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Council Building  
2 High Street  
Perth  
PH1 5PH

02/03/2022

A virtual meeting of **Perth and Kinross Council** will be held on **Wednesday, 09 March 2022** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Provost D Melloy  
All Councillors



**Perth and Kinross Council**

**Wednesday, 09 March 2022**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- |    |  |           |
|----|--|-----------|
| 1  | <b>WELCOME AND APOLOGIES</b>   |           |
| 2  | <b>DECLARATIONS OF INTEREST</b>  |           |
| 3  | <b>NOTICE OF MOTION IN TERMS OF STANDING ORDER 8.4(C)</b>  | 5 - 10    |
| 4  | <b>MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 15 DECEMBER 2021 FOR APPROVAL AND SIGNATURE</b><br>(copy herewith)  | 11 - 20   |
| 5  | <b>NOTICE OF MOTION IN TERMS OF STANDING ORDER 10.1</b><br>(copy herewith)   | 21 - 22   |
| 6  | <b>SCOTTISH GOVERNMENT CONSULTATION: DRAFT NATIONAL PLANNING FRAMEWORK 4</b><br>Report by Head of Planning & Development/Chief Planning Officer<br>(copy herewith 22/46) | 23 - 130  |
| 7  | <b>TREASURY &amp; INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2022/23 - 2027/28</b><br>Report by Head of Finance (copy herewith 22/47)                                 | 131 - 162 |
| 8  | <b>CORPORATE PARENTING UPDATE AND PLAN</b><br>Report by Executive Director (Education and Children's Services)<br>(copy herewith 22/48)                                  | 163 - 180 |
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| 10 | <b>UPDATES TO SCHEME OF ADMINISTRATION</b><br>(copy herewith)  | 201 - 204 |

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## **Perth & Kinross Support for Ukraine**

Request under Standing Order 8.4 (c) to hold a special meeting of Perth & Kinross Council to discuss the situation in Ukraine and a proposed response from Perth & Kinross Council.

Given the decision by the Russian Federation to launch an unprovoked attack on its neighbour Ukraine, our government and governments around the world have rightly denounced these actions and called for severe economic and political sanctions against Russia and for military and humanitarian aid to the government and people of Ukraine. In addition, there has been moves to suspend Russia from sporting and cultural competitions around the world.

Perth City has been twinned with the Russian city of Pskov since 1991. Twinning offers an opportunity to build positive civic relations between two local governments in different countries with an aspiration of creating cultural links between their respective communities.

It is important to demonstrate to the Ukrainian citizens living in Perth & Kinross that we do not support the invasion of their homeland or Russia's attack on a free and democratic European nation. For sanctions to be effective they must isolate the aggressor economically and culturally to have the maximum impact and cause the Russian Government to change course. It would therefore be inappropriate to maintain civic ties with Russia whilst they are occupying a sovereign country and threatening European security.

The Council appreciates that many Russian citizens including many living in Perth & Kinross do not support the invasion and some brave Russians have risked their personal safety to protest the Russian Government's actions. We stand in solidarity with them. However, to support them in applying pressure to the Russian government we must apply all the economic and cultural sanctions available to encourage a change of direction.

Perth & Kinross Council has limited opportunities to support the Ukrainian people, but we are determined to do all within our power to assist them and as such the Council agrees the following:

- Council to suspend the twinning of Perth City with Pskov Russia until such time as Russia ends its unwarranted attack and withdraws from the Ukraine. The Provost is instructed to write to the Pskov administration and express the Councils position.
- No formal invites to be issued to the Russian Ambassador or Consul General until such time as Russia ends its unwarranted attack and withdraws from the Ukraine. Instructs the Leader of the Council to write to the Ambassador and Consul General to inform them of the Councils decision and express our condemnation of the Russian Federations illegal actions.
- To "adopt" a Ukrainian city to direct our local support efforts towards with a long-term aspiration to twin with them after the conflict is over.

- Express that Perth & Kinross will welcome Ukrainian refugees and will work with the Scottish & UK Governments to make arrangements to support their arrival.
- Following an end of hostilities to seek to deepen relations and cultural links with all our twin towns and cities, promoting the values of free speech, democracy, peace and cooperation.
- To fly the Ukrainian flag from the Council Chambers as a visible demonstration of our solidarity.

Supported by:

1. Councillor Xander McDade, Independent, Highland Ward (Proposer)
2. Councillor Grant Laing, SNP, Strathtay Ward (Seconder)
3. Councillor Peter Barrett, Lib Dem, Perth City Centre Ward
4. Councillor Fiona Sarwar, SNP, Strathmore Ward
5. Councillor Liz Barrett, Lib Dem, Perth City South Ward
6. Councillor Andrew Parrott, SNP, Perth City Centre Ward
7. Councillor John Rebbeck, SNP, Perth City North Ward
8. Councillor Willie Robertson, Lib Dem, Kinross-shire Ward
9. Councillor Stewart Donaldson, SNP, Strathearn Ward
10. Councillor Ian Massie, SNP, Perth City North Ward
11. Councillor Richard Watters, SNP, Kinross-shire Ward
12. Councillor Eric Drysdale, SNP, Perth City Centre Ward
13. Councillor Michael Williamson, SNP, Highland Ward
14. Councillor Rhona Brock, Independent, Strathearn Ward
15. Councillor Alasdair Bailey, Scottish Labour, Carse of Gowrie Ward
16. Councillor Tom McEwan, SNP, Blairgowrie & Glens
17. Councillor Beth Pover, SNP, Carse of Gowrie Ward
18. Councillor Tom Gray, SNP, Strathallan Ward
19. Councillor Sheila McCole, SNP, Perth City South Ward

### Перт-енд-Кінросс підтримує Україну

Запит згідно з Положенням 8.4 (с) щодо проведення спеціального засідання Ради Перт-енд-Кінросса для обговорення ситуації в Україні та запропонована відповідна заява Ради Перт-енд-Кінросса.

З огляду на рішення Російської Федерації розпочати неспровокований напад на сусідню Україну, наш уряд і уряди всіх країн світу справедливо засудили ці дії та закликали до введення жорстких економічних і політичних санкцій проти Росії, а також до надання військової та гуманітарної допомоги уряду та народу України. Крім того, були вжиті заходи щодо призупинення участі Росії в культурних і спортивних змаганнях по всьому світу.

Місто Перт було містом-побратимом російського Пскова з 1991 року. Побратимство дає можливість будувати дружні соціально-культурні відносини між двома місцевими органами влади різних країн задля розбудови культурних зв'язків між відповідними громадами.

Для нас важливо продемонструвати українським громадянам, які проживають у Перт-енд-Кінроссі, що ми не підтримуємо вторгнення на їхню батьківщину або напад Росії на вільну та демократичну європейську націю. Аби санкції були ефективними, вони мають ізолювати агресора в економічному та культурному плані, щоб завдати максимального удару та змусити російський уряд змінити курс. Тому було б недоречно підтримувати громадські зв'язки з Росією, доки вона окупує суверенну країну та загрожує європейській безпеці.

Рада цінує те, що багато російських громадян, у тому числі багато мешканців Перт-енд-Кінросс, не підтримують вторгнення, а деякі сміливі росіяни навіть ризикували особистою безпекою, протестуючи проти дій російського уряду. Ми солідарні з ними. Однак, щоб підтримати їх у тиску на російський уряд, ми маємо застосувати всі можливі економічні та культурні санкції, які допоможуть змінити ситуацію.

У Ради Перт-енд-Кінросса не надто широкі можливості для підтримки українського народу, але ми сповнені рішучості зробити все можливе, щоб допомогти йому, і тому Рада погоджується з наступним:

- Рада призупиняє побратимські зв'язки міста Перт з російським Псковом доти, поки Росія не припинить необґрунтований напад і не виведе війська з України. Меру міста доручено написати в Адміністрацію міста Пскова і висловити позицію Ради.
- Не видавати жодних офіційних запрошень російському послу чи генеральному консулу доти, поки Росія не припинить необґрунтований напад і не виведе війська з України. Голові Ради доручено написати послу та генеральному консулу, щоб проінформувати їх про рішення Ради та висловити наше засудження незаконних дій Російської Федерації.
- Вибрати українське місто, щоб спрямувати нашу місцеву підтримку та довгострокові прагнення на встановлення побратимських зв'язків з цим містом після завершення конфлікту.

- Заявити, що Перт-енд-Кінросс буде чекати українських біженців і співпрацювати з урядами Шотландії та Великобританії, щоб організувати підтримку їхнього прибуття.
- Після закінчення військових дій докласти зусиль задля поглиблення відносин і культурних зв'язків з усіма нашими містами-побратимами, пропагуючи цінності свободи слова, демократії, миру та співпраці.
- Установити на залі засідань Ради український прапор як яскравий прояв нашої солідарності.

#### Підтримали:

1. Член Ради МакДейд, незалежний, прихід Гайленд (особа, яка внесла пропозицію)
2. Член Ради Грант Лейнг, шотландська національна партія (SNP), прихід Страттей (особа, яка підтримує пропозицію)
3. Член Ради Пітер Барретт, ліберально-демократична партія, прихід Перт-Сіті-Саут
4. Член Ради Фіона Сарвар, SNP, прихід Стратмор
5. Член Ради Ліз Барретт, ліберально-демократична партія, прихід Перт-Сіті-Саут
6. Член Ради Ендрю Перротт, SNP, прихід Перт-Сіті-Сентр
7. Член Ради Джон Реббек, SNP, прихід Перт-Сіті-Норт
8. Член Ради Віллі Робертсон, ліберально-демократична партія, прихід Кінросс-Шир
9. Член Ради Стюарт Дональдсон, SNP, прихід Стратерн
10. Член Ради Ян Мессі, SNP, прихід Перт-Сіті-Норт
11. Член Ради Річард Воттерс, SNP, Кінросс-Шир
12. Член Ради Ерік Драйсдейл, SNP, прихід Перт-Сіті-Сентр
13. Член Ради Майкл Вільямсон, SNP, прихід Гайленд
14. Член Ради Рона Брок, незалежна, прихід Стратерн
15. Член Ради Аласдер Бейлі, шотландська лейбористська партія, прихід Карс-оф-Гоурі
16. Член Ради Том Мак'юен, SNP, Блергоурі та Гленс
17. Член Ради Бет Повер, SNP, прихід Карс-оф-Гоурі
18. Член Ради Том Грей, SNP, прихід Страталлан
19. Член Ради Шейла МакКоул, SNP, прихід Перт-Сіті-Саут



### Перт и Кинросс в поддержку Украины

Требование в соответствии с Положением 8.4 (с) о проведении особого заседания Совета Перт и Кинросс для обсуждения ситуации в Украине и предлагаемого ответа от Совета Перт и Кинросс.

В связи с решением Российской Федерации начать неспровоцированное нападение на соседнюю Украину, наше правительство и правительства во всем мире справедливо осудили эти действия и призвали к жестким экономическим и политическим санкциям против России, а также к оказанию военной и гуманитарной помощи правительству и народу Украины. Кроме того, были предприняты шаги по отстранению России от спортивных и культурных соревнований по всему миру.

Город Перт является побратимом российского города Пскова с 1991 года. Побратимство дает возможность построить позитивные гражданские отношения между двумя местными органами власти в разных странах с целью создания культурных связей между их общинами.

Важно продемонстрировать украинским гражданам, проживающим в Перте и Кинроссе, что мы не поддерживаем вторжение на их родину и нападение России на свободную и демократическую европейскую страну. Для достижения эффективности санкций они должны привести к экономической и культурной изоляции агрессора, чтобы возыметь максимальный эффект и заставить российское правительство изменить свой курс. Поэтому было бы неуместно поддерживать гражданские связи с Россией, в то время как она оккупирует суверенную страну и угрожает европейской безопасности.

Совет признает, что многие российские граждане, в том числе многие, живущие в Перте и Кинроссе, не поддерживают вторжение, а некоторые отважные россияне рискуют своей личной безопасностью в знак протеста против действий российского правительства. Мы солидарны с ними. Однако, чтобы поддержать их в оказании давления на российское правительство, мы должны применить все доступные экономические и культурные санкции для поощрения изменения направления.

Совет Перта и Кинросса имеет ограниченные возможности для поддержки украинского народа, но мы полны решимости сделать все, что в наших силах, чтобы помочь ему, и поэтому Совет принял следующие решения:

- Совет приостановит побратимство города Перт с Псковом в России до тех пор, пока Россия не прекратит свое необоснованное нападение и не выведет войска с Украины. Мэру было поручено написать в псковскую администрацию и высказать позицию советов.
- Никаких официальных приглашений не будет выдано российскому послу или генеральному консулу до тех пор, пока Россия не прекратит свое необоснованное нападение и не выведет войска с Украины. Поручить Руководителю Совета направить Послу и Генеральному консулу письмо с целью информирования их о решении Совета и выражения нашего осуждения незаконных действий Российской Федерации.

- «Усыновить» украинский город, чтобы направить наши усилия местной поддержки с долгосрочной перспективой стать городами-побратимами после окончания конфликта.
- Выразить тот факт, что Совет Перт и Кинросс будет приветствовать прибытие украинских беженцев и будет работать с правительствами Шотландии и Великобритании, чтобы принять меры для поддержки их пребывания сюда.
- После прекращения боевых действий стремиться к углублению отношений и культурных связей со всеми нашими городами-побратимами, пропагандируя ценности свободы слова, демократии, мира и сотрудничества.
- Поднять украинский флаг из залов Совета как видимую демонстрацию нашей солидарности.

#### Поддержали:

1. Советник Ксандер Макдейд, Независимая партия, Хайленд Уорд (податель)
2. Советник Грант Лэйнг, Шотландская национальная партия, Страттей Уорд (заместитель)
3. Советник Питер Барретт, Либерально-демократическая партия, Центральный округ города Перт
4. Советник Фиона Сарвар, Шотландская национальная партия, Стратмор Уорд
5. Советник Лиз Барретт, Либерально-демократическая партия, Южный округ города Перт
6. Советник Эндрю Пэррот, Шотландская национальная партия, Центральный округ города Перт
7. Советник Джон Реббек, Шотландская национальная партия, Северный округ города Перт
8. Советник Вилли Робертсон, Либерально-демократическая партия, округ Кинросс-Шир
9. Советник Стюарт Дональдсон, Шотландская национальная партия, округ Стратхерн
10. Советник Ян Мэсси, Шотландская национальная партия, Северный округ города Перт
11. Советник Ричард Уоттерс, Шотландская национальная партия, Кинросс-шир Уорд
12. Советник Эрик Драйсдейл, Шотландская национальная партия, Центральный округ города Перт
13. Советник Майкл Уильямсон, Шотландская национальная партия, Хайленд Уорд
14. Советник Рона Брок, Независимая партия, округ Стратхерн
15. Советник Аласдер Бейли, Шотландские лейбористы, Карс оф Гоури
16. Советник Том Макьюэн, Шотландская национальная партия, Блэгоури и Гленз
17. Советник Бет Повер, Шотландская национальная партия, округ Карс оф Гоури
18. Советник Том Грей, Шотландская национальная партия, округ Стратхаллан
19. Советник Шейла Маккоул, Шотландская национальная партия, Южный округ города Перт

## PERTH AND KINROSS COUNCIL

Minute of meeting of Perth and Kinross Council held virtually on Wednesday 15 December 2021 at 9.30am.

Present: Provost D Melloy, Councillors K Baird, C Ahern, A Bailey, M Barnacle, L Barrett, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, I Massie, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, F Smith, C Stewart, R Watters, and W Wilson.

In Attendance: T Glen, Chief Executive; B Renton, Executive Director (Communities); C Mailer, Depute Director (Communities); J Pepper, Depute Director (Education and Children's Services); K Donaldson, Chief Operating Officer; G Paterson, Chief Officer/Director – Integrated Health and Social Care; L Simpson, S Hendry, S Mackenzie, S Walker, P Johnstone, A Brown and M Pasternak (all Corporate and Democratic Services); C Guild, P Marshall and D Grant, Communities; R Drummond, Education and Children's Services; I Wilkie, Perth and Kinross Health and Social Care Partnership; B Atkinson, Independent Chair, Perth and Kinross Adult Protection Committee / Perth and Kinross Child Protection Committee.

Apology for Absence: Councillor M Williamson.

Provost D Melloy, Presiding

### **VALEDICTORY FOR LINDA SIMPSON, MEMBERS' SUPPORT SECRETARY**

Prior to the commencement of business, elected members referred to the upcoming retirement of Linda Simpson, Secretary in the Members' Support Team who had worked for the Council and supported elected members for a number of years. The Provost and a number of members passed on their best wishes and wished Linda well in her retirement.

### **1. WELCOME AND APOLOGIES**

The Provost welcomed all those present to the meeting and an apology was noted as above.

### **2. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor S McCole declared a non-financial interest in Item 5 on the agenda.

### **3. REQUEST FOR DEPUTATION**

In terms of Standing Orders, Council agreed to a deputation request in relation to Item 7 on the agenda. Council agreed to vary the order of business and consider Item 7 as the first main report on the agenda.

### **4. URGENT BUSINESS ITEM**

In terms of Standing Order 9.3(b) the Provost accepted a request from Councillors C Shiers and McCall that the following emergency motion should be considered as an urgent item of business due to the storms that had recently affected communities in Perth and Kinross:

#### **Motion by Councillors C Shiers and R McCall**

**That this Council:**

- **notes the significant damage caused by the impact of Storm Arwen in Perth & Kinross in particular, but also across many areas of Scotland and the UK;**
- **applauds the significant and tireless efforts of individuals and communities across the whole council area to help their neighbours in ways such as...**
  - **the farmers who cleared fallen trees from roads and properties,**
  - **the individuals with power who provided flasks and hot water bottles, and cooked hot food, and brought them to people without,**
  - **the villages and communities which opened up impromptu resilience centres,**
  - **the neighbours who lent gas heaters and bottles,**
  - **the businesses who lent generators to their communities,**
  - **the hospitality staff who gave the respite of hot meals and accommodation to those without power, and**
  - **the friends, family and neighbours who took in and accommodated people;**
- **commends the speed of response of Perth & Kinross Council staff when asked to help vulnerable individuals and communities struggling to cope with the immediate after- effects;**
- **recognises that SSEN staff and contractors faced a mammoth task in restoring power to homes and businesses, but notes that many community concerns have been raised regarding the accuracy and accessibility of communications about power outages;**
- **notes that emergencies due to extreme wind, rain and snow, can require a community response at very short notice, but that many communities have the will but not the means currently to provide such a response, particularly for periods extending into days;**
- **notes the speed of community response compared to the slowness of any response from the Scottish Government;**
- **requests the Leader of the Council to write to the Scottish Government requesting that further funding be made available through local authorities to assist communities in building and refining resilience plans, and in purchasing and maintaining equipment necessary to respond to future emergencies.**

### First Amendment (Councillors P Barrett and W Wilson)

In accordance with the Motion but insert after 6<sup>th</sup> Bullet:

Notes the Scottish Government's budget announcement to cut Local Government core budgets by £100m.

