

REPORT TO: East Lothian Council

DATE: 29 March 2022

BY: Executive Director of Place

SUBJECT: Response to Draft National Planning Framework 4

1 PURPOSE

- 1.1 This report outlines the Council's response to the draft of National Planning Framework 4 (NPF4). It outlines some of the key points that require to be made and is supported by a full response (Appendix 1 and 2), which is recommended to be submitted to the Scottish Government.

2 RECOMMENDATIONS

It is recommended that the Council:

- 2.1 Notes the content of the report;
- 2.2 Approves the content of Appendix 1 (East Lothian's response to draft NPF4) as the Council's submission to the Scottish Government; and
- 2.3 Approves the content of Appendix 2 as the Council's specific submission to the Scottish Government on NPF4 as it relates to Blindwells, Cockenzie and the Climate Evolution Zone [Note: there is a questionnaire for the submission of responses to NPF4; however, this does not lend itself to specific submissions about important matters, so Appendix 2 is in the form of a separate letter to the Chief Planner, drawing attention to important issues in relation to our significant development proposals in the Blindwells and Cockenzie area].

3 BACKGROUND

- 3.1 The Scottish Government produced draft NPF4 in November 2021 and is running a period of consultation until the end of March 2022.
- 3.2 The Government is seeking the views of a wide range of stakeholders, so as well as preparing its own response, the Council has advertised the consultation to community councils, area partnerships and other

stakeholders and encouraged them to submit their own responses to the Scottish Government directly.

- 3.3 Members will recall that as a consequence of the 2019 Planning Act, the National Planning Framework has an increased status in the planning system. It now combines national strategy and policy and will have the status as being part of the Development Plan and will thus be a determining factor in decisions on planning applications.

Options

- 3.4 Draft NPF4 is an amalgamation of a new national strategy and an expression of planning policy (previously included in the document Scottish Planning Policy, commonly referred to as SPP). The NPF is divided into several sections.
- 3.5 The first section includes a national strategy, five Action Areas and a list of national developments. East Lothian is referenced in the 'Central Urban Transformation' Action area, which references Blindwells and Cockenzie as key locations for housing and employment growth, as well as the opportunity to provide essential infrastructure for net zero. The proposals in this area are broadly supported. The maps also indicate that the southern part of East Lothian is in the 'Southern Sustainability' Action Area. The proposals in this area are much weaker and our response calls for a stronger policy on the rural economy.

Part 1: A National Strategy for Scotland 2045

- 3.6 The National Spatial Strategy is intended to guide decisions on future development across Scotland and aims to produce:
- Sustainable places, which reduce emissions and restore biodiversity;
 - Liveable places, where people can live better, healthier lives;
 - Productive places, which produce a greener, fairer and more inclusive wellbeing economy; and
 - Distinctive places, where we recognise and work with local assets.
- 3.7 The National Spatial Strategy is underpinned by six spatial principles – compact growth, local living, balanced development, conserving and recycling assets, urban and rural synergy and a just transition to net zero. It recognises the challenges and opportunities across Scotland's regions, which are outlined in five geographic "action areas". It is also to be used to guide the preparation of regional spatial strategies, local development plans and local place plans. The strategy is also relevant to wider policies and strategies relating to land use.

Part 2: National Developments

- 3.8 There are eighteen national developments identified which support the delivery of the National Spatial Strategy and been assessed and selected against the four key outcomes of climate, people, work and place.

- 3.9 While ten of the projects which were identified in NPF3 are retained and carried over to NPF4, (including Central Scotland Green Network and a national walking, wheeling and cycling network promoting active travel), four have not been repeated, because spatial priorities have changed. Eight new national developments have been added which update new national development priorities and in particular will help to mitigate and adapt to climate change.

Cockenzie, which was a national development in NPF3, no longer has this status, although it is mentioned in the text of the NPF. National Developments which are relevant to or may have some impact on East Lothian are Mass Rapid Transport, East Coast Main Line, Central Scotland Green Network, Scotland's Walking Cycling and Wheeling Network and Digital Infrastructure.

Part 3: National Planning Policy Handbook

- 3.10 Thirty-five universal national planning policies are set out for the development of land which are to be applied in the preparation of LDPs; local place plans; masterplans and briefs; and for determining planning applications.
- 3.11 The policies have been arranged to support the four overarching themes of the strategy (Sustainable Places, Liveable Places, Productive Places and Distinctive Places). While some policies are entirely new and clearly arise from new priorities including the climate emergency, others have had only minor changes made to their previous iteration in SPP 2014.
- 3.12 There is an intent to minimise development which impacts upon climate and nature and planning applications will have to demonstrate how proposals will help meet the country's targets to cut emissions to net zero by 2045 and facilitate biodiversity enhancement. Policies are designed to reduce land take and out of town development, maximise the use of existing brownfield land and disused buildings and to adopt a more planned approach to housing. Policies to support renewable energy, energy storage, heat networks and the move to a circular economy are also included.
- 3.13 Key objectives are to promote active and sustainable travel and achieve more local and sustainable living with a finer grain mix of uses so that people can more readily access the facilities and services they need on a daily basis. An emphasis is also placed on blue and green infrastructure, play and sport.

Part 4: Delivering Our Spatial Strategy

- 3.14 This section outlines how this strategy will be delivered. It recognises that it will require collective action from public and private sectors and wider communities and a standalone delivery programme will accompany NPF4 once it has been finalised.
- 3.15 A key element of planning reform centres around the need to implement an infrastructure first' approach through the planning system and which is

carried through to the preparation of new LDPs and their associated delivery programmes.

Part 5: Annexes

- 3.16 Annexes provide information on how statutory outcomes are being met, Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland, along with a glossary of definitions.
- 3.17 Annex B is of particular importance as it identifies MATHLR which each planning authority in Scotland must plan to accommodate in their next LDP. A report on the MATHLR was considered by committee at a meeting of East Lothian Council earlier in 2021 at which it agreed with the Scottish Government's proposals which have been transferred into the draft NPF.

East Lothian Comments on Consultation

- 3.18 The Council's proposed response to the consultation is set out in Appendix 1. A further proposed response, in respect of Blindwells and Cockenzie and the draft Climate Evolution Zone proposals, is set out in Appendix 2.
- 3.19 Overall the Council supports the aims of the NPF as it looks to address many issues that are already accepted by the Council as being of high priority including infrastructure delivery, reducing the impacts of climate change and making progress towards net zero, resolving the nature crisis, improving place making and addressing inequalities in society.
- 3.20 However the ability to achieve these ends will be determined by the strength of national policy, providing a context that can be translated into Local Development Plans and delivered through the planning process.
- 3.21 A cross-service discussion has taken place in the Council on NPF4 and has shaped the response attached in Appendix 1. Many issues have been identified in the response with the main ones being as follows:
- Support for references to Blindwells, the ClimateZone and Cockenzie being in the NPF (See Appendix 2);
 - Raising concerns that the overarching policies do not function adequately as planning policy that could be used to determine applications and require to be re-worded. The more broad-brush elements of national planning strategy that have been confused with policy need to be separated out and treated independently;
 - Raising significant concerns about the strength of the policy wording. The current policies are frequently weak and imprecise and consequently will not lead to the change required to address the key themes of the NPF;
 - Highlighting a need for significant guidance and clarity on definitions to allow the policies to be implemented in a consistent manner;
 - Support the importance of the 'Infrastructure First' approach but also emphasise that for this to be successful significant public funding needs to be made available;

- Recognising that while defining the delivery programme has been deferred intentionally until NPF4 is finalised, it is considered vital to delivering the spatial strategy and Local Development Plans;
- Supporting the principle of the 20-minute neighbourhood but requesting greater clarity on its role in rural areas and assurance that the concept will not be used to justify otherwise inappropriate development;
- Supporting the policy restrictions on out-of-town shopping developments and reinforcing the town centre first principle;
- Supporting the re-use of brownfield land as a priority;
- Additional support should be given to farming and its importance to the rural economy should be explicitly mentioned;
- The NPF focuses narrowly on the development of new 'green jobs' but fails to offer support for the existing key industries that make up the core of the Scottish economy and our submission requests that this serious omission is rectified;
- Highlighting the fact that the draft as it stands over-complicates and confuses the area around reduction of carbon in development and risks creating a whole new industry in 'carbon counting' which will have significant resource implications, but is unlikely to have the desired effect on the ground;
- Requesting changes to the Rural Areas policy to remove some of the criteria that would open smaller settlements to speculative housing development; and
- Supporting the Minimum All Tenure Housing Land Requirement proposed for East Lothian. Although it is slightly lower (by 50 houses) than the figure recommended to the Scottish Government through earlier consultation with the Council, the difference is minimal.

Next steps/Conclusions

- 3.22 The National Planning Framework covers a great deal of planning issues and generally the subjects covered are in line with East Lothian's view on the challenges facing Scotland. However considerable changes require to be made to the wording of the strategy and policies to ensure that these laudable aims are realised on the ground.
- 3.23 Once the consultation closes the Scottish Government will review the comments and revise the draft. Their timescale is to get a finalised version of NPF4 agreed through parliament before the summer recess in 2022.
- 3.24 Once approved NPF4 will become the most up to date planning policy statement and will be used to determine planning applications in East Lothian, alongside the 2018 Local Development Plan.
- 3.25 The approval of NPF4 and the associated development plan regulations will allow our second Local Development Plan to progress in 2023.

4 POLICY IMPLICATIONS

- 4.1 On approval, NPF4 will become planning policy and be used to determine planning applications across Scotland.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 This has been carried out by the Scottish Government.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – NPF places many additional requirements on Local Planning Authorities that will lead to additional expenditure either through consultancy support or training Council staff to undertake new roles.
- 6.2 Personnel – the additional requirements set out in the NPF will not be able to be carried out through existing staff resource or skills. Consultancy support will be required alongside substantial training of existing staff.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Planning (Scotland) Act 2019
- 7.2 Town and Country Planning (Development Planning) (Scotland) Draft Regulations 2021
- 7.3 Scottish Planning Policy (SPP)

