

Agenda Item	15
Report No	ECI/12/2023

HIGHLAND COUNCIL

Committee: Economy and Infrastructure

Date: 2 February 2023

Report Title: National Planning Framework 4 and the Highland Development Plan Scheme 2023

Report By: Executive Chief Officer Infrastructure, Environment & Economy

1 Purpose/Executive Summary

- 1.1 In line with existing planning regulations, the Council is required to prepare a Development Plan Scheme (DPS) to keep people up to date on where and when they can input to the preparation of development planning documents. The National Planning Framework 4 (NPF4) has implications for the DPS and our future development plan. As such, the latest DPS is attached for consideration and approval aims to make people aware of the likely implications that National Planning Framework 4 (NPF4) will have. However, it should be noted that a further report will need to be taken to Committee in due course, outlining the full implications.

2 Recommendations

- 2.1 Members are asked to:-
- i. **Note** the summary of NPF4 in section 5, in particular its status, now and once adopted and published, as part of the Development Plan for decision making;
 - ii. **Note** the high-level mapping of NPF4 policies against planning policy in Highland's Local Development Plans as outlined in **Appendix 1** and that this will form the basis for further work;
 - iii. **Agree** the Council's approach to carrying out new duties and functions set out for Development Planning as outlined in Section 6, including a proposed consultation on how we communicate and consult upon development plans;
 - iv. **Agree** the Development Plan Scheme / Newsletter at **Appendix 2** which includes the Participation Statement and the invitation to prepare Local Place Plans; and
 - v. **Note** that the full implications of the new Development Plan regulations, and the more detailed steps for preparing a new Highland Local Development Plan (HLDP), will be reported to Committee as soon as practicable.

3 Implications

- 3.1 **Resource** – Progress towards meeting development plan timescales is monitored as part of the existing work programme of the Development Plans team. The new legislation and emerging guidance for development plan preparation and the policy requirements set out in NPF4 will have significant long-term resource implications, along with the requirements for assessing new supporting information for development proposals. The Delivery Programme (Version 1) for NPF4 includes actions relating to skills and resources and the Scottish Parliament’s Local Government, Housing and Planning Committee’s report notes the importance of these concerns, with Committee indicating its intention to monitor progress. Local Authorities have expressed some concern about the potential resource implications through Heads of Planning Scotland who provided evidence to the Parliamentary Committee.
- 3.2 **Legal** – No direct implications, but this report includes commentary within paragraphs 5.1-5.4 on the evolving status and weight of NPF4 and relationship to other parts of the Development Plan in the determination of planning applications.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – Emerging guidance indicates that the Development Plan Scheme should in future set out how and when we will consider and assess the impacts of the Local Development Plan across a range of matters, such as equality groups and island communities, and the engagement processes that assist its preparation. It is felt that some issues faced by many rural and isolated communities are not addressed sufficiently in NPF4 and may need greater attention through the Local Development Plan and perhaps through the Highland Regional Spatial Strategy.
- 3.4 **Climate Change / Carbon Clever** – NPF4 contains some bold new policies that aim to take action on Climate Change through planning decisions. Notwithstanding this and some significant improvements from the earlier Draft NPF4, the Council will need to ensure, including through its Regional Spatial Strategy and Local Development Plan, that Highland’s own transition to net zero and increasingly critical contribution to the national transition to net zero are fully recognised and realised.
- 3.5 **Risk** – The delivery of NPF4, and realisation of shared priorities and ambitions for Highland, requires continued collaboration and coordination of local and national agencies, plus complementary local development planning and local place planning. We will work with other organisations to fill in the detail necessary for success and aim to provide clear advice, particularly during the period of transition and bedding in of the reformed planning system.
- 3.6 **Gaelic** – NPF4 (in the Revised Draft) now acknowledges that “*buildings and other physical assets can support activities based on intangible cultural assets such as Gaelic language*” and, in respect of the North and West Coast and Islands area, that “*language skills are also important in many areas where Gaelic is used by the community*”. For Development Planning work, we will comply with the Council’s policy for use of Gaelic within publications and consider any specific implications for engagement.

4 Background

- 4.1 The new National Planning Framework (NPF4) will, when adopted and published, be part of the Development Plan. That is now expected in early 2023. Alongside NPF4 Scottish Government will introduce new arrangements for the planning system in Scotland, particularly the preparation of development plans, including a requirement for the Council to prepare a new style Local Development Plan that sits in the context of the new national plan. These new arrangements will have far reaching implications for how our plans are prepared and implemented, the evidence required, and the information needed for submitting and determining planning applications. Our development plan will also be expected to have corporate status in the Council to help reinforce its delivery. For development plans the system will also require changes to the Council's Scheme of Delegation and these will be brought to Council after Scottish Government has finalised Regulations and Guidance for Development Planning.
- 4.2 In light of the current and future arrangements, this year's Development Plan Scheme (DPS) outlines the implications for the Development Plan in Highland and how and when communities and partners can contribute to a new single Highland Local Development Plan (HLDP) beyond the ongoing review of the Inner Moray Firth Local Development Plan (which is at an advanced stage, aiming for submission to Scottish Ministers in March 2023 for Examination). It responds to some of these new requirements, as outlined later in section 6, and provides some comments on the potential resource implications.

5 National Planning Framework 4 (NPF4)

- 5.1 As outlined at the briefings provided to North and South Members in December 2022, [Revised Draft NPF4](#) was published by Scottish Government and laid in Parliament on 8 November 2022. This was later than originally envisaged by Scottish Government and anticipated by the Council. When previously reviewing our Development Plan Scheme we had thought that NPF4 would be adopted by now, that new development planning provisions would have commenced and that we would have formally started preparation of a new-style Highland Local Development Plan. Furthermore, at the time of the Member Briefings in December NPF4 was expected to have been approved by Parliament before the Christmas and New Year recess. NPF4 has been the subject of scrutiny by Parliament's Local Government, Housing and Planning Committee, [its report](#) being published on 21 December 2022 and concluding as follows:-

"The Committee welcomes the revised draft of NPF4. It is clearly a significant improvement on the original draft and one for which the Minister and his officials should be commended. Nevertheless, this is only the beginning of the process. It is not satisfactory to simply assume that planning policy is now set for ten years and can be left as it is. We recognise that there are still elements of NPF4 that could be improved and the Minister's willingness to revisit these after adoption is to be welcomed. Of greatest concern to the Committee is that the ambitions of NPF4 will simply not be met due to a lack of planners and more specifically a lack of planners with the skills to meet the challenges of NPF4. This must be addressed with some urgency.

There must also be clear cross-Government commitment to NPF4, ideally adopting a similar approach to the one taken in Ireland. Moreover, it is critical that NPF4 and the planning authorities who are there to deliver it are subject to effective monitoring to ensure that the ambitions of NPF4 are actually delivered. The Committee looks forward to playing its part in that process.”

