

## Local Development Planning - regulations and guidance consultation

31 March 2022

Built Environment Forum Scotland (BEFS) is the umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and existing built environment. BEFS is a supporting member of the [Climate Heritage Network https://climateheritage.org](https://climateheritage.org).

### BEFS Statement:

In forming this response BEFS received detailed views from Members both in writing and through a round table discussion.

BEFS welcomes this consultation on Local Development Planning - regulations and guidance.

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

[NPF4 Committee for Local Government, Housing and Planning – call for views](#)

[Local Development Planning - regulations and guidance consultation](#)

### BEFS Response:

BEFS recognises the draft Local Development Plan Regulations and Guidance's clear aims at interconnectivity, clarity around policy landscape and a holistic approach. The guidance would benefit from greater consistency throughout, but the focus on re-use, infrastructure and read across to NPF4 and Scotland's National Performance Framework (lacking in NPF4) is welcome.

As the consultation of the draft NPF4 is running concurrently to this consultation on the draft LDP regulations and guidance, BEFS would note the essential interrelatedness of the two; it is recognised that the LDP has more detail in it than is possible to include in NPF4, however this leaves some heavy lifting for the LDP, especially in reading across to NPF4 as well as other relevant policies, strategies and guidance where explicit links haven't been made (e.g. Housing 2040, Heat in Buildings Strategy)

BEFS further queries the practical interaction between NPF4 and LDP; how will this work without SPP? Is there a risk of weakening the system in the name of supporting development? More clarity regarding the decision-making process is needed.

It is also felt that more detail is needed in the Thematic sections, for example Decarbonisation and Zero Waste strategies are mentioned elsewhere in the draft but are not evident here. As with the draft NPF4, the historic environment still features most strongly within 'Distinctive Places', however the benefits of existing infrastructure (which includes our existing homes) do make more of an appearance in other sections, compared to NPF4, which is welcome. It is noted though, that some key aspects aren't covered equally or relatedly across the two documents; for example, 'Sustainable Places' makes no reference to community land building, or City Region Deals. It is also noted that in NPF4 some regional sections to refer the city deals – it is unclear how these are to be linked at early LDP stage and there is negligible read across to the regional spatial strategies on NPF4.

The practical application of the regulations and guidance is suspected to reveal disparity between the (admirable) intentions versus the reality of planning decisions and local engagement on the ground. For example, Members expressed some reservations around how Local Development Plans and Local Place Plans will feed into each other, as well as the concern that Local Place Plans will self-select, in that only well informed and resourced communities will be able to prepare these, primarily to prevent development. One

of the first things communities will want is access to up to date information from the Local Planning Authority, which may not (yet) exist.

One other suggestion is to have settlement statements in the LDP to provide the detail for how a place should change or be managed during the period of the plan; this may help to better integrate LPP's and the LDP.

### PART A – Introduction

#### **Q1. Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?**

BEFS have strongly briefed previously for the provision of clear, accessible, and cross cutting supplementary guidance. It is also suggested in the draft that aspects of guidance can be live documents (perpetual data, updated constantly, not required to undergo parliamentary scrutiny). More information about how these will be kept up to date would be welcome.

#### **Q2. i). Do you have any views on the content of the interim assessments?**

No comment made.

#### **Q2. ii). Do you have or can you direct us to any information that would assist in finalising these assessments?**

No comment made.

#### **Q3. i). Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?**

No comment made.

#### **Q3. ii). If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.**

No comment made.

### PART B – Proposals for Development Planning Regulations

#### **Q4. Do you agree with the proposals for regulations relating to the form and content of Local Development Plans?**

Whilst the Planning (Scotland) Act sets out much of what is necessary in the formation of LDPs, as the regulations around those asks are now no longer considered 'new', they are given scant attention in this document. However, implementing those asks needs to be considered alongside the wider regulatory details expressed within the paper.

BEFS notes that local policies can deviate from national ones if they are 'properly documented' however some clarity on what the process for this would be is sought.

#### **Q5. Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?**

As above, most of the monitoring is set out in the Planning (Scotland) Act.

**Q6. Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?**

BEFS has previously commented on availability of data, understanding of climate change information and planning authority capacity to source, store, update and apply such information. There are further concerns relating to assessment and associated costs to be met by planning authority.