Notes that:

- (i) the NHS in Scotland has been compensated for the increase in their National Insurance costs.
- (ii) Councils in England have been compensated by the UK government for the increase in their National Insurance costs.
- (iii) That Scottish Councils have not been compensated for the increase in NI and are being treated less favourably than Councils in England and the NHS in Scotland.

Perth and Kinross Council supports CoSLA Leaders' unanimous response to the budget announcement that we must fight for a fairer settlement.

Last bullet, first sentence insert text in red to read:

- requests the Leader of the Council to write to the Scottish Government requesting **a fair settlement for local Government which protects essential services, vulnerable communities and will enable a fair recovery** and that further funding be made available through local authorities to assist communities in building and refining resilience plans, and in purchasing and maintaining equipment necessary to respond to future emergencies.

### Second Amendment (Councillors G Laing and T McEwan)

Agree the first 5 bullet points within the motion, but striking out points 6 and 7 and inserting new point 6 that "the leader of the Council urgently addresses the lack of available Council emergency help line provision for residents of PKC in emergency situations."

Insert new point 7 " the Council supports local Community Resilience Groups and Community Councils in applying for funding from SSEN through their Resilience Communities Fund and engages and helps to implement the reviews being carried out by SSEN, OFGEM and the Scottish Govt.

### Third Amendment (Councillors X McDade and A Bailey)

In accordance with the Motion but remove bullet point 7, and replace bullet point 6 with the following:

Notes the speed of community response and that we will work towards greater co-operation between all levels of government to respond to future emergencies and that appropriate levels of resourcing will be important to ensure this.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 10.53AM.

THERE FOLLOWED A FURTHER RECESS AND THE MEETING RECONVENED AT 11.09AM.

**Note:** The mover and seconder of the second amendment agreed to withdraw their amendment. The third amendment therefore became the second amendment.

In terms of Standing Order 21.6 a roll call vote was taken.

16 Members voted for 2<sup>nd</sup> Amendment as follows:

Councillors A Bailey, M Barnacle, R Brock, S Donaldson, E Drysdale, T Gray, G Laing, I Massie, S McCole, X McDade, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar and R Watters

5 Members voted for 1<sup>st</sup> Amendment as follows:

Councillors L Barrett, P Barrett, W Robertson, L Simpson and W Wilson.

18 Members abstained as follows:

Councillors C Ahern, K Baird, B Brawn, A Coates, H Coates, J Duff, A Forbes, D Illingworth, I James, A Jarvis, M Lyle, R McCall, Provost D Melloy, C Purves, C Reid, C Shiers, F Smith and C Stewart.

The second amendment therefore became the substantive amendment and was then put against the Motion.

23 Members voted for the Motion as follows:

Councillors C Ahern, K Baird, L Barrett, P Barrett, B Brawn, A Coates, H Coates, J Duff, A Forbes, D Illingworth, I James, A Jarvis, M Lyle, R McCall, Provost D Melloy, C Purves, C Reid, W Robertson, C Shiers, L Simpson, F Smith, C Stewart, W Wilson.

15 Members voted for the Amendment as follows:

Councillors A Bailey, R Brock, S Donaldson, E Drysdale, T Gray, G Laing, I Massie, S McCole, X McDade, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters.

1 Member abstained as follows:

Councillor M Barnacle.

**Resolved:**

In accordance with the Motion.

**Note:** At the conclusion of the final vote, Councillor M Lyle gave a commitment to Council to bring a report to a future Council meeting in relation to the comments from all elected members at today's meeting on the Council's response to storm weather events.

## **5. MINUTES**

### **(i) MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 25 OCTOBER 2021**

The minute of the meeting of Perth and Kinross Council of 25 October 2021 be approved as a correct record.

### **(ii) MINUTE OF SPECIAL MEETING OF PERTH AND KINROSS COUNCIL OF 15 NOVEMBER 2021**

The minute of the special meeting of Perth and Kinross Council of 15 November 2021 be approved as a correct record.

IN TERMS OF STANDING ORDER \*\* THE COMMITTEE AGREED TO VARY THE ORDER OF BUSINESS.

## **6. CLIMATE CHANGE STRATEGY AND ACTION PLAN REPORT**

There was submitted a report by the Executive Director (Communities) (21/245) (1) providing an update on the climate action progress made since the Council approved the Interim Climate Emergency Report and Action Plan published in December 2019, and (2) providing a summary of public engagement undertaken and the latest emissions update.

Professor J Belch addressed Council on the proposals within the report and then answered a number of questions from elected members.

### **Resolved:**

- (i) The contents of the Report 21/245, along with the update on the interim Climate Emergency Report and Action Plan be noted.
- (ii) The feedback from the existing public engagement, Appendix A to Report 21/245, be noted.
- (iii) It be agreed that engagement and feedback from partners and communities, including young people, will continue to support the ongoing development and delivery of the Climate Action Plan.
- (iv) It be noted that the costs associated with the priority actions will be included, for consideration, in the Revenue and Capital Budgets to be approved by the Council on 23 February 2022.
- (v) The Strategy and Action Plan, as the means for Perth & Kinross to deliver on its legal commitments to deliver a Net Zero Perth & Kinross by 2045 at the latest, Appendices C and D to Report 21/245, be approved.
- (vi) The Executive Director (Communities) to bring forward an annual review of performance and update for the Climate Action Plan.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 2.18PM.

## **7. PERTH AND KINROSS CHILD PROTECTION COMMITTEE (CPC) STANDARDS AND QUALITY REPORT 2020/21**

There was submitted a report by the Chief Social Work Officer (21/225) (1) describing the impact of the COVID-19 pandemic on children, young people, and families, how performance has been maintained, and how services and agencies have successfully adapted, and also (2) confirming that the CPC continues to focus on learning and improvement and has prepared a programme of improvement work for 2021 and beyond.

B Atkinson, Independent Chair of the Committee was in attendance and answered a number of questions from elected members.

### **Resolved:**

- (i) The wide range of work being carried out by Perth and Kinross Council, and partners through the CPC to provide high quality services to protect children and young people, in particular, the high-level commitment to continuous improvement through self-evaluation, be noted.
- (ii) The contents of Report 21/225, the Perth and Kinross Child Protection Committee Standards and Quality Report 2020/2021, Appendix 1 to Report 21/225, and the contents of the Perth and Kinross CPC Improvement Plan 1 August 2021 – 31 July 2023, Appendix 2 to Report 21/225, be endorsed.

## **8. PERTH AND KINROSS ADULT PROTECTION COMMITTEE (APC) ANNUAL REPORT 2020/2021**

There was submitted a report by the Chief Social Work Officer (21/243) (1) providing an overview of the key activities and work of the APC partners to safeguard the welfare and interests of adults from harm, (2) focusing on the impact of the COVID-19 pandemic on adults at risk, how performance has been maintained and how services and agencies have successfully adapted, and (3) confirming that the APC continues to place a strong emphasis on learning and development and has prepared a programme of evidence-based improvement work for 2021/2022

B Atkinson, Independent Chair of the Committee was in attendance and answered a number of questions from elected members.

### **Resolved:**

- (i) The wide range of work being carried out by Perth and Kinross Council and partners through the Adult Protection Committee, to provide high quality services to protect adults at risk and the commitment to continuous improvement, be noted;
- (ii) The contents of the Perth and Kinross Adult Protection Committee Annual Report for 2020/2021 be endorsed.

## **9. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2020/21**

There was submitted a report by the Chief Social Work Officer (21/244) (1) providing the Chief Social Work Officer's overview of social work services in Perth and Kinross during the financial year 2020/21, (2) setting out how social care and social work and criminal justice social work services, have been delivered up until



the end of March 2021, and in some instances, up to the end of July 2021, (3) covering the key challenges in responding to COVID-19 in support of our most vulnerable and at-risk citizens for a full year and describing the impact that this has had on demand for services and how teams have adapted to new ways of working. The report also details the arrangements to enable the Chief Social Work Officer to fulfil the responsibilities outlined in Section 5 (1) of the Social Work (Scotland) Act 1968 (as amended)

**Resolved:**

The Chief Social Work Officer Annual Report for 2020/21, as set out in Appendix 1 to Report 21/244, be approved.

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AND CONSIDER ITEM 9 ON THE AGENDA AT THIS POINT.

**10. BOUNDARY COMMISSION FOR SCOTLAND – 2023 REVIEW OF UK PARLIAMENT CONSTITUENCIES – INITIAL PROPOSALS**

There was submitted report by the Chief Executive (21/247) (1) advising that on 14 October 2021, the Boundary Commission for Scotland published its initial proposals in respect of boundaries for constituencies for the UK Parliament, (2) referring to the proposals as they affect the Perth & Kinross Council area, in relation to the existing UK Parliament constituencies of Perth & North Perthshire and Ochil & South Perthshire.

**Motion (Councillors J Duff and A Parrott)**

In considering the proposed new constituencies against the current position and the design principles, Perth and Kinross Council makes the following comments regarding the 2023 Review proposals:

1. The Council recognises that Perth and Kinross does not qualify for a whole, number of constituencies, with its total of 114,440 voters equating to 1.56 quotas. While the Council acknowledges that this requires Perth and Kinross to be joined with one other Council area, the initial proposals sub-divide the local authority by no fewer than five new UK Parliamentary constituencies, far in excess of what may be reasonably expected. This fails to meet with the stated design principle of not crossing council boundaries where possible.
2. The design of the five proposed new UK Parliamentary constituencies involves parts of Perth and Kinross aligning with no fewer than three other local authority areas – Angus Council, Dundee City Council and Fife Council. No other Council of comparable size has been so severely divided in the current or any previous review of parliamentary boundaries. This fails to take into consideration the local geography design principle.
3. Currently, Perth and Kinross Council works closely with one other local authority (Clackmannanshire) for the administration of a UK Parliamentary election. The proposed five new constituencies would

require the Tayside Valuation Joint Board and the Council to liaise with the three other local authorities in terms of administering the electoral register and conducting the four cross-border elections and counts. This will cause significant administrative issues for both bodies and will lead to confusion for prospective candidates, agents, voters, officers, other stakeholders and, most importantly, communities. This fails to meet the minimum disruption design principle.

4. The Boundary Commission proposals involve the division of two Council wards (the Carse of Gowrie and the Kinross-shire wards) across two UK Parliamentary constituencies. In the case of the Carse of Gowrie ward, this would involve splitting the Council ward into the new Angus and Strathmore and Dundee West and Gowrie constituencies. For Kinross-shire ward, this would involve splitting the ward, which includes the county of Kinross-shire, between the new Glenrothes and Loch Leven and West Fife constituencies. Perth and Kinross Council believes these specific proposals contradict best practice in relation to the policies on Council Areas/Electoral Wards. They group communities which have a keen sense of identity linked with Perth and Kinross but which have little in common with the rest of the proposed constituency. The division of wards and communities marginalises and effectively disenfranchises the residents of these areas; will have a negative impact on voter participation and awareness; is likely to be contentious; and will cause voter confusion. The boundary changes are also likely to cause disruption to the structures of community organisations within these areas. This fails to recognise the community ties design principle.
5. The Perth and Kinross Council area would be represented by five different Members of Parliament requiring the Council to establish and build new relationships with the five MPs and vice versa. As well as being an additional administrative burden on all parties, it is likely to impact on the quality of parliamentary representation provided to the Perth and Kinross electorate and to the Council. The multiple representation situation would be especially detrimental to Perth and Kinross in a way which no other local authority is being required to experience. This fails to meet the minimum disruption design principle.

**Resolved:**

In accordance with the Motion.

## **11. PERTH & KINROSS OFFER FRAMEWORK**

There was submitted a report by the Depute Director (Communities) (21/246) (1) seeking Council approval for the Perth & Kinross Offer Framework which sets out how we intend to deliver and embed the Perth & Kinross Offer, (2) explaining how it supports the delivery of our strategic objectives, the work that will support our approach and the programme of cultural change that will transform how we work with colleagues, communities, and our partners; and (3) providing an update on progress made in developing and delivering the Offer since last reported to Council on 7 October 2020 (Report no. 20/181).

**Resolved:**

- (i) The progress made since the last report be noted.
- (ii) The drivers for the change in the way the Council does things and the links to the strategic planning objectives be noted.
- (iii) The Perth & Kinross Offer Framework, as detailed in Appendix 1 to Report 21/246, be approved.

**12. PETITIONS PROCEDURE**

It be agreed that this item of business be deferred to the Council meeting on 9 March 2022.

**13. UPDATES TO SCHEME OF ADMINISTRATION**

It be agreed that this item of business be deferred to the Council meeting on 9 March 2022.

**14. STANDARDS COMMISSION FOR SCOTLAND - CASE NO. LA/PK/3477 - PERTH AND KINROSS COUNCIL**

The recent decision of the Standards Commission for Scotland (Case No. LA/PK/3477 – Perth and Kinross Council) and the finding of no breach of compliance with the Councillors' Code of Conduct, be noted.



Motion by Councillor E Drysdale

Seconded by Councillor R Watters

This Council fully recognises the autonomy of the Trustees of Live Active Leisure (LAL) to operationally manage the provision of sports and leisure services to the communities of Perth & Kinross, crucially that this is in accordance with its Service Level Agreement with this local authority and in accordance with LAL's own business imperatives. Further, this Council is well aware of the challenges associated with so doing, which have been exacerbated both by the effects of the Covid pandemic and the limitations of financial support which the Council, Scottish Government and UK Government have been able to provide. The Council places significant emphasis on the importance of the services currently offered by LAL, especially right now as we begin to emerge from 2 years of a pandemic that has taken its toll on the physical and mental health of many of us.

However from information provided by officers as part of the recent budget process, it has come to my attention that the proposed termination of gym facilities at Rodney Centre, Perth, within my ward, in a few weeks' time – with the consequential removal of the highly regarded sprung floor in the coaching hall at Bell's Sports Centre (also within my ward) to accommodate transfer of these facilities – appears to directly contravene the terms of the Service Level Agreement between LAL and the Council, at Clause 2.3 which states:-

The Service Provider shall be under an obligation to supply the PSO Services from the Service Provider Properties, the Properties and the Outdoor Centres and the Service Provider shall not be entitled to terminate the supply of PSO Services from any such venues without the prior written consent of the Authority (such consent not to be unreasonably withheld or delayed).

Council is therefore asked to agree to instruct officers to remind LAL Trustees of this legal requirement. Council is further asked to instruct officers to obtain assurance from LAL that PSO services will continue to be provided at the Rodney Centre in accordance with the Service Level Agreement, unless and until agreed otherwise by this Council at a future meeting.



# PERTH AND KINROSS COUNCIL

9 March 2022

## SCOTTISH GOVERNMENT CONSULTATION: DRAFT NATIONAL PLANNING FRAMEWORK 4

Report by Head of Planning & Development/Chief Planning Officer  
(Report No. 22/46)

### PURPOSE OF REPORT

This report outlines the key elements of the Draft National Planning Framework 4 (NPF4) which sets out the Scottish Government's long-term plan for Scotland, identifying where development and infrastructure is needed and the policies required to deliver it. The aim to achieve a net zero sustainable Scotland by 2045 is embedded within the Framework and throughout the policies, with a greater emphasis on placebased planning. NPF4 will also replace the Scottish Planning Policy.

Officers generally support the values and green emphasis presented within the draft. The overall future vision for 2045 and the clear focus that NPF4 places on sustainability, climate change, reaching Net Zero, biodiversity and place making is welcomed. There is, however, concern about what the National Planning Policy section will mean for the production of the Local Development Plan (LDP) and the practical implications for decision making in Development Management. There is also concern regarding the effectiveness and deliverability of NPF4 in the absence of a supporting Delivery Programme and information in relation to commitment of financial resources. The Draft NPF4 places additional requirements on Planning Authorities, and introduces many areas requiring particular specialist skills and areas of expertise which will require additional funding for upskilling. These additional requirements go beyond the 49 new duties placed on Planning Authorities through the Planning (Scotland) Act 2019.

Approval is sought for the proposed response to the consultation and for it to be submitted to Scottish Ministers thereafter.

### 1. BACKGROUND

- 1.1 The Draft National Planning Framework 4 (NPF4) was laid in the Scottish Parliament on 10 November 2021 and published for consultation, the period for which ends on 31 March 2022. The final adoption date will depend on the approval of NPF4 by the Scottish Parliament. However, current expectation is that a finalised version will be laid for approval by summer 2022. The consultation document can be viewed by using the following link: [Draft National Planning Framework 4 - Scottish Government - Citizen Space \(consult.gov.scot\)](https://consult.gov.scot/draft-national-planning-framework-4-scottish-government-citizen-space). It sets out a vision for Scotland in 2045 and a long term spatial strategy. It also sets out a revised suite of national planning policies. Once adopted, these will replace the current Scottish Planning Policy

published in 2014. In line with the provisions made in the Planning (Scotland) Act 2019, NPF4 will become part of the statutory Development Plan, meaning that it carries weight in decision making and will play an important role in informing future Local development Plans (LDPs).

1.2 The document is split into 5 parts:

- **Part 1 - National Spatial Strategy**

The national spatial strategy sets out a shared vision where each part of Scotland can be planned and developed to create: Sustainable, Liveable, Productive and Distinctive places. Underpinning the national spatial strategy are a series of spatial principles. The spatial strategy also highlights five action areas, mapped in a broadly indicative manner and overlapping. Perth and Kinross spans three spatial areas: *Central Urban Transformation, Northern Revitalisation and North East Transition*. This generally reflects the differing economic geography that the council area covers.

- **Part 2 - National Developments**

National developments are significant ones of national importance that will help to strongly support the delivery of the spatial strategy. Designation as a national development establishes the need for it, but does not remove requirements for relevant consents to be obtained before development can begin.

- **Part 3 - National Planning Policy**

35 national planning policies are set out, which will replace those currently found in the Scottish Planning Policy. These are categorised into 4 areas: Sustainable Places, Liveable Places, Productive Places and Distinctive Places. Sustainable places are considered universal policies that should apply to every development. These are: to have a plan-led approach to sustainable development, to ensure the development addresses the climate emergency and nature crisis, to address human rights and equality, encourage community wealth building and to design high quality places. The other 3 categories of policy should be applied to new development where applicable.

- **Part 4 - Delivering Our Spatial Strategy** This provides an outline of how the strategy will be delivered. It will be developed into a standalone delivery programme once NPF4 has been approved and adopted.