However, at the time of writing, Parliament’s decision on whether to approve Revised Draft NPF4, or not, is awaited with Parliament’s debate being scheduled for 11 January 2023. Therefore, this report cannot confirm the final decision and therefore status of NPF4. NPF4 will, though, form part of the Development Plan when adopted and published. A verbal update will be provided at Economy and Infrastructure Committee on 2 February and in the event that NPF4 is approved by Scottish Parliament, and if there is subsequent confirmation of adoption and publication by Scottish Government, this will be shared with all Members.

- 5.2 Only once NPF4 has been adopted and published by Scottish Ministers will it become part of the adopted Development Plan and thus gain its full intended status in the determination of planning applications. In the meantime, NPF3 and SPP (both 2014) remain as current national planning policy and material considerations in decision making whilst Revised Draft NPF4, being at an advanced stage, may also carry some weight in the consideration of planning applications (similar to how a Proposed Local Development Plan can carry some weight). These points and the relationship of NPF4 to Local Development Plans will have implications for decision making on planning applications and this affects all 34 Planning Authorities, as well as applicants and their agents.
- 5.3 There is prospect that the period between the publication of Revised Draft NPF4 (8 November 2022) and NPF4 gaining adopted Development Plan status will be relatively short (perhaps three to four months), which could be beneficial in limiting the number of planning applications for which NPF4 could carry some weight but not have adopted Development Plan status. However, it is anticipated that there will be a longer period (and hence a greater number of cases affected) where planning applications will have been prepared and in some cases submitted prior to the adoption of NPF4, without full consideration of all of its policies or providing all of the information needed for full assessment against NPF4. Contributing to this position will be the fact that effective implementation of a number of NPF4’s ‘topic’ policies will depend upon national guidance being provided, often yet to be prepared or finalised. In this regard it is understood that the Minister for Public Finance, Planning and Community Wealth has committed to providing transitional guidance shortly after the conclusion of Parliamentary consideration of Revised Draft NPF4 to guide the handling of applications, whilst [Version 1 of the Delivery Programme for NPF4](#) (published alongside Revised Draft NPF4) programmes further work on ‘topic’ guidance.
- 5.4 A generally longer period still will be that between the adoption of NPF4 and the subsequent adoption of new Local Development Plans (LDPs), including any progressing under transitional arrangements (such as the Inner Moray Firth Local Development Plan 2) and those to be prepared under new arrangements (such as a new Highland Local Development Plan). During such period, the law set sets out that in the event of any incompatibility between a provision of NPF4 and a provision of our current LDPs, NPF4’s policies (being the later in date) will prevail.

5.5 In order to provide greater clarity about and ease understanding of the current and emerging Development Plan relating to Highland, particularly with respect to the framework of policies for use in Development Management, officers have begun developing a reference table and the current version is in **Appendix 1**. The table provides high-level mapping of NPF4 policies against planning policy in Highland's Local Development Plans, as an aide to identifying relevant policies for reporting. This is a starting point for then considering whether NPF4 and LDP provisions are compatible with each other. This table will be added to, refined and amended where necessary, further informed through its use as part of the Development Plan for determining planning applications. It will also feed into our thinking about what policies we will require in our new-style Local Development Plan, which will be brought to Committee for consideration.

5.6 **Appendix 1** provides an overview list of all the new policies (with the new policies themselves available in Revised Draft NPF4). However, the following more general observations are particularly worth noting:-

- NPF4 is introducing bold new policies that aim to take action on Climate Change through planning decisions and focus on delivery of net zero. These are far-reaching with significant expectations for the preparation, submission and assessment of development proposals. It is a significant increase of policy emphasis from that in our adopted Local Development Plans, although more in line with that in our Proposed Inner Moray Firth Local Development Plan 2 (pIMFLDP2).
- Similarly, NPF4 is introducing more stretching policy requirements for development in respect of Biodiversity, aimed at reversing biodiversity loss, delivering positive effects from development and strengthening nature networks. This recognition of natural capital strengthens the response to the ecological emergency and also has potential to contribute to the response to the climate emergency. Again, this is a significant increase of policy emphasis and expectations of proposals, though more in line with pIMFLDP2.
- The policies in Revised Draft NPF4 are intended particularly for use in the determination of planning applications through the Development Management process and the requirements of those policies will have direct implications for the preparation, submission and assessment of applications. However, under each policy topic Revised Draft NPF4 also sets out expectations for Local Development Plans (and the associated Delivery Programmes) and that in particular will have significant implications for evidence that we may need to gather to inform our new Highland Local Development Plan.
- NPF4's intent includes encouraging, promoting and facilitating an Infrastructure First approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Local Development Plans should be informed by evidence on infrastructure capacity, condition, needs and deliverability within the plan area, including cross boundary infrastructure and should set out the infrastructure requirements, priorities and arrangements for delivery, including any expectations for developer contributions. This will best be informed by early engagement and collaboration with relevant stakeholders, both within and outwith the Local Authorities.

In essence this demands a direct link between the Development Plan (NPF4 and LDPs) and a Local Authority's Capital Programme; indeed, the Development Plan is expected to have an enhanced, corporate role going forward and (as emphasised by the NPF4 Delivery Programme) Planning will play a crucial leadership role by co-ordinating and choreographing the activities and decisions required.

- 5.7 Members will recall that the Council prepared the Indicative Regional Spatial Strategy (IRSS) for Highland as part of its submissions to Scottish Government to inform NPF4. Noting that the relevant content is now split between 'Part 1 – A National Spatial Strategy for Scotland 2045' and 'Annex C – Spatial Planning Priorities', undoubtedly there have been some improvements to NPF4's spatial description of Highland since the earlier Draft NPF4. Nonetheless officers do feel that NPF4 has not embraced our IRSS to the maximum. Looking ahead, there will be a role for the Council in finalising its Regional Spatial Strategy (RSS), importantly providing the spatial strategy for the new Highland Local Development Plan (HLDP). Under the reformed planning system it is expected that the Highland Outcome Improvement Plan (HOIP), and any successor to it, will provide the vision for that HLDP alongside the spatial strategy of the RSS, noting that there are elements that the Council may wish to emphasise and enhance in the context of and response to NPF4. For example, where NPF4 may still fall short on fully recognising Highland's role in delivering the national transition to net zero, and for example Opportunity Cromarty Firth not being accorded national development status, we should (within the context of NPF4) look to maximise the recognition of and support to Highland's opportunities, through our RSS and new LDP. Furthermore, the preparation of our new LDP will provide (again within the context of NPF4) the key opportunity to tidy the policy framework and develop any justified local planning policies (and guidance) to be used alongside NPF4.
- 5.8 The delivery of NPF4 and the carrying out of new duties brought about through reform of Scotland's planning system will be of considerable importance to Highland's communities, elected members and officers of the Council. It will be vital to work together, and in collaboration with stakeholders, on its delivery. This includes the implications it will have for our Local Development Plan (LDP) and how and when we engage people on the new-style LDP that is required. Further information is set out in the next section.