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APPENDIX 1

SCOTTISH GOVERNMENT CONSULTATION: SCOTLAND'S FOURTH NATIONAL PLANNING FRAMEWORK (NPF4), EAST LoTHIAN COUNCIL'S RESPONSE

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?
Partially	<p>East Lothian Council supports the principles set out around net zero places. The Council also appreciates that it has responsibilities, recognised by its declaration of a climate emergency, to ensure that urgent action is taken to address impacts of climate change. The Council's commitment is to reducing its own carbon footprint. For any Council to be able to drive future changes into the built environment requires a robust and clear policy framework and also for the Building Regulations to work in tandem with planning policy to enable us to make real progress towards a net zero built environment. To deliver true 'net zero places', the policy also needs to focus much more widely on the existing built environment, as only a very small percentage of this is replaced on an annual basis. Much of the built environment that will be present in 2045 has already been built and change is needed in these streets and buildings as well. The narrative on page 06 of the document is focused narrowly towards new development and not towards how the existing built environment contributes to the aim of net zero places.</p> <p>To achieve the aim of net zero places and simultaneously, a balance with all the other key aims of the NPF there is a need for strong national direction and policy. It is essential that the NPF is as robust as possible and unfortunately although the document conveys the appropriate sentiment towards delivering net zero, this alone will not be enough to drive change. Both the policy framework and the actions that will require to be taken need to be set out in the final NPF, to have a realistic chance of bringing about the transformational change required.</p>
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?
Partially	<p>East Lothian Council supports the outcomes which this part of the strategy aims to achieve. We do not really find evidence of 'an approach' however and it is disappointing to be presented with a somewhat whimsical collection of words. These need to be reinforced and strengthened into something that resembles an 'approach' to development that can be delivered by the planning system. It is not clear, for example what 'urgent action' is required to address the impacts of the pandemic or what the planning system can do in this regard – changes to the built environment are very rarely delivered with 'urgency' usually requiring long term and careful planning. It is also not stated what longer term restructuring is envisaged by this aspect of the NPF. Neither is it clear how the planning system can make people feel loved or can contribute to diversity. Liveable places should also include encouragement of economic development as business, retail and industrial premises are also important elements of successful places and have been overlooked. A 20 minute neighbourhood may, in some circumstances also include access to places of work.</p> <p>To achieve successful future places there requires to be a significant increase in the prominence of design and place making in proposals and decision making. This includes the quality of proposals submitted by the development industry, the decisions of Reporters and the weight given to good design. To achieve this change the stated high levels aims of the plan require to be more clearly defined and then directly supported by robust policy.</p>

	Unfortunately, this does not appear to be the case and the policies require to be reviewed comprehensively before being finalised. There is an opportunity to minimise future challenges at appeals by improving the strength of the policy statements in the NPF4.
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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?	
Partially	A successful economy requires increasing levels of investment in businesses at all scales from start-ups to major multi-site enterprises and global companies. The planning system can play a role by planning to meet the needs of potential economic investment at all scales. Some of this investment may be in for example the manufacture of low carbon technologies which could, perhaps, be defined as 'green investment'. There will, however, be a need to drive investment in a range of industries and enterprises and the NPF should encourage this in its totality, not be hidebound by rhetoric so that 'green investment' (not defined) is the sole 'key priority' for investment in productive places. This is far too narrow for the purpose. Similarly, there is a need to grow the overall number of jobs in Scotland, not just 'good green jobs'. The ONS finds it difficult to define 'green jobs' and so it may be worth the NPF defining an understanding of the term in the Scottish planning context. Unless there are 'bad' green jobs perhaps the superfluous descriptor should also be deleted.

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?	
Partially	<p>East Lothian Council supports the aims of this approach as the protection of the historic environment and high quality design are priorities for the Council.</p> <p>The quality and longevity of materials and the potential to reduce maintenance needs in should also be a priority in relation to building sustainable and distinctive places. The long-term future of development should be designed in at the start, as if reducing maintenance is a priority, it should follow that development will also be future proof. To exemplify this, the Council has observed a number of developments where although the initial design of public realm and green space is attractive, because limited attention has been paid to materials, installations can decay very quickly and broken street/park furniture reduces overall attractiveness of the environment (and is against the principles of sustainability) and causes a reduction in sense of safety (against the principle of liveable places)..</p> <p>In order to achieve distinctive places the NPF should also acknowledge the principle of 'infrastructure first' to assist with the objectives of places that are set out in the policy and acknowledge the roles of a wide variety of stakeholders in achieving this.</p>

Q5.	
Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?	
partially	East Lothian Council agrees broadly that the spatial strategy has the potential to deliver successful places, but the National Strategic Programmes should also acknowledge the need for essential infrastructure to be delivered to accommodate future economic

	growth, as well as acknowledging in some way the national imperative for economic growth, investment and job creation.
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Q6.

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

Partially	<p>The Council supports the spatial principles in the draft NPF. They are reasonable overall themes that if suitably implemented can lead to successful place making. However, they are not used to a sufficient degree in developing the national strategy and directing future growth, restraint, infrastructure or environmental improvement to the appropriate general locations. We also suggest that the aim stated should be to build an economically secure as well as climate-conscious and nature-positive future for Scotland. Greater acknowledgement should be made of the need for appropriate development in rural areas, where there is a lack of policy focus in this section.</p> <p>It is important, as NPF4 is an expression of planning policy with the status of Development Plan that the language used is precise. On page 10, a) Compact growth, for example, it has long been and is likely to remain the policy that re-use of brownfield land should be prioritised for new development. This is the case in urban and rural areas. It is not appropriate to state the aim, however, to 'limit urban expansion' when this might be the most sustainable and appropriate way to meet growth needs in some circumstances. The NPF should state what should be prioritised, not use language that is negative and can be used to limit appropriate future development in a well-considered local plan. Care is also required with loose terms like 'more efficiently' – in this context it is not defined more efficiently than what. It is also not clear why all land that doesn't meet the description of brownfield, vacant and derelict land and buildings should be safeguarded in all circumstances until the end of the plan period. It may not be the intention of the Scottish Government, but it is what this document states, if not amended.</p> <p>There can be a risk of creating conflicts between policy intentions, for example increasing the density of settlements may be at the expense of green spaces and the policy should express the need to balance the two to create successful environments.</p> <p>c) Balanced development and providing choice is a supported aim, however successful development planning is all about balancing a wide variety of factors that pertain to each locality. It goes against the principle of providing choice if policy is to 'manage development' in acknowledged areas of high demand in some hope that demand will be footloose and can be moved to areas of past decline. It is also not made clear how such management of development will be 'more sustainable'.</p>
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Q7.

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

Yes	<p>East Lothian Council welcomes that the diversity of the Country is recognised by the use of the different action areas. As referenced in the Scottish Government's Advisory Group's Report 'Towards a Robust Wellbeing Economy for Scotland' (June 2020), differences between regional geography and sectors need to be "recognised, respected and championed". We feel, however that the titles could be more precise, as could the intent of the definitions. This is particularly true of Southern Sustainability which covers the largely rural area of East Lothian, but where the definition is applicable to all areas of Scotland and does not make it clear what the priorities are and how they are specific to rural southern Scotland.</p>
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Q8.

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

No response

Q9.

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

No response

Q10.

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

No response

Q11.

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

No Response

Q12.

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

No Response

Q13.

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

No Response

Q14.

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

Yes	The opportunities for the action area set out on page 30 should include ensuring that essential infrastructure is delivered to facilitate the other aspirations, should also acknowledge the need for investment in economic growth and job creation as well as prioritising active travel.
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Q15.

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

Yes	<p>Working with the other partner authorities in the south east, the council has already produced an interim Regional Spatial Strategy which recognises many of the same challenges identified in the NPF4 Action Area. To meet these objectives additional resources will have to be made available from Scottish Government.</p> <p>The aspirations set out in the Edinburgh and South East Scotland City Region Deal, the Regional Prosperity Framework and reflected in the draft NPF4 can only be realised if the investment in infrastructure is focused on agreed priorities and a joined-up approach to managing growth is required so that the necessary investment can be delivered to meet the wider aspirations of the plan. The City Region is hopeful of securing a commitment from the</p>
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Scottish Government to fully fund, or where appropriate part fund, strategic infrastructure and this will have to be a key priority of the action plan that will be developed to accompany NPF4. It would be helpful if the document can signal the Scottish Government's wider approach to infrastructure and at least acknowledge this need in order to be able to achieve the intentions of the plan.

Under paragraph 13 on page 32, it is also important that the plan acknowledges the need for economic growth and job creation in Scotland in a broad sense and that not all job opportunities created will be classified as 'green'. There is a very important message arising from NPF4 that the planning system must support the transition to net zero, but this should not become a mantra that then neglects or fails to acknowledge Scotland's wider economic strengths, current key exports and markets. It is not clear what is meant later in the section by the reference to 'affordable' access to health and social care facilities in a nation that has a National Health Service. The relative 'warmth' of homes built is covered by Building Regulations rather than planning and the NPF could acknowledge the Government's wider commitment to linking other policy requirements into the NPF to signal its overall approach to the reduction of carbon in the built environment. Again, precision of language is key and it is not clear whether the objective is more homes which are classified as 'affordable' or that all homes should be more affordable, or that only affordable homes should be 'warmer' and connected to services. Similarly accessibility to what will be a key part of which transition and who requires 'fair access' and again, to what. These statements of planning policy must be reviewed to ensure that the intent of each sentence and the role of the planning system in its delivery is clear.

The Council welcomes the reference to Cockenzie, the Climate Evolution Zone and Blindwells new settlement and the recognition of the role they can collectively have in delivering sustainable development and inclusive prosperity.

We believe that together the former power station site at Cockenzie, the Climate Evolution Zone and Blindwells developments represent a far-reaching opportunity to address many of the key outcomes set out in the NPF. The combined area provides the opportunity to deliver environmental improvements that can help to address deprivation but can also lead to the opportunity for significant investment and employment-generating opportunities. The Cockenzie site is one of a few across Scotland that have the scale and location to help deliver strategic scale economic prosperity.

We have added Annex 1 to this submission, which sets out detail on our requests of NPF4 and its associated Delivery Programme with respect to Blindwells, Cockenzie and the wider Climate Evolution Zone. There we propose a minor modification to the text of draft NPF4, and also make requests for inclusion of items in the emerging NPF4 Delivery Programme. For the avoidance of doubt, we have set out below our minor request to modify the current drafting of draft NPF4 with respect to Blindwells, Cockenzie and the Climate Evolution Zone.

To make clearer links between the terminologies used in the national plan and local planning processes, we request that within the Central Urban Transformation, Action 16: Rediscovering Urban Coasts and Waterfronts, an amendment of the second sentence of paragraph 8 is made by deleting the words 'linked with a new sustainable settlement at Greater Blindwells' and that those words are replaced with the words 'linked with the potential to expand the new sustainable settlement at Blindwells within the Blindwells Development Area' as shown below:

"At Cockenzie work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and provide essential infrastructure for net zero, linked with the potential to expand the new sustainable settlement at Blindwells within ~~Greater Blindwells~~ the Blindwells Development Area."

We also request that our submissions in respect of the emerging NPF4 Delivery Programme be given consideration as set out within Annex 1 of this submission.