- **Part 5 - Annexes**

Annexes provide information on how statutory outcomes are being met, and Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland, along with a glossary of terms.

## 2. PROPOSALS

2.1 The consultation asks a series of questions in relation to the 5 parts of the document. The key issues raised are discussed in this section of the report with the full more detailed proposed response to each question set out in Appendix 1.



- 2.2 Officers have attended a variety of workshops and discussion groups with colleagues across Scotland and have worked collaboratively with other internal teams and external advisory bodies to identify the key issues to raise during this consultation period. These are set out below in paragraphs 2.5 to 2.5.38. In addition to the specific questions set out in the consultation, there are a number of general areas of concern which have been highlighted by the Royal Town Planning Institute Scotland (RTPI) and Heads of Planning Scotland (HOPS) in their responses to the Local Government, Housing and Planning Committee which officers consider should be supported in the Council's response. These responses can be viewed by using the following links respectively: [RTPI | Local Government, Housing and Planning Committee's draft NPF4 call for evidence](#) and [hops-response-to-npf-4-parliamentary-questions-10th-jan-2022.pdf \(wordpress.com\)](#). These concerns include the need to ensure that:
- there is a capital investment programme working alongside the NPF4 to provide the resources to deliver the development and infrastructure required to achieve its aspirations and ambitions
  - there is adequate investment in planning services to ensure there are planners in place to manage the service and cover the 49 new and unfunded duties which were placed on Planning Authorities through the Planning (Scotland) Act 2019
  - each and every policy in the Framework provides clarity and certainty to give confidence to decision makers and helps deliver the outcomes for the NPF4 set out in the Planning (Scotland) Act 2019
  - alignment is in place with other strategies and that these are up to date
  - there is clarity in definitions of key concepts such as 20 minute neighbourhoods, community wealth building etc, especially given the semi-legal nature of planning.
- 2.3 A briefing session on Draft NPF4 was held on 24 February to inform members of the content of NPF4 and to provide an opportunity for issues to be raised. The key concerns raised related to the policy framework and also the need for collaboration across all stakeholders, in particular health providers, with concern about silo mentality, and the need for other National Strategies to be aligned with NPF4. In terms of the policy framework, concerns related to contradictions between policies, for example directing development towards brownfield land instead of greenfield land without addressing viability issues. The challenges of making planning decisions where NPF4 policies contradict adopted LDP policies especially where the national policy wording is vague was also raised. These concerns are included within the proposed draft response set out in Appendix 1.
- 2.4 Discussion at the briefing session also touched on the need for the policy framework to provide certainty in relation to the capacity of individual housing sites. Whilst this is a matter for Local Development Plans to consider, the increased emphasis in both Draft NPF4 and the Draft Local Development Plan regulations and guidance on making LDPs: more delivery focused; evidence based; presented as a collation of site briefs and masterplans; and prepared

collaboratively, should lead to more certainty over the development delivered on individual housing sites.

- 2.5 The headline response officers propose making for Perth and Kinross is summarised as follows, with page references related to the NPF4 consultation document:

### **Part 1 National Spatial Strategy**

- 2.5.1 The National Spatial Strategy contained within Draft NPF4 is described as a shared vision to guide future development in Scotland, in a manner that reflects the Scottish Government's overarching spatial principles. It sees each part of Scotland as being able to contribute to achieving that vision, and also as having the potential to be planned and developed to create sustainable places, liveable places, productive places, and distinctive places. Officers agree with this vision.

### **Overall views on National Spatial Strategy**

- 2.5.2 Overall, officers agree with the proposed National Spatial Strategy. It says the right things and if implemented would, no doubt, deliver upon the desired outcome of a sustainable, liveable, productive and distinctive Scotland. However, there are genuine concerns as to how difficult it will be to deliver many of the actions to the benefit of everyone and everywhere, without significant investment in people, places and infrastructure; as well as joined up collaborative working and culture change amongst all stakeholders in the planning system. Planning Authorities will require a robust and enforceable policy framework; and local authorities, along with communities generally, will need the necessary investment backing to help make it happen. Strong support nationally and locally will be vital to implementation, whether that is via the local decision-making process with elected members or through the planning appeals processes.

### **National Spatial Strategy Diagram (page 5)**

- 2.5.3 The National Spatial Strategy Diagram fails to show the connections between Perth, Stirling and Glasgow, suggesting that Perth – Stirling – Glasgow is not a 'Strategic Connection'. It is recommended by officers that this is reviewed and updated to reflect the strategic transport connections between these cities.

### **Action Areas for Scotland (page 11)**

- 2.5.4 The Action Areas appear to align with Scottish Cities Alliance agenda and City & Regional Growth Deals for the country's network of cities within the relevant action areas. However, there are concerns about the badging of specific areas which could result in a negative outcome for others. Many of the priorities and opportunities mentioned against specific Action Areas are prevalent beyond the boundaries identified, and in some cases are national issues, and should therefore be appropriately broadened.

- 2.5.5 The overlapping boundaries of the proposed Action Areas causes some confusion, with Perth and Kinross being covered by three overlapping Action Areas that need to be overlaid to understand the full implications for the area. The removal of Strategic Development Plans and the introduction of Regional Spatial Strategies under the 2019 Act further complicates the picture; and the status of these new area designations for Development Management decision making is unclear.

#### **Northern Revitalisation Action Area (pages 19-24)**

- 2.5.6 This area broadly includes the Highland Council area with parts of Argyll and Bute, Moray and much of the national parks. There are links west and north to the island communities. This part of Scotland is highlighted for the strong contribution it can make towards meeting net zero targets and a nature positive country through demonstrating how natural assets can be managed and used to secure a more sustainable future.
- 2.5.7 The strategic actions and summary of challenges and opportunities for this area are supported by officers, in so far as it relates to parts of Highland Perthshire. However there are concerns regarding the planning powers available to facilitate delivery of ambitions for the future of the area without it resulting in a piecemeal, tick box approach which will lead to detrimental impacts on important natural and cultural assets. A marked change in attitude and approach to recognising the benefits of nature-based solutions and delivery of high-quality development in places to ensure the achievement of multiple benefits is critical across all stakeholders. Much work is required in terms of education, awareness and understanding. Working with communities to understand their needs and ambitions for their place will also be key, especially to achieve their support and implementation. A two-way flow of interaction, engagement and idea and knowledge sharing discussions from Regional Land Use Partnerships down to community developed Local Place Plans and back up the way will be crucial.

#### **North East Transition Action Area (pages 25- 28)**

- 2.5.8 This area broadly includes Aberdeen City and Aberdeenshire with links through Moray towards Inverness, and south towards the Tay Estuary. This section highlights the need to move industry and business away from the oil and gas sector and to transition towards a cleaner, greener, net zero future. Priorities for change will also focus on improving local liveability, regenerating coastal communities and decarbonising connectivity.
- 2.5.9 The strategic actions and summary of challenges and opportunities for this area are supported by officers in so far as it relates to parts of Perth and Kinross and the strategic connections within and out of the area. However, there are concerns about achieving some of the actions in practice, particularly in relation to improving local liveability through the creation of 20 minute neighbourhoods and the commitment to building with nature. Like many of the actions identified across NPF4, they will require a strong planning policy framework and a change in mindset across all stakeholders.

## Central Urban Transformation Action Area (pages 31-39)

- 2.5.10 The vast majority of Perth and Kinross lies within this action area. In its entirety, the action area broadly covers central Scotland from the Glasgow City Region and the Ayrshires in the west, to the Edinburgh City Region in the east, including the Tay Cities, the Forth Valley and Loch Lomond and the Trossachs National Park.
- 2.5.11 This section highlights the need to make significant changes to the densely populated central belt area of Scotland if we are going to achieve our climate change commitments; through reducing emissions, decarbonising buildings and transport, tackling congestion, making more efficient use of existing land and buildings, connecting to renewable heat and electricity networks, and creating more inclusive, greener, and sustainable places for the future.
- 2.5.12 The summary of challenges and opportunities for this area are largely supported. However, there is also an opportunity in this area, particularly within Perth and Kinross for the reskilling and upskilling of the workforce linked to 'green jobs.' For example, this could utilise the area's natural assets linked to low carbon energy technology installation, peatland restoration, natural flood risk management, tackling the biodiversity crisis, and afforestation
- 2.5.13 Paragraphs 2.3.12 to 2.3.19 below cover the priorities proposed in NPF4 for the Central Urban Transformation Action Area.
- 2.5.14 **Pioneer low-carbon, resilient urban living** – This strategic action is supported by officers, but there are concerns about its implementation particularly within existing places. A culture change and new approach to consider these areas will be required as well as significant investment in resources and infrastructure to make it happen. The delivery of infrastructure to support 20-minute neighbourhoods remains one of the biggest obstacles to overcome. Infrastructure such as schools, healthcare facilities and opportunities for play and recreation all require investment and engagement with multiple stakeholders from the outset to embed these requirements in the Local Development Plan.
- 2.5.15 **Re-invent and future proof city centres** – The strategic actions identified for the area are largely supported by officers. However, in terms of Perth, it is also worth noting ongoing important work to deliver local heat and energy networks and to make Perth the 'Biodiversity Capital of Scotland.'
- 2.5.16 **Accelerating urban greening** – This strategic action is supported by officers. However, as commented before, it will require a change in approach and mindset across all stakeholders to recognise the potential opportunities associated with delivering such spaces and connections for multiple benefits. In addition, Planning Authorities will need all stakeholders playing their part as well as strong support from the Scottish Government to ensure developers sign up to this agenda, and they understand the benefits to be realised and

deliver upon. As with the other actions, significant investment in resources and infrastructure will be necessary.

**2.5.17 Re-use land and buildings** – This strategic action is supported by officers and particularly welcomed is the statement that *‘a combination of incentives, investment and policy support for productively reusing brownfield land and buildings at risk will be required to steer development away from greenfield locations.’* Planning Authorities will also need strong and robust powers to enforce this for incidences where building and land owners do not comply and where unlawful demolition occurs.

**2.5.18 Invest in net zero housing solutions** – This strategic action is supported by officers. Developers will need persuading to recognise the benefits of more sustainable nature-based solutions and how they can not only contribute to tackling climate change and achieving net zero. This also includes how they can improve the health and well-being of a community, as well as future opportunities, and make their developments and the surrounding area more attractive. However, to have the desired effect, these measures cannot be applied in a minimum standard, tick box or “greenwashing” approach, they need to take a whole site and beyond approach to be meaningful. Furthermore, it should not be possible for agreed natural solutions to be eroded at later stages via applications to vary conditions. Planning Authorities will require the necessary policy support to enforce these features and measures.

**2.5.19 Reimagine development on the urban fringe** – Again this strategic action is supported by officers. These green areas and natural spaces on the outskirts of our urban areas are extremely important assets which should be protected and, where appropriate, enhanced to provide a range of benefits to neighbouring populations. Landscape capacity studies will be important in identifying important assets and features for protection as well as opportunities for enhancement and innovation. Ensuring the relevant active travel infrastructure and connections are in place to provide access to these spaces will also be important to their continued use and enjoyment. There is a real opportunity to introduce outdoor educational resources too, particularly linked to nature-based solutions.

**2.5.20 Improve urban accessibility** – This action is supported by officers. However, significant investment will be required to ensure alternatives to the private car are available, not just in Glasgow and Edinburgh, but in the other cities within the Central Urban area. This includes active travel links, EV charging networks, and a viable and reliable public transport system. Active and low carbon travel options need to be easy and attractive if we are to achieve the required modal shift.

**2.5.21 The Action Area Diagram** on page 31 requires amending as it shows part of Perth and Kinross as being within the Central Scotland Green Network which is incorrect. As previously mentioned in relation to the National Spatial Strategy Diagram, the route from Perth to Glasgow via Stirling should be included as a strategic transport connection. Other proposals which are

recommended to be identified as National Developments are set out below under Part 2 National Developments.

## **Part 2 National Developments (pages 44-67)**

- 2.5.22 Draft NPF4 identifies national developments as “significant developments of national importance that will help deliver our spatial strategy.” Eighteen national developments are proposed within the document, ranging from single large scale projects or collections and networks of a number of smaller scale projects. The intention is that these developments will act as exemplars of the place principle and placemaking approaches.
- 2.5.23 In general, it would be helpful to include in NPF4 recognition of, and encouragement for, the potential to replicate some of these national developments in other parts of Scotland, building on experience gained for specific projects/developments for e.g. Central Scotland Green Network, and Urban Sustainable, Blue and Green Drainage Solutions. Dundee Waterfront is included with reference being made to its expansion to include Michelin Scotland Innovation Parc in support of the Tay Cities Regional Economic Strategy and its continued use for economic purposes. Perth and Kinross has not been identified for any specific developments but will be required to contribute to the Scotland-wide targets, including the active travel network, circular economy materials management facilities, the digital fibre network, pumped hydro storage and strategic renewable electricity generation and transmission infrastructure.
- 2.5.24 Alongside NPF4, Transport Scotland has been developing the second Strategic Transport Projects Review (STPR2) to help inform transport investment in Scotland for the next 20 years. A draft was published for consultation on 20 January with a 12 week consultation period that ends 15 April 2022. Some of the draft NPF4 national developments are also STPR2 recommendations which presents the opportunity to embed the importance of “place” across land-use planning and transport. Draft STPR sets out key themes and recommendations for projects. Some of these are specific to the Tay Cities Region and others are applicable to multiple regions, but will have a particular benefit to the Tay Cities Region. It should be noted that, at this stage, the findings and recommendations are not committed to by the Scottish Government. Whilst the interventions and proposals presented are viewed as the priority for investment, in many cases that investment has not yet been confirmed. However, it is disappointing to note that some specific interventions that were sifted in during earlier stages of the process have been subsumed into larger, more generic recommendations. These contain no detail of what the grouped options include and how they performed at the detailed appraisal stage.
- 2.5.25 An example of this is improvements to the A9 junctions at Broxden and Inveralmond that were sifted in (and therefore an acceptance that there was a case for change) at the initial appraisal stage and were grouped with other North east Trunk Road interventions. However, it is unclear if these specific interventions will still be progressed by Transport Scotland as part of the

recommendations. Council officers will continue to engage with Transport Scotland officials and their consultants to get further clarity and details around these issues during the consultation process before making a formal response by 15 April 2022.

2.5.26 The following projects within Perth and Kinross are recommended for consideration for national development status:

- **Electric A9** - Work with Transport Scotland to deliver the Electric A9 project.
- **Regional Innovation Park, Perth West** - A significant development opportunity that features in the Scottish Government's capital investment prospectus and which subject to a robust business case, the UK Government commits to invest up to £5 million in on-site infrastructure. The Perth EcoInnovation Park will offer 20 hectares of serviced plots with a smart infrastructure backbone to support eco innovation investment and business growth. It will include a clean energy transport hub and innovation highway and will focus on logistics, advanced manufacturing energy systems, research and Innovation/education, and mobility services transport. Funding to support this was agreed by Council at its meeting on 23 February 2022.
- **Perth – The Biodiversity Capital of Scotland** - The Perth City Leadership Forum has a vision to make Perth the most sustainable small city in Europe and, as part of this, to make Perth the Biodiversity Capital of Scotland. Restoring, regenerating and enhancing Perth's biodiversity will help address the twin climate and nature crisis and the need for a step change in action to overcome this. The twin issues of nature loss and climate change are entwined and as such, this workstream to support nature in Perth will also help mitigate the effects of climate change.
- **Perth Smart Energy City Programme** – The Programme aim is to make Perth one of the first UK cities to be net zero using smart and off grid energy systems. It includes a series of related projects to generate renewable energy, store energy and decarbonise Perth city's infrastructure, buildings, transport and heating systems and services at the pace necessary to meet climate change targets.

### **Part 3 National Planning Policy**

#### **General Comments in relation to policies**

2.5.27 In overall terms, officers consider that the policy wording is too loose and imprecise and will not stand up to rigorous and forensic legal challenges, weakening the opportunity to drive change through the policy intentions. It needs to be more clear, precise and unambiguous. The policies in NPF4 require to be clearly understandable and deliverable. Officers also believe there are too many "coulds" and "shoulds" rather than directing change. The policies must provide the utmost clarity for those submitting planning applications and for those who will be using the framework to inform decisions they need to make on development proposals.

- 2.5.28 There are many good policy examples and clarity in the current Scottish Planning Policy (SPP) which have been lost in the integration process, and there is an overall confusion between development planning and development management policies.
- 2.5.29 There is a lack of interaction between some parts of the policy sections. Officers suggest that cross referencing between policies should be introduced to link up and strengthen the policy framework.

### **Sustainable Places: Policies 1-6 (pages 68-72)**

- 2.5.30 **Policy 2: Climate Emergency.** This policy sets out an overarching requirement to consider the Global Climate Emergency and also introduces new considerations/requirements. All development should be designed to minimise emissions over its lifecycle in line with decarbonisation pathways set out nationally. The Policy indicates that development proposals (on their own or when considered in combination with other proposals, allocations or consented development) that will generate significant emissions should not be supported unless suitable justification can be provided evidencing that the level of emissions is the minimum that can be achieved for the development to be viable and the proposed development is in the long-term public interest. For development classified as national, major or requiring an Environmental Impact Assessment, a new 'whole-life assessment' of greenhouse gas emissions should be accompanied with the submission, and emission off-setting measures may be considered where permission is minded to be granted with a focus on on-site measures (including nature-based solutions) where possible. The Policy also notes that development should build in climate change adaptation/mitigation measures and should generally be supported.
- 2.5.31 Whilst the overall principle of the policy is welcomed, officers have concerns around implementation with further clarity required around the scale of application and specific detail on standards and requirements around use of some of the terminology including: 'significant weight should be given to the Global Climate Emergency', 'minimum that can be achieved for the development to be viable', and 'whole-life assessment'. There are also concerns around the need for a consistent, agreed set of criteria to support the policy, as well as the additional time and resources required in terms of upskilling planners/decision-makers in this specialist role and potentially requiring consultancy support.
- 2.5.32 **Policy 3: Nature Crisis.** This policy sets out an overarching principle for biodiversity enhancement but also introduces new considerations. Development Plans should facilitate the creation of, and protection and enhancement of, "nature networks" which are defined as networks which connect biodiverse areas. A new requirement for large developments has been introduced to require significant biodiversity enhancements above mitigation. This is more commonly known as biodiversity net gain, with proportionate enhancement to be provided by local development. While the



introduction of net gain is welcome, officers have concerns about the looseness of language and misapplication of the mitigation hierarchy.