6 Development Plan Scheme (DPS)

- 6.1 The 2023 Development Plan Newsletter, which also acts as our DPS for submission to Scottish Government, is enclosed at **Appendix 2** for consideration and approval.
- 6.2 Over the last couple of years, and in anticipation of NPF4 and the corresponding development plan regulations and guidance, it has been agreed to move towards a consolidated Development Plan in Highland that complements NPF4 policies, applies and (where needed) tailors these to the Highland region and responds to locally specific matters including any Local Place Plans prepared by communities. Highland is in a unique position in having four LDPs (almost all planning authorities each have just one LDP). In principle it has been agreed to move from having four LDPs to one.

The preparation of a single LDP for Highland will be a substantial task but will bring benefits, with plan-making for all parts of Highland on the same timeline and more focus on and opportunity for implementing and delivering the LDP once adopted. We do need to find the easiest path to move to a single plan and consolidating, incorporating relevant content into the new HLDP, including recognising that IMFLDP2 (near adoption) will have been very recently prepared.

6.3 It is expected that Scottish Government will finalise and publish the relevant Regulations and Guidance for LDPs at the time that NPF4 is adopted and published, or soon thereafter. That will mark the formal start date for the reformed system for local development planning. Scottish Government expects planning authorities to adopt their first new-style LDPs within five years of that date (so potentially by early 2028) – and thereafter to review them at least every ten years. Development Plan Schemes are important for achieving collaboration (with a role in helping stakeholders manage their responsibilities and input) and as part of the reformed planning system, are expected to contain more detailed timescales than previously and play a stronger project management function. This will require our further detailed consideration after full publication of NPF4 and the regulations and guidance that will follow. In the meantime, based on our current understanding but liable to change, we think the timescales for the preparation of our new-style LDP are as follows:-

- evidence-gathering throughout 2023, including for example through a range of audits and community/ stakeholder engagement, leading to an Evidence Report;
- aiming for submission of the Evidence Report to Scottish Ministers in April 2024 for an independent Gate Check, aiming to clear the Gate Check stage by January 2025;
- Plan preparation, aiming for publication of the Proposed Plan in October 2025 for consultation;
- aiming for submission of the Proposed Plan to Scottish Ministers for an independent Examination of outstanding issues around July 2026; and
- aiming for adoption and constitution of the Plan around June 2027.

6.4 Finalised guidance for Development Planning is not yet available from Scottish Government. However, the likely new requirements for the Development Plan Scheme are listed below (based primarily on Scottish Government’s draft LDP Regulations and Guidance that were consulted on alongside Draft NPF4). The right side of the table outlines how and when it is proposed to carry out this duty, if or when confirmed. This will be considered further once the more detailed guidance and regulations are confirmed by Scottish Government.

Draft LDP Guidance	Response to emerging requirements in Highland Development Plan Scheme
We will need to set out more detail on the project management of the development plan, and the programme for gathering, monitoring and reviewing evidence, including key publications such as the Strategic Environmental Assessment, Habitats Regulations Appraisal and others.	We will need to revisit aspects of this requirement once the guidance and regulations have been finalised and considered.

<p>We will need to be more detailed in identifying months where activities will be undertaken and carry out more rigorous reporting of our performance</p>	<p>For many years we have taken a careful look at our performance set against the targets in our previous DPS. Nonetheless we intend to build on that approach and further embed the more detailed approach to timescales and reporting of performance when final guidance is published.</p>
<p>Invite communities to prepare Local Place Plans</p>	<p>A formal invitation to communities can only be issued once the new LDP Regulations have been put in place by Scottish Government. However, this Committee is asked to approve the invitation for communities to prepare Local Place Plans ahead of the formal regulations. Further information in paragraph 6.5 below.</p>
<p>Seek the views of the public on what the content of the Participation Statement should be</p>	<p>The Participation Statement in the enclosed draft DPS at Appendix 2 aims to reflect requirements anticipated to be set out in new guidance for Development Plans. It is proposed that this draft Participation Statement is issued for consultation and the feedback from this will be considered alongside any other requirements that emerge through the new guidance. For example, this will include views on who should be engaged at different stages of plan preparation and how to involve them.</p>
<p>Participation Statement should include targeted methods to reach under-represented groups, help to make public participation inclusive, ensure that wider public engagement directly feeds into the development of the LDP, and promote proactive engagement at all stages of the plan's preparation</p>	<p>The Participation Statement as drafted and enclosed for approval aims to address these requirements for the preparation of future plans. As above, this can be expanded and informed by feedback from the proposed consultation on the Participation Statement.</p>
<p>Sets out our view on the opportunity and potential scope for the use of mediation</p>	<p>Mediation is seen as a potentially useful measure in some situations and further consideration will be given to this when the measures have been formally approved.</p>

	<p>However, we aim to remove or reduce the requirement for mediation by gaining awareness of proposals/sites that may prove contentious through early engagement with stakeholders in the preparation of the plan, including via the submission of Local Place Plans.</p>
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- 6.5 In relation to Local Place Plans it was hoped that further details of these arrangements would be available to share with this Committee. However, the delay in NPF4 and the commencement of the reformed Development Planning system (as outlined in paragraphs 5.1 and 6.3) means that there is a similar delay in this guidance being made available. In the meantime, we think it would be helpful to give advance notice to communities so that they can begin discussing and considering the opportunity to prepare Local Place Plans and that early work can commence on such plans. Indeed, we are aware that some have opted to proceed with such work already. To assist, a webpage has been set up www.highland.gov.uk/localplaceplans and this will be updated with further guidance as it becomes available.
- 6.6 It is recognised that the final NPF4 and subsequent Development Planning Regulations and Guidance will confirm a number of wider duties and responsibilities, some of which are expected to have implications for the Council's Scheme of Delegation, and further information on these will be shared as soon as practicable.

Designation: Executive Chief Officer Infrastructure, Environment & Economy

Date: 6 January 2023

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Background Papers: Revised Draft [NPF4](#)
Revised Draft NPF4: Delivery Programme [V1](#)
Report of Scottish Parliament's Local Government, Housing and Planning Committee on Revised Draft [NPF4](#)

High-level mapping of NPF4 policies against planning policy in Highland's Local Development Plans

Notes:

- 1) The table provides high-level mapping of NPF4 policies against planning policy in Highland's Local Development Plans, as an aide to identifying relevant policies for reporting. This is a starting point for then considering whether NPF4 and LDP provisions are compatible with each other. However, note that this is not comprehensive, for example an LDP policy could relate to additional policies of NPF4 beyond those indicated. Note also that a policy (either from NPF4 or from an LDP) could cover some aspects simply not addressed by the respective mapped policy/policies in the other document.
- 2) This table will be added to, refined and amended where necessary, further informed through its use as part of the Development Plan for determining planning applications. It will also feed into our thinking about what policies we will require in our new-style Local Development Plan.
- 3) HwLDP policies 1-27 relate to specific sites or areas and have been overtaken by more recent site/area provisions in the 'Area' LDPs – as such, for simplicity those HwLDP policies are not included in the table below, although it should be noted that they are still part of the adopted Development Plan.