	<p>The Council supports the identification of the national Walking, Cycling and Wheeling Network, Central Scotland Green Network and Digital Fibre Network.</p> <p>The Council also supports the identification of Urban Mass Rapid Transit Network and East Coast Electrification as two of the national developments and both provide the opportunity to assist with the sustainable delivery of Blindwells, Cockenzie and the ClimatEvolution Zone.</p> <p>What we believe is missing is the method to ensure these projects are delivered and the detail as to what they represent on the ground. As the NPF sets out, the delivery of infrastructure first is a key element in the success of the national strategy and at present the level of detail associated with national projects, particularly those relating to transport, is not sufficient. It is understood that the NPF is not able to allocate funds, however we are looking for an expression of confidence that the planned infrastructure will be resourced within the Scottish Government's wider expression of policy and frameworks.</p> <p>Detail on the location and delivery timescales for the national developments must be provided through the NPF and then linked subsequently through the STPR2 to allow for their benefits to be realised. It will be a risk for LDPs to safeguard land for proposals or to bring forward complimentary development that utilises this infrastructure without knowing what is going to be supported from a national level.</p> <p>The NPF makes reference for the need to produce a cross boundary developer contributions framework. There is no escaping that the South East Region has regional transport challenges and East Lothian Council welcomes the opportunity to work with the Scottish Government, Transport Scotland, SEStrans and other stakeholders in addressing these issues. However, the development of a framework is out of step with the regional planning system which no longer has a context to allow such a document to be developed. Also, given the scale of new development compared with the transport movements the impact of such a levy would be minimal and not address the challenges that all parties are looking to solve. The Council therefore recommends that reference to the production of a cross boundary developer contributions framework is removed from the NPF.</p> <p>Paragraph 20 mentions the 'reimagining of the urban fringe'. In East Lothian, the urban fringe is largely active and productive agricultural land, While some areas across the central belt may need reimagining the East Lothian rural areas do not and the terminology in this section may be interpreted by the development industry as an opportunity to develop in smaller communities due to their proximity to Edinburgh. The focus on recreation is also at odds with the current beneficial use of land for farming.</p> <p>East Lothian is a pressured rural area, borne out in the strategy if the IRSS for the region and this should be recognised in the text. The phrasing of section 20 needs to be changed to reflect that there are different challenges in rural areas close to the central belt cities.</p> <p>Although East Lothian is mentioned in the central urban transformation area the majority of the East Lothian geographical area falls under the Southern Sustainability definition and, here, is not mentioned at all. The need to maintain the identity of East Lothian's rural communities and the surrounding high quality countryside should be referenced in the Southern Sustainability section.</p>
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Q16.

<p>Do you agree with this summary of challenges and opportunities for this action area?</p>
<p>No</p>

East Lothian appears to be located in this area but there is no mention of it in the text. The need to maintain the identity of East Lothian's rural communities and the surrounding high quality countryside should be referenced in the Southern Sustainability section. It should also reference farming or agriculture as an economic driver in this location. East Lothian has a strong rural and agricultural economy which should be a core part of this strategic area. East Lothian also has an initiative, working with SRUC, to develop pathways into farming for young people.

The map on Page 41 should also be refined to highlight the importance of farming and the rural economy.

Q17.

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

Paragraphs 22 and 23 should focus on the existing economic activity in the area, which has largely been dismissed. Farming is an important economic driver and the production of food crops and its importance should be acknowledged in this vision for the area. The creation of jobs is a focus and they do not all have to be 'green'.

This section of the NPF should acknowledge the importance of and support the development of community hubs in smaller communities and could use the successful Humbie Hub in East Lothian as an example (www.humbiehub.com) and make the connection between rural hubs, economic activity and the concept of the 20 minute neighbourhood as it applies to rural areas.

Q18.

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

The Council welcomes the overall themes identified in the spatial strategy particularly those relating to climate change, place making and addressing the nature crisis. The main issue that we see is the lack of an overall strategy rather just a series of themes. The information in the action areas recognises the different types of pressures affecting different locations but there is little attempt to address these at a national level. For instance, the area of the 'central urban transformation' is recognised as having some parts experiencing high growth pressures and others with much lower growth. This is accepted as a fait accompli rather than the strategy looking to try to bring about a change to these trends and trying to manage growth in a manner that meets the outcomes of the NPF and makes best use of existing infrastructure. As such the spatial strategy is not bold enough in trying to spatially address many of the issues the NPF rightly identifies as requiring addressing over the next 20 years.

Questions – 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?
No <input type="checkbox"/>

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?
Yes <input type="checkbox"/>

Q21.	
Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?	
No <input type="checkbox"/>	This is with the assumption that Blindwells/Cockenzie and the ClimatEvolution zone have already been considered as part of the development of the draft NPF.

Questions – Part 3: National Planning Policy

Q22.	
Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?	
No <input type="checkbox"/>	<p>The council supports the clear focus of NPF4 on tackling issues relating to climate change, achieving net zero emissions and nature recovery. Planning is a profession of balance, however and whilst these things are of critical importance for the future, they should not be defined so rigidly as 'the' [only] primary guiding principles, as a sustainable and growing economy that supports the economic and community aspirations of Scotland.</p> <p>East Lothian Council also supports the idea of subject specific policies as they can set out key principles and avoid repetition across other policy areas. However, by using this approach the wording in the NPF requires to be extremely carefully written and the plan may benefit from a strong overarching statement to emphasise that developments have to meet the requirements of all relevant policies. This would reduce the risk of inappropriate interpretation of the wording.</p> <p>The policies themselves also need to be worded correctly and at present several of them are not well framed as policies for the guidance of development. For example, the 'universal' policies are too broad to be considered to be effective planning policies. They reference documents that have sections that are beyond any direct influence by the planning system and there is a risk that applications may become bogged down in assessments that have tenuous or indeed no links to planning policy.</p> <p>They also do not consider how the outputs will be interpreted to make decisions – for example the requirement under Policy 2 c) will first need a judgement as to what constitutes 'significant emissions' and emissions of what, exactly, and then assuming that it is agreed that a development proposal does 'lead to significant emissions' the applicant will have to engage</p>

someone (who and with what qualifications?) for the development of 'evidence' which is likely to be highly complex and technical and will then be submitted to the Council to be assessed by whom and with what qualifications? Against what will we measure whether a development is 'in the long term public interest' and using which criteria. How will we determine whether on site or off site mitigation that may be proposed is 'sufficient' and sufficient to achieve what? Who will arbitrate if there is a difference of opinion over whether the development 'generates significant emissions' or is 'in the long term public interest'. Are the Reporters resourced or qualified in any way for this task?

Another example is at policy 2 d) where we would question if is this universally applicable to all applications? Does a garden fence or a porch extension have to be 'designed to be adaptable to the future impacts of climate change'. How would such 'adaptability' be designed or assessed for any development large or small – or measured for sufficiency. What would be the test that a planning authority should apply?

A further example is at Policy 3 d) national policy should not be framed to over-ride the basic principles of the planning system which exclude the ability for a planning authority to require applicants to undertake works outside the red line boundary of the proposal. An applicant for planning permission may not have the authority to enhance biodiversity on land adjacent to their site. It may not also be clear what a nature-based solution is or again, how it is measured.

The universal policies also do not flow through well to the more specific policies later in the NPF. There are phrases that are mentioned in the universal policies that are not repeated elsewhere in the NPF.

The sentiment of the universal policies should be turned into overarching themes and then addressed through the specific policies later in the plan, however as noted above, the meaning and the method of assessment must be very clear, if every application is not going to have to be weighed against a whole new range of measures which are not clearly defined. Our comment on this is particularly important with reference to policy 4, which does not meet the accepted basis of a planning policy at all and can only be seen as an overarching principle and guide. This recommendation is with the exception of the design policy should be moved in its entirety to the distinctive places section.

As with all robust and implementable policies, words like 'should', 'could' and 'are encouraged' are weak and ineffective and need to be replaced with 'must' and 'are required' in order to reinforce the necessity of what is being sought and to remove any doubt that it may be optional or open to challenge and debate. There also requires to be a whole list of definitions added to the glossary and additional guidance provided to ensure consistency of approach across the LDPs. The text in this response highlights many areas where there is a need to choose a term and use it consistently throughout the document.

There are also many references where applicants must 'consider' elements of policy for example in policy 10. *k) Proposals for new and upgraded transport infrastructure must consider the needs of users of all ages and abilities, including in line with relevant equalities legislation.* This is unworkable as developers will simply state that they have considered it and continue without implementing the policy aims. The policy must require developers to address the issues through their applications otherwise the often important points raised in the NPF will not be implemented.

An additional policy must be added stating that the plan requires to be read as a whole and development must satisfactorily address the relevant (as decided and determined by the LPA) policies to receive planning consent.

An example why this is required is the Infrastructure First Policy. The policy states:

Development proposals which provide (or contribute to) infrastructure that is identified as necessary in Local Development Plans and their delivery programmes should be supported

	What if the development is of a poor design or is contrary to another Policy of the Plan – should it still be supported? This is clearly not the intention of the draft NPF but without further policy clarity, that is what will be assumed and will lead to endless argument at the application stage.
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Q23.	
Policy 1: Plan led approach to sustainable development Do you agree with this policy approach?	
Yes	<p>The Council agrees with the plan led approach to sustainable development but believes the wording of this and other overarching policies is too vague, not policy and should be restructured. See comments to question 22.</p> <p>If the UN SDG remains a policy, we will need to train planning officers in using this qualitative exercise as well as understanding the quantitative measures of carbon emissions.</p>

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Q24.	
Policy 2: Climate emergency Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?	
Yes	<p>The council recognises that importance of addressing climate change and supports the principle of this policy. However, the wording of the policy is not clear enough and too high level to be successfully used in the planning system. See comments to question 22.</p> <p>If we are to deliver what the policy requires planners to deliver, planning authorities need training. The training would have to go beyond a basic understanding of ‘what’ the climate emergency is and foremost focus on ‘how’ the planning system fits in and ‘how’ the planning system best uses its skills and competencies to address the climate emergency. Thought should be given to how the requirements of the policy should be framed and measured and a whole new industry in carbon/greenhouse gas reporting should be avoided as an unnecessary burden on the planning system, which will inevitably be adversarial and is unlikely to make a real impact on the quality of development or decision-making.</p> <p>In section (c): the text states <i>‘development proposals that will generate significant emissions... should not be supported...’</i></p> <p>If we measure everything relative to the national net zero targets, then it could be argued that all developments and the emissions they release have significant impact on our opportunity of reaching net zero. The policy is also vague in that it refers to carbon and also to greenhouse gases and it is not specified which is being measured. If it is in relation to carbon, the references to mitigation on and offsite also blur boundaries between whether the intention is to reduce the level of carbon in the development (through, for example the choice of materials) or allow ‘offsetting’ to be undertaken anywhere in the world. It is clearly not practical to decline development proposals due to these emissions and the fact that they accumulate – because we need to meet the</p>

demand of a growing population with schools, infrastructure and housing. And we need to expand e.g. railways to support public commuting even though the upfront carbon emissions cost is very significant. In other words, the NPF in planning for the development that Scotland needs to thrive economically should acknowledge the inevitable emissions that come from development to meet future needs.

Also on (c): *'... should not be supported unless the applicant provides evidence that the level of emissions is the minimum'*.

... For this statement of policy to be effective, guidance would be required on what 'possible minimum' means. Does reaching a possible minimum mean that planning authorities in first hand require all buildings to be to passive haus standard? And if this standard is not possible, what is the next level in the hierarchy? Insulation of a certain grade, solar panels, district heating and geothermal heating as well as offsetting with trees/peatlands/seaweed?

Also on (c): *'In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account.'*

Clarity is needed on what is meant by emissions reduction targets? Are we referring to the UK net zero targets, Scottish net zero targets or the net zero targets of East Lothian Council?

Paragraph c): ...'should not be supported unless the applicant provides evidence that this level of emissions is the minimum that can be achieved for the development to be viable'...

It will be very difficult to define and agree on what the minimum level necessary for a development to be consented and what level of viability should be supported. The viability or otherwise of a development is driven by a complex range of factors and not just the level of emissions. Again, thought should be given to what is meant by 'emissions' in this context and how they will be measured.

On section (d): *'Development proposals... should be adaptable to the future impacts of climate change.'*

The Council supports that this wording includes adaptation as well as mitigation. However, what will the synergies between adaptation, mitigation and biodiversity look like? How (if it is possible) can we ensure that schemes such as flood protection schemes will ensure adaptation whilst taking account of mitigation measures and protection of biodiversity?