#### **Liveable Places: Policies 7-15 (pages 73-85)**

2.5.33 **Policy 9: Quality Homes.** A new policy for Gypsy/Traveller sites has been introduced replacing the policy in LDP2. As in Scottish Planning Policy, there is a requirement to identify land for sites in development plans where there is a need, although the mechanism for this is not explained. The Housing Needs and Demands Assessment (HNDA) is not a suitable tool for this exercise which is best carried out at a national or regional level to ensure the needs of those travelling into the Council area are recognised.

2.5.34 **Policy 13 – Sustainable Flood Risk & Water Management.** Officers have concerns over the wording of this policy, including seeking a definition of a committed flood protection scheme, and there are the resource implications for flood management. Experience of the Perth and Kinross LDP2 Examination highlights the different ways we can reduce risk without unduly restricting allocations and development.

#### **Productive Places: Policies 16-23 (pages 86-96)**

2.5.35 **Policy 17 – Sustainable Tourism.** Officers welcome the overall principle to support tourism facilities/accommodation. This policy seems to be focused primarily on mitigating the impacts of tourism and not generating sustainable tourism that is aligned with the net zero agenda. For example, how should tourism businesses be required to link to sustainable transport, waste management, carbon reduction, improved environmental resilience, energy efficiency etc. It is considered that an additional policy criterion should be added, noting that all proposals under Policy 17b will be required to ensure compliance with all other relevant planning policies as part of the consideration of the overall principle of the development. In relation to Policy 17f, specific terminology on what constitutes a 'tourism-related facility' will be important in implementing this policy.

2.5.36 **Policy 19 – Green Energy.** There is general officer support for the emphasis the policy makes on achieving Net Zero through green energy, including through repowering of existing sites. However, with the removal of the existing spatial framework and the subsequent 'open-door' policy approach, there is the potential that environmental and social concerns may not be suitably addressed, particularly where the Perth and Kinross area has an abundance of environmental sensitivities. Further clarity is also required in relation to current legislative provisions for requiring specific developments to incorporate low and zero carbon generating technologies.

#### **Distinctive Places: Policies 24-35 (pages 97-111)**

2.5.37 **Policy 28 – Historic Assets & Places.** Officers have some concern around the lack of reference to archaeology within the subsections of the policy. Archaeology is often unseen and therefore perceived as of less community

interest. However, often findings have the potential to develop a greater understanding of historic settlement development and are the potential scheduled monuments of the future. This is a fundamental omission to the policy, which refers largely to national designations but focuses less on local sites and how to manage them.

- 2.5.38 **Policy 31 – Rural Places.** The more relaxed and proactive approach to development in remote rural areas, whilst giving local authorities the option to maintain a more restrictive approach in accessible and pressured areas, is cautiously welcomed by officers. Clarity is sought on how planning authorities are to identify accessible, intermediate and remote areas. Further clarity is also sought on wording as some of the directives are too vague and could lead to misinterpretation.

### **Policy Omissions**

- 2.5.39 **Landscape.** Landscape considerations were specific and prominent in decision making criteria in Scottish Planning Policy. While landscape in protected areas and with regards to specific policies, such as renewable energy and the green belt, general landscape considerations are largely absent. Unprotected landscapes are a valuable commodity in Perth and Kinross and this would mark a major shift in policy. Officers intend to recommend that a policy be introduced as a standalone policy or incorporated into the more significant policy areas such as urban edge and rural places.

- 2.5.40 **Part 4 Delivering Our Spatial Strategy.** As noted above, Part 4 provides an outline of how the strategy will be delivered, with no information around provision of resources. The approach to delivering NPF4 as outlined is supported in principle by officers. However, this is subject to sufficient resources being available to carry out the various new duties that have been brought about. In particular, there will be a need for new and additional specialist skills and funding to suitably prepare, carry out and assess the various new reports, audits and processes required, along with the support to be provided to local communities for the preparation of Local Place Plans. The significant requirements for new assessments, audits and other statutory development plan work should be recognised and considered in any work to explore and update the arrangements for resourcing of the planning system.

### **Part 5 – Annexes**

- 2.5.41 **Annex B Housing Numbers.** The draft NPF4 proposes that LDPs will be required to identify a housing target for the area it covers in the form of a Housing Land Requirement. For the first time, this Minimum All Tenure Housing Land Requirement (MATHLR) will be set by the Scottish Government for each local authority area rather than being determined at the regional or local level. The draft NPF4 sets a proposed MATHLR for Perth and Kinross of 8,500 units over a 10 year period in line with the Council's own proposal, and this is welcomed by officers.

### 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The publication of the draft NPF4 is welcomed as is the direction of travel promoted through the draft Framework. There is general support by officers for the values and green emphasis presented within the draft. The overall future vision for 2045 and the clear focus that NPF4 places on sustainability, climate change, reaching Net Zero, biodiversity and place making is welcomed. There is, however, some concern about what the National Planning Policy section will mean for the production of the Local Development Plan and the practical implications for decision making in Development Management. There is also concern regarding the effectiveness and deliverability of NPF4 in the absence of a supporting Delivery Programme and information in relation to commitment of financial resources.
- 3.2 It is recommended that the Council:
- (i) approves the detailed response to the consultation questions set out in Appendix 1; and
  - (ii) delegates any formatting and presentational changes to the document to the Head of Planning & Development prior to its submission to Scottish Ministers

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#### Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	1 March 2022

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>yes</b>
Corporate Plan	<b>yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>List various</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 NPF4 will when adopted form part of the Development Plan for Perth & Kinross and will contribute to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (ii) *Developing educated, responsible and informed citizens*
- (iii) *Promoting a prosperous, inclusive and sustainable economy*
- (iv) *Supporting people to lead independent, healthy and active lives*
- (v) *Creating a safe and sustainable place for future generations*

#### Corporate Plan

- 1.2 NPF4 will when adopted contribute to the achievement of the following Council's Corporate Plan Priorities:

- (ii) *Developing educated, responsible and informed citizens;*
- (iii) *Promoting a prosperous, inclusive and sustainable economy;*
- (iv) *Supporting people to lead independent, healthy and active lives; and*
- (v) *Creating a safe and sustainable place for future generations.*

## 2. Resource Implications

### Financial

- 2.1 There are no direct financial implications arising from the recommendations in this Report

### Workforce

- 2.2 N/A at this stage

### Asset Management (land, property, IT)

- 2.3 N/A

## 3. Assessments

### Equality Impact Assessment

- 3.1 Scottish Government have undertaken a number of Integrated Impact Assessments in relation to preparation of Draft NPF4 as follows:

- [Integrated Impact Assessment: Non-Technical Summary](#)
- [Integrated Impact Assessment: Environmental Report](#)
- [Integrated Impact Assessment: Society and Equalities](#)
- [Integrated Impact Assessment: Partial Business and Regulatory Impact Assessment](#)

- 3.2 Responsibility for these assessments rests with Scottish Government. The proposed consultation response itself has been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.3 No further action is required as the proposed consultation response does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.4 N/A

### Legal and Governance

- 3.5 *None*

## Risk

3.6 None

## **4. Consultation**

### Internal

4.1 Various teams were consulted across the Council including Transport Planning, Road Maintenance Partnership, Sustainable Development and Climate Change, Structures and Flooding, Regulatory Services, Culture and Community Services, Development Management, Estates, City Development, ECS Resources, Joint Board for Health and Social Care, Equalities, Community Greenspace and Employability and Skills.

### External

4.2 Officers from Planning & Development have attended a variety of workshops and discussion groups with colleagues across Scotland and have worked collaboratively with external advisory bodies including Heads of Planning Scotland, The Royal Town Planning Institute and Scotlands Towns Partnership, to identify the key issues to raise during this consultation period.

## **5. Communication**

5.1 N/A

## **2. BACKGROUND PAPERS**

Draft National Planning Framework 4 (NPF4)  
Planning (Scotland) Act 2019

[RTPI | Local Government, Housing and Planning Committee's draft NPF4 call for evidence  
hops-response-to-npf-4-parliamentary-questions-10th-jan-2022.pdf  
\(wordpress.com\)](#)

Scottish Planning Policy 2014

Report to Planning Policy, Practice and Improvement MOWG 19 May 2021 –  
National Planning Framework 4 – Housing Land Requirement initial Default  
Estimates

## **3. APPENDICES**

Appendix 1 – PKC Consultation Response : Draft National Planning  
Framework 4



## PKC Draft Response to Scottish Government Consultation on Draft NPF4

## National Spatial Strategy Part 1



## Part 1 – National Spatial Strategy – Sustainable Places

### Summary – page 4 – 6

Part 1 – A National Spatial Strategy for Scotland 2045, recognises the critical role our approach to planning and development can play in helping Scotland reach its Net Zero target by 2045, adapting to and mitigating for the effects of climate change, and in supporting nature restoration and recovery.

It introduces the National Spatial Strategy, which is seen as a shared vision that will guide future development in a way that reflects the four overarching principles of Sustainable Places, Liveable Places, Productive Places and Distinctive Places. The supporting spatial diagram identifies Scotland's key strategic hubs and connections (Strategic Maritime Routes, Strategic Travel Connections, the Blue Economy zone, Transmission Infrastructure, Cities, and Major Ports), and also critical national strategic programmes, including, but not limited to: Blue and Green Networks, 20 Minute Neighbourhoods, Active Travel Networks, Digital Fibre Networks, and National Developments.

The Sustainable Places Principle is concerned with changing the way in which we use our land and buildings, to ensure every decision contributes to achieving future net zero, nature-positive places that are more resilient to the impacts of climate change and help support the recovery and restoration of our natural environment. The overall aim of the Strategy is to help Scotland's places thrive sustainably within the Earth's limits, whilst maximising new opportunities for the economy and well-being through a 'Just Transition' and nature-positive approach.

It particularly encourages low-and zero-carbon design and energy efficiency, reducing the need for unsustainable modes of travel, and expanding and diversifying our renewable energy generation. It also promotes sustainable design and use of resources. The Strategy seeks to achieve multiple benefits for our people, places, and environment through investing in nature-based solutions.

### **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?**

Generally, agree that this approach will help to facilitate the delivery of more resilient future net zero places, and support the recovery of our natural environment, but only if the interconnections between different themes are recognised, and the policy landscape is aligned across different topics to avoid conflicts. Furthermore, the solutions will need to be designed and implemented in a manner which seeks to achieve multiple benefits by all parties. The default position needs to be a desire and ambition to achieve many benefits for all, and not just a minimum standard tick box approach. A co-design and partnership working approach will be vital to achieving this. In addition, success will be dependent on a culture/mindset change, and developers and landowners will need help understanding or be persuaded by the opportunities and benefits to such an approach if they are to sign up to it.

Specifically, the policy to deliver low- and zero-carbon design and energy efficiency needs to be aligned with other national policies for heat decarbonisation including LHEES, Heat Networks Bill and Delivery Plan and LAEP policies and guidance. This is to ensure we can scale up at the rate and degree required to progress towards targets, in a joined-up manner that reflects whole system energy planning.

Polices and spatial strategies for low carbon transformation, sustainable travel, renewable energy, and nature-based solutions need to be evidenced, and an effort needs to be made to pair policy with effective information development and maintenance to support nature-based solutions at an appropriate scale which recognises trade-offs and seeks to optimise benefits and opportunities delivered.

#### **Detailed comments**

The National Spatial Strategy diagram on page 5 of the document fails to show the connection between Perth and Stirling, suggesting that Perth – Stirling – Glasgow is not a 'Strategic Connection.' Recommended that this is reviewed and updated to reflect the strategic transport connections between these cities.

## Part 1 – National Spatial Strategy – Liveable Places

### Summary - page 7

The Liveable Places Principle seeks to achieve future places, homes and neighbourhoods which are “...better, healthier and more vibrant places to live.” It aims to ensure the communities in which we live are inclusive, empowered, safe and resilient; helping people to be healthy, active, creative, and diverse, and to grow up to realise their full potential, feeling loved, safe, and respected.

It reflects on the Covid-19 pandemic as having highlighted longstanding inequalities, and the need to address this along with eliminating discrimination and creating better places and conditions for lifelong health and well-being, as well as restoring biodiversity and strengthening our future resilience.

The Strategy looks to create places with good-quality homes close to local facilities and services via the 20 minute neighbourhoods approach, and hopes to empower more people to help shape their places.

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

Agree overall with the principles of this approach and what it seeks to achieve, however, this is an area where the aspirations go beyond the planning system and begs two questions - Are the other players signed up? And why is NPF4 not a National Plan for Scotland rather than a planning document.

The creation of high-quality places and homes with local facilities, services, and multi-functional spaces close by will undoubtedly lead to positive impacts upon the health and well-being of our communities, including how people value, connect with and use their places and spaces. It will also help build future resilience for communities considering our changing climate and the challenges that will bring. However, notwithstanding the cultural, societal, public health, economic and other changes out with the realms of land use planning that this will require to exact the desired change, in land use terms this may prove difficult in practice as a retrofit process for those existing areas where the high street is already in a state of decline, and there is a lack of local facilities to serve the current population in that locality, but where we seek to add more housing development to meet the housing land requirements of an area. A multi-stakeholder approach with significant investment in the necessary key infrastructure up front (via an infrastructure-first approach) to sustain existing and future communities will be critical to make this work in those places. It is also important that local authorities are equipped with the policy and guidance necessary to implement these aspirations for existing places, homes, and neighbourhoods, as well as those to be delivered in the future.

### **Detailed comments**

None

## Part 1 – National Spatial Strategy – Productive Places

### Summary – page 8

The Productive Places Principle is concerned with improving economic, social, and environmental well-being to help Scotland be globally competitive, and to deliver an inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for the benefit of everyone and every place in Scotland. Green investment is highlighted as a key priority for the coming years.

The Strategy highlights ongoing changes to the way we work and the need to be flexible to facilitate future business and employment that benefits communities and improves places. It encourages development that “...*supports the prosperity of key sectors, builds community wealth and creates fair work and green jobs where they are most needed.*”

The details regarding Covid-19 recovery and building a sustainable economy longer term are to be dealt with in a new National Strategy for Economic Transformation, but planning is seen as having a role in contributing the delivery of this in respect of short-term recovery, as well as the longer term just transition to a “*net zero, nature-positive economy.*”

### **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**

Agree that this approach has the potential to improve economic, social and environmental wellbeing, but it will be a real challenge to ensure that it benefits everyone and every place in Scotland. Delivery of a Just Transition will be essential to ensuring that parts of society aren’t left behind. It is also important to recognise skills and knowledge gaps for ‘Green Jobs’ and make the necessary connections to deliver the relevant opportunities for education, retraining and upskilling.

The pandemic has provided greater flexibility for industries and employees linked to virtual connectivity, but we need to ensure our approach to facilitating and supporting this through development and infrastructure provision safeguards our places so that they remain liveable, vibrant, and productive. It will require a different mindset, particularly around town centre uses and rural enterprises.

### **Detailed comments**

None

## Part 1 – National Spatial Strategy – Distinctive Places

### Summary – page 9

The Distinctive Places Principle aims to ensure that people value, enjoy, protect and enhance their environment as a result of achieving future places which are distinctive, safe, pleasant, welcoming, and easy to navigate, but that are also nature-positive and resource efficient.

The Strategy recognises the richness and high quality of Scotland's natural and historic environment but highlights that there are challenges that need tackling in some parts of the country. As such there may be a need for changes at local, regional, and national scales to address inequalities, make more efficient and fairer use of our assets, and to respond to the dual climate and ecological crises, by keeping nature recovery and blue green network connections at the centre of our future places.

It advocates a place-making, design-led approach to new development to build better places, as well as: the reshaping of future city and town centres, the reuse of vacant and derelict land and buildings, enhancement, restoration and safeguarding of our natural and cultural heritage, creation of new rural opportunities, and the alignment of onshore development with national and regional marine plans.

### **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 sufficient?**

Yes, agree with this approach. However, it's success will very much rely on a multi-sector cooperative approach that ensures our places deliver multiple benefits. A greater understanding and awareness is required in terms of the Natural Capital.

### Detailed comments

None

## Part 1 – National Spatial Strategy – Distinctive Places

### Summary – page 9

As per summary provided under Question 4.

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

The Spatial Strategy includes the right key strategic elements to deliver future sustainable, liveable, productive, and distinctive places. However, the devil will very much be in the details in specific areas as to whether delivery is achievable across the country, and whether the enabling legislative framework provides sufficient powers to ensure its delivery. Significant investment in resources and infrastructure will also be required.

### Detailed comments

None

## Part 1 – National Spatial Strategy – Spatial Principle for Scotland 2045

### Summary – page 10

This section of the document recognises that collectively we need to make the right choices about where development should be located. It highlights that no single policy or development will deliver upon sustainable, liveable, productive and distinctive places, and as such Draft NPF4's strategy and policies are based on the six overarching principles of:

- a) **Compact Growth** – limiting urban expansion through the efficient reuse of brownfield, vacant and derelict land and buildings. Safeguarding land for the future provision of services and resources. Reducing the need for unsustainable travel and strengthening local living by increasing the density of settlements.
- b) **Local Living** – creating networks of 20-minute neighbourhoods, supporting local living, reducing the need for unsustainable travel, promoting and facilitating active travel, improving access to services, decentralising energy networks, and building local circular economies. Cleaner, safer, and greener places with improved open spaces will be an integral part of this, as too will be virtual connectivity.
- c) **Balanced Development** – supporting development across the country so people have greater choice about where they live, learn and work. Help create opportunities to reverse past rural decline and manage demand more sustainably in other areas under pressure.
- d) **Conserving and Recycling Assets** – planned development which reflects the distinctive character and identity of places and makes best use of our assets, as well as protecting and enhancing those assets for future generations. Focus is on the productive use of existing buildings, places, infrastructure and services, locking in embedded carbon, minimising waste and supporting the transition to a circular economy.
- e) **Urban and Rural Synergy** – the Strategy seeks to bring together the contributions of our cities, towns, villages and countryside areas to achieve shared objectives and create better places; including improved green infrastructure to connect people with nature, building resilience and aiding biodiversity growth and recovery.
- f) **Just Transition** – ensuring that in reducing our emissions and responding to a changing climate we do so fairly and create a better future for everyone. The Strategy builds on the capacity of communities to work together to find local solutions, to ensure local people are more able to shape their places and transition to net zero and more environmentally sustainable ways of living.

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

The six overarching principles are a comprehensive package for identifying what future Scottish sustainable, liveable, productive, and distinctive places should and could look like, but as with Question 5 the reality of whether or not this can be implemented will be heavily reliant on the detailed policy and planning powers which planning authorities can use to achieve them, along with significant investment in resources and infrastructure.

Delivery of the principles on the ground will also need a holistic, cooperative and codesigned approach from all relevant parties and a real culture change.