Revised Draft NPF4 policy	Policies in our Adopted LDPs (HwLDP, IMFLDP, CaSPlan, WestPlan) and Proposed LDP (pIMFLDP2)
1: Tackling the climate and nature crises	This policy has no direct equivalent in our adopted or proposed Highland LDPs.
2: Climate mitigation and adaptation	HwLDP - 28: Sustainable Design pIMFLDP2 - 1: Low Carbon Development
3: Biodiversity	pIMFLDP2 - 2: Nature Protection, Preservation and Enhancement
4: Natural places	HwLDP - 57: Natural, Built and Cultural Heritage HwLDP - 58: Protected Species HwLDP - 59: Other Important Species HwLDP - 60: Other Important Habitats and Article 10 Features HwLDP - 61: Landscape IMFLDP - 5: Development Within the Water Catchment of Loch Flemington
5: Soils	HwLDP - 55: Peat and Soils
6: Forestry, woodland and trees	HwLDP - 51: Trees and Development HwLDP - 52: Principle of Development in Woodland
7: Historic assets and places	HwLDP - 57: Natural, Built and Cultural Heritage HwLDP - 61: Landscape
8: Green Belts	This policy has no direct equivalent in our adopted or proposed Highland LDPs.

9: Brownfield, vacant and derelict land and empty buildings	HwLDP - 42: Previously Used Land
10: Coastal Development	HwLDP - 49: Coastal Development
11: Energy	HwLDP - 67: Renewable Energy Developments HwLDP - 68: "Community" Renewable Energy Developments HwLDP - 69: Electricity Transmission Infrastructure
12: Zero Waste	HwLDP - 70: Waste Management Facilities HwLDP - 71: Safeguarding of Waste Management Sites
13: Sustainable Transport	HwLDP - 56: Travel pIMFLDP2 - 14: Transport
14: Design, quality and place	HwLDP - 28: Sustainable Design HwLDP - 29: Design Quality and Place-Making pIMFLDP2 - 8: Placemaking HwLDP - 61: Landscape
15: Local Living and 20-minute neighbourhoods	HwLDP - 34: Settlement Development Areas IMFLDP - 3: Other Settlements CaSPlan - 3: Growing Settlements WestPlan - 3: Growing Settlements pIMFLDP2 - 12: Growing Settlements
16: Quality Homes	HwLDP - 32: Affordable Housing HwLDP - 37: Accommodation for an Ageing Population HwLDP - 39: Gypsies/Travellers pIMFLDP2 - 10: Increasing Affordable Housing pIMFLDP2 - 11: Self and Custom Build Housing pIMFLDP2 - 13: Accessible and Adaptable Homes
17: Rural Homes	HwLDP - 35: Housing in the Countryside (Hinterland areas) HwLDP - 36: Development in the Wider Countryside
18: Infrastructure First	HwLDP - 31: Developer Contributions HwLDP - 65: Wastewater Treatment IMFLDP - 2: Delivering Development CaSPlan - 2: Delivering Development WestPlan - 2: Delivering Development pIMFLDP2 - 9: Delivering Development and Infrastructure IMFLDP - 4: Water and Wastewater Infrastructure in the Inverness to Nairn Growth Area
19: Heating and Cooling	pIMFLDP2 - 1: Low Carbon Development
20: Blue and Green Infrastructure	HwLDP - 74: Green Networks HwLDP - 77: Public Access pIMFLDP2 - 5: Green Networks
21: Play, recreation and sport	HwLDP - 75: Open Space HwLDP - 76: Playing Fields and Sports Pitches pIMFLDP2 - 4: Greenspace
22: Flood risk and water management	HwLDP - 64: Flood Risk HwLDP - 66: Surface Water Drainage

23: Health and Safety	HwLDP - 72: Pollution HwLDP - 73: Air Quality
24: Digital Infrastructure	HwLDP - 45: Communications HwLDP - 46: Siting and Design of Communications Infrastructure
25: Community Wealth Building	This policy has no direct equivalent in our adopted or proposed Highland LDPs.
26: Business and Industry	HwLDP - 41: Business and Industrial Land pIMFLDP2 - 7: Industrial Land
27: City, town, local and commercial centres	IMFLDP - 1: Promoting and Protecting City and Town Centres CaSPlan - 1: Town Centre First WestPlan - 1: Town Centre First pIMFLDP2 - 6: Town Centre First
28: Retail	HwLDP - 40: Retail Development
29: Rural Development	HwLDP - 36: Development in the Wider Countryside
30: Tourism	HwLDP - 43: Tourism HwLDP - 44: Tourist Accommodation
31: Culture and Creativity	This policy has no direct equivalent in our adopted or proposed Highland LDPs.
32: Aquaculture	HwLDP - 50: Aquaculture
33: Minerals	HwLDP - 53: Minerals HwLDP - 54: Mineral Wastes
These policies have no direct equivalent in NPF4.	HwLDP - 30: Physical Constraints HwLDP - 33: Houses in Multiple Occupation HwLDP - 38: New Settlements HwLDP - 47: Safeguarding Inbye/AppORTioned Croftland HwLDP - 48: New/Extended Crofting Townships HwLDP - 62: Geodiversity HwLDP - 63: Water Environment HwLDP - 78: Long Distance Routes pIMFLDP2 - 3: Water and Wastewater Infrastructure Impacts pIMFLDP2 - 15: Development Briefs

Development Plans Newsletter

Cuairt-litir Phlanaichean Leasachaidh

February 2023



Gairloch, photo by The Highland Council

A handy guide to land use planning documents for the Highland Council area

Read about how and when land use planning documents are prepared for your area, and how you or your local community can get involved

Introduction

This is the annual update of the Highland Council's Development Plans Newsletter which provides an overview of the timetable for preparing land use planning documents for the Highland Council area*. It lets you know how and when you can get involved in preparing these plans. This newsletter also acts as the Council's **Development Plan Scheme** that we submit annually to Scottish Government.

** Note: The Cairngorms National Park Authority (CNPA) prepare their own Development Plan, please visit: www.cairngorms.co.uk/planning-development for more details.*

What is a Development Plan?

The Development Plan is a set of documents that guide where and how new building and development can take place across the Highland Council area. These documents currently include Local Development Plans (LDPs) that set out policies and site allocations, and Supplementary Guidance (SG) containing more detail on specific issues or places. Planning applications for all types of development are assessed against these documents, so it is important that people know when and how they can input to them.

Planning law sets out the process for preparing Development Plan documents and this Newsletter provides information on that. We encourage people to get involved as early as possible in the process. The best place to view and comment on Development Plans in the Highland Council area is the Council's website or the online Development Plans consultation portal – for full details of these, and other ways to contact us, follow us, and contribute to the plans for your area, please see the end of this newsletter.