**Q7. Do you agree with the proposals for regulations relating to the Evidence Report?**

BEFS have strongly briefed previously for the provision of clear, accessible, and cross cutting supplementary guidance.

**Q8. Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?**

As above.

**Q9. Do you agree with the proposals for regulations relating to the examination of the LDP?**

As above.

**Q10. Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?**

No comment made.

**Q11. Do you agree with the proposals for regulations relating to Development Plan Schemes?**

No comment made.

**Q12. Do you agree with the proposals for regulations relating to Delivery Programmes?**

No comment made.

**Q13. Do you agree with the proposals for regulations relating to the meaning of 'key agency'?**

No comment made.

**Q14. Do you agree with the proposals for regulations relating to transitional provisions?**

BEFS welcomes the summary of the abridged changes as part of the consultation and notes that most regulations will be set out in guidance. BEFS have strongly briefed previously for the provision of clear, accessible, and cross cutting supplementary guidance.

**Q15. Do you agree with the general guidance on Local Development Plans?**

BEFS considers the guidance to show good aims towards interconnectivity, clarity around policy landscape and a holistic approach, and the guidance's focus on a collaboration and engagement is welcome; benefit would be seen from greater consistency throughout, but the focus on re-use, infrastructure and read across to NPF4 and Scotland's National Performance Framework (lacking in NPF4) is very much supported. The practical application of the regulations and guidance, however, is suspected to reveal disparity between the (admirable) intentions versus the reality of planning decisions and local engagement on the ground.

- 1.7 and 1.8 - Good example of policy landscape and interconnected policy approach.
- 1.10 - BEFS welcomes early reference to and link to Scotland's National Performance Framework.
- 1.11 - In terms of place-based delivery, these Plans should aim to look 20 years ahead.

- 1.14 - BEFS welcomes 'Embedding an Infrastructure First approach'.
- BEFS is pleased to see [Place Principle](#), Local Outcomes Improvement Plans (LOIPs), and the [Place Standard](#) tool recognised in this section, and referenced as part of utilising existing tools for decision making and planning for good places.
- 1.21 – Suggest that historic environment is included in this list, alongside 'natural environment' given the cross-cutting benefits which the historic environment contributes towards social, economic, environmental and cultural benefits and in creating and sustaining good places.
- 1.25 - BEFS notes the opportunity here to address community wealth building. Is this a new ask since Planning Act?
- 2.34 - As meeting housing needs and creating places of quality are public policy objectives, the Scottish Government needs to empower the public sector to ensure delivery. The Scottish Government could also give substance to its commitment to an Infrastructure First approach to development by recognising land value capture or sharing, as an important mechanism for the potential resourcing of this.
- 2.36 - The list of other plans to have regard to here is (fairly) extensive. BEFS would welcome and support further advice for where there may be conflict between the guidance and these plans.
- 2.38 - Requirement for maps; the options are outlined but standards are not set for the quality of illustrative material required which could be problematic.
- 2.42 - With reference to the LDP cycle, the aim is to spend less time in the development and longer on delivery/monitoring. The Master Planning and development resource brief is labour intensive; as a Plan should take around 3-4 years. BEFS would ask how accurate this is likely to be in practice?
- 2.46 – The list of internal authorities' consultees should include reference to Local Authority Archaeologists/ Heritage Advisors (recognising that the role and remit of Historic Environment Scotland - included in para 47 as a key agency - and a local authority's own advisors differs).

### Q16. Do you agree with the guidance on Development Plan Schemes?

- 2.63 - BEFS notes that Development Plan Schemes must be published annually. Setting out a programme for preparation and review of LDP, including timetabling and what is involved at each stage would be useful.
- Some concern is noted that the legislative requirements and responsibilities are significant and will place extra burdens on planning authorities.
- Inclusion of the 'Bigger Picture' is, in principle, a welcome holistic approach.