### Detailed comments

None

## Part 1 – National Spatial Strategy – Action Areas for Scotland

### Summary – page 11

The diagram and associated text on page 11 of Draft NPF4 splits Scotland into 5 action areas: North and west coastal innovation; Central urban transformation; Northern revitalisation; North east transition, and Southern sustainability. The split is supposed to recognise the unique contribution each of these geographical areas can make to delivering the overall spatial strategy to build a better future.

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

The action areas appear to align with Scottish Cities Alliance agendas and City Deals for the country's network of cities. However, there are concerns about the branding or badging of specific areas which could result in a negative self-limiting outcome for others. It might be more appropriate to provide details regarding aspirations and opportunities for delivering the vision for the future of the country under each of these brands (innovative, revitalised, transformed, transitioning, sustainable) and allow all areas to reach their potential.

### Detailed comments

- Concerned with the undefined, overlapping boundaries of these 'Action Areas.' Support HOPS response regarding the removal of Strategic Development Plans and introduction of Regional Spatial Strategies under the 2019 Town & Country Planning (Scotland) Act, coupled with unclear/undefined and overlapping boundaries associated with these 'Action Areas', presents real difficulties in terms of their status in decision-making processes.



## Part 1 – National Spatial Strategy – North & West Coastal Innovation

### Summary – page

This area is broadly made up of the island communities of Shetland, Orkney, the Western Isles, and parts of Highland and Argyll and Bute, including the north and west mainland coastline.

### Q8. Do you agree with this summary of challenges and opportunities for this action area?

No comments, Action Area doesn't include Perth and Kinross.

### Detailed comments

None.

## Part 1 – National Spatial Strategy – North & West Coastal Innovation

### Summary – page 15

This area is broadly made up of the island communities of Shetland, Orkney, the Western Isles, and parts of Highland and Argyll and Bute, including the north and west mainland coastline.

### Q9. What are your views on these strategic actions for this action area?

None - does not cover the Perth and Kinross Area.

### Detailed comments

General comments regarding the strategic actions for this area:

- Reference on page 15 to reversing depopulation – this is not just about numbers, but also about having a balanced age structure to sustain local services.
- Reference on page 21 to affordability of housing, fuel and transport poverty also apply to much of Highland Perth and Kinross.

## Part 1 – National Spatial Strategy – Northern Revitalisation

### Summary – page 10

This area broadly includes Highland with parts of Argyll and Bute, Moray and much of the national parks. There are links west and north to the island communities. This part of Scotland is highlighted for the strong contribution it can make towards meeting net zero targets and a nature positive country through demonstrating how natural assets can be managed and used to secure a more sustainable future. Within this area the aim is to:

- Strengthen networks of resilient communities
- Stimulate green prosperity
- Nurture nature-based solutions, and
- Strengthen resilience and decarbonise connectivity.

### Q10. Do you agree with this summary of challenges and opportunities for this action area?

Yes, in so far as it concerns parts of Highland Perthshire.

### Detailed comments

- The implication from the diagram on page 11 is that rural Perth and Kinross, the Cairngorms National Park, and the rural Stirling area are within the Central Urban Transformation area however, it says very little about the rural areas. Query whether we need the Central Urban Transformation area to cover these?

**Part 1 – National Spatial Strategy – Northern Revitalisation****Summary – page 21 – 24**

As per the summary provided under Q10.

**Q11. What are your views on these strategic actions for this action area?**

Agree with the strategic actions and summary of challenges and opportunities for this area but have concerns regarding the planning powers available to facilitate delivery of ambitions for the future of the area without it resulting in a piecemeal, tick box approach which will lead to detrimental impacts on important natural and cultural assets. A marked change in attitude and approach to recognising the benefits of nature-based solutions and delivery of high-quality development in places to ensure the achievement of multiple benefits is critical across all stakeholders. Much work is required in terms of education, awareness and understanding. Working with communities to understand their needs and ambitions for their place will also be key, especially to achieve their support and implementation. A two-way flow of interaction, engagement and idea and knowledge sharing discussions from Regional Land Use Partnerships down to community developed Local Place Plans and back up the chain will be crucial.

**Detailed comments**

None.

## Part 1 – National Spatial Strategy – North east Transition

### Summary - page 25

This area broadly includes Aberdeen City and Aberdeenshire with links through Moray towards Inverness, and south towards the Tay Estuary. The key points identified in respect of the area are:

- A centre for the skills and expertise needed to meet Scotland's climate change commitments
- Potential to move industry and business away from the oil and gas sector towards a cleaner, greener future via a just transition.
- High levels of car ownership in Aberdeenshire; emissions in the area mainly generated from transport, industrial and commercial activities and domestic properties.
- Land and forestry provide carbon sequestration.
- Significant parts of the coast will be vulnerable to the future effects of climate change.
- Amongst the most prosperous parts of Scotland, but has experienced significant economic challenges in recent years, and has pockets of deprivation.
- A mix of urban and rural communities - parts of the area have seen population decline, but several settlements around Aberdeen have grown.
- Affordability and housing choice remains a challenge and contributes to a housing driven disadvantage within Aberdeen.
- Population of retired people living in Aberdeenshire project to grow by 43% by 2043.
- Lower levels of educational attainment and limited access to services for communities along the Aberdeenshire and Moray coast.
- Existing high-quality built, natural and cultural assets already contribute to health and wellbeing in the area and can form the basis of a transition to net zero.
- Some of Scotland's highest quality agricultural land is concentrated here.
- The area's economy benefits from a strong fishing industry and globally significant energy sector – dominance of these sectors along with wider changes such as Covid-19 pandemic, EU Exit and global markets means economic diversification and repurposing of buildings and infrastructure are likely to be key priorities.

In this area Draft NPF4 seeks to:

- Transition to net zero
- Improve local liveability
- Regenerate coastal communities, and
- Decarbonise connectivity.

### Q12. Do you agree with this summary of challenges and opportunities for this action area?

Yes, in so far as it relates to parts of Perth and Kinross and the strategic connections within and out of the area.

### Detailed comments

None

## Part 1 – National Spatial Strategy – North east Transition

### Summary – page 27 – 28

As per summary provided under Q12.

#### Q13. What are your views on these strategic actions for this action area?

Largely agree with the actions identified for the area but have reservations about achieving them in practice.

**Transition to net zero** - Much work is required regarding identification of skills gaps and opportunities to meet them. Partnership approach involving business and industry, and education sectors will be crucial to meeting those needs. Opportunities to work with universities (including University of the Highlands and Islands) to deliver targeted programmes of learning and vocational 'green jobs' courses should be explored.

**Improving Local Liveability** - Agree with the principles of 20-minute neighbourhood but have concerns as to how difficult these will be to achieve in practice for existing places which are already experiencing capacity issues with community facilities and services, and where there has been a decline on the high street. As previously highlighted Planning Authorities will require strong powers through planning policy framework to enforce this and both a cultural and mindset change are needed across all stakeholders. We will need to look closely at our current town and city centres and adapt our approaches to meet current and future needs, demands and consumer habits. Significant investment in resources and infrastructure will also be required to deliver.

Fully support the commitment to building with nature through the creation of multifunctional blue and green networks and improving green spaces and the connections between them and the wider active travel networks. These will be key to making our places and communities more resilient to our changing climate and the future challenges this will bring. Again, as with other strategic actions it will require a change in approach and mindset across all stakeholders to recognise the potential opportunities associated with delivering such spaces and connections for multiple benefits. We need to move away from site specific focus to more strategic, landscape scale and cross-boundary approach where appropriate. The approach to collecting and using developer contributions may require a review to reflect this also. Although, this will require Planning Authorities to have a strategic spatial framework in place for targeting of actions and projects to deliver network enhancements and mitigation measures. Strong support from the Scottish Government downwards will be vital to ensuring developers sign up to this agenda, understand the benefits to be realised and deliver upon.

**Decarbonise connectivity** - In terms of actions to improve journey times and capacity between Aberdeen and the Central Belt it is important not to lose sight of the needs and demands of intermediate stations along the network also. Appreciate the desire to speed travel up between major cities but those who make short journeys, usually commuters, need viable, reliable network options to entice them out of their cars and onto public transport. Connection issues, service changes which ultimately make journeys less appealing, delays and cancellations are becoming a discouraging factor for commuters which will undermine the aim to move away from private car use to achieve net zero.

#### Detailed comments

None

## Part 1 – National Spatial Strategy – Central Urban Transformation

### Summary – page 29 – 20

This area broadly covers central Scotland from the Glasgow City Region and the Ayrshires in the west to Edinburgh City Region in the east, including the Tay Cities, the Forth Valley and Loch Lomond and the Trossachs National Park.

The section highlights the need to make significant changes to the densely populated central belt area of Scotland if we are going to achieve our climate change commitments; through reducing our emissions, decarbonising our buildings and transport, tackling congestion, making more efficient use of our existing land and buildings, connecting to renewable heat and electricity networks, and create more inclusive, greener, and sustainable places for the future.

In this area Draft NPF4 seeks to:

- Pioneer low-carbon, resilient urban living
- Reinvent and future-proof city centres
- Accelerate urban greening
- Rediscover urban coasts and waterfronts
- Reuse land and buildings
- Invest in net zero housing solutions
- Grow a wellbeing economy
- Reimagine development on the urban fringe, and
- Improve urban accessibility.

### Q14. Do you agree with this summary of challenges & opportunities for this action area?

Agree to a large degree with the summary of challenges and opportunities, but also believe there is an opportunity in this area, particularly within Perth and Kinross, like that in the North East, for the reskilling of workforce and identifying and meeting skills and education and knowledge gaps linked to 'green jobs.' For example, linked to low carbon energy technology installation, peatland restoration, natural flood risk management, tackling the biodiversity crisis, and afforestation, considering the natural assets within the environs of some of the cities.

### Detailed comments

None

## Part 1 – National Spatial Strategy – Central Urban Transformation

### Summary – page 32 -38

As per summary provided under Question 14.

#### Q15. What are your views on these strategic action for this action area?

Largely agree, but as with Question 14, only if they are supported by resources, and in some cases enabling legislation.

**Pioneer low-carbon, resilient urban living** – Agree with this strategic action, but have concerns about its implementation on the ground within existing places. A culture change and new approach to consider these areas will be required as well as significant investment in both resources and infrastructure to make it happen.

**Reinvent and future proof city centres** - Mostly agree with strategic actions identified for the area. However, in terms of Perth I think it's also worth noting ongoing important work to deliver local heat and energy networks for the city and make Perth the 'Biodiversity Capital of Scotland.'

**Accelerating urban greening** – Fully support this strategic action for the area, but as commented before it will require a change in approach and mindset across all stakeholders to recognise the potential opportunities associated with delivering such spaces and connections for multiple benefits. In addition, Planning Authorities will need all stakeholders playing their part as well as strong support from the Scottish Government to ensure developers sign up to this agenda, understand the benefits to be realised and deliver upon. As with the other actions significant investment in both resources and infrastructure will be necessary.

**Reuse land and buildings** – Fully support this action. Agree with the statement that *"a combination of incentives, investment and policy support for productively reusing brownfield land and buildings at risk will be required to steer development away from greenfield locations."* Planning Authorities will also need strong and robust powers to enforce this for incidences where building and landowners do not comply and where unlawful demolition occurs.

**Invest in net zero housing solutions** – Fully support this action. Developers will need persuading to recognise the benefits of more sustainable nature-based solutions and how they can not only contribute to tackling climate change and achieving net zero, but also how they can improve the health and wellbeing of a community, as well as future opportunities, and make their developments and the surrounding area more attractive. However, to have the desired effect, these measures cannot be applied in a minimum standard, tick box or "greenwashing" approach, they need to take a whole site and beyond approach to be meaningful. Furthermore, it should not be possible for agreed natural solutions to be squeezed or chipped away at later down the line to improve upon profit margins via applications to vary conditions. Planning Authorities will require the necessary policy support to enforce these features and measures.

**Reimagine development on the urban fringe** – Fully support this action. These green areas and natural spaces on the outskirts of our urban areas are extremely important assets which should be protected and where appropriate enhanced to provide a range of benefits to neighbouring populations. Landscape capacity studies will be important to identifying important assets and features for protection as well as opportunities for enhancement and innovation. Ensuring the relevant active travel infrastructure and connections are in place to provide access to these spaces will also be important to their continued use and enjoyment. There is a real opportunity to introduce outdoor educational resources too particularly linked to nature-based solutions.

**Improve urban accessibility** – Fully support this action, however significant investment will be required to ensure alternatives to the private car are available, not just in Glasgow and Edinburgh,



but in the other cities within the Central Urban area. This includes active travel links, EV charging networks, and viable and reliable public transport system. Active and low carbon travel options need to be easy and attractive if we are to achieve the required modal shift.

**Detailed Comments**

- Diagram on page 31 appears to suggest Perth is within the Central Scotland Green Network, which it is not. Furthermore, the strategic route between Perth – Stirling – Glasgow has not been shown.
- Pages 33- 34 re Accelerate urban greening: reference should be made to the Perthshire Nature Connections Project as well as biodiversity city, towns and villages network.
- Page 38 – Landscape-scale opportunities should not be limited to the National Parks.

## Part 1 – National Spatial Strategy – Southern Sustainability

### Summary

This area broadly includes Dumfries and Galloway and The Scottish Borders, with links to the Ayrshires and Glasgow City Region in the west and to the Edinburgh City Region in the east.

### Q16. Do you agree with this summary of challenges & opportunities for this action area?

No comments – area does not include Perth and Kinross.

### Detailed comments

None

**Part 1 – National Spatial Strategy – Southern Sustainability****Summary**

As per summary provided under Question 16.

**Q17. What are your views on these strategic actions for this action area?**

No comments – area does not include Perth and Kinross.

**Detailed comments**

None

## Part 1 – National Spatial Strategy – General

### Summary

The National Spatial Strategy contained within Draft NPF4 is described as a shared vision to guide future development in Scotland in a manner that reflects the Scottish Government's overarching spatial principles. It sees each part of Scotland as being able to contribute to achieving that vision, and also as having the potential to be planned and developed to create sustainable places, liveable places, productive places, and distinctive places.

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

Overall, it is difficult not to agree with the proposed National Spatial Strategy. It says the right things and if implemented would no doubt deliver upon the desired outcome of a sustainable, liveable, productive, and distinctive Scotland. However, there are genuine concerns as to how difficult it will be to deliver on the ground many of the actions to the benefit of everyone and everywhere, without significant investment in people, places, and infrastructure; joined up collaborative working, alongside a culture change and different approach by all stakeholders. Planning Authorities will require a robust and enforceable policy framework and local authorities and communities generally will need the necessary resources and investment backing to help make it happen. Strong support nationally and locally will be vital to implementation, whether that is via the local decision-making process with Elected Members or through the planning appeals processes.

Some additional work is required in the document around the interconnections between the four themes and how they can work together to deliver better places for people and nature.

### Detailed comments

None

## National Development Part 2

## Part 2 – National Development

### Summary – pages 44 – 56

Draft NPF4 identifies National developments as “*significant developments of national importance that will help deliver our spatial strategy.*” Eighteen national developments are proposed within the document, ranging from single large scale projects or collections and networks of a number of smaller scale projects. The intention is that these developments will act as exemplars of the place principle and placemaking approaches.

In taking forward national developments delivery partners are expected to meet a range of criteria including - support community wealth building; adapt to and mitigate for the potential impacts of climate change; improve biodiversity and restore habitats; consider how the development interacts with heat provision in the surrounding area and how it can connect with a LHEES and emerging plans for the heat sector, and ensure transport solutions connecting into and out of the development are in line with sustainable transport and sustainable investment hierarchies.

Designation of national developments does not mean that the proposals are exempt from later consenting processes – appropriate consents and associated impact assessments will still be required in line with statutory obligations.

### **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?**

None

### Detailed comments

- (Page 47) The Perth & Kinross Council area is not within the Central Scotland Green Network as is suggested in the National Developments figure on page 47 (Liveable Places 1.) and the Central Urban Transformation figure on page 31.
- (Page 49) Query whether urban sustainable drainage solutions should apply to all cities? Or further afield, instead of just to the city and wider catchment areas of Glasgow and Edinburgh.
- (Page 59) Delivery of this national development will (or at least should) be informed by *environmental considerations* alongside the already-recognised considerations of market, policy and regulatory developments and decisions.

<b>Part 2 – National Development</b>
<b>Summary – page 44 – 66</b> As per summary provided under Question 19.
<b>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?</b> Yes. As an additional comment it would be helpful to include in NPF4 recognition of, and encouragement for, the potential to replicate some of these national developments in other parts of Scotland building on experience gained for specific projects/developments for example, Central Scotland Green Network, and Urban Sustainable, Blue and Green Drainage Solutions.
<b>Detailed comments</b> None.

## Part 2 – National Development

### Summary – page 44 – 66

As per summary provided under Question 19.

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

The following projects within Perth and Kinross are recommended for consideration for national development status:

**Electric A9** - Work with Transport Scotland to deliver the Electric A9 project.

**Regional Logistics, Fulfilment and Business Innovation Park, Perth (Part of Perth West)** - A significant development opportunity that features in the Scottish Government's capital investment prospectus and which subject to a robust business case, the UK Government commits to invest up to £5 million in on-site infrastructure. The Perth West Eco Innovation Park will offer 20 hectares of serviced plots with a smart infrastructure backbone to support eco innovation investment and business growth. It will include a clean energy transport hub and innovation highway and will focus on logistics, advanced manufacturing energy systems, research and Innovation/education, and mobility services transport.

As part of this proposal investigate options and costs in connection with the creation of a Perth City Centre freight consolidation centre, which would reduce the emissions from large vehicles having to enter Perth City centre, with 'last mile' deliveries via low carbon vehicles.

**Perth – The Biodiversity Capital of Scotland** - The Perth City Leadership Forum has a vision to make Perth the most sustainable small city in Europe and as part this to make Perth the Biodiversity Capital of Scotland.

Restoring, regenerating, and enhancing Perth's biodiversity will help address the twin climate and nature crisis and the need for a step change in action to overcome this. The twin crises of nature loss and climate change are entwined and this workstream to support nature in Perth will also help mitigate the effects of climate change.

There has been a severe decline in Scotland's biodiversity in the last 25 years and the following sets out our strategy for delivering a step change for action to restore and enhance biodiversity in Perth.

The Forum's mission is to *"cement Perth as the Biodiversity Capital of Scotland through the delivery of ambitious nature rich projects with multiple benefits of all. Our projects will support an enhanced, resurgent natural environment characterised by biodiversity and attractive places to secure the wellbeing of our communities and planet for generations to come."*

**Perth Smart Energy City Programme** – The Programme aim is to make Perth one of the first UK cities to be net zero using smart and off grid energy systems. It includes a series of related projects to generate renewable energy, store energy and decarbonise Perth city's infrastructure, buildings, transport and heating systems and services at the pace necessary to meet climate change targets.