The current Development Plan for Highland

The Highlands is unique in Scotland, in that our council authority covers a particularly vast and diverse area.

Our current Development Plan consists of four local development plans (LDPs): the Highland-wide LDP (HwLDP), the Inner Moray Firth LDP (IMFLDP), the Caithness and Sutherland LDP (CaSPlan), and the West Highlands and Islands LDP (WestPlan) – together with a suite of Supplementary Guidance documents.



Staffin, photo by Iain Smith

The HwLDP is our vision for the whole Highland Council area (excluding the area covered by the Cairngorms National Park which has its own plan) and sets out the general policies which any planning application will be assessed against. The HwLDP was adopted in 2012. We started the process of reviewing the HwLDP in 2016, but when Scottish Government published a Planning Bill in 2017 that outlined changes to the Scottish Planning System, we decided to halt the HwLDP review process until more was known about the changes.

The three individual LDPs – IMFLDP, CaSPlan, and WestPlan – focus on the regional and settlement strategies for the Inner Moray Firth; Caithness and Sutherland; and West Highlands and Islands respectively, including the identification of specific site allocations.

Each Supplementary Guidance document is directly related to one of the LDPs and provides more detail for a particular policy topic or site for development.

The first IMFLDP was adopted in 2015. We aimed to consult on the second IMFLDP in 2022 and to send the Council responses to the consultation to Scottish Government by the end of 2022. Accordingly, we published IMFLDP2 on 25 March 2022 and its public consultation closed on 17 June 2022. The Council responses to the IMFLDP2 consultation are expected to be submitted to Scottish Government in March 2023 (for Examination), just three months later than originally planned due to Committee timescales. CaSPlan was adopted in August 2018 and WestPlan was adopted September 2019. To read about our plans and guidance, please visit www.highland.gov.uk/devplans or for the LDPs you can also click on the images below:



We will continue to monitor and update the Delivery Programme. The Delivery Programme for IMFLDP, CaSPlan, and WestPlan was last published in March 2022. For more information, please visit: www.highland.gov.uk/deliveryprogrammes

New system coming soon

Scotland’s planning system is being reformed. It will be a number of years before all of the reforms take full effect. Once they have, the Development Plan in Highland will comprise two documents: National Planning Framework 4 (NPF4) (prepared by Scottish Government) and a new Highland Local Development Plan (HLDP).

When adopted, the HLDP will replace our HwLDP and our three individual ‘area’ LDPs. The HLDP may also include some content from our current suite of Supplementary Guidance, with any updating and reviewing as necessary.

Also, under the new system, Highland Council will lead the formal preparation of a Regional Spatial Strategy; whilst communities will have opportunity to prepare Local Place Plans and submit them to Highland Council, to be taken into account when the HLDP is prepared.

Background to the new system

The reforms to Scotland's planning system are being brought about by implementation of the Planning (Scotland) Act 2019.

National Planning Framework 4

Scottish Government is currently at an advanced stage in the preparation of National Planning Framework 4 (NPF4). The National Planning Framework sets out the national spatial strategy for Scotland. It sets out the spatial principles, regional priorities, national developments and national planning policy. The Revised Draft NPF4 was laid in Parliament in November 2022 for consideration for approval. For the first time, the NPF (once approved, adopted, and published) will be part of the Development Plan. This will likely lead to a reduction in the number and range of policies that we require in our Local Development Plan.



Evanton, photo by Compass Building Services

New-style Local Development Plan

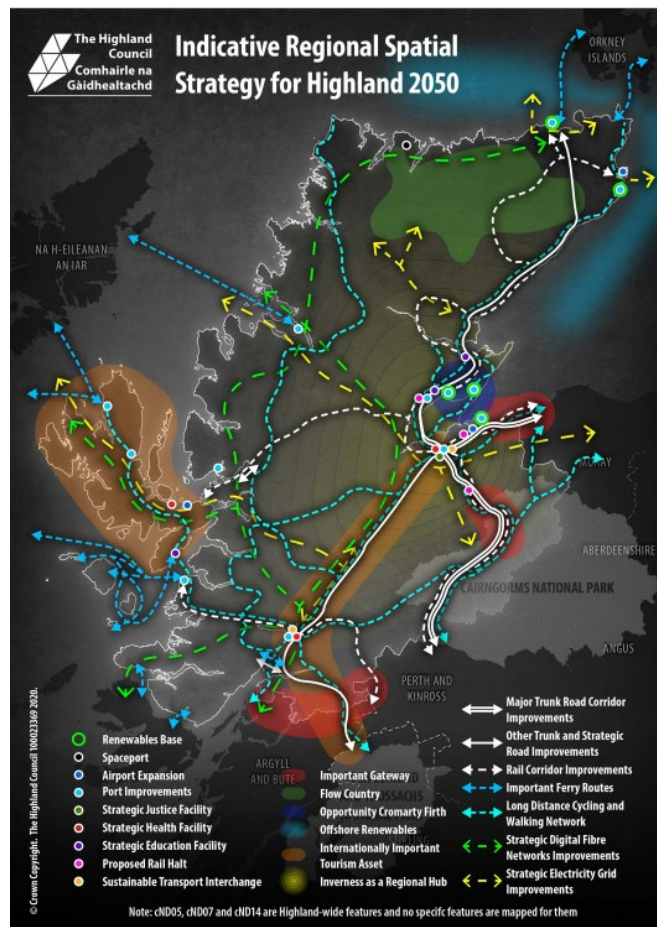
It has been vital for the Highland Council to know enough about the likely content of NPF4 before progressing very far with its thinking about the new HLDP. Also, the Council is not able to formally start work on a new-style LDP until the relevant Regulations are in place. It is expected that Scottish Government will finalise and publish the relevant Regulations and Guidance for LDPs at the time that NPF4 is adopted and published, or soon thereafter. That will mark the formal start date for the reformed system for local development planning. Scottish Government expects planning authorities to adopt their first new-style LDPs within five years of that date – and thereafter to review them at least every ten years.

Scotland's reformed planning system includes changes to the key steps for preparing a Local Development Plan. Preparation of a new-style LDP will include:

- Evidence-gathering, including for example through a range of audits and community/stakeholder engagement, leading to an Evidence Report;
- Submission of the Evidence Report to Scottish Ministers for an independent Gate Check;
- Plan preparation, leading to publication of the Proposed Plan for consultation;
- Submission of the Proposed Plan to Scottish Ministers for an independent Examination of outstanding issues; and
- Adoption and Constitution of the Plan – Constitution being the term referring to the Plan becoming part of the adopted Development Plan for the purposes of determining planning applications.

Regional Spatial Strategy

As part of the Highland Council response to the Scottish Government's preparation of NPF4, the Council developed an Indicative Regional Spatial Strategy (IRSS) for Highland and submitted it to Scottish Government that will soon be updated and finalised as explained below. To read the April 2021 IRSS, please visit: www.highland.gov.uk/npf or click on the image below:



Highland Indicative Regional Spatial Strategy, image by The Highland Council

How we plan to transition to the new system

We will aim to keep our webpages up to date, so they accurately reflect at any point in time the correct information as to what comprises the Development Plan in Highland, other documents of material consideration and the work programme for the ongoing transition.