There are concerns about the lack of definition and clarity with regard to what could reasonably be held to constitute a 'significant' emission. The provision of some kind of measure or threshold to help define significant would be required if this policy is retained, but in the context of our broader comments that these measurement requirements being introduced by NPF will not reasonably reduce the level of development that goes ahead to meet Scotland's needs and thus may be introducing reporting requirements that are ill-defined and hard to measure and assess, to no measurable effect.

A separate reference to *national decarbonisation pathways* is included but with no explanation as to what this means and there are additional concerns at the technical nature of some of the requirements to be demanded of developers, for example, *whole-life assessments of emissions*, and also how planning authorities are expected to resource and make a meaningful appraisal of this.

It is also recommend that due consideration is given to the impacts of climate adaption measures upon the historic environment as well as to the positives that the historic environment can deliver for climate change (e.g. carbon capture in historic buildings; reuse of materials etc).

Q25.

Policy 3: Nature crisis

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

Yes

The council recognises that importance of addressing the nature crisis and supports the principle of this policy. However, the wording of the policy is not clear enough and too high level to be successfully used in the planning system. See comments to question 22. For instance, the reference to *bio-diversity enhancement* is regarded as being unhelpfully vague and unfortunately, therefore, open to misinterpretation. Overall, again, we see this a creating a need for a disproportionate level of measurement and assessment.

In Scotland, much of our land has been influenced by human activity often stretching back millennia. There is a symbiotic relationship between the natural environment and the historic environment and both are key to our understanding and appreciation of our sense of place and both should be enhanced without detriment to the other. We would welcome the inclusion of the historic environment as a consideration in facilitating nature recovery and restoration programmes.

The Council's concern more broadly with this policy is that we will be asked to create and implement our own design, perhaps to be delivered through the use of SPG? Without some form of metric, this would be almost impossible to measure and wouldn't deliver meaningful enhancements.

A metric is not without its flaws, but is the only way we see this being delivered. How much enhancement is proposed and who will decide? Surely if one applicant puts in a 5% enhancement, we start to see a benchmark created by developers rather than ourselves. Again, this should be set nationally rather than determined on a local, or even case-by-case basis. For example, England has a 10% enhancement

There would also need to be additional work at a county level to update our existing baseline – we are currently working from Phase 1 data from 1997 which does not reflect the current habitats we are working with. Whilst some applications will be supported by their own ecological survey work, we would need to resource and update data sets..

There is some benefit to taking a universal approach to any proposed biodiversity enhancement/net gain programme, as a piecemeal approach taken across Scotland as different LPA's implement their own methodology would likely result in negative impacts on biodiversity and would be confusing for applicants where they work within different local planning authorities. We need consistency across the board.

Even with a metric, there remains a question about who would deliver this within ELC as there would likely be a requirement for additional ecological expertise to determine whether proposed enhancements are appropriate, proportionate and will deliver meaningful enhancements.

Greater clarity is also required around the statement that development proposals should contribute to the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks. As with all developer contributions this will be a challenge under the current tests set out in the Planning Obligations Circular.

3b) How would we determine how much would be reasonable, and to what they would contribute? We would need to use a calculation about how to establish what any contribution would be. If this policy is implemented without the significant modification that we feel is required, then a metric here would be helpful.

	<p>3c) If we refer to the mitigation hierarchy, any potential adverse impacts should be avoided in the first instance. This should either be amended, or the mitigation hierarchy should be referenced directly.</p> <p>3d) This may be hard to achieve where Appropriate Assessment is required, on the basis that by it's nature mitigation is required to ensure no adverse impact on the integrity of a European site. Any enhancement would therefore have to go above and beyond what is proposed as mitigation. The Council supports the reference to retention and monitoring, but we are not sure who would deliver that and if it would be enforceable? Why wouldn't nature based solutions be achievable? Irreplaceable habitats should not be subject to development.</p>
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Q26.

Policy 4: Human rights and equality

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?

Yes	The council welcomes the inclusion of the sentiment of this policy to tackle discrimination, advance equality of opportunity and promote good relations. It is however, too vague, see comments to question 22.
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Q27.

Policy 5: Community wealth building

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

Yes	Further information requires to be provided on what this policy entails as it a relatively new concept which is not defined further in the NPF.
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Q28.

Policy 6: Design, quality and place

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

Yes	<p>The council welcomes the renewed focus which this policy provides on the design and quality of the places. It is also noted and supported that design guidance adopted by planning authorities would also require to be material to the determination of proposals and the provision for this local input is sensible given that design can often be shaped by the unique environmental characteristics of a place.</p> <p>The Council is pleased to note that the new policy continues to recognise design as a material consideration in the determination of planning applications and that the decision maker's ultimate sanction of being able to refuse development on the grounds of poor design has been retained.</p> <p>However, there is a concern that the wording of the policy does not mention the crucial importance of quality local green infrastructure embedded in design & place-making – when it should be a fundamental aspect.. Opportunity has been missed to mention green infrastructure as fundamental for climate change mitigation and adaptation, as well as its importance to biodiversity, place-making, health & wellbeing, and the amenity value of an area.</p>
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	<p>We also welcome the inclusion of the historic environment in helping create distinctive places but suggest that it can also help with lifelong health and wellbeing and sustainability. We are looking for further clarity on the connection to be made with Local Place Plans, as they are not referenced and will cover many of the issues in this policy and policy 7.</p> <p>The current location of this policy does not fit with the overall structure of the NPF and it should be moved to distinctive places section.</p>
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Q29.

Policy 7: Local living

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

Yes

The Council supports the principle of this policy but believes it could be much more positively worded. It is not simply a question about encouraging people to travel sustainably but actually making the option more attractive than a car journey ie safe cycling routes, better infrastructure for walking and cycling.

The council supports the principle of 20 minute neighbourhoods and the aim of improving or retaining access to local services. Also supported is the recognition that the 20 minute neighbourhood will require to be related to the context of the authority in question with the expectations of accessibility being substantially different from cities to rural areas. It would be beneficial for the NPF to recognise that it may be more appropriate to meet the aims of the policy in rural areas through 'accessible' neighbourhoods or 'healthy' neighbourhoods which would be more inclusive and less time oriented.

However, that said, the text in the NPF requires clarity on what a 20 minute neighbourhood could be. There are a number of research studies on Scottish Government websites but the NPF needs to clearly refer to one approach that can then be interpreted into LDPs. Without this local authorities will be under constant pressure from developments claiming to within the 20 minute threshold.

Also, it is not clear what retro fitting will be needed to make a building liveable or an area more sustainable. Does this apply to transport or water infrastructure too? This is not transferred into policy below.

With regard to *b. Development proposals that are consistent with the principles of 20 minute neighbourhoods should be supported*, we express a significant concern that this statement could be taken out of context and used to justify development that is otherwise contrary to the extent of the development plan. It is unrealistic to expect that the entire Council area will be identified as a matrix of 20 minute neighbourhoods with firm boundaries and thus there is a considerable risk that this statement as an expression of National policy will undermine the status of any LDP and lead to unrestricted development proposals.

Q30.

Policy 8: Infrastructure First

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

<p>Yes</p>	<p>The Council supports the principle of infrastructure first. Many of the bullet points are what Local Authorities have been trying to implement for many years. East Lothian Council regards securing the necessary infrastructure to facilitate development as one of the most important factors in relation to delivering land for homes and employment and has encouraged a joined-up approach, individually and through the City Deal, to delivery of development incorporating an 'infrastructure first' approach. It is therefore pleased that this principle has been embedded into national policy and which will be applied across all land use decisions. The key question is the provision of funding to allow new infrastructure to genuinely come first and it is unfortunate for the progression of Local Development Plans that the NPF is not at present accompanied by a more detailed approach to how infrastructure will be delivered in a practical manner.</p> <p>A key aim of the NPF strategy is to make best use of existing infrastructure and develop sustainable communities, neither of which can be achieved without an understanding of current infrastructure and an early delivery of that required to allow communities to function.</p> <p>As with many of the other policies are there is a need for a step change in how infrastructure is delivered and it is not clear from the NPF who the Government intends to achieve this. There are no new tools in this policy to change how infrastructure is delivered, and there is often currently delay/disagreement over securing contributions to deliver necessary infrastructure.</p> <p>To facilitate this infrastructure needs a definition.. Infrastructure can include 'Green Infrastructure' in addition to other types of infrastructure, this can help tackle the climate & nature emergencies and creating better places for people [as above].</p>
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<p>Q31.</p>	
<p>Policy 9: Quality homes 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?</p>	
<p>Yes</p>	<p>East Lothian supports the importance placed on the need to deliver quality homes in terms of wellbeing and placemaking.</p> <p>The policy as drafted contains a range of definitive statements which taken in their own could be used to justify inappropriate development and the policy needs significant alteration to be workable. Statements like 'proposals for new homes that improve affordability and choice should be supported' could be used to justify developments that would otherwise be inappropriate for a range of other reasons. This will lead to an adversarial approach to planning. All planning decisions are a matter of balance and judgement. The Council is unclear about the meaning of the equalities led approach to addressing identified gaps in provision and what method that could be used to insist, for example on homes for larger families or homes for older people – either as an entire development or even as a proportion of a development proposal.</p> <p>The proposed change to the methodology in SPP was also welcomed as it took away certain points that were undermining the delivery of quality homes. The approach that was planned to be implemented by the SG prior to the NPF was supported by the Council as it focused on</p>

the identification of effective housing land rather than the delivery which is not in the control of the Local Authorities.

The NPF now deviates from this position to some degree but to an extent that opens up new routes through which the housing land position becomes harder to manage and opens up the possibility of legal dispute. Examples are given below.

'Locations that may be suitable for new homes beyond the plan period can also be identified. Where sites in the deliverable housing land pipeline do not progress to delivery as programmed and alternative delivery mechanisms are not possible, longer term deliverable sites should be brought forward'.

This part of the policy undermines the benefits of the new housing approach. Developers of longer term sites may see their allocation as a green light to campaign for their delivery in the plan period and this will put a great deal of focus on the housing land audit and exacerbate the likelihood of dispute and planning appeals, rather than facilitate the planned development of housing to meet needs.

There is no need to have this fall back of a longer-term supply as a significant degree of generosity has already been added to the housing land requirement that can sufficiently deal with the meeting of need, taking into account that not all sites will be delivered at the time expected.

East Lothian welcomes the reinforcement this policy provides to the primacy of the development planning system in stating that 'New homes on land not identified for housebuilding in the local development plan should not be supported'.

However, this statement is also undermined by the inclusion of caveats around the delivery of the supply in the plan. As stated above the bringing forward of other sites if the existing land supply is not coming forward at the pace set out in the delivery programme does not recognise the purpose of the flexibility added to the NPF figures. It also goes against the principle of having an annual average housing land requirement which takes into account the peaks and troughs of housing delivery. It also puts far too much focus on the audit and resurrects the shortfall argument that the rest of the new approach is seeking to move away from. Planning authorities cannot ensure sites are delivered by rephrasing through the NPF.