### Q17. Do you agree with the guidance on the Delivery Programme?

As above - some concern is noted that the legislative requirements, responsibilities, and review cycle are significant and will place extra burdens on planning authorities

### Q18. Do you agree with the guidance on Local Place Plans?

Members expressed some reservations around how Local Development Plans and Local Place Plans will feed into each other, as well as the concern that Local Place Plans will self-select, in that only well informed and resourced communities will be able to prepare these, primarily to prevent development. One of the first things communities will want is access to up to date information from the Local Planning Authority, which may not (yet) exist. Do communities need to be resourced to be able to do this? This echoes ongoing conversations, also pertinent in relation to NPF4.

Currently, a Local Place Plan is required to be registered however the draft states that in LDP's non-registered plans can be given due weight – the aim for inclusivity and a desire to recognise local and

community aims and aspirations for their places here is felt to be admirable; it does however raise the question, if this is the case, then what is the benefit of registering any local plans?

- 2.91 – The timescale here is not clear, neither is the definition of ‘communities’.

### Q19. Do you agree with the guidance on the Evidence Report?

It is felt that significant evidence gathering is required, some concern is noted that the requirements and responsibilities are significant and will place extra burdens on planning authorities, especially around stakeholder engagement.

### Q20. Do you agree with the guidance on the Gate Check?

Broadly agree, however it is suggested that only time will tell as to what works/doesn't work. Questions raised were: how does this compare to current practices? How can it be standardised and how is the evidence base proposed to be tested? Is there a system in place for ensuring it is up to date, relevant and robust?

BEFS notes the aim of the Gate Check to assess sufficiency of evidence, focussing on disputes when they arise and fulfilling a different function to the examination. Emphasis on clarity of these differing functions is felt to be important for them to work as they should.

### Q21. Do you agree with the guidance on the Proposed Plan?

- 2.140 - Place based approach is welcome, however BEFS notes a greater emphasis on maps and minimal wording - in terms of implementation this raises the question of how this is then enacted in practise. It is also considered crucial that the thematic policies and NPF4 have a clear read across, to enable decision making withing the planning system.
- 2.153 *'Any policy wording included in the plan should focus on adding value by providing any necessary detail not provided by the NPF or where national policy does not reflect local circumstances and local variation is therefore considered appropriate'*. There is the potential here for specific guidance, but how will this be defined and implemented in practise?
- 2.154 – Planning Authority may undertake a Call for Ideas which is *'open to everyone'* This feels somewhat vague, and it is unclear how it fits in with earlier consultations. Clarity on meaning of this would be welcome.
- 2.161 - *'Approved by full Council'* - Previously in the draft there is reference to a full council (and specifically not delegated committee). This is potentially an inconsistency and is open to ambiguity and uncertainty.

### Q22. Do you agree with the guidance on Local Development Plan Examinations?

This is an extensive section detailing all documents to be submitted, the examination procedure and reporting, and any actions to be taken. As mentioned above - some concern is noted that the requirements and responsibilities, reporting, and modifications are significant and will likely place burdens on planning authorities.

- 2.189 – Does this only apply to housing land, and not to other aspects of land use? BEFS notes that land use only really features in the context of housing numbers and housing demand. That the [Land Use Strategy](#) isn't referred to in LDP guidance is felt to be an omission. BEFS would suggest that if these existing strategies have been considered then it is not well expressed at a regional level. Further, this does not fit with sustainability and net-zero aims, and is a missed opportunity to advocate for the use of the existing built environment and infrastructure as a valuable asset, as

recommended by the Infrastructure Commission's [Infrastructure Investment Plan](#) on existing housing towards 'enhancing and maintaining existing assets ahead of new build'.

- 2.215 – As above.

### Q23. Do you agree with the guidance on Adoption and Delivery?

- 2.222 – BEFS notes that as Adoption is described as a 'significant milestone' but 'not the end point' towards delivery, that significant information within this section is a necessary repetition of actions described at previous steps.
- 2.233 - Welcome the 'Bigger Picture' focus on communications and connections with other policies and strategies and Infrastructure First approach.

### Q24. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240–247)?

This section on Sustainable Places is felt to be too brief compared to the detail found in Liveable, Productive and Distinctive Places. This is at odds with the emphasis on climate emergency and Net Zero.

Supporting a clear policy landscape, Fig 6. is a useful breakdown of indicative sources and types of information to inform the Evidence Report (Sustainable, Liveable, Productive and Distinctive Places). Diagrams such as this could be beneficial in NPF4.