### Detailed comments

See above.



## National Planning Policy Part 3

### Part 3 – National Planning Policy – Sustainable Places

**Summary - Page 68** This section sets out the purpose of policies 1-6 as universal policies to “achieve a net zero, nature-positive Scotland setting climate change and nature recovery as the primary guiding principles.” The Place Principle is emphasised.

**Q22. Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?**

Yes. Climate change and nature recovery should be the primary guiding principles. Wording should reflect the twin crises. “helping” biodiversity should be replaced with the need to protect, restore and enhance biodiversity.

Sustainable development as supported by policy 1 should also be a guiding principle for all planning decisions. Sustainable development encompasses so much more than the twin crises and this is reflected but not expressly stated in the second paragraph where the Place Principle is referenced. This needs to be strengthened by reference to Scotland’s national outcomes and the UN Sustainable Development Goals.

#### **Detailed comments**

There is concern that the overlapping nature policies particularly policy 3 nature crisis, policy 12 green and blue infrastructure (excluding the play element), policy 32 natural places are in three different sections of the document. While the incorporation of nature into many of the other policies is supported, these policies relate directly to each other and need to be able to be read together and would therefore be better placed sequentially in one section. Policy 3 could be a general statement similar to (and potentially incorporated into) policy 2.

**Part 3 – National Planning Policy – Sustainable Places – Policy 1 – Plan-led approach to sustainable development.**

**Summary – page 68**

Policy reconfirms that the purpose of planning is to manage the use and development of land in the long term public interest, contribute to Scotland’s national outcomes and the UN Sustainable Development Goals.

**Q23. Do you agree with this policy approach?**

**Response** - Welcome the alignment of NPF4 with national outcomes and UN SDG goals, and the overall aim of the Policy to ensure LDPs manage the use and development of land in the long term public interest. However, is this more a statement/principle/aim rather than a policy? It would also be helpful if the Scottish Government could articulate the UN SD Goals and National Outcomes relative to the aims, objectives, themes of NPF4. An update to the seven outcomes relationship wheel diagram in [Climate Ready Scotland: Second Scottish Climate Change Adaptation Programme 2019-2024](#) (page 22) would perhaps assist with this. It might help with the decision-making process by establishing a tangible link between policy decisions back to national aims, and reduce the potential for inconsistency in the interpretation of relationships between NPF4 policies and national outcomes across various local authorities. Work also needs to be done to ensure evidence is accessible and shareable and an appropriate scale to support decision making and targeted actions to deliver these outcomes.

**Detailed comments**

### Part 3 – National Planning Policy – Sustainable Places – Policy 2 – Climate Emergency

#### Summary – page 68 – 69

A new policy requires planning authorities to give significant weight to the global climate emergency when considering development proposals.

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

**Response -** This policy sets out an overarching requirement to consider the Global Climate Emergency and also introduces new considerations/requirements. All development should be designed to minimise emissions over its lifecycle in line with decarbonisation pathways set out nationally. The Policy indicates that development proposals (on their own or when considered in combination with other proposals, allocations or consented development) that will generate significant emissions should not be supported unless suitable justification can be provided evidencing that the level of emissions is the minimum that can be achieved for the development to be viable and the proposed development is in the long-term public interest. For national, major or EIA development a new 'whole-life assessment' of greenhouse gas emissions should be accompanied with the submission, and emission off-setting measures may be considered where permission is minded to be granted with a focus on on-site measures (including nature-based solutions) where possible. The Policy also notes that development should build in climate change adaptation/mitigation measures and should generally be supported.

Whilst the overall principle of the policy is welcomed there are concerns around implementation with further clarity required around the scale of application and specific detail on standards and requirements around use of some of the terminology including: 'significant weight should be given to the Global Climate Emergency', 'minimum that can be achieved for the development to be viable', and 'whole-life assessment'. There are also concerns around the need for a consistent, agreed set of criteria to support the policy as well as the additional time and resources required in terms of upskilling planners/decision-makers in this specialist role and potentially requiring consultancy support.

## Detailed comments

### Policy 2(a)

Generally agreed with overall principle of policy and emphasis given to the climate emergency, however difficulty is foreseen in its implementation. What is the definition of “significant weight” and on what scale or level is this applicable? Is it on a local, regional, national or global context?

### Policies 2(b) & 2(c)

- It is difficult to foresee how planning authorities will be expected to assess whether development proposals will in fact minimise emissions over their lifecycle. Further guidance on *whole life assessment* will be required to support stakeholders in considering these assessments. A consistent, standardised approach with agreed criteria will be crucial to ensure that planning authorities/developers can take a unified approach to this issue using a consistent set of parameters/calculation methodologies. Even then Planning Officers will require training/ upskilling to be able to understand, interpret and determine adequacy of proposals submitted. This is very much a specialist role/skillset not necessarily available inhouse within local planning authorities. This is likely to result in an additional time and resource burden and potentially consultancy costs too. Any further guidance on this specific requirement should be consulted on with all relevant stakeholders.
- The level of detail in whole life carbon assessments should reflect the level of detail in the associated development proposal (i.e. higher-level assessments at the early engagement phase developing into detailed assessments for detailed specification and tendering).
- In terms of offsetting emissions, this is a largely new, uncertain, and unregulated area which will require local authorities to almost have a reserve of “shovel ready” carbon sequestration projects to direct developers interests to. Again, this puts an onus back on Planning Officers to be experts in another specialist field without any established evidence, guidance, or agreed criteria. It will also likely introduce additional work in the form of legal agreements to secure delivery.
- Under Policy 2(c) the onus should be on the developer/applicant to justify why any off-setting measures cannot be delivered on site. Heavier emphasis should be placed on nature-based solutions in terms of off-setting measures to support the wider principle of addressing the nature/biodiversity crisis.
- Policy 2(c) should also include requirements for local applications.
- Further detail is required to specify what is meant by the ‘*minimum that can be achieved for the development to be viable*’. Not that there aren’t other valid competing needs that should be met, but if they are not addressed up front, it will only be more expensive for the Council/public funding/individuals to retrofit at a later date, potentially expending further unnecessary embodied carbon.
- Given the types of developments (windfarm, peatland restoration, tree planting) and the nature of the landscapes these sit in, often historic and unimproved, that inclusion is made for the careful consideration and either protection or recording of historic assets to be impacted on by climate focussed developments.
- If as is stated addressing climate change should be the primary guiding principle, it should be that.

### Part 3 – National Planning Policy – Sustainable Places – Policy 3 – Nature Crisis

#### Summary – page 69 – 70

A new policy responding to the nature emergency requires plans and proposals to contribute to the enhancement of biodiversity by identifying and supporting nature networks and requiring significant positive effects for biodiversity from large developments, and proportional positive effects from local development.

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

Yes. But the planning system needs to do more than just take account of the need to address the nature crisis. A crisis requires action to avert it. The intention of the detailed policy is supported, particularly the recognition of the importance of connectivity and corridors for nature as well as securing biodiversity net gain from development. The terminology and approach however needs to have enough weight to address the crisis, accord with best practice and use clear consistent terminology and certainty of delivery. For example it should be clear what nature is referring to in this policy, the first sentence referring to both biodiversity enhancement and nature recovery and restoration.

While a “universal” policy is supported to protect and provide additional biodiversity enhancement in all developments is supported, the detailed policy would be better grouped with other nature based policies scattered through NPF4. This will allow Plans and proposals to take a more holistic approach.

#### **Detailed Comments**

##### Policy 3(a).

The focus needs to be clearly on biodiversity protection, restoration and enhancement, not just biodiversity enhancement. Likewise while creation of new or restoration of networks, habitats, and populations are required, these and non designated priority habitats and habitat corridors also require protection.

The introduction of nature networks is welcome although the difference between nature networks and green networks needs to be clarified. It is also not clear Nature Networks are expected to be identified within Local Development Plans. Nature networks are stated to connect biodiversity rich areas but what this includes needs to be made clear including the implications for landowners. Identifying, protecting and connecting priority habitats, such as ancient woodland, and corridors outside of protected sites is important, and it needs to be clear what is included in nature networks, and the level of protection afforded. The protections in policy 3(d) given to nature networks– including OECMS – appear to give such areas equal status to local designations. Further information is required to be understand how this policy and others, such as Green Infrastructure interact. References to green infrastructure mapping, forest and woodland strategies and LBAPs would help consolidate the approach and make expectations on proposals is clear to ensure high quality proposals are deliver multiple benefits for people, places and wildlife. Further information is required on how Forestry and Woodland Strategies should co-ordinate or integrate Nature Networks.

##### Policy 3(b)

In accordance with the mitigation hierarchy development proposals must first avoid detrimental impacts and protect existing biodiversity before considering enhancement. The requirement on development proposals should be stronger and more defined.

##### Policy 3(c)

Minimisation of adverse impacts on biodiversity is no longer acceptable in a biodiversity crisis. The mitigation hierarchy should be clear in this general purpose paragraph; and be clear that all

proposals must adhere to it. Design must be based on an understanding of the environment. A requirement only to take into account the need to reverse biodiversity loss, is no longer adequate to move away from business as usual.

Policy 3(d).

A requirement for larger proposals to demonstrate conservation and enhancement of biodiversity is welcome. These requirements should also apply to local developments. Note that those requiring an AA might not be appropriate to align with the other large scale developments here as these can be small developments and the bar for requiring an AA is quite low.

The requirement for “they” to be in a demonstrably better state is ambiguous. As nature networks are included within the definition of biodiversity in this sentence, presumably it is biodiversity that is required to be in a demonstrably better state ?.

There is a concern that there is no definition of “demonstrably better state” and how this will be demonstrated. We now have enhancement, positive effects and better state. In the fourth bullet point the requirement changes to requiring “significant biodiversity enhancements in addition to any proposed mitigation”. A preference would be to have a consistent application of net gain for biodiversity, an internationally recognised term for which guidance is available through CIEEM, BSI and DEFRA with the level of netgain set out in planning policy. It is also impossible to demonstrate a better state than without intervention as this would be a moving baseline.

Policy 3(d) Bullet point 1

Proposals MUST be based on an understanding of the site, this applies to all developments including householders given the potential presence of protected species. The presence of sensitive, protected and priority habitats must be included in this, not just irreplaceable. This understanding must be based on expert advice.

Policy 3(d) Bullet point 2

Again the use of nature based solutions *wherever feasible* should be applied to all scales of development.

Policy 3(d) Bullet point 3

Developments including local developments MUST be supported by an assessment of potential negative effects. All developments (including householders where relevant) MUST mitigate in line with the mitigation hierarchy. This should be made clear in para 3(c).

If the intention of impacts being “fully mitigated” in line with the mitigation includes compensation this needs to be stated for clarity. A consequent amendment setting out when compensation is (and is not) appropriate would also be useful to avoid the temptation to default to compensation in pursuit of mitigation.

Policy 3(d) Bullet point 4

The requirement for significant biodiversity enhancements for major development is welcome as this recognises the increased opportunities for a larger site to provide significant improvements and resources. Use of a metric is the most transparent way to achieve “significant” enhancements rather than leaving it to judgement. It should be clear that enhancements are over and above “full mitigation” i.e. the additionality required by a net gain assessment.

Policy 3(e)

Local development should be required to adhere to the same net gain requirements as larger developments, especially the mitigation hierarchy and a proportionate net gain approach. A reliance on “enhancing” biodiversity allows for token measures without a full account of impacts. As stated above a proportionate assessment of net gain should be required. Householders should also be required to protect biodiversity and provide additional enhancements over mitigation where there is opportunity. i.e. as a proportionate response.

### Part 3 – National Planning Policy – Sustainable Places – Policy 4 – Human Rights & Equality

#### Summary – page 70

This policy sets out a generic commitment on planning to respect, protect and fulfil human rights and promote equality; along with the responsibility to consult and engage meaningfully and collaboratively.

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

No. This is a principle rather than a policy and will not in itself achieve the ambitions set out in the question. A broad statement does not address structural inequality and discrimination and is unlikely to. Stating the overarching principle in 4(a) and its expression in engagement in 4(b) is worthy and incorporates Sustainable Development Goals and National Outcomes but is already expressly addressed by duties in human rights and equality legislation and the RTPI code of Conduct. Detail on consultation is rightly set out in development planning and development management regulations and guidance, and undertaken in accordance with planning best practice. Any concerns with this practice would be better dealt with through regulation and guidance than a planning policy.

#### **Detailed Comments**

If this principle is to be retained the wording should be stronger. In 4(a) Planning *has a duty* to respect etc. In (b) this should make it clear that opportunities should be provided for everyone to engage. Engagement in development decisions is not as realistic for everyone to engage. Early collaborative, meaningful engagement on planning decisions is better addressed through regulations and guidance than a policy. Careful consideration of planning decisions is not easily expressed in a simple policy as attempted in the last sentence. The objective of delivering in the long-term public interest without bias through considering a range of social, economic and environmental issues and reaching a balanced decision is the cornerstone of planning.



### Part 3 – National Planning Policy – Sustainable Places – Policy 5 – Community Wealth Building

#### Summary – page 71

This new policy requires national and major developments to contribute to community wealth building and requires that Development plans address community wealth building priorities by reflecting a people-centred approach to local economic development.

#### **Q27. Do you agree that the planning policy should support community wealth building and does this policy deliver this?**

**Response** – Welcome this in principle but NPF4 lacks detail on what Community Wealth Building (CWB) is, the clear links between it and land use planning, and how it is expected that CWB could be delivered via the land use planning system. Detailed guidance and good practice examples required.

#### **Detailed comments**

None

### Part 3 – National Planning Policy – Sustainable Places – Policy 6 – Design, Quality and Place

#### Summary – page 71

An updated policy on design, quality and place requires plans and proposals to reflect the six qualities of successful places.

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

The policy is supported in general terms and the use to the 6 qualities of a successful place to demonstrate the key mechanisms that support quality design are welcomed. It helps to structure an approach to assessing planning applications and proposals in terms of design and siting, providing a very useful overview of the 6 qualities. This can clearly be used to audit proposals and identify areas for improvement.

However, using the term “should” suggests that it isn’t a definite requirement but just a preferred option. For planners to assess applications relying on this policy, arguing at appeal that someone “should” have done something isn’t the same as saying they must. It suggests that if they have a reasonable justification, they don’t need to adhere to the policy. Whilst this maybe the case with certain issues, this is certainly not one that we can continue to be ambiguous on. Poor design = discrimination and thus negates the very positive intentions of Policy 4 on human rights.

#### Detailed comments

Policy 6(a) provides a clear message about scale and nature of proposals – however, “contributes positively” is open to interpretation. What is a positive contribution?

Policy 6(b) refers to development proposals incorporating the key principles of several government documents and “any design guidance adopted by planning authorities and statutory consultees”. This covers a huge range of information, some of which might be inconsistent. There is a need to be specific about design guidance adopted by statutory consultees – this includes community councils and a range of other bodies. It could potentially create greater confusion over which guidance takes precedence.

Policy (c) refers to the 6 qualities of a successful place. This is probably one of the most helpful parts of the policy as it provides a clear outline of what these 6 qualities are. However, the term “contributes positively” maybe harder to determine.

Policy (d) & (e) provide development management with the tools to refuse an application. It will require published guidance to inform how these specific considerations will be assessed. For example, sunlight & privacy (18m rule) assessments. It should perhaps be caveated to acknowledge that some proposals not in compliance maybe supported if there is significant public benefit.

### Part 3 – National Planning Policy – Liveable Places – Policy 7 – Local Living

#### Summary – page 73 – 74

A new policy on local living requires plans and proposals to support the principle of 20-minute neighbourhoods. 20 minute neighbourhoods are a method of achieving connected and compact neighbourhoods designed in such a way that all people can meet the majority of their daily needs within a reasonable walk, wheel or cycle of their home.

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

The concept of 20-minute neighbourhoods is supported. We agree the need to acknowledge where in new development, which is planned and delivered through a robust plan-led process, there is a requirement to examine the method of delivery of infrastructure and local amenities as part of those development proposals.

Accessible, mixed-use developments will help to create thriving and interesting places with the ultimate objective of creating sustainable development. Expectations for 20-minute neighbourhoods should be embedded in the Local Development Plan, using tools such as masterplans or development briefs to carry these ambitions through the planning process to delivery. This ensures that decision makers have an adequate policy basis to support proposals that meet these requirements and refuse those that do not.

The delivery of infrastructure to support 20-minute neighbourhoods remains one of the biggest obstacles to overcome. Infrastructure such as schools, healthcare facilities and opportunities for play & recreation all require investment and engagement with multiple stakeholders from the outset to embed these requirements in the Local Development Plan. The delivery of such infrastructure often falls to the local authority with support from planning obligations wherever possible, though a funding gap often remains as onerous obligations ultimately affect development viability.

Whilst the Council supports this approach, there are concerns that it will be difficult to achieve when combined with the very rural nature of parts of Perth & Kinross. Further clarity regarding how the policy will work in duality with the repopulation of remote areas is something that requires further thought and will not be achieved by planning alone. More guidance on collaboration and more resources will be required to demonstrate and action how a council can achieve this through partnership working.

Furthermore, the policy does also not acknowledge that much of the infrastructure required to create 20-minute neighbourhoods is in the hands of private business and therefore cannot be achieved without identifying resources to support public transport in areas where it is not profitable, shops in villages where the population do not support them because it's cheaper to get a supermarket delivery, the closure of banks, post offices, pubs and hotels etc. Further work in other sections of government need to focus on what we own publicly and what we should own publicly in order to facilitate this aspiration. Further understanding of how the rural/urban classification could be used to assess quantity, quality and accessibility to services in rural/remote areas where density doesn't support the 20-minute neighbourhood concept is required.

Decision makers will need support to uphold the vision for 20-minute neighbourhoods when considering the challenges of delivery.

**Detailed comments**

In terms of Policy 7(b) this appears to be an open-ended policy – an additional criterion should be added to require development proposals to adhere to all relevant policies within the plan, where these are linked to the LDP spatial strategy and particular development is discouraged e.g., green belt or to prevent growth in a particular settlement.

This policy requires close alignment with open space, recreational, green & blue infrastructure, local play opportunities and food growing policies and strategies.

Considerable work is required to support the digitisation and analysis of all this work. Council resources are limited in terms of data management and a national approach to this would make the approach for easier to implement and far easier for the public to understand.

### Part 3 – National Planning Policy – Liveable Places – Policy 8 – Infrastructure First

#### Summary – page 75

A new policy requires local development plans and delivery programmes to be based on an infrastructure-first approach. Proposals must also reflect the Scottish Government Infrastructure Investment Hierarchy to use existing infrastructure capacity first, and mitigate their impact.