The other point that the Council wishes clarification on and amendment is the focus on identifying a requirement beyond the figures set out in the NPF. This approach automatically assumes that the outcomes of the HND process will highlight a greater level of need, which may not be the case.

Part (d) references the need for new housing to be adaptable to changing and diverse needs and lifestyles but it lacks any meaningful detail which could be used to assess proposals. It also needs to be made clear that specialist provision should be consideration across all tenures.

We have strong reservations around point e). There may, for example not be any need for the enhancement of local infrastructure, facilities or services arising from the proposed development and this policy implies that it is a given that must be addressed. It is not the function of a new development to "improve[e] the residential amenity of the surrounding area" and this reference should be deleted. There is a general need for clarification of the purpose of the statement of community benefit. The bullet points should be examples not absolutes.

Q32.

Policy 10: Sustainable transport

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

Yes

The council welcomes the requirement for new Local development plans to be suitably informed by an appropriate and effective transport appraisal.

The reference and importance given to Development Planning and Management Transport Appraisal Guidance (DPMTAG) is questionable given its age and that it is transport led and does not promote an overall place making/sustainable agenda in the manner set out in the rest of the NPF.

There is also a need for more up to date roads guidance generally and also to achieve consistency in the levels of parking provision for specific types and scales of development. It is unclear whether previous national standards previously set out in Annex B of SPP 2014 have (a) been revised or (b) are unchanged and continue to be in force. Clarification and a specific reference/link would be helpful.

As with the comments made on other policies words like 'should', 'could' and 'are encouraged' are weak and ineffective and need to be replaced with 'must' and 'are required' in order to reinforce the necessity of what is being sought and to remove any doubt that it may be optional or open to challenge and debate.

Section h) *Planning applications for significant travel generating uses should not be supported at locations which would increase reliance on the private car, and where:* - Details are required on what constitutes a significant travel generating use?

Point i) needs clarification as at present it requires the provision of [all of the following] electric, hydrogen and other low or zero emission charging points. It should be amended to make it clear that the appropriate one or more of these should be provided according to circumstances.

The Council supports the positive approach to cycle parking that is set out in part I of the policy. However, the reference to cycle parking should be amended to say that it should be conveniently located, which is a positive step. To say it should be 'more conveniently' located is regressive and would be hard to measure, as well as potentially being discriminatory, for example to drivers with mobility impairments.

Q33.

Policy 11: Heat and cooling

Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

Yes

The council supports the broad principle of heat networks but in areas with an urban/rural mix such as East Lothian heat networks may not be viable or the best option for energy efficiency.

It would be better to have a more general policy on energy efficiency/production that would require all development to address heat and cooling networks or promote and adopt alternative technologies and solutions. Therefore, this policy could be combined with Policy 19.

	<p>In addition, the policy should be talking about insulation, heating and ventilation as one. If we only focus on one, we risk to undermine its positive impact. E.g. heating through solar PV will not be efficient if insulation is poor, or windows opened while radiators are at full heat, due to bad ventilation.</p> <p>In section, g) <i>Domestic biomass energy systems should not be supported where networked systems are available. Where no alternatives are available, applications for flues can be supported provided that the impact on local air quality and of smoke on neighbouring properties has been considered; and the associated biomass burner is a type formally approved for use in smoke control areas.</i> Definition is needed on what is a networked system and what is meant by alternatives?</p> <p>Section g also states that it won't support domestic biomass energy systems. In terms of planning applications it is easiest if the Government sets out a plain straightforward ban that makes implementation of this approach a lot easier. However, under permitted development rights, many flues can be erected, therefore, the GPDO needs to be updated also before the NPF4 comes into force to exclude flues from the GPDO.</p> <p>There is clearly a major role for Building Standards to play and there needs to be clear alignment with the Building Standards coming through the regulations and guidance to ensure that the aims of the policy can be achieved.</p>
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Q34.

Policy 12: Blue and green infrastructure, play and sport

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?

Yes	<p>The council supports the aims of this policy and the focus given to the blue and green infrastructure and the important part it plays in developing and protecting networks.</p> <p>It is essential that NPF4 is as strong as possible in relation to protecting and enhancing open space / green space / play space. Wording should refer to "must" rather than "should". It is not clear how blue and green infrastructure networks support 'good green jobs' and this should be defined or deleted.</p> <p>NPF4 must include stronger and greater requirements for open space / green space as part of any new development that focuses on quality as well as quantity. There needs to be a definition in NPF4 that there is a requirement for quality, practical, usable open space / greenspace in new developments, in addition to the 'quantity' requirement.</p> <p>These open space areas should be protected during the development process [example of planned tree-lined avenue that now can't have trees planted due to services now being placed in the roadside verges]. It is essential that allotments / food growing areas, cemeteries, SuDS should not be included in the open space allocation of a development – these are not usable public open spaces in the way that a park is (for example).</p> <p>There should be definitions in NPF4 of formal versus informal open space – and emphasis that both are equally important.</p> <p>The Council welcomes that sports pitches are legally protected. However, wider open space (more 'informal' open space / green space areas) should also have legal protection equally in the same way as sports pitches. So if the open space is taken away there would be a legal duty for it to be re-provided (as for sports pitches currently). This would send a powerful message on the importance of these greenspaces and should be incorporated in NPF4.</p>
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	<p>Furthermore, NPF4 must take the opportunity to set out a requirement for a ‘town park’ / ‘central park / greenspace’ as a starting point for new developments, that functions as a central, valuable meeting place / play space / place for people and nature in the heart of new communities, which is a focal point and fundamental to the place-making and identity of a new development.</p> <p>We would recommend the inclusion of ‘historic environment’ as a consideration in sections d) and h)</p> <p>Paragraph i) may create problems of interpretation in the determination of applications. How will provision for ‘relaxation’ differ from that for ‘recreation’ for example. Such distinctions are not drawn in public parks so how will they be drawn and measured in new residential developments.</p> <p>The policy should add a point to make it clear that a clear method of long term maintenance for each new green space should be included with development proposals.</p>
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Q35.

Policy 13: Sustainable flood risk and water management

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?

Yes	<p>The Council welcomes that the policy retains a strong direction that a cautious approach should be taken to the calculated probability of flooding and that it recognises that it is not an exact science. The new policy is generally consistent with actions already outlined in the West Lothian Climate Change Strategy 2021-2028.</p> <p>There does however appear to be an inexplicable change between SPP, which reads as more forcefully opposed to development on the flood plain, and NPF4 with the new position appearing to be that an exception can be made if an <i>existing or committed</i> flood protection scheme is in place. If this exception is retained then the council proposes that proposals should only be consented if an existing scheme is already in place as there are still too many risks associated with committed but unimplemented schemes.</p> <p>As a general observation, the Council’s expectation had been for a more fundamental updating of this policy topic in recognition of the whole climate change agenda and there is concern that an opportunity has been missed.</p>
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Q36.

Policies 14 and 15: Health, wellbeing and Safety

Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

Yes	<p>East Lothian Council supports the overall aims of this policy. With regard to the safety element, this policy reflects current practice that work well and it allows this subject not to have to be repeated at the LDP level. However this policy does add a great deal of complex responsibilities onto Local Development Plans, many of which development plans will have little effect on. Clearly one of the main ways that development plans can address health is through design and layout and this requires to be emphasised. Also, further guidance required to state what constitutes a ‘significant adverse health effects’. Equally, a ‘significant impact on air quality’ or an ‘unacceptable level of noise’ require to be clarified. Similarly the requirement for the submission of a ‘health impact assessment’ for all major developments is not warranted. The policy wording should be amended to replace the word or with the word and, to make it clear that a wealth impact assessment is only required where proposals are considered likely to have significant adverse health effects.</p>
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	<p>One issue that will require further attention is the ability for planning authorities to ensure the appropriate level of health provision is made alongside new development. This will require a much greater commitment on the part of health partnerships to engage in effective forward planning.</p> <p>Part (e) would be better written from a perspective of local community food growing being a requirement to be included in certain scales/types of development. It suggests, as worded, that any development, regardless of other material considerations should be supported if it includes allotments. This demonstrates again the need for precise and clear policy wording to allow for effective development management and to achieve desirable development outcomes on the ground.</p>
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Q37.

Policy 16: Land and premises for business and employment

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?

Yes	<p>The policy states that requirements for employment land should be met but it does not define what these requirements should be. This was previously identified in strategic development plans but this lack of information will create a policy gap. Maybe the intention is that these requirements are still set out at a regional level through RSSs or Economic Strategies but this is not mentioned.</p> <p>Scotland's economy is a key focus and the development plan should support the development of economic development and jobs at a range of scales depending on locations. Progress towards net zero is clearly a key aspiration and it presents significant opportunities for re-industrialisation and the development of new jobs in Scotland which might be defined as 'green jobs'. Scotland also has a thriving petrochemicals sector, manufacturing, financial services, ports and logistics, agriculture, food and drink production, aquaculture etc. and these key industries should be supported and encouraged by the national planning framework as well as the repeated mention of 'good green jobs'. This section needs to be widened out to support the development of the Scottish economy in its broadest sense,</p> <p>The NPF must give an example of what is intended by 'community wealth building initiatives', so that it is clear what needs to be achieved by the planning system.</p> <p>At paragraph b) it is not clear why there is a reference to environmental impacts having been assessed as the development plan will have been subject to SEA and it is the function of development management to consider the likely impacts of any development and weigh them in the planning balance in making a decision as to the appropriateness of the development.</p> <p>It is also not clear what is intended by the requirement for 'net economic benefit' to be taken into account or 'in the context of Scotland's ambitions for a wellbeing economy' and this statement should be clarified if it to be an effective statement of policy that will not lead to future debate and perhaps confusion around what is necessary in a development plan and development management context.</p> <p>We welcome the inclusion of historic environment as a consideration for development proposals in part g).</p>
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Q38.

Policy 17: Sustainable tourism

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?

Yes	
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East Lothian Council supports the inclusion of a policy on tourism and the recognition of the importance of the tourism sector but also its sometimes less desirable impacts.

Strangely, there is no mention of the Short Term Let regulations and potential control area designations. The Regs. and the Circular provide explicit material considerations for STL proposals, so which takes precedence?

There is a need for further explanation of some of the points in the policy. For instance *17e Development proposals for the reuse of existing buildings for short term holiday letting should not be supported if it would result in: loss of residential accommodation where such loss is not outweighed by local economic benefits* How do planning authorities assess this?

Also, the historic environment should be referenced in section c) as the historic environment (historic structures; archaeological remains; historic towns and villages etc.) is a significant contributor to the tourism draw for Scotland. In section g) the impacts from tourism upon the historic environment should also be taken into account.

Q39.

Policy 18: Culture and creativity

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

Yes	East Lothian Council supports this policy. One change that is required is that the “Agent of change principle” definition should include all noise sensitive uses, not just residential.
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Q40.

Policy 19: Green energy

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?