New single Highland Local Development Plan

Throughout 2023 we will be focusing primarily on evidence-gathering for the new single Highland Local Development Plan (HLDP). We are aiming to finalise our Evidence Report in April 2024 and to have cleared the Gate Check stage by January 2025. We aim to reach Proposed Plan stage in October 2025. Examination of the new HLDP is anticipated around July 2026 and we aim for adoption and constitution of the new HLDP around June 2027.

When the new HLDP is adopted, it will replace all the other LDPs in Highland. The new HLDP may include some content from our current suite of Supplementary Guidance, with any updating and review as necessary. Any content from the Supplementary Guidance not included in the HLDP will either become non-statutory planning guidance (for use as a material consideration in planning decisions), again with any updating and review as necessary, or will not be carried forward.

In the meantime, implementation and delivery of our current LDPs will continue as planned throughout 2023, and IMFLDP2 will progress through the Examination stage.

Evidence Gathering

Under the new plan-making system, the Evidence Report is intended to front load the work and use the evidence to clearly inform what to plan for, before the Proposed Plan looks at where development should take place. The Evidence Report should provide a summary of the evidence and analysis of what it means for the plan, informed by the views of those who are anticipated to be affected by the plan, and involved in its implementation. The Evidence Report stage should check that the future LDP will be based on sound evidence and therefore more likely to achieve its outcomes.

The Gate Check will provide an independent assessment of whether the planning authority has sufficient information to prepare an LDP. It will be carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals.

It is anticipated that the Evidence Report will need to cover a wide range of relevant topics, including but not limited to:

- plan outcomes;
- stakeholder involvement;
- infrastructure and services;
- housing land;
- employment land; and
- climate and environment.



Bettyhill, photo by The Highland Council

During 2023 we therefore expect to be focussed on gathering the evidence for the new HLDP and engaging with people in that. The scope of the evidence gathering (and more precise work programming and associated engagement) will be influenced by the legislation, NPF4, Scottish Government guidance, collaborative work between local authorities and by local considerations. This includes taking account of the fact that HLDP will, once adopted, replace all of our other LDPs and of the need to establish more specifically our initial, broad intentions for the current suite of Supplementary Guidance, going forward. During the evidence-gathering stage, we will commence the process of Strategic Environmental Assessment (SEA) for the new HLDP – specifically, preparation of the Scoping Report, submission of it to the SEA Consultation Authorities and gathering environmental baseline information. We will also begin looking out for potential broad considerations for the HLDP, bearing in mind the need for a public Sector Equality Duty Assessment, a Fairer Scotland Duty Assessment, an Island Communities Impact Assessment and a Habitats Regulations Appraisal – and we will develop work programmes for undertaking those impact assessments.

The Highland Council will share with stakeholders and the public, further details of the work programme for evidence gathering and early engagement, when available during 2023.

Local Place Plans

The Scottish Government has introduced Local Place Plans so that communities can have a more direct role in the decisions that influence their local community.

We are inviting community-led groups to create their own Local Place Plans, so that communities can express their aspirations for development or the use of land in their local area. To see information on preparing, submitting, and registering Local Place Plans, please visit our Local Place Plans webpage at: www.highland.gov.uk/localplaceplans



Tornagrain, photo by The Highland Council

Local Place Plans should be submitted by end-January 2024, so we can use your community plans to feed into the earliest stages of our new single Highland Local

Development Plan. We will keep a register of Local Place Plans that have been created and submitted by communities in Highland*. This register will be made publicly available so that anyone can readily see if there is a Local Place Plan for their area. Once registered, we have a legal responsibility to take Local Place Plans into account while preparing our Local Development Plan. If you have any questions about Local Place Plans, and to submit your Local Place Plan, please email us at lpp@highland.gov.uk

** Note: Local Place Plans prepared by communities within the Cairngorms National Park would be submitted to and taken into account by the Cairngorms National Park Authority when preparing the Cairngorms National Park Local Development Plan.*

Regional Spatial Strategy

Reforms to the planning system include introduction of a new duty for the Highland Council to prepare a Regional Spatial Strategy (RSS). This has already been done in an informal way through the Council's preparation of an Indicative Regional Spatial Strategy (IRSS) for Highland, as



Portree, photo by Iain Smith

part of its submissions to Scottish Government to inform NPF4. Once Scottish Government has produced guidance for the preparation of formal RSS, the Council will set about the process of transitioning the IRSS into an RSS for Highland. We will aim to do this in a way that is joined up with the preparation of the new HLDP.

Participation Statement

Changes to the planning system will have implications for how and when development plans are prepared. While further guidance and regulations are awaited from Scottish Government the following Participation Statement provides confidence on the format and timing of consultation on the plan. Alongside the publication of this Development Plan Newsletter we will be seeking views on the suitability of the approach to participation in development plans.

1. We will use our online development plan webpages www.highland.gov.uk/devplans and corresponding consultation portal <http://consult.highland.gov.uk/> as the central location for engaging on our plans. Those that have registered through the portal will receive updates and announcements at key stages of development plan preparation.
2. We will produce interactive online documents that are easy to read and comment upon, and which include clear maps and graphics.
3. We will make available online guides, videos or webinars to share information on our main consultations and we will hold meetings with particular groups and about specific issues.
4. We will make announcements at key stages using a range of media including social media to keep you up to date and let you know how and when you can get involved.
5. We will continue to liaise with statutory agencies and community groups at key stages to encourage them to participate.
6. We will use targeted methods to reach under-represented groups, to help make public participation inclusive.
7. We will provide copies of consultation documents in public libraries for viewing.
8. We will notify the immediate neighbours of potential development sites at the Proposed Plan stage of our Local Development Plan.
9. We will monitor feedback on our engagement methods and respond to requests to carry out other forms of engagement and/or extend periods of consultation.
10. We will consider the use of mediation as a method of addressing potentially contentious issues in the preparation of land use plans.



Durness, photo by The Highland Council

Mediation statement

Mediation is seen as a potentially useful tool for exploring, resolving or reducing disagreement on land use plans. It can be used to aid the engagement process and to help build bridges between stakeholders. It is a voluntary process between two parties, facilitated by a third independent party. There is no legislative requirement for mediation in the Scottish planning system but there are potential scenarios where it might assist in resolving issues that arise through the preparation of different types of land use plan. However, our aim is to remove or

reduce the need for mediation by gaining awareness of proposals/sites that may prove contentious through early engagement with stakeholders in the preparation of plans including any community-led Local Place Plans.



Ullapool, photo by The Highland Council

National and Regional Marine Plans

Marine plans could be very beneficial to Highland going forward, the region having a vast coastline, significant marine assets and a diverse range of maritime activity and development expected to contribute to priorities and outcomes – nationally, regionally and locally.