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

We support an infrastructure-first approach in a plan-led system.

Robust evidence from stakeholders on existing and forecasted infrastructure provision is crucial to delivering the local development plan and this is set out in the key principles of the “Infrastructure First” policy. Evidence from relevant agencies and strategies therefore needs to be accessible and up to date and the Investment Hierarchy implemented.

Policy 8 acknowledges that development proposals should mitigate their impacts on infrastructure and should not be supported unless such provision is made.

It is expected that economic challenges arising from the COVID-19 pandemic and Brexit will continue to burden the development industry for some time. Local authorities do have the tools to respond to these challenges on a case-by-case basis wherever appropriate, however, deviating from the approach set out in Policy 8 will result in impacts upon infrastructure provision, and in turn, the communities that depend on it.

Many of the objectives set out in Draft NPF4 rely on infrastructure provision. There is a clear requirement for a policy position supporting an infrastructure-first approach. Embedding this approach in planning policy is the foundation for achieving the objectives of this Draft NPF4.

#### Detailed comments

In order to deliver this key aim and to ensure that development planning is suitably informed by infrastructure requirements, all relevant infrastructure providers need to buy-in to the LDP process (and feed in as necessary) with the Scottish Government having a leadership role here to ensure that this can be achieved.

There is concern with this in regard to infrastructure not under the control of the planning authority, and it may be that this will only work if infrastructure providers are required like SW to facilitate development. However, infrastructure operators should be aware of development plan targets in the area and offer a joined-up approach to delivering sustainable development and meeting said targets as well as forecasting infrastructure improvements or extra capacity to do so.

### Part 3 – National Planning Policy – Liveable Places – Policy 9 – Quality Homes

#### Summary – pages 76-77

An updated approach to providing quality homes. This requires authorities to set out a deliverable housing land pipeline, encourages affordability and choice, recognises the accommodation needs of Gypsy / Travellers, and expects proposal for larger scale housing developments to be supported by a statement of community benefit. Proposals should be in sustainable locations and will only be supported if allocated in the local development plan, unless it is for affordable homes, small scale or rural development, or where there is evidence that build-out is exceeding the timelines set out in the delivery programme.

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

Overall yes subject to some further clarification. Welcome the clarification of the MATHLR approach. Also welcome the reference to de-allocating sites which aren't delivering within agreed timescales, but more recognition needs to be placed on the fact that site delivery is largely in the hands of the industry and is something over which the LDP has limited control. The main concern is whether the policy set out in g) will actually assist in getting more sites for Gypsy / Traveller and Travelling Showpeople.

#### **Detailed comments**

Quality homes should also enable sustainable and net zero living through their design and promote resident health and wellbeing in design through material selection, layout, etc.

a) 'LDPs should identify a housing target...in the form of a Housing Land Requirement' – support but would suggest that a housing target and housing land requirement are two different things. LDPs can identify sites to meet an identified requirement but the meeting of a housing target i.e. the number of houses to be built on the ground is largely down to the house building industry. Consider this would be clearer if the reference to housing target was removed.

b) A 'deliverable housing pipeline' – clarity sought that the housing pipeline is the whole housing land requirement and that there is not an expectation that LDPs will identify land in excess of their requirement which can come forward if sites don't deliver within the plan period.

Support the suggestion that sites which aren't delivering as programmed will be de-allocated but question how this will be done. Will it need to be through a formal alteration or amendment of the LDP or will there be a more streamlined process? PKC currently use delivery strategies to monitor progress on sites in more detail than just annual phasing through the housing land audit but the level of engagement in this process from landowners / developers is mixed. If the NPF included a requirement for landowners / developers to engage in a process such as delivery strategies this would give more weight. It would be useful if NPF also made some reference for the need for landowners and developers to engage with the planning authority on the realistic programming of their sites through the annual housing land audit.

c) Support but how does the requirement for land to be allocated in sustainable places tie up with the aim of repopulating rural areas which are never going to be as sustainable as a spatial strategy which favours most development in the largest centres?

Support requirement to identify land for Gypsy/Travellers in LDPs. The current wording can be read as an addition to the requirement to allocate land to meet the Housing Land Requirement. There needs to be a clear requirement for identifying land where there is a need. As a minimum the phrase “as well as” in the last sentence should be replaced with “including”. However it should be clear what mechanism is to be used to identify need and deliverable land as HNDA is a blunt instrument inappropriate to this requirement. This assessment is best carried out at a national or at a minimum a regional level to take travelling into account. The identification of appropriate quality sites must be undertaken with consultation with the travelling community. Potential for the utilisation of brownfield sites for temporary stop overs in the future where short-term stays might be acceptable, but not full residential development.

e) Support proposal for a ‘statement of community benefit’ but requires further clarity e.g. how are 'local' housing requirements to be defined? Question whether the trigger of 50 homes is too high; smaller developments of say, 10, can have a significant impact on a small settlement or particularly sensitive location.

f) Cross-reference to criterion i) would clarify that proposals for new homes that improve affordability and choice should be supported on allocated sites unless meeting one of the exceptions listed.

g) The positive support for proposals is supported. However the qualification that this is “where a need is identified” is unnecessary and incompatible with policy 4 [referring to equality]. It is highly unlikely that a private site comes forward where a need is not identified, and this just creates an extra hurdle for a protected group to overcome. Such sites will typically be small sites of 5-10 pitches where an equivalent housing development in a settled community on unallocated sites would not be required to identify need under policy 9(i). The qualifications to this support would make easier reading if they were not phrased as a double negative. i.e. “proposals should be supported....where proposals...” rather than “proposals supported unless....not”.

It is not clear whether proposals are required to meet other policies in NPF4 or this policy supersedes them. Presumably policies such as those with regards to flooding and tree/woodland protection still apply. If so the first bullet point is redundant, if not then further requirements may be needed including a requirement for a safe environment (away from flood risk, noise and pollution with securable transit sites).

The intention behind the first bullet point is accepted, however “unacceptable” would be better replaced with a reference to meeting the relevant tests for the protected area or feature to ensure an objective approach. Development will not be able to be supported where it does not meet the relevant tests for statutory protections.

The second point would benefit from the addition of the word “safely”. Whilst longer stay sites would require permanent infrastructure / services, the servicing of a short stay site could be done on a temporary basis e.g. provision of portable toilets, waste containers etc with redirection to sanitation facilities elsewhere so this should not limit the options.

The third bullet point is more problematic and erodes the support initially expressed. For housing proposals policy 6(e) does not support “Proposals that are detrimental to the character or appearance of the surrounding area...in order to protect amenity”. The point in policy 9(g) would therefore be more equitable to remove impact on “amenity” and limit this to “surrounding area” to bring it into line. The use of the word “unacceptable” introduces a level of judgement and

removes the more objective criteria applied to housing. While this is limited by the following sentence requiring judgements to be limited to the proposal at hand, it would be more equitable for a more objective criterion to be used such as “significantly detrimental” or there is a risk that such sites will continue to be located in less desirable locations to please the ‘acceptability’ of others. Due to the low profile nature of caravans and chalets, any landscape / character impacts are able to be easily mitigated. This should be recognised or the whole bullet point reworded to “significant impacts on the character of the surrounding area cannot be adequately mitigated”.

h) Need to specify how the requirement is identified i.e. HNDA process. Should clarify that this is on allocated sites.

i) The exceptions at i) appear to cover most of the instances when this most often arises in PKC. Taking forward affordable housing developments on ‘opportunity sites’ have made a very beneficial contribution to supply in past years; however, will authorities have the flexibility to choose which of the exceptions to include?

j) The first bullet point should also refer to *siting* as a key consideration.



### Part 3 – National Planning Policy – Liveable Places – Policy 10 – Sustainable travel and transport

#### Summary – pages 78-79

An updated policy on sustainable transport and active travel. This aims to reduce the need to travel by discouraging applications for significant travel generating uses at locations which rely on private car usage. Provision of active travel is actively encouraged.

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

Overall yes, subject to clarification on some of the minor points and more support for rural areas. The policy is more applicable to urban areas and lacks a balanced approach to the types of improvements to sustainable travel and transport infrastructure improvements that benefit rural areas.

#### Detailed comments

Policy 10(b) not clear enough whether it is the plan or the strategy which needs appraised using DPMTAG.

Policy 10(e) should be about the whole transport network including all roads not just the strategic transport network.

Policy 10(g) suggests that new transport infrastructure can be an opportunity to incorporate blue and green infrastructure and nature rich habitats where possible. Pursuant to the biodiversity duty and the stated overarching principle this should be strengthened to a requirement wherever possible. i.e. must/should where possible.

Policy 10(h) is too urban focused.

Policy 10(i) residential developments in Scotland should provide sheltered cycle parking or space for residents to have shelter for their bicycles (e.g. garages or sheds). Non-sheltered spaces should only be for visitors. The cycle storage should be part of the development and not in nearby provision.

### Part 3 – National Planning Policy – Liveable Places – Policy 11 – Heating & Cooling

#### Summary – page

An updated and expanded policy on heat and cooling requiring alignment with the area's Local Heat and Energy Efficiency Strategy. Proposals should be designed to connect with existing or future heat networks. Where there is no effective solution available, an alternative low or zero emissions heating system should be provided. Passive or natural solutions to cooling are encouraged.

#### **Q33. Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?**

**Response** - Policy 11 (heating & cooling) provides a comprehensive update on the previous SPP policy and important links are made to other key plans and strategies including Local Heat & Energy Efficiency Strategies and the Heat Networks (Scotland) Act 2021. Importance is placed on identifying the most appropriate heating strategy for the site which includes consideration of a range of low and zero carbon generating technologies. As with other policies the requirements around Policy 11 are potentially resource intensive and require to be adequately resourced, with upskilling of Planning Officers/decision-makers required. A number of other additional suggestions are made where clarifications would assist or where further guidance would benefit the implementation of the policy.

#### Detailed comments

##### Policy 11

The aim to help meet net zero objectives through the development of a strong policy framework and evidence base to support heat network zoning/delivery is welcomed. Supportive planning policy and site allocation – alongside other emerging duties in relation to LHEES and Heat Network Scotland Act 2021 – will strengthen the overall approach to delivering heat networks, where previously this was found to be more difficult. Any spatial policy to support HN zoning and delivery should be guided by the LHEES HN zoning and area based targeting approach to ensure that these strategies are aligned, particularly with input from all relevant stakeholders including DNOs on network investment and constraints, through iterative planning and engagement.

Welcome support for development proposals in areas where a heat network is planned but not currently in place. The policy should also provide conditional support where it is demonstrated that a cost-effective connection can be made at a later date where the proposal is within or adjacent to a HN. To support this objective detail is required to ensure evidence used to delineate HN is robust, accurate and current. HN should be reviewed regularly to ensure they remain feasible.

Heat decarbonisation targets should be informed by LHEES National Assessment work for heat networks to determine feasibility at a strategic level and define viable properties for connection and further reviewed to determine cost effectiveness with current funding and investment landscape.

It is considered there is a lack of cross referencing to Building Standards which will be one of the main regulatory mechanisms for this. This is a resource intensive developing policy area which

requires to be properly resourced. Again, upskilling of planners will be required to understand and make decisions on proposals submitted under this specialist topic.

#### Policy 11(a)

Support policy to facilitate the development of networks for low carbon heating and prioritisation of approval of HN schemes. The alignment of Development Plans with the outputs of LHEES/HN zoning is supported. HNzs should be delineated within the LHEES Strategy and Delivery Plans to ensure alignment with LHEES priorities including tackling fuel poverty to ensure heat decarbonisation solution(s) do not exacerbate or result in fuel poor households.

Scottish Government should clarify if there is a policy aim here to specifically encourage/identify new development (including allocations) to support areas identified as Heat Network Zones. Further guidance on how LDPs (particularly spatial implications) are expected to align with LHEES including HN zoning is required.

Policy should be broadened to equally enable the full range of low and zero carbon heating options ensuring the most appropriate pathway is considered in line LHEES/HN zoning process to ensure policy alignment. Support the recognition of LHEES in strategic energy planning as above consideration should be given to the most appropriate pathway for heat decarbonisation on the site and consider the development of HNzs alongside other low and zero carbon heating options in line with LHEES guidance and whole energy systems planning. Essentially, any decarbonisation plans should identify the right solution in the right place guided principally by the LHEES and the LDP.

#### Policy 11(b)

Support the requirement for development proposals to be supported where they connect to existing heat networks. Proximity distance buffers for connection, cost effectiveness, technical feasibility and other constraints (listed buildings etc.) will need to be considered when determining requirement of buildings for retrofit to connect to existing heat networks.

Further guidance on *retrofit* proposals would be helpful to identify where there are requirements and where there are exceptions. PKC LDP Policy 34 currently identifies the following developments within or partially within HNzs to be exempt from the requirement to undertake a feasibility study: householder development; proposals for change of use (where there is no proposal to alter or replace an existing heating/hot water system); refurbishment/conversion under 500sqm (where there is no proposal to alter or replace an existing heating/hot water system). Passivhaus proposals are also considered to be exempt due to the reduced energy demand requirements associated with such developments.

#### Policy 11(c)

Clarification on what the term *planned* means i.e. does this include HNzs? Further technical guidance to support the consideration of future-proofing of new developments is required to assist both industry and planning authorities.

#### Policy 11(d)

Should this policy flag the forthcoming New Build Heat Standard in terms of aspirations on zero direct emissions heating?

Support requirement for development proposals to provide an alternative low or zero emissions heating system where heat networks connections aren't viable recognising issues with heat density requirement in rural/semi rural areas.

#### Policy 11(e)

Support the emphasis of co-location of waste heat facilities in areas of heat demand.

Sub-policy is generally supported however additional text should be added to read: 'National and major development with **waste or surplus heat** should be co-located in areas of heat demand *where possible* and are expected...'. There will be cases where there are other environmental or economic justifications for locating these developments where there may not be the opportunity to provide excess/waste heat to supply a network. Justification should be provided by the applicant to demonstrate this specific point.

The policy should also read: 'electricity *and/or* heat' rather than simply 'and' as this will depend on the nature of the development proposal.

Recovery of waste heat from sewage water using different types of heat pumps should equally be considered. Further research and additional detail is required to identify other options for renewable heat to support heat networks including GSHP/WSHP.

#### Policy 11(f)

This sub-policy should specifically make reference to sub-policy (a) in relation to LHEES and HN zoning. Extra text could be added to the first sentence at the end to read: 'heat maps and zoning for heat and energy efficiency *in line with sub-policy (a)* Specifically, they should be...'

#### Policy 11(g)

Clarification on any distances/buffers in relation to the statement 'where networked systems are available' would be helpful.

#### Policy 11(i)

Specific examples could be provided at the end of the sub-policy to provide context. For example, tree shading.

### Part 3 – National Planning Policy – Liveable Places – Policy 12 – Blue & green Infrastructure Play & Sport

#### Summary – page 81

An updated policy on blue and green infrastructure, play and sport requires assets to be safeguarded and seeks opportunities for enhancement. New policies also protect children's outdoor play provision and design-in new opportunities for play in the built environment. Maintenance of blue-green infrastructure should also be addressed in development proposals.

#### **Q34. Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?**

It's difficult to see how this policy will help to improve resilience to flood risk and climate change. The policy is virtually silent on these issues and how improvements would be delivered. The adoption of blue-green infrastructure is being promoted as the 'way forward' to address surface water flooding in urban areas. In reality, while it may help, it will not be able to deal with the immediate challenge posed by the increased prevalence of surface water flooding due to climate change. As well as blue-green infrastructure, all other potential means of dealing with surface water flooding in urban areas must therefore continue to be pursued (surface water management planning, SuDS, Scottish water improvements in combined sewer infrastructure, etc).

There are concerns that this new policy is trying to integrate two distinct areas, and that this could lead to confusion. There are definite linkages and an emphasis on the multifunctional nature of blue & green infrastructure is good, but it maybe isn't clear enough why these policies have all been placed together. More emphasis should be given to the value of people specifically being able access a range of outdoor space in terms of the educational and health value. Interaction with biodiversity, respect for their habitats can only be developed in conjunction with the education curriculum. There is concern that this approach will not provide clarity and will instead create confusion. Furthermore, there are nature networks, blue and green infrastructure, strategic green infrastructure, green networks and key green networks mentioned in the NPF4. It would help if the meaning of these is clear and simplified.

Green infrastructure is internationally defined as a network of natural and semi natural areas with other environmental features to deliver ecosystem services. The natural and multifunctional nature of GI is key and should not be equated to "open space". While the examples given of green and blue infrastructure in the introductory paragraph are supported the reference to "civic spaces" is not. This could be replaced with "semi-natural". The reference to net loss of existing blue and green infrastructure is supported. As noted with regards to policy 3, this will require mechanism for assessing this. However, the rest of the policy allows for a net loss of green infrastructure. Again, this does not support the "primary guiding principle" of the biodiversity and carbon crises. Any acceptable loss of green infrastructure should be compensated for.

Perhaps reference to public realm spaces should be incorporated and specified instead of the more ambiguous civic spaces. It is referenced later but should be clearer as a part of any strategy. These areas are often overlooked in towns and cities as places that can serve dual purposes - a pedestrianised high street, square or churchyard can often provide good opportunities for biodiversity, play and contemplative space. Highlighting urban opportunities to grow food, provide habitat and teach our children about nature are invaluable and should support outdoor access for those that have limited garden space.

Requirements for proposed blue/green infrastructure by type(s), quantity, quality and accessibility should be aligned with existing policies for open space accessibility and quality criteria where possible. Further detail on the approach to and evidence for assessment of quality and accessibility (distance thresholds) is required. Further detail on the typology used to access type requirements is required and should where possible align with Greenspace OS data (Greenspace Scotland) as standardised, maintained national dataset.

#### **Detailed comments**

Policy 12(a) recommends that Local Development Plans should identify and protect blue and green infrastructure and opportunities to expand – including through green networks. It should be clear where green infrastructure in the text includes green networks. Identifying green networks (and Nature Networks) in plans is supported in order to deliver other requirements of this policy. Suggest change of wording to best contribute to *protecting and enhancing green and blue networks and priorities*.

Policy 12(c) requires being paired with an appropriate evidence base to provide a mechanism by which development allocations can take account of green and blue networks and priorities as required. Assessment on the impact of the overall integrity of the network of blue and green infrastructure is dependent on the scale being considered (fragmentation at a landscape and or site-specific scale) and detail on how this will be assessed is required.

Policy 12(d) should also recognise the *amenity* value of regional and country parks.