Yes	<p>East Lothian supports this policy and recognises the delivery of alternative energy sources as a major part of addressing the challenges of climate change.</p> <p>There do seem to be some omissions from the policy. There is no mention of hydrogen in this policy (its mentioned in terms of national development) although it important nationally.</p> <p>The Development Plan Guidance notes that the Evidence Report could include: “Areas of constraint for green energy” (Figure 6). This is not included as a phrase in NPF4. Is this something that should continue to be included in LDPs? Does the policy mean wind rather than green energy as a whole? Different areas of constraint for different types?</p>
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	<p>In addition, there is a big shift with the removal of the statutory requirement for LDPs to fix an increasing percentage of larger housing sites' energy requirements from low and zero carbon technology? This was a specific requirement in the last round of Local Development Plans.</p> <p>19a: support the policy but it should be stronger on geothermal either here or in policy 11.</p> <p>19e) <i>“Development proposals to repower, extend and expand existing wind farms should be supported unless the impacts are unacceptable”</i>. What methodology or measure should a planning authority use to determine whether the impacts are unacceptable?</p> <p>19 f) should be caveated with ‘...should be supported in principle’ to match other sections. We would also welcome the inclusion of reference to the historic environment in this section.</p> <p>19h) – generation from low carbon sources, abatement. If the carbon can't be captured on site, it will have to be abated. This should include guidance on where this will happen. Decarbonisation Strategy – are there examples of what this strategy would look like. How do we judge if it is adequate? There also need further guidance on monitoring. If the actions are not carried out this could have a large resource impact through monitoring. Also, who will have the skills to assess the decarbonisation strategy? Is it on the developer, planning system or external consultants?</p> <p>Policy 19j) (solar) does not include the full list of constraints, but does include some e.g. historic environment assets, which are included elsewhere. Yet prime agricultural land and biodiversity designations are not noted. Is glare an issue generally that DM would expect to pick up, if so should it be mentioned particularly here?</p> <p>19 k) bullet point 10 ‘...including scheduled monuments, listed buildings and their settings;’ is limiting and should be replaced with ‘...impacts upon historic environment assets and their settings;’</p> <p>19 k) Site restoration is an important consideration, particularly given the long timeframes these developments have. How would this be resourced, and enforced to ensure this is undertaken. Is restoration planned from the outset?</p>
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Q41.

Policy 20: Zero waste

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?

Yes	<p>East Lothian Council supports the aims of this policy however, there are a number of points raised that require further clarity and seem very challenging to implement through the application process.</p> <p>On b): <i>‘Local development plans should identify appropriate locations for new infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible’</i> The Council agrees with this aim but the key will be to ensure all young people learn this to ensure behaviour change and wider societal shift. This is an example of a task being set for planning where it actually has little responsibility over this change.</p> <p>On b): <i>‘Development proposals should aim to reduce, reuse, or recycle materials in line with the waste hierarchy. All developments should aim to use materials with the lowest forms of embodied emissions.’</i> Embodied emissions are very difficult to calculate. Planning</p>
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	<p>Authorities will not currently have the resources for this. Will the government provide training or reliable excel algorithms supporting this?</p> <p>Comment on c): <i>'reuse existing buildings and infrastructure'</i>. The Council agrees with this sentiment, but how do we create incentives for the developers to do this? Currently the policy states <i>'where appropriate, they should reuse existing buildings and infrastructure'</i>, there is a concern that this wording isn't strong enough to actually ensure that good old buildings and infrastructure are reused. One tool that can be used is to have strong countryside policies that restrict development to the reuse of existing buildings of note. This is another reason why the rural areas policy need strengthening from its current liberal approach to rural development.</p> <p>Policy 20c: circular economy. Clarity is required to demonstrate what sort of assessment would be needed to show compliance with this? Guidance would be very helpful to assist with implementation of this policy. It is also another approach that will be very onerous on the planning system. On the first bullet point: does this require a sequential approach to almost everything. Should also include materials. Second bullet point; mostly there is nothing to stop demolition (in most circumstances) prior to application – is this enforceable.</p> <p><i>20d Development proposals that are likely to generate waste when operational, including residential, commercial and industrial properties, should include provision to maximise waste reduction and waste separation at source, and minimise the cross contamination of materials – maximise and minimise.</i> Guidance is required to allow planning authorities to judge if they have done this?</p> <p>Comment on g): <i>'Development proposals for new or extended landfill sites should only be supported where.'</i> How does this approach adhere with the Scottish Government's goal to stop landfill by 2030?</p>
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Q42.

Policy 21: Aquaculture

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

Yes	The Council supports the policy but it should be amended to include reference to consideration of historic environment impacts for both onshore and offshore elements.
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Q43.

Policy 22: Minerals

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?

Yes	<p>Support the principle of the policy and need to ensure that there is an ongoing supply of minerals. East Lothian Council welcomes the unequivocal statement in this policy which states that the Scottish Government does not support the development of unconventional oil and gas in Scotland, sometimes referred to as 'fracking'.</p> <p>The wording 'support the 10 year land bank' is not clear. Also what are the relevant market areas?</p> <p>Mitigation and compensation is required for any impacts, the nature of extraction of aggregates is that there will be an impact. Guidance is required on who pays for ongoing maintenance? How do we control this?</p>
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	<p>Impacts on biodiversity are assessed through the mitigation hierarchy (avoid, minimise, restore, offset). This should be referenced rather than 'sustainable extraction'.</p> <p>While we support the issues raised that minerals applications must address, such as amenity or landscape, including them in this policy is a deviation from the formal of the plan as in other policies wider considerations have not been mentioned and it has been left to a plan must be read as a whole approach to ensure that all relevant subjects are included.</p>
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Q44.	
<p>Policy 23: Digital infrastructure Do you agree that this policy ensures all of our places will be digitally connected?</p>	
No	<p>The Council supports the aims of the policy as area like East Lothian with rural communities require greater digital connectivity to allow these smaller communities to be practical places to live and encourage diversification. Unfortunately the lack of critical mass of customers mean that these are the places where the market is also less likely to deliver the level of connectivity required.</p> <p>We are unable to agree that the policy will ensure connectivity as the NPF is not the place to allocate the funding that will be necessary to implement the aims of the policy, however clearly the objective is stated.</p>

Q45.	
<p>Policies 24 to 27: Distinctive places Do you agree that these policies will ensure Scotland's places will support low carbon urban living?</p>	
Yes	<p>East Lothian Council welcomes the continued focus on town centres and the recognition of their importance in many aspects of place making, health and quality of life. We also support the retention and re-enforcement of the 'town centre first' principle. The further restrictions on out of town shopping proposals is also supported.</p> <p>The aims of the policy which states that development proposals should not be supported if they contribute to the number and clustering of some non-retail uses, such as hot food takeaways is a laudable aim but it does seem a little too late for this policy approach as planning can do little to address the proliferation of takeaways close to schools. Many will have been operating like this already and to some extent, our market has reached saturation.</p> <p>There is a need to be careful with definitions to reflect the edge-of-town centre or commercial centres, should not be supported unless they are explicitly supported by the development plan. The policy doesn't specify a policy approach when preparing LDP, but does in next section for 'other' uses.</p> <p><i>When considering proposals for neighbourhood shopping planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, recognising the principles of 20 minute neighbourhoods. Under this policy there is a need to define neighbourhood or this could conflict with assessment on edge of town etc.</i></p>

Q46.

Policy 28: Historic assets and places

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

Yes

East Lothian Council supports the aims of the policy and its recognition of the importance of the historic environment and the role it plays in maintaining the identity of an area.

However, there needs to be a tightening of the language used in relation to the historic environment.

The apparent deletion of a statement such as para 151 in the current SPP is a serious weakening of the policy in relation to the wider historic environment. Its omission will make it more difficult to integrate the consideration of the historic environment into wider decisions and placemaking. We would hope that a similar statement which allows these important elements of the historic environment to be given their due consideration can be re-introduced to Policy.

Introduction – Overall we welcome the introduction and support the overarching aim of the policy. We would, however, advise that reference is made in this section to public benefit.

a) While the overall aim is welcome we would advise that the terminology ‘locally, regionally, nationally and internationally valued historic assets and places’; should be changed to ‘historic environment’ - this would avoid any ambiguity of language. In addition to this we would also note that a significant proportion of development falls outside the LDP spatial strategies and it would be useful to note that the all of the historic environment should be protected and enhanced as appropriate.

b) This section needs to include reference to the information contained in PAN 2/2011 (or its successor) as this forms the backbone of the technical information which supports the policy. It is imperative that the information contained within the PAN is retained in the wider suite of planning documents. While the reference to Managing Change guidance notes is useful, appropriately curated Historic Environment Records (HERs) should also be referenced as they are the primary tool used by planning authorities for undertaking assessment of impact upon the historic environment. They are also the most comprehensive sources of information for the historic environment within the planning regime.

c) Reference should be made for the provision for recording of Historic Structures if demolition is to be permitted

d) Reference should be made for the provision for recording of Historic Structures if alteration is to be permitted

f) Reference should be made for the provision for recording of Historic Structures if demolition is to be considered

g) This is welcome but should be expanded to all aspects of the historic environment which contribute to local character and sense of place

m) Although the overarching principle of this is welcome there needs to be a significant rewording of this paragraph. The emphasis on BARR is limiting in terms of the wider historic environment as this deals only with a small proportion of listed structures and is potentially a policy barrier to the overarching thrust of this policy. We would strongly advise that reference to appropriately curated HERs is included in this section as the primary source of information on the whole historic environment to guide development proposals. This is outlined in paragraph 140 of the current SPP.

o) Non-designated remains account for in-excess of 95% of the historic environment and this section represents a considerable weakening of the policy dealing with them. It

	<p>needs to be noted that it is the developer's responsibility to ensure that adequate assessments and information (e.g. desk based assessment; impact assessments; setting assessments; etc) are supplied to the planning authority, along with mitigation proposals, to enable proper determination of an application to be made. The wording of this section is also limiting in the potential mitigation measures that may be required. We would advise that the term 'appropriate mitigation' replaces the word 'excavation' as excavation has a very specific technical meaning and will be limiting in this context. To further strengthen this section we again would strongly advise that reference is made to appropriately curated HERs as the primary source of historic environment information and that reference is made to any mitigation proposals containing public benefit outcomes. We would also recommend Para 150 in the current SPP as the minimum base line for the strength of this section of the policy.</p> <p>p) This section is taken out of context and would be better included in para o) as it is in para 151 of the current SPP. As worded this section suggests that chance discoveries will be dealt with by the planning authority as opposed to a caveat that chance discoveries can still be made even if a site has been fully assessed and mitigated. It should further be noted that developers must still report unexpected remains, and further mitigation or action may be required under the legal requirements of Bona Vacantia and the Right of Sepulchre.</p>
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Q47.	
<p>Policy 29: Urban edges and the green belt 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?</p>	
Partially	<p>The council supports the aim of the policy to continue to direct and contain development through the provision of Green Belt. More guidance is required to state what is meant by increasing density in urban areas and there is a need to balance the aspirations expressed for open spaces and blue/green infrastructure in urban areas and the stated aim to increase density as the two can be at odds with each other. Policy 29 only addresses Green Belt and urban fringes and it does not contain any direction on how to 'increase the density of our settlements' thus the policy is unlikely to have this effect. If this is the stated aim, it is worthy of a Policy and guiding text in its own right.</p> <p>The policy does mention other similar designations and how they might be more appropriate in some areas. It would be very useful to specifically mention the countryside around towns approach which East Lothian and other planning authorities use to good effect. This would save a great deal of argument about the suitability of this approach at our examinations. It is also important to note that areas adjacent to towns are often used for farming and are not entirely there to be a recreational resource.</p> <p>On b): <i>'Flood risk management (such as development of blue and green infrastructure within a 'drainage catchment' to manage/mitigate flood risk and/or drainage issues).'</i> We believe that blue and green infrastructure should be used, or at least combined with more intrusive flood protection measures. If assessments show that only intrusive protection measures can cope with flooding, we will need to have a plan how this is combined with blue and green measures to ensure adaptation, mitigation and biodiversity.</p> <p>One issue is that the question asks if policy will restore nature. Restoring nature is not a stated purpose of the Green Belt. First, there is no indication that Green Belts are 'nature deficient' at present and the wording of this section should be clarified so that the role of planning authorities in this regard is clear and explicit, as although 'restoring nature' is cited as an aim, it is not mentioned within Policy 29 at all. . There is also a potential role for Green Belts in education about nature as these are potentially accessible areas for those living in the city.</p> <p>29 b) The Council does not support the last bullet point relating one for one house replacement as it could lead to unacceptable landscape and visual impacts.</p>

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Q48.