Considerations of strategic land use, climate emergency, and nature crisis (climate risks) are all made but BEFS notes a missed opportunity for advocacy for the role of existing built environment and infrastructure.

- 3.247 - References to housing and quality – there is no clear definition of 'quality'. Further the term 'quality' is repeatedly used within both documents (LDP, NPF4) with no policy or suggestions which would enhance, support, or evidence 'quality' in reality.
- Being designed to high quality and being built/implemented at high quality are two different things. BEFS considers that links to Building Standard Legislation within the LDP (and NPF4!) are an opportunity which could make a real and lasting difference to people and places.

### Q25. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)?

- 3.250 - Given the holistic nature of the 20-minute neighbourhood approach, it is important that this guidance is read and applied as a whole, including the rest of this section on Liveable Places, plus under the headings of Sustainable Places, Productive Places and Distinctive Place.
- 3.252 - Infrastructure First approach raises the question of homes as infrastructure, not covered in NPF4. This does not fit with sustainability and net-zero aims, and is a missed opportunity to advocate for the use of the existing built environment and infrastructure as a valuable asset, as recommended by the Infrastructure Commission's [Infrastructure Investment Plan](#) on existing housing towards 'enhancing and maintaining existing assets ahead of new build'.
- 3.254 - *'The Evidence Report should be informed by an audit of baseline infrastructure information and data including:*
  - *NPF4: relevant aspects of the Spatial Strategy and National Developments;*
  - *national, regional and local infrastructure investment plans and strategies relating to an area for both the public and private sectors;*
  - *an audit of existing infrastructure capacity and condition, as well as planned infrastructure, both within a district, but also which serve the district; and*

- *data regarding low-carbon infrastructure and how it can be prioritised, where appropriate, including the potential for negative emissions technologies in the area.'*

The above gives scope to ensure more data about existing homes is known, which would be of great benefit in understanding our places, implementing interventions to support net-zero, and improve the standards of our places. However, the audit list at 3.255 does not mention existing homes and infrastructure. This is a significant omission and not in alignment with other areas of the guidance (see above).

- 3.258 – *'Quality Homes'* discusses housing need demand and numbers extensively. There is no mention of quality within this section outside the title. BEFS would reiterate: The term 'quality' is repeatedly used within both documents (LDP, NPF4) with no policy or suggestions which would enhance, support, or evidence 'quality' in reality.

**Q26. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)?**

- 3.287 - *'The Evidence Report should be informed by relevant sector driven tourism strategies and identify any key spatial issues.'* We would query whether this is enough information to genuinely support sustainable tourism strategies within the changing socio-economic post-covid tourism landscape?
- 3.288 - Culture and Creativity - BEFS considers that a reductive view of culture is displayed here. Culture as defined within the Culture Strategy includes our historic and distinctive places – wider inclusion could be made within this section.

**Q27. Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)?**

- 3.297: Audits are felt to be a good thing, but a lot for local authorities to undertake every two years. This brings up again the question of resource and capacity.
- 3.300 - *'The Evidence Report should be informed by relevant strategies, action plans and records relating to historic assets and places. These could include: Townscape Audits, Conservation Area Appraisals and Management Plans, potential Compulsory Purchase Orders, Place Standard assessments, Town Centre Action Plans, the Buildings at Risk Register, Article 4 Directions, and Historic Land Use Assessments. Planning authorities should take the opportunity to consider in consultation with Historic Environment Scotland where designation records could be amended or updated.'* BEFS welcomes the inclusion of a list of key documents however we would note that Article 4 Directions are used to manage development and are not relevant to this list of potential strategies, plans and records. Further, within the guidance, Historic Environment Records (HERs) are a significant and concerning absence (as they are in the draft NPF4); appropriately curated HERs are the primary, up to date source of information for the historic environment used by Local Authorities. Accordingly, the primacy of Local Authorities' HER's should be addressed and rectified. Whilst a valuable inclusion, specific and stand-alone reference to the Buildings At Risk Register (BARR) in LDP to inform and guide decision making and investment within the historic environment and other placemaking activities, is also of some concern as it is considered that it will be too constraining; the BARR is limited in scope in terms of what it includes, and therefore risks creating a policy barrier to investment within poorer communities which may lack a conservation area or Listed Building on the BARR. To reference the BARR but not the HERs creates a significant gap and missed opportunity in terms of implementing policy. This seems to have been copied across from NPF4.

