new overarching policy. The previous draft had separate climate emergency and nature crisis policies so the revised draft has a stronger link between climate change and biodiversity.

*Policy 3 - Biodiversity*

This policy confirms the need for development to leave nature in a better state and for it to be measurable. It contains stronger wording with the use of ‘will only be supported’ rather than ‘should only be supported’ in relation to development proposals. It also includes measures to conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. There is greater clarity on the methodology to secure positive effects for biodiversity with reference to ‘best practice assessment methods’ and ‘national and local guidance’.

*Policy 4 - Natural Places*

This policy has been moved to earlier in NFP4 to strengthen relationship with Policy 1 – 3. The Policy intent includes to “protect, restore and enhance natural assets making best use of nature-based solutions”. The policy on wild land has been significantly revised to support renewable energy development and small-scale developments. However, proposals “must be accompanied by a wild land impact assessment “. Buffer zones around wild land will not be applied and effects of development outwith wild land areas will not be a significant consideration.

*Policy 5 - Soils*

There is still a presumption in favour of renewable energy developments on peatland habitats where it is essential for renewable energy and associated infrastructure, small-scale development, or to support a fragile community.

*Policy 6 - Forestry*

There are only minor changes to this policy, but more emphasis on connectivity and nature networks.

*Policy 8 - Greenbelts*

The Policy outcomes emphasises the positive roles and contribution of green belts on natural environment.

*Policy 9 - Brownfield, vacant and derelict land and empty buildings*

There is a recognition of the contribution of brownfield land to nature recovery. It also includes recognition of use for productive greenspace with key policy connection to blue and green infrastructure.

*Policy 10 - Coastal Development*

This policy has been updated to provide more clarity on the level of support for proposals on developed and undeveloped coasts. It includes amended wording to take into consideration long-term risk e.g. taking into account future sea level change, supportable in the long-term taking into account projected climate change, design statement. It also strongly emphasizes need for collaboration between terrestrial and marine planning.

*Policy 11 - Energy*

This Policy has been substantially revised and strengthened to support all types of renewable energy (using ‘will be supported’ rather than ‘should be supported in principle’, other than wind farms in NPs and NSAs. There is no reference to impacts on peatland and carbon-rich soils

 The criteria relating to landscape and visual impacts has been relaxed and is more ambiguous: “significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable”.

 *Policy 13 - Sustainable Transport*

Stronger wording in relation to the sustainable transport hierarchy

 *Policy 20 - Blue and Green Infrastructure*

The Policy outcomes are clearer on Blue and Green Infrastructure (BGI) as an integral part of design and development. This is progression from previous policy positions. Role of BGI for nature and for people is also clearer.

 *Policy 22 - Flood Risk and Water Management*

There is a stronger position on implementing improvements through natural flood risk management and Blue and Green infrastructure.

 *Policy 30 - Tourism*

Additional factors that now need to be taken into account in development proposals for tourism include opportunities for sustainable travel, measures to minimise carbon emissions and opportunities to provide access to the natural environment.

*Policy 32 - Aquaculture*

The policy has a clearer intent that the aquaculture industry should work within environmental limits and ensures there is a thriving marine ecosystem for future generations. There is a clearer reference linking the policy back to National and Regional Marine planning.

*National Developments*

The National Developments remain unchanged although further clarification has been included on the detail of some of these developments. The implications of these will be analysed further in due course.