National Marine Plan

Scotland's National Marine Plan (NMP) was adopted and published by Scottish Government in 2015. The NMP covers both inshore and offshore waters and serves to support development and activity in the seas around Scotland, while also helping to protect our marine environment through the sustainable management of marine resources. Scottish Government is required to monitor and report on the NMP at least every 5 years. The last such report was published in 2021 and concluded that there have been significant changes that would warrant the development of an updated NMP. In Autumn 2022 it was confirmed that this suggested update would be taken forward. The decision to do so cited Scottish Government's commitment to becoming a net zero nation by 2045, the impacts of EU exit and increased understanding of the impacts of climate change and human activity on the marine environment.

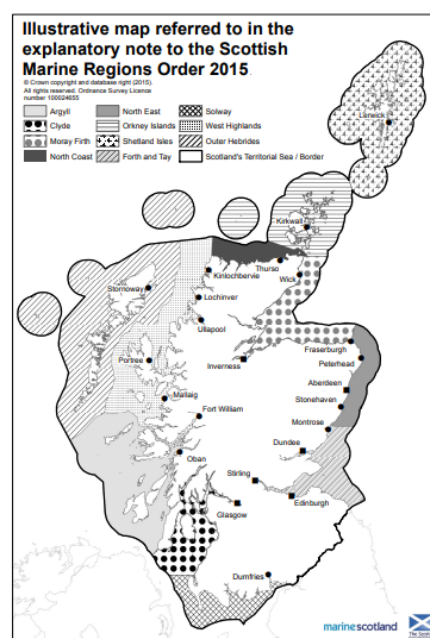
Engagement is now planned for the next three years with adoption of NMP2 planned for 2025. The Highland Council will actively participate in this engagement process. Policies within the NMP will guide development management decisions taken by the Council in relevant circumstances and may influence policy development within our Local Development Plan.

Regional Marine Plans

Under the Marine (Scotland) Act (2010) regional marine plans may be prepared at the local level by delegated bodies forming a regional marine planning partnership.

The Scottish Marine Regions Order (2015) divided Scotland's Inshore area up into several regions, as shown in their illustrative map (see image to the right). Three of these regions fall within the Highland Council's area: West Highlands, North Coast, and Moray Firth.

To date, the national picture on regional marine plans shows that uptake has been slow with some progress made by the Clyde Marine Planning Partnership and in the Orkney Islands. Presently there have been no substantial forward steps taken in the Highland area to form a regional marine planning partnership. However, Highland Council will continue to listen to and work with coastal and marine stakeholders with a view to progressing regional marine planning as and when appropriate. In conjunction with this, Highland Council will engage with Marine Scotland to better understand the interactions with and dependencies on the update to the NMP.



Marine regions, image Crown copyright Marine Scotland

Monitoring of Development

Ongoing monitoring work provides evidence for preparing and implementing Development Plans and provides information to the wider community.

As well as the annual update this year we published a mid-year update of the **Highland Wind Turbine Mapping** in June 2022. To view the map or download the data, please visit: www.highland.gov.uk/windmap

House Completions Data updated to end of November 2022 shows that 1299 new houses were completed in the Highland Council area in 2022. To view the completions data by housing market area, please visit the New House Completions in Highland dashboard: https://www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels/556/housing_land_information

Our **Housing Land Audit** was updated in 2022 and following further evidence gathering from the development industry, is being published in early 2023. This can be viewed at: www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels/556/housing_land_information

The Housing Land Audit will coincide with updated **School Roll Forecasts**, which outline the anticipated changes to the pupil rolls in primary and secondary schools in the Highland Council area. The school roll forecasts draw on data from the latest Housing Land Audit, which provides information on the forecasted phasing of new housing. The house completions data, Housing Land Audit, and school roll forecasts all provide essential information that feeds into the annual update of the delivery programmes for our LDPs.

This year we have carried out an extensive refresh of our 2018 **Town Centre Health Checks**. These checks are a way of assessing the strength, vitality and performance of town centres over time, with the results used to formulate strategies for improvements and to inform policy documents. The results from our latest town centre health checks will also inform the new HLDP. The results from the 2022 town centre health checks are due to be published in early 2023.

Scottish Government approved that the Council's latest **Housing Need and Demand Assessment** as "robust and credible" in February 2022. As a result, it has informed and updated evidence for the preparation of the Inner Moray Firth Local Development Plan. This can be viewed at:

https://www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels/556/housing_land_information

As part of our aim to bring vacant and derelict land and property back into productive use, we have updated our data on **Vacant and Derelict Land** and provided feedback to Scottish Government.

In 2023 we will be gathering **evidence to inform the new HLDP**. So, in addition to the monitoring mentioned above, we will work with other organisations to carry out further

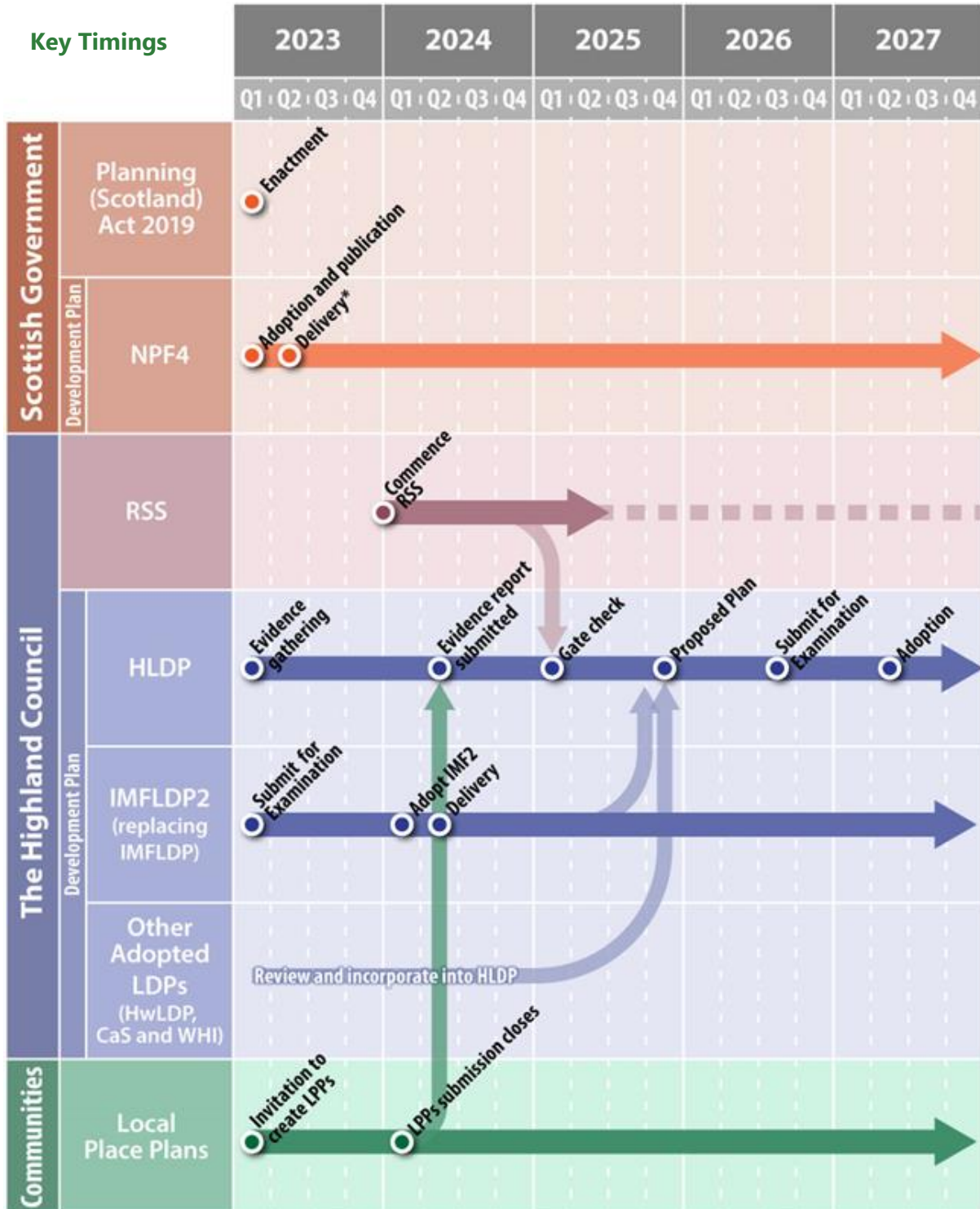
monitoring and evidence gathering in line with the requirements of NPF4. Draft guidance indicates that this might include:

- demographic trends and forecasts
- education capacity
- transport network capacity assessment
- biodiversity impact assessment.
- play sufficiency assessment
- health facility assessment
- water supply capacity assessment
- energy and heat supply and demand assessment
- economic indicators (including Scottish Vacant and Derelict Land Survey *and* Business and Industrial Land Audit)



Blar Mor, photo by The Highland Council

Key Timings

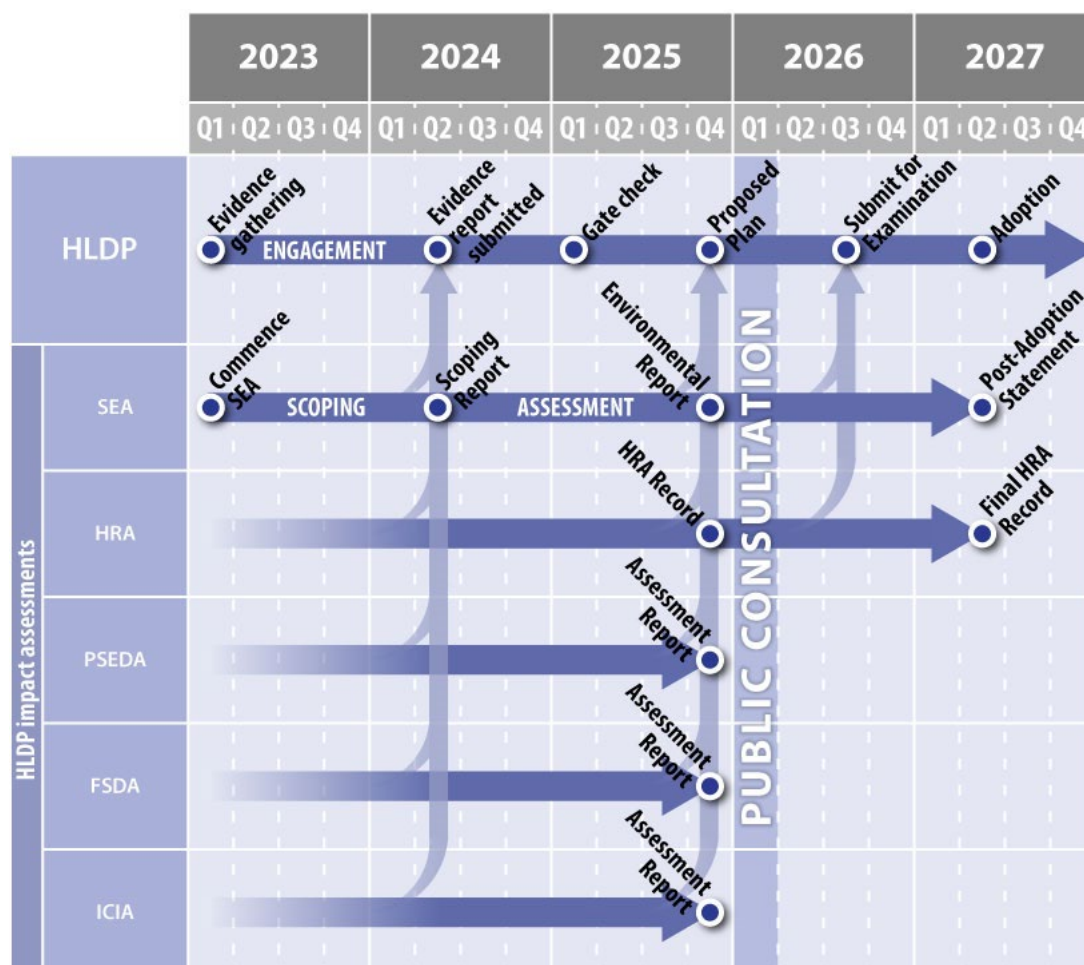


* To view information on the NPF4 delivery, including details on the publication of guidance and funding package announcements, please visit: www.transformingplanning.scot/national-planning-framework/delivery-programme/

HLDP Impact Assessments

NPF4 highlights that a number of impact assessments are required by law to be undertaken as part of the plan making process. The Council must therefore carry these out to support the preparation of the HLDP. Further detail on the timing and scope of engagement on each assessment will need to be provided in a later update. However, this will include:

- **Strategic Environmental Assessment (SEA)** – is a statutory requirement that aims to ensure the environment is a primary consideration when LDPs are being prepared.
- **Public Sector Equality Duty Assessment (PSEDA)** – places a duty on public authorities to eliminate discrimination, harassment and victimisation, and to foster good relations between all persons.
- **Fairer Scotland Duty Assessment (FSDA)** – places a legal responsibility on particular public bodies to be aware of and reduce where possible, the inequalities of outcome caused by socio-economic disadvantage as a result of strategic decision-making.
- **Island Communities Impact Assessment (ICIA)** – is required when a relevant authority considers that a policy, strategy, or service is likely to have a differing effect on an island community to that of other communities, including other island communities.
- **Habitats Regulations Appraisal (HRA)** - must be carried out when any competent authority considers that a plan or project could have a 'likely significant effect' on a European Site.





Broadford, photo by Iain Smith

Contact us

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Consultation Portal	http://consult.highland.gov.uk/

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