- 3.302 – is the below a fair assessment and does it this fully align with the work of the [Scottish Land Commission on Vacant and Derelict land, specifically new guidance?](#)
- 3.315 – ‘As set out in NPF4 each part of Scotland can be planned and developed to create:
  - *sustainable places, where we reduce emissions and restore and better connect biodiversity;*
  - *liveable places, where we can live better, healthier lives;*
  - *productive places, where we have a greener, fairer and more inclusive wellbeing economy; and*
  - *distinctive places, where we recognise and work with our assets.’* - BEFS considers this to be a potentially problematic assessment, and would suggest that we should work with our assets in all places?

**Q28. Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?**

- Fig.11 - Approach to Sustainable Places is out of step with existing infrastructure approach, focussing on new design.
- Climate Emergency – throughout the guidance embodied carbon is not mentioned – this is an omission which should be corrected.
- 3.327 ‘Plans should take a design-led approach. Design considerations should inform the Spatial Strategy and lead to places that are well adapted and resilient to the effects of a warmer climate. Using new development to improve existing places should be considered as a first priority, ensuring this aligns with goals for net zero and biodiversity. Design outcomes should enhance place identity and character, embrace creativity and innovation, reflect connection, culture and community talents from local areas and value the beauty and character of the local natural environment, and the essential services it provides to communities’. We would suggest that reference to the natural environment in isolation is unhelpful; BEFS would call for more holistic natural and built environment approach, and that the ‘natural and historic environment’ should be read together. This supports a holistic approach and ensure that LDPs reflect the distinctiveness of local communities, enabling them to adapt while retaining what is valuable to them.
- Does this, and (3.328) cover what is needed to address the issue of ‘quality’? BEFS would also query what design guidance would be available, and will it be locally appropriate/specific?

**Q29. Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?**

- 3.329 – 3.333 - Given the holistic nature of the 20-minute neighbourhood approach, it is important that this guidance is read and applied as a whole, including the rest of this section on Liveable Places, as well as under the headings of Sustainable Places, Productive Places and Distinctive Places. We would also recommend that the ‘historic environment’ is added to 3.330 as it is an important part of what makes communities and neighbourhoods distinctive, and good places to live and work.
- 3.340 – ‘Where planning authorities intend to seek developer contributions for delivery of infrastructure, including transport infrastructure – the approach to doing so should be set out in the LDP. Plans should indicate the type (financial or in-kind), level and location of the contributions that development is expected to make, including the method of calculation’.  
With regard to the above, have new contributions been finalised from Planning (Scotland)Act?
- 3.351 - Quality appears here to be ‘quality places’, meeting 20-minute Neighbourhood guidance. BEFS reiterates: the term ‘quality’ is repeatedly used within both documents (LDP, NPF4) with no definition, policy or suggestions which would enhance, support, or evidence ‘quality’ in reality.

**Q30. Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?**

- 3.407 – ‘Draft NPF4 Policy 17a states LDPs ‘should support the resilience of the tourism sector, including by identifying proposals for tourism development which reflect sector driven tourism strategies.’ BEFS would question whether this is a tight enough a description with enough information to genuinely support sustainable tourism strategies within the changing socio-economic, post-covid tourism landscape?
- 3.409 - ‘New tourism uses for redundant tourism facilities should be encouraged.’ ‘Tourism facilities’ requires a clearer definition to avoid potential loop holes for ‘unsuitable’ development.
- 3.411. *The benefits of culture, the creative industries and the historic environment to tourism and the economy as well as place, sense of community, identity, and health and wellbeing, should be recognised.* How would this recognition manifest within the LDP? Perhaps a worked example would be beneficial here.
- 3.412 – BEFS see a missed opportunity here to reference the existing built environment and infrastructure as a valuable asset, as recommended by the Infrastructure Commission’s Infrastructure Investment Plan on existing housing towards ‘enhancing and maintaining existing assets ahead of new build’.
- Green Energy – Suggests support without any mitigation/limited protections – this would benefit from greater clarity and rephrasing.
- 3.424 - BEFS suggests making reference appropriate HES Managing Change Guidance here.