Policy 30: Vacant and derelict land

Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

Partially

The council is supportive of the principle of the development of brownfield land ahead of greenfield site and the principle of developing vacant and derelict land and empty buildings first.

However, this should not be a blanket approach. This policy does not distinguish between sustainably and unsustainably located sites. There may be brownfield sites located in the rural area which are not suitable for new development. This could be linked to the hierarchy mentioned below. 30 b also does not allow for consideration of the re-use of a building for a use incompatible with its neighbours and the wording needs to be less absolute than it is.

30c: The words “Planning applications for” should be added to the start to make it clear what this part of the policy refers to.

30e: demolition as the ‘least preferred option’ needs to be worded to give a stronger steer than at present to allow for unattractive or perhaps inefficient buildings that would be better demolished and replaced. This is particularly important when linked to the stated aim to increase density in urban areas, which may be fettered by the blanket policy retention of existing buildings.

It should also be noted that many of these brownfield sites by their very nature contain important archaeological sites and we would recommend that potential impacts on them is considered at an early stage of developing proposals to enable appropriate advice to be given and potential mitigation to be developed and the policy should reflect this important consideration.

Q49.

Policy 31: Rural places

Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

Yes

The Council supports the principle of a policy on rural areas and the opportunity for LDPs to identify pressured areas, such as is the case in East Lothian. However, the wording of the policy is confusing and seems to contradict other parts of the NPF.

Does the first part of the policy refer to all rural areas? The approach would need to be different in pressured areas to declining areas. The language is also imprecise as it is unlikely that either planning policy or development is capable of ‘growing rural areas’ or ‘growing natural assets’. We are also not clear what is meant by ‘the service function of natural assets’. 31 a also suggests in its wording that even in pressured areas that the spatial strategy should set out proposals for future population growth, when a policy of restraint may actually be more appropriate. The policy in 31 c also uses the terms ‘vacant and derelict or brownfield land’ and there could be significant debate about the differences between these things. It is also very unclear what is intended by the first bullet point at 31 c and how an applicant for planning permission would evidence these things, or how the planning authority would assess an application against these imprecise terms. As an expression of national policy the NPF must use consistent and precise language throughout.

31 h) ‘can demonstrate that the layout and design of the proposal minimises the amount of good quality land that is required as far as possible’.

	<p>This statement should be removed as it will be used as a justification for unnecessary housing developments.</p> <p><i>'provide affordable housing on a small site that may not normally be used for housing where it can be shown that there is a significant unmet local need for affordable housing';</i></p> <p>Accept the possible need for small scale rural affordable housing but why would it be appropriate to locate it on land not normally suitable for housing? This section needs to be altered as it undermines the usual approach to identifying land for housing.</p> <p>31 c) <i>'contribute towards sustainable settlements and 20 minute neighbourhoods'</i>.</p> <p>This should be removed as any housing development that meets this criteria should be identified through the LDP with the exception of affordable housing which is dealt with under another (hopefully to be amended) bullet point. This will be likely to lead to undesirable housing developments being promoted in small villages. If it is not intended to promote housing but rural services, it must be restated more explicitly.</p> <p>31 c) Also a clear definition is required on what is meant by 'natural state'? From a biodiversity perspective, vacant and derelict land can have biodiversity value without being in a 'natural state'.</p> <p>31 e) While we welcome the inclusion of the historic environment here, rural developments can have undue impacts upon buried archaeological remains which can survive relatively undisturbed. We would recommend that reference is made to the need to carry out appropriate assessments as part of the development proposals. Section d) should include reference to the historic environment as often a valuable element in the rural environment</p> <p>31 h) The reference to the <i>generation of renewable energy</i> – should this be in the same bullet point as extraction of minerals. They are very separate issues.</p> <p>31 h) Prime agricultural land is an important issue for East Lothian. A hierarchy should be included to prevent or severely limit development on the best agricultural soils in the country. Food security is name checked at the start of Part 1 but the idea is not really developed in policy and this is a major omission. Food is mentioned in terms of economic development, community and health, but not security, which could be critically important.</p>
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Q50.

Policy 32: Natural places

Do you agree that this policy will protect and restore natural places?

Yes	<p>The Council supports the aims of this policy but has the following specific points to raise.</p> <p>Connectivity is key for designated sites at all levels, and priority habitats. Designated sites at all levels cannot exist in isolation. There is an emphasis on statutory status – this fails to recognise the role that priority habitats and species have in the biodiversity of an area.</p> <p>Clarification is sought on definitions and terminology, some policy elements need tightening up. Inclusion of priority habitats and species? No other mention of habitats, but protected species rely on available habitat for foraging and resting. In England, the NPPF makes it clear that local plans should promote the preservation, restoration and re-creation of priority habitats, however specific policies related to priority habitat are absent from the NPF. The Council is of the view that consideration of priority habitats should be included within NPF4</p>
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	<p>and consideration given to them when determining planning applications with compensation and restoration provided when these habitats are impacted.</p> <p>Prior to</p> <p>32g) Local sites – it is confusing to alternate phrasing between should be supported unless and should not be supported unless. Greater clarity needs to be given around when development would not be supported. What is meant by ‘outweighed by environmental benefits’? This could have a detrimental impact on the site’s biodiversity if inappropriate measures are implemented (e.g. tree planting on priority grassland habitat).</p> <p>32 h) We question whether the term ‘damage’ is the most appropriate one in this reference. A proposal may have an impact on a landscape or heritage asset that may be negative or undesirable, but may not be described as ‘damage’. If the policy requirement is absolute, as it is phrased just now ‘if there is any likelihood of ‘damage’ then the proposal should be modified, then the following sentence concerning uncertainty does not match that absolute requirement, as it suggests that reducing uncertainty will be acceptable and does not require the removal of uncertainty. Overall the policy requires to be reviewed so that it is absolutely clear what the tests are that have to be met.</p>
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Q51.

Policy 33: Peat and carbon rich soils

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

Yes The Council supports this principle of this policy but overall the NPF should be stronger on the protection of important soils from development.

It is understood why wind turbines are often built on peatland. However, we need to both offset (which peatland does) and generate renewable energy (which wind turbines do) to reach net zero. Reference to historic environment assessments and mitigation should be included in this policy. We would recommend that early consultation with the appropriate Historic Environment Records (HERs) is signposted in this section.

Q52.

Policy 34: Trees, woodland and forestry

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

Yes In terms of part b), and whilst the Council supports the protection of ancient woodlands, there may be times when removal of ancient woodland is acceptable to meet wider policy objectives.

Q53.

Policy 35: Coasts

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

Yes	The Council agrees with the aims of this policy but asks for clarity on what is meant by ' <i>Local development plan spatial strategies should consider how to adapt coastlines to the impacts of climate change</i> '. This aim seem beyond the ask or scope of Local Development Plans.
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Questions – Part 4: Delivering Our Spatial Strategy

Q54.

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

Yes	The council considers the preparation of a detailed delivery programme to accompany the final iteration of NPF4 to be essential and welcomes the opportunity to engage in the consultation exercise which has been intimated.
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While it is recognised that NPF4 is to be accompanied by an effective monitoring process, and that this is still a work in progress, it is important that this provides a clear strategy and explains what actually requires to be monitored. And while accepting that there is a role for local authorities to play in the monitoring exercise it is the council's view that monitoring of NPF4 should primarily rest with and be resourced by Scottish Government itself.

Q55.

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

No	See answers to earlier questions.
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Questions – Part 5: Annexes

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?

Yes	<input type="checkbox"/>
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Q57.

Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

Yes	The council generally welcomes the approach taken to housing in the NPF but would strongly recommend that the changes referenced under the Quality Homes policy are implemented to avoid a continuation of the damaging focus on the phasing of the housing land supply to the detriment of most of the other aims of the NPF.
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East Lothian Council supports the figure of 6400 set out in the MATHLR.

Q58.

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

Yes

The whole document needs to be thoroughly checked and the glossary substantially increased. There are numerous phrases used in this document that are not defined. There also needs to be consistency used across the document. An example of such a reference is the term 'green jobs'.
The *Buildings at Risk Register* definition should include a reference that it is maintained by Historic Environment Scotland.

Include appropriate definition of Historic Environment Records (HERs). ALGAO: Scotland can aid with this if required.
Gardens and designed landscape; Historic Battlefields; Listed buildings – it should be noted that all of these are managed primarily through the planning process by the appropriate planning authority.

Questions – Integrate Impact Assessments

Environmental Report

Q59.

What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

No response

Q60.

What are your views on the predicted environmental effects of the draft NPF4 as set out in the environmental report? Please give details of any additional relevant sources.

No response

Q61.

What are your views on the potential health effects of the proposed national developments as set out in the environmental report?

No response

Q62.

What are your views on the assessment of alternatives as set out in the environmental report?

No response

Q63.

What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?

Society and Equalities Impact Assessment

Q64.

What are your views on the evidence and information to inform the society and equalities impact assessment?

No

No response

Q65.

Do you have any comments on the findings of the equalities impact assessment?

No

No response

Q66.

Do you have any comments on the findings of the children's rights and wellbeing impact assessment?

No

No response

Q67.

Do you have any comments on the fairer Scotland duty and the draft NPF4?

No

No response

Q68.

Do you have any comments on the consideration of human rights and the draft NPF4?

No

No response

Q69.

Do you have any comments on the islands impact assessment?

No

No response

Business and Regulatory Impact Assessment

Q70.

Do you have any comments on the partial business and regulatory impact assessment?

No

No response



**East Lothian
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Appendix 2

14 March 2022

Dr Fiona Simpson
Scottish Government
Planning & Architecture Division
Victoria Quay
Edinburgh
EH6 6QQ

By email to: scotplan@gov.scot

Dear Fiona

RE: East Lothian Council Supplemental Response to Draft National Planning Framework 4 Consultation

Thank you for the opportunity to comment on draft National Planning Framework 4. We have submitted our main response to this consultation through the Scottish Government's Citizen Space Consultation Hub as you request.

However, in addition to this main response, we have included a short supplementary submission on Blindwells new town, the former Cockenzie Power Station site and the emerging ClimatEvolution Zone within East Lothian as set out at Annex 1 of this letter. This supplemental submission is also referred to in our main submission in answer to Question 15 of the questionnaire, where it is also referred to as Annex 1.