**Q31. Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?**

- Distinctive Places – P.101, table 14 uses out of date definitions re designations and does not align to current Listing (which is no longer local/regional etc) – is this intentional? E.g., from Historic Environment Scotland Guidance:

**Category A**

*Buildings of special architectural or historic interest which are outstanding examples of a particular period, style or building type.*

**Category B**

*Buildings of special architectural or historic interest which are major examples of a particular period, style or building type.*

**Category C**

*Buildings of special architectural or historic interest which are representative examples of a period, style or building type.*

- P.102, table 14 – Recommend that the 4th bullet point is reworded to ‘identify all historic environment assets which may be impacted upon by proposed strategies...’. This will better reflect NPF4 and wider undesignated historic environment assets (only approx. 5% is designated) - still a key aspect of distinctive places. The information for this already largely exists in local authority HERs.
- We would also recommend that a new bullet point is included under ‘Enhance’, to seek to identify and enhance historic environment assets.

- P.102, table 14 BEFS welcomes the mention of CARS but is unsure how this will work with new HES grant schemes which are not bound by Conservation Area limitations?
- 3.431 – Reference should be made in this section to the potential of enhancing and reusing historic environment assets in town centres as a driver to aid recovery, revitalisation and sense of place.
- 3.434 *'Plans should identify opportunities or proposals to enhance town centres based on the relevant strategy. Plans should also **promote the re-use of historic buildings**, integration of blue-green infrastructure, such as urban trees and green roofs, in the design of centres to tackle problems such as air pollution, flood risk and urban heat island effects, helping to ensure centres are safe and pleasant places to live, work and visit.'*  
Should this be just historic buildings? Recognising the climate emergency, and mindful of embodied carbon, could this point be expanded to include all our existing buildings?
- 3.436 – *'Draft NPF4 Policy 27a states 'Town centre living should be encouraged and supported. Planning authorities should seek to provide a proportion of their housing land requirements in city and town centres and be proactive in identifying opportunities.'*  
Within densely developed areas, it can be difficult to use historic assets for mainstream residential due to lack of amenity space; the policy priority to repopulate town centre locations by residents can be difficult to deliver. However, the re-use of existing assets over gap sites could be prioritised.
- 3.438 – Suggest that *'...locally, regionally, nationally and internationally valued historic...'* is replaced with *'all historic environment...'*.
- 3.439 - *'All historic environment designations in the plan area should be identified at the appropriate scale together with key issues / historic environment / cultural heritage projects such as Conservation Area Regeneration Schemes (CARS).'* Specifically in relation to designation, and in mentioning CARS, it is suggested that a more fulsome list could be included here, such as Conservation Areas, Historic Environment Record (HERs), Scheduled Monuments, Listed Buildings, Buildings at Risk Register etc. Suggest that it would be of benefit however, to replace the term *'designations'* with *'assets'*, to identify all historic environment assets which will be impacted, in line with current policy and the emerging NPF4. It is also not clear what the term *'appropriate scale'* is referring to in this context, more clarity here would be welcome
- 3.440 - *Planning authorities should encourage the re-use and adaptation of existing historic environment assets and places, through active regeneration, in support of delivering the Spatial Strategy. This includes taking into account as a priority, Buildings at Risk identified within their area.'*  
The Buildings At Risk Register is a welcome inclusion but is limited in scope in terms of what it includes, and therefore risks creating a policy barrier to investment within poorer communities which may lack a conservation area or Listed Building on the BARR. To reference the BARR but not the HERs creates a significant gap and missed opportunity in terms of implementing policy. Whilst the the re-use and adaption of existing historic environment assets and places is very much supported, we would further suggest that *'appropriate'* is added before *'re-use'*.
- 3.441 - *Historic environment assets and cultural heritage assets are a vital contributor to placemaking. LDPs should take account of the capacity of settlements, their surrounding areas and landscapes to accommodate development without significant impact to their cultural significance. This includes both direct impacts on historic environment assets or places, their setting and the character of existing settlements as well as identifying, where appropriate, opportunities to enhance all elements of the historic environment and contribute to place making objectives.'* BEFS would ask how this is to be measured and assessed?
- Urban Edges and Green Belt – Suggest that in NPF4 Green Belt is not protected enough.
- 3.442 – Suggest amending to *'...protecting and enhancing the character, landscape and natural and historic setting and identity of settlements...'*. This would better reflect the reality of greenbelt in relation to our settlements