We therefore ask that you consider our supplemental submission and its associated requests at Annex 1 of this letter in the development of the final version of National Planning Framework 4 and its associated Delivery Programme.

In due course, we would welcome the opportunity to meet with you to discuss these request as the final version of National Planning Framework 4 is being developed.

Yours sincerely

Michaela Sullivan
Head of Development

EAST LoTHIAN COUNCIL SUPPLEMENTAL RESPONSE TO DRAFT NATIONAL PLANNING FRAMEWORK 4 CONSULTATION

INTRODUCTION

The Council and Blindwells landowners welcome that draft National Planning Framework 4 (NPF4) supports our strategic ambitions for the Climate Evolution Zone in the national spatial strategy, but have some minor requests for change to the current drafting of NPF4. We also note that there are key interrelationships and dependencies between the emerging National Developments in this area and our strategic ambitions for it.

In future, it will be essential to ensure that all strategic projects in this area complement and do not undermine one another, and that they work together to maximise collective and positive impact on placemaking and wider policy objectives through delivery. We have therefore also offered some requests for inclusion of items within the emerging NPF4 Delivery Programme. This is to help ensure it articulates the collaborative approach the Council wants to take as we move towards delivery.

CHANGES REQUESTED TO DRAFT NATIONAL PLANNING FRAMEWORK 4

We request that only minor changes to the drafting of the spatial strategy of draft NPF4 are made. These proposed changes are intended to make clearer links between the terminologies used in the national plan and local planning processes.

Within the Central Urban Transformation, Action 16: Rediscovering Urban Coasts and Waterfronts, we request an amendment of the second sentence of paragraph 8, by deleting the words 'linked with a new sustainable settlement at Greater Blindwells' and to replace those words with the words '*linked with the potential to expand the new sustainable settlement at Blindwells within the Blindwells Development Area*' as shown below:

"At Cockenzie work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and provide essential infrastructure for net zero, linked with the potential to expand the new sustainable settlement at Blindwells within ~~Greater Blindwells~~ the Blindwells Development Area."

We also request that the submissions in the following section be given consideration in the development of the emerging NPF4 Delivery Programme.

KEY COCKENZIE & BLINDWELLS REQUESTS FOR INCLUSION IN NPF4 DELIVERY PROGRAMME

The focus of this part of the submission is how the delivery of the expansion of Blindwells new town, the Cockenzie former power station site and the Climate Evolution Zone should be addressed in the finalised National Planning Framework 4 (NPF4).

East Lothian Council is seeking to build Scotland's first New Town at scale since 1966, working with Blindwells landowners. The Council is also seeking to redevelop the adjacent Council-owned Cockenzie Power Station site for net zero infrastructure and employment. The sites are in a proposed Climate Evolution Zone, where shared infrastructure linked to delivery of these sites and making a contribution to the just transition to net zero is proposed.

Part 4 of draft National Planning Framework 4 points out that the finalised version of NPF4 is to be accompanied by a detailed delivery programme for its spatial strategy. Blindwells and Cockenzie are major previously developed sites that should be prioritised for redevelopment, but the challenges of this need to be acknowledged and addressed by NPF4, particularly given their scale and associated issues. A public-private partnership, with targeted financial and regulatory support from government, is needed to allow effectively delivery of these sites at this scale.

Our proposals in relation to the emerging NPF4 Delivery Programme are requests for collaboration with government on three overarching strategic actions that we feel will be essential to enable successful delivery these strategic projects, namely that:

- 1. The 'Place Principle'** is applied to secure strategic collaborative working in the Climate Evolution Zone so the strategic projects there deliver collective impact and contribute positively to placemaking and wider policy objectives;
- 2. Regulatory innovation opportunities, such as designation of a Masterplan Consent Area by Scottish Ministers,** are explored with government as a tool that could help to more effectively deliver Blindwells new town, the redevelopment of the former Cockenzie Power Station site as well as key shared proposals within the wider Climate Evolution Zone; and
- 3. Financial innovation opportunities** are explored in business case development with government, within and beyond the context of the Edinburgh and South East Scotland City Region Deal, which could help to accelerate effective delivery of Blindwells new town and the redevelopment of the former Cockenzie Power Station site and associated benefits.

Below we provide some wider context to each of these overarching strategic requests in relation to the emerging NPF4 Delivery Programme.

The Place Principle – Maximising National, Regional & Local Benefits in Delivery

The vast majority of the 540 hectare Blindwells Development Area was a former open cast coal mine, which was reinstated for agricultural purposes. The former coal fired Cockenzie Power Station site is 90 hectares, and is now recorded as vacant and derelict land.

Currently, 125ha of land at the Blindwells Development Area is designated for the development of an initial phase of the new settlement. This land is being remediated for development, and housing and infrastructure delivery is underway. To the east of this allocation, a further 410 hectares with similar ground conditions is safeguarded for an expansion of the new settlement in to a new town.

The 90 hectare former coal fired Cockenzie Power Station site is cleared of the generating station and associated buildings, but the concrete plinth upon which they were built, the associated jetty in to the Firth of Forth, the railway freight siding (with points to the East Coast Main Line) and bunds of the former coal yard all remain, along with the grid connection with the National Grid. Despite its strategic location the site has minimal access to services and requires remediation prior to redevelopment.

At 640 hectares the Blindwells Development Area and former Cockenzie Power Station sites, taken together, are one of the most, if not the most significant national opportunity to reuse major sites and assets that are a legacy of our fossil fuel based economy. To enable the transformation of these sites, significant investment in major land remediation and strategic shared infrastructure works will be needed.

One example of the need to coordinate joined up solutions relates to how these strategic sites should be connected together, and how they should be better linked to the strategic transport network. This is a priority

for these projects, and also a strategic, logistical, technical and viability challenge. National Development 13: High Speed Rail, can also help enable and be facilitated by these strategic sites in a way that increases place quality and value, and overall placemaking.

These transport solutions will centre on modifying and increasing the capacity of Transport Scotland and Network Rail assets, and preparing the Blindwells Development Area for accommodating new sustainable and strategic transport infrastructure, including for National Development 13. The Cockenzie site also needs to be made effective for delivery of net zero infrastructure linked to National Development 12: Energy Transmission Network and new employment uses, so enhanced strategic access could be important to successfully enabling these ambitions too.

Strategic collaboration on planning, as well as on project planning, funding and delivery, will be essential to ensure all these strategic projects complement and do not undermine one another, and that they work together to maximise collective positive impacts for placemaking and wider policy objectives. These are significant opportunities and challenges that the Council and Blindwells landowners alone cannot plan or deliver alone. Strategic alignment on delivery will be essential to find a shared approach to delivery, including within and across government, Key Agencies, service and infrastructure providers, East Lothian Council, and Blindwells landowners.

As such, our first request is that the NPF4 Delivery Programme identifies the need for a 'Place Principle' approach at Blindwells and Cockenzie to co-ordinate effective strategic planning with effective project management, funding and delivery. The aim is to ensure that all strategic projects, including National Developments, complement and do not undermine one another and that they deliver multiple benefits from these strategic investments.

We want to work with government to deliver significant benefits to people, places, the environment, climate and economy at national, regional as well as at local level. The scope of our collaboration will evolve as needed to deliver the projects, so given the unique scale of these projects, we also feel there is a need to strategically lead this work and request that an MSP or senior civil servant champion it as it develops.

Regulatory Innovation

The finalised version of National Planning Framework 4 (NPF4) is to be accompanied by a detailed Delivery Programme for its spatial strategy. A key question is, how can the National Planning Framework 4 Delivery Programme help enable and accelerate the delivery of a green recovery and an urgent just transition to net zero through a redevelopment of the Blindwells Development Area and former Cockenzie Power Station site?

A successful redevelopment of these strategic sites should be built on the more certain foundations that upfront land remediation and the delivery of shared infrastructure first can provide. A similar comprehensive approach was taken to strategic site development during the 20th century new towns programme; there is now a need for an equivalent contemporary mechanism at Blindwells and Cockenzie that is capable of effecting the same type of strategic change at pace and scale to help accelerate a green recovery and a just transition to net zero as well as high quality placemaking.

Government support for pump-priming the Blindwells Development Area and former Cockenzie Power Station sites can de-risk the projects and enable a more co-ordinated approach from the public and private sectors to maximise and accelerate delivery against a wide range of strategic policy priorities, including enabling National Developments. Current regulatory innovation options to explore with government may include:

- A New Town Designation under the New Towns (Scotland) Act 1968, requiring involvement from the Government of the United Kingdom;
- A formal partnership between public and private sector to create a delivery vehicle that is supported by Government(s) with appropriate financial innovation, and which may be linked to a Masterplan Consent Area proposed by Scottish Ministers;

A traditional planning permission, if used alone, is unlikely to be a mechanism that can provide the surety required to adequately de-risk these unique strategic sites with a market-led, cash flow driven delivery model. Regulatory and financial innovation will be needed to ensure these projects can deliver upfront land remediation and shared infrastructure first so they complement and do not undermine one another and to mitigate against partial, delayed or non-delivery and associated risks.

We therefore request that the NPF4 Delivery Programme identifies that these strategic sites should be delivered through a public-private partnership, with targeted financial and regulatory innovation support from government in line with a business case approved by government, to allow public and private sector collaboration on effective delivery at this scale.

The key point is that successful delivery will be dependent on strategic alignment combined with an appropriate approach to regulatory and financial innovation that will enable agreed proposals that are supported by a business case approved by government.

Financial Innovation Opportunities - Business Case Process

In accordance with the Edinburgh and South East Scotland City Region Deal, the development of a business case is being led by East Lothian Council working with Blindwells landowners.

The business case process will seek to explore with the Government of the United Kingdom and Scottish Government how effective delivery of Blindwells new town and the redevelopment of the former Cockenzie Power Station site may be enabled by potential innovative financial mechanisms and delivery vehicles that can deliver shared upfront land remediation and infrastructure first.

We would therefore request that the finalised NPF4 Delivery Programme identify the importance of progressing the business case alongside the plan-making and decision-taking processes, to ensure that appropriate mechanisms are agreed with government for effective project delivery in parallel with any allocation and consenting processes.

Key Cockenzie & Blindwells Requests for inclusion in the NPF4 Delivery Programme

A range of actions will be needed over the short, medium and long term to enable Blindwells new town and the former Cockenzie Power Station site, but strategic actions that would be prudent to identify in the National Planning Framework 4 Delivery Programme are envisaged as follows:

1. Establish a Place Principle Approach:
 - a. Seek lead MSP/ Civil Servant(s) as Project Champion(s);
 - b. Seek cross government portfolio engagement on the projects to identify what the projects should deliver for government and what support government may offer the projects, noting that Section 75 Agreements and developer contributions will not be able to deliver major strategic infrastructure required to open up the development of sites on this scale;
 - c. Key Agency / stakeholder project support, including to confirm planning, design and funding synergies with emerging National Developments;

2. Through the business case development process, explore potential and identify a preferred way forward for a public-private partnership delivery vehicle, with financial and regulatory innovation solutions supported by government, to unlock the Blindwells Development Area and former Cockenzie Power Station site, focused on upfront land remediation and shared infrastructure first.