- 3.451 – *‘The LDP should identify where site briefs or design guides can be prioritised and produced to proactively promote the development of vacant and derelict land, including for either temporary or permanent uses.* BEFS considers that meanwhile use isn’t mentioned explicitly but should be. Further, much derelict land contains archaeological remains; this should be factored into any design briefs or guides, not as a barrier to redevelopment but to manage risks and development opportunities in line with national and local policies.
- 3.452 -3.457 - How does this section fit with Permitted Development Rights changes?

### Q32. Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)?

- 3.469 – *‘To encourage the reuse of vacant and derelict land the Delivery Programme should set out the sequencing and interventions required to support future development, and consider whether Masterplan Consent Areas will encourage the reuse of vacant and derelict land.’* Is there enough in NPF4 about Masterplan Consent Areas to enable a clear positioning of them within the LDPs? Master Plan consent areas were considered beneficial when the Planning (Scotland) Act came into being, here they appear to have been somewhat shoehorned in; if they are to be effective, could more be made of them in both documents?
- 3.471 - 3.476 – ‘Quality Homes’ in this section are still mentioned without any reference to ‘quality’ in the guidance. BEFS recommends either including quality recommendations or leave headlines to Housing Numbers and Placement. BEFS would also reiterate that ‘quality’ is repeated used within both documents (LDP, NPF4) with no policy or suggestions which would enhance, support, or evidence ‘quality’ in reality. There is also no clear definition of ‘quality’. Being designed to high quality and being built/implemented at high quality are two different things. BEFS considers that links to Building Standard Legislation within the LDP (and NPF4!) are an opportunity which could make a real and lasting difference to people and places.

As LDPs arguably now need to do and deliver more - the Master Planning and development resource brief is labour intensive, to have more of this calls into question any potential money saving from a longer cycle - BEFS would suggest that digital planning could help to help monitor and evaluate delivery. With reference to the LDP cycle, the aim is understood to be to spend less time in the development and longer on delivery/monitoring. BEFS would invite consideration of the Scottish Government’s [Planning Digital Strategy](#) and would emphasize the important role digital planning could have as part of delivery on both the NPF4 and the LDP. There are numerous areas where digital planning can make the process more efficient, especially as LDPs are likely to be more expensive, with more delivery sitting within them; the Evidence Reports will require huge amount of data. BEFS notes RTPI Scotland’s view that there is an *‘opportunity for potential improved efficiencies in the planning application process. In particular, the Scottish Government’s Digital Planning Strategy has an estimated a 28% of potential time saving for planners through digitisation.’* Further useful comments on this can be read in the [RTPI’s recent response](#) reflecting on the budget.

It is also suggested that aspects of guidance can be live documents (perpetual data, updated constantly, not required to undergo parliamentary scrutiny). More information about how these will be kept up to date would be welcome.

BEFS understands that Scottish Futures Trust will be looking at the synergies between LDP and NPF4 around NPF4 delivery mechanisms, but notes that but there is no expressed connection between NPF4 and LDP

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delivery. There is also no reference to chief planning officers or the planning improvement coordinator. We would consider this in an omission that has implications for practical implementation and delivery.

Felt to be of crucial importance to Members, but not evident in the draft, is a desire for local plans to be outcomes and delivery focussed; the draft includes requirements for evidence gathering however these sections are *process* and not *delivery* focussed. The questions highlighted throughout this consultation are indicative of the concern that the document doesn't provide the necessary clarity for it (currently) to be operationally effective.

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BEFS responses to a number of Consultations in relation to the Built Environment can be found at: <https://www.befs.org.uk/resources/consultations/>

### RESPONDENT INFORMATION

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Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)

Address and Postcode: 61 Dublin Street, Edinburgh, EH3 6NL

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**