Policy 12(h) Development proposals should incorporate and enhance blue and green infrastructure. “Incorporate “could (rightly) be taken to refer to existing green infrastructure. The word “provide” could be added to ensure that these three steps are taken when designing developments. The paragraph could be made clearer to ensure that development design starts from and builds on an understanding of the existing and potential green infrastructure provision and green networks rather than just “taking account of these”. The reference to connections with wider green networks for people and wildlife is supported. This condition would be strengthened if the objective of enhancing biodiversity was directly referenced. The reference to strategic and local scale G and B infrastructure is welcomed, although more detail is required to define these, particularly the importance of landscape scale networks to ecosystem services and the link to policy on ‘nature networks’.

Policy 12(l) requirement for the long-term stewardship of blue and green infrastructure is supported.

### Part 3 – National Planning Policy – Liveable Places – Policy 13 – Sustainable Flood Risk & Water Management

#### Summary – pages 83 – 84

An updated policy on flooding aims to build resilience to future climate change. Proposals on the Future Functional Floodplain will not be supported other than in limited circumstances. New infrastructure must build in flood risk mitigation. Impermeable surfaces are discouraged, and proposals must use blue and green infrastructure where practicable for drainage of surface water.

Q35. Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

In general, no. Policy 13 is very light on detail and must be supported by further statutory guidance. It's not clear if this will be the case. The recent and current approach of 'slimming down' national planning policy is not well suited to flood risk management. Having a 'high level' set of principles is fine, but the approach must be supported by further detailed technical guidance and developers must adhere to this. The former Planning Advice Notes (PAN's) have been withdrawn, are out of date and have never been replaced with the consolidated PAN that was previously proposed. As a result, Perth and Kinross Council has developed its own Supplementary Guidance on Flooding and Drainage, but it is concerning to see that under NPF4 that this will no longer be statutory in nature. The general approach to Planning and Flooding is therefore undermined by NPF4, at a time when the approach to development and flood risk should be strengthened in order to tackle increasing flood risk due to climate change.

The existing SPP risk framework (paragraph 263 of the current SPP) has been removed. This was a useful tool, linking to SEPA's Land Vulnerability guidance document, and should be included in NPF4.

#### Detailed comments

Before giving detailed comments on the draft policy, there are omissions on the following that should be addressed as follows:

##### **Avoidance of flood risk**

The avoidance of flood risk is not promoted at the forefront of NPF4. While it is included, avoidance should be presented as the preferred way to manage flood risk. For example, the first paragraph of policy 13 refers to reducing the vulnerability of existing and future developments. Whilst this is a suitable approach for existing development, avoidance should be the first consideration for any future development.

Land raising is not mentioned within the policy. This is a positive step, however, there is no mention of the consideration of cumulative impacts in relation to flooding, or that piecemeal loss of the functional floodplain is to be avoided.

##### **Links to Flood Risk Management Plans**

There is no mention of how NPF4 will link up with other relevant policies/plans, and, in relation to flooding, Flood Risk Management Plans. These documents contain actions relevant to Planning, such as ensuring national and local policies are implementing to ensure flood risk is not increased as a result of new development.

Both local authorities and SEPA have been looking for ways to strengthen the links between Local Development Plans and Flood Risk Management Plans, however the proposed policy is silent on this. It would be useful to align both sets of plans and to include shared objectives and actions in both and to even align the publication of both in terms of timescales. Flood Risk Management Plans are currently published every 6 years with Local Development Plans moving to a 10 year cycle.

#### **Use of should**

The policy must be strengthened through the use of more appropriate language by replacing the frequent use of 'should' (e.g. "Plans should take into account the probability of flooding from all sources.") with 'shall'.

#### **Specific comments on the policy**

##### **P13a**

The identification of natural flood management measures is a large task and funding will have to be provided to implement it. It is agreed that this is a good idea, but resources and legislation would be needed.

The policy notes that it "should also encourage the use of natural flood risk management to provide wider benefits for people and nature." This is generally accepted, but it is unclear from NPF4 how developers would actually deliver this, as it seems unlikely that they will be able to implement NFM in upstream catchments which will be remote from their development site. It is also unclear how NFM measures would be maintained in the future.

Local authorities can currently promote NFM measures under the Flood Risk Management (Scotland) Act but the process is convoluted and lengthy, the funding streams are uncertain and the benefits (at least in terms of flood risk management) are limited. It would therefore be preferable for NFM measures to be promoted and funded directly in a similar way to the recently announced approach in England to re-wilding farmland.

The policy promotes the use of natural flood management (NFM) but doesn't make it clear what is meant by this, i.e. is this part of wider promotion of re-wilding/biodiversity improvements which can provide multiple benefits, such as carbon capture, habitat creation, etc., and potentially NFM?

The evidence base for NFM is currently not strong, particularly in regard to mitigating high magnitude flood events in larger catchments. It also needs to be considered in a catchment wide approach, as there can be unintended consequences that can actually increase flood risk (such as altering the timings of peak flows in watercourses). This is where NPF4 needs to clearly link with other plans/policies to ensure this happens.

NFM measures (or blue-green infrastructure) can also never be used to justify unsuitable development in areas of flood risk, and this should be reinforced within the policy.

The policy also needs to clarify how the assessment of NFM will be considered, i.e. will existing datasets be used to identify potential areas of suitability (i.e. SEPA NFM maps), or other means?

Natural flood management and blue green infrastructure are mentioned. These measures should only be about managing increasing risk to existing development and the policy should make it clear that this should not be used to justify new, unsuitable development in flood risk areas.



As noted in our general comments, who will be responsible for its long-term maintenance of these features? How would blue green infrastructure fit alongside SuDS adoption, such as Section 7 maintenance agreements?

Sewer flooding is not explicitly mentioned, although 13a does note that flooding from all sources should be considered.

There is an opportunity here to require development to provide betterment in terms of a reduction in flood risk. For example, for new post-development runoff rates should be lower than pre-development runoff rates, particularly in urban areas. This is increasingly important to help mitigate against increasing flood risk in future due to climate change.

The change in emphasis towards strengthening community resilience is welcomed. There is a limit to what the planning system and flood risk management can achieve, and communities must play a part in tackling flood risk.

### **13b**

#### **Future Functional Flood Plain**

This is a change from existing SPP which is currently based on the functional flood plain, defined by the 1 in 200-year flood. The policy proposes that this will now be extended to the estimated 1 in 200-year flood in 2080. This is a positive shift to help further improve resilience against climate change impacts.

However, the policy remains unclear about the increase in flooding due to climate change. While reference is made to SEPA's flood maps, this remains far from clear. Our interpretation is that this refers to the 2080's high emissions 67th percentile scenario. For Perth & Kinross, this means an increase in the 1 in 200-year peak river flow of 35% (Tay catchment) and 40% (Forth catchment) should be applied to identify the future functional floodplain. This is likely to result in a significant increase in floodplain extents.

However, this might also prevent any development (and potentially any re-development) within built up areas protected by existing flood protection schemes unless some clarity is provided around the appropriate standards for those schemes. In the current circumstances, Perth and Kinross Council understand that the appropriate standard of protection is the 1 in 200-year flood plus freeboard.

While the 4th bullet point does note that development can occur within a built up area protected by an existing or committed flood protection scheme there are issues around the standard of existing or proposed flood protection schemes in relation to development (including SEPA's Planning Information Note 4) that require to be clarified. It must be made clear to developers and local authorities what the relevant standards are for flood schemes in relation to proposed development use (in line with flood risk framework/land vulnerability guidance). The policy should also rule out the commencement of any development that does occur behind committed schemes, until the flood scheme is constructed and is fully operational.

Scottish Planning Policy 2014 referred to but did not define what an appropriate standard flood protection scheme was. This omission should be addressed in NPF4. The policy should refer to a committed flood protection scheme of an appropriate standard and go on to define this so the policy intention is clear. At present, the appropriate standard of protection is a minimum of 1 in 200-year flood plus freeboard. Whilst this issue was considered at the Perth and Kinross LDP Examination in 2019, and the LDP's interpretation of Scottish Planning Policy was supported by

the Reporter, SEPA have not subsequently revised Planning Information Note 4 which is contrary to Scottish Planning Policy. There is some doubt remaining on the policy intention since the draft NPF4 does not mention a committed flood protection scheme **to the appropriate standard**, nor does it define it.

Very few (if any) new flood schemes are likely to be built to the future functional floodplain standard (if this is indeed proposed to be the 1 in 200 year plus freeboard plus climate change using the high emissions 67th percentile scenario). If this is the intention, then it would have an impact on potential redevelopments to higher vulnerability land uses and the development of existing gap sites. While Local Authorities may strive to provide FPS's with a greater standard of protection, they will find it extremely difficult to achieve the standard that NPF4 may be promoting. Perth and Kinross Council agree that climate change needs to be taken into account. The Council's current approach to new residential development is to set floor levels 600mm above the peak flood level corresponding to the 1:200 year + climate change flood event (the peak river flow being increased by 20% to allow for future climate change). The key is that this approach deals with climate change through development design rather than through the standard of protection offered by the flood scheme. Climate change can be addressed just as effectively and more achievably through development design and Perth & Kinross Council successfully argued that this approach was in line with Scottish Planning Policy at LDP Examination. The Council's approach provides equal protection, if you take SEPA's and potentially NPF4's approach (FPS needs to include for climate change whilst for the Council this can be achieved through finished floor levels). There is no difference between SEPA and Perth and Kinross Council's standards in terms of acceptable exposure to flood risk for new residential properties.

The Perth and Kinross LDP examination concluded on 11 July 2019, and the Reporter agreed with Perth and Kinross Council that climate change could be addressed through development design (including raised finished floor levels). The Reporter stated, 'the proposed plan is consistent with the National Planning Framework and the strategic development plan. It accords with the provisions of the Scottish Planning Policy and reflects the Scottish Governments planning advice on flood risk.' The Reporter in their conclusions also clearly states, "I fully acknowledge the planning information notes and guidance produced by the Scottish Environment Protection Agency. However, I am required to determine whether the proposed plan takes account of the National Planning Framework, is consistent with the strategic development plan and has regard to guidance produced by Scottish Ministers." This confirms that SEPA Planning Information Note 4 is currently contrary to Scottish Planning Policy. It is necessary to clarify this matter in NPF4 by referring in policy to and defining what an appropriate flood protection scheme is. This would then hopefully trigger an update to SEPA Planning Information Note 4.

The assessment of the residual flood risk behind flood schemes will also be a costly exercise for local authorities and/or developers (requiring them to carry out an assessment of the risk of flood defences being breached or overtopped by water).

Also whilst the Council generally agrees with the proposed policy approach to restrict development in the future functional flood plain unless the site is within a built-up area it is suggested that the text in bold is added to the following bullet 'the site is within a built-up area **or is an important component of the Development Plan settlement strategy and has protection from an existing or committed flood protection scheme of the appropriate standard**'. The FPS should not be designed to protect new areas to allow for development, however where areas are incidentally protected and where they are the best sites overall in terms of Strategic Environment Assessment then there will be occasions where these are appropriate locations for development despite being outwith the existing built-up area.

A definition as to what a built-up area is should also be included to remove any doubt around this.

There is no mention of stilted/elevated construction. Does this omission reflect SEPA's recent policy statement on the acceptability of this, under certain circumstances? If so, these suitable scenarios should be set out in NPF4.

Under the listed exceptions (2nd bullet point), this should be clarified to mean that ground floors can be sacrificial/flood resilient (e.g. in garage/storage areas), and/or that all finished floor levels should be elevated up above future flood levels plus an allowance for freeboard. The latter is also in accord with Perth & Kinross Council's current guidance (which requires floor levels to be set above the 1 in 200-year flood level plus a 20% climate change uplift plus 600mm freeboard).

Under the listed exceptions (4th bullet point), access/egress requirements will be difficult as during more extreme flood events, being able to travel is almost impossible. The policy should clarify what level of access/egress is required (pedestrian only, or for vehicles and emergency vehicles?).

Under the listed exceptions (5th bullet point), flood-resistant and resilient materials and construction methods are noted. There are difficulties resourcing this assessment and gaining consideration of building standards teams during the planning application stages. If it is left solely to planning system and the monitoring of a condition (as sufficient details will not be available at the planning application stage) then it will not be effectively implemented. This will require changes to Building Standards as it is not possible to enforce this through Planning. This is a technical standard, and its place is within building regulations. It is considered that the role of the planning system on this issue should be an awareness raising and supporting one, highlighting the building standards regulations which will apply.

Under the listed exceptions (6th bullet point), the policy must clarify how this will be implemented via the Planning process and to what extent should development proposals be adaptable for future climate change?

### **13c**

As per the existing SPP, small-scale extensions are again excluded. While this is understood, the text states "provided they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems." This may still require a flood risk assessment to be carried out to identify the impact. Realistically, any development within the (future) functional floodplain will have an impact on the local flood risk.

### **13d**

There is no definition in the glossary of the terms "Most Vulnerable" or "Civil Infrastructure" – both should be clarified. Presumably this assumes the reader is aware of the existing SPP risk framework/SEPA Land Vulnerability guidance?

Reference is made to the "functional floodplain". This should be amended to "future functional floodplain" to be consistent with the rest of policy 13.

### **13e**

First bullet point - the principle of this is accepted, as it could contribute to reducing overall flood risk, however it may also create the potential for unsuitable development. The policy should

clearly state that buildings should be designed to be free from surface water flooding. The standard of surface water flood risk should also be clearly defined.

The second bullet point does not support development proposals that increase discharge to the public sewer network. Flood sensitive watercourses and roads drainage systems should also be included in this.

Policy requires that development should not be supported where the design for surface water drainage and ground water drainage increases discharge to the public sewer network. However the implementation of this policy would be impractical within city centre areas. In urban areas, all potential means of dealing with surface water flooding must be pursued. Scottish Water must be encouraged to improve their sewer networks (which are only designed to cope with a 1 in 30-year storm event) and to use them to contribute to the drainage of urban areas. Very often there are no available alternative means of draining such areas.

This will prevent opportunities for brownfield sites to minimise discharge to pre-development greenfield rates or a significant reduction in flood risk.

The definition of flooding within NPF4 excludes sewer flooding. The definition should be altered to include it.

The third bullet point is not clear. The potential for a negative impact is understood, but we are concerned that unsuitable development (in terms of flood risk) could be justified on the basis of providing other blue green infrastructure (which remains undefined). It would be preferable to ensure that the drainage system at least has a neutral (or positive) impact.

### **13f**

The policy refers to minimising the area of impermeable surface. This should be clarified as it is not enforceable. This would require a change to permitted development rights to ensure we minimise the area of impermeable surface.

This could lead to an increase in permeable paving being put forward, but many Roads Authorities have issues with this. This could also lead to maintenance issues.

At the second bullet point, the text 'adequate' should be clarified. The policy should state a minimum standard (such as the 1 in 200-year flood plus an increase to allow for future climate change).

The term 'wherever practicable' should be deleted as SUDS are a requirement for any development greater than a single dwelling.

The policy neglects to mention Section 7 maintenance agreements in relation to SUDS.

### **13g**

The policy for public water supply could benefit from clarification. It seems that the intention is that private water supplies should generally not be supported even where a sustainable and consistently safe supply (taking account of climate change) can be demonstrated. It is unclear why exceptional circumstances are required to justify a private supply if it is a sustainable and consistently safe supply, and what these exceptional circumstances would be. The following is suggested as alternative policy wording 'All new developments must be served by a satisfactory mains or private water supply complying with the Water (Scotland) Act 1980 and associated

Private Water Supply Regulation. Development proposals within or near an area served by Public Mains water must connect to this supply. Where connection to the Public Mains water supply is not feasible it will be the responsibility of the developer to demonstrate that the private water supply to a new development is consistently safe to use for drinking and hygiene purposes, will not prejudice any existing users of the water supply, will be resilient to periods of water scarcity and in line with the above act and regulations.'

The policy must be strengthened through the use of more appropriate language by replacing the frequent use of 'should' (e.g. "Plans should take into account the probability of flooding from all sources.") with 'shall'.

### **13h**

Under some circumstances, natural flood management can increase flood risk (due to the reconciliation of peak flows in tributaries or introducing woody debris into watercourses which creates a risk of blockages) so any proposed measures have to be assessed on their merits. Any development proposals should be informed by a flood risk assessment as a minimum and should also be linked to the relevant flood risk management plan. We would therefore propose the text here be amended to "... should be supported, where appropriate".

### Part 3 – National Planning Policy – Liveable Places – Policy 14 & 15 Health, Wellbeing & Safety

#### Summary – page 85

A new policy on lifelong health and wellbeing aims to create healthier places and requires a Health Impact Assessment of any proposals considered likely to generate significant health effects. Development that will significantly adversely affect air quality or generate unacceptable noise is not supported. Local food growing is encouraged.

#### Q36. Do you agree that this policy will ensure places support health, wellbeing and safety and strengthen the resilience of communities?

The policy is generally supported, specifically the aim to support health and wellbeing through planning policy. Better interaction with the public health body would support this approach. However, improved structures of communication are required to assist with the aim of this policy. The NHS is at tipping point in terms of its own infrastructure and the hope that planning can resolve this issue seems a bit naïve. Gaining clearer regularly updated data as to surgery capacities would help but we cannot determine whether surgeries will be able to recruit health professionals and often this is an issue in rural areas. So, creating linkages may help us to understand existing situations but it is very difficult to forecast what is likely to happen in terms of public health care.

There should be further linkages to equality and the influence design has on a sense of safety. This sense of safety has a direct impact on mental welfare and the policy is not clear enough on the correlations. Often, poorly design spaces, with busy roads and inaccessible services exacerbates mental health issues. This approach to the safety policy is not really covering the full remit of safety and just a way of joining the two issues together without much consideration for the linkages. If you want children & young people to grow up to be healthy, I think there is more to it than simply saying that they need to have access to a doctor and not be placed near a military zone.

#### Detailed comments

Policy 14(a) requires partnership working. The role of planning is often overlooked by other sections of local authorities. A culture change is required for better working relationships between the relevant sections of the council.

Policy 14(b) requires further definition of what a significant adverse health effect is.

Policy 14(e) refers to food growing spaces which can be related to improving health. However, linkages should be made to other relatable and inter-linked policies on open space, blue & green infrastructure, recreational facilities etc. Is this the best positioning for this aim?

### Part 3 – National Planning Policy – Productive Places – Policy 16 – Land & Premises for Business & Employment

#### Summary – pages 86 – 87

Updated policy on business and employment requires development plans to identify employment land, and supports business development as well as alternative ways of working and micro-businesses

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

**Response** – Perth and Kinross Council seeks amendment of Policy 16, as NPF4 should also provide policy support to protect existing employment use sites and buildings, and there should also be direction given to ensuring Local authorities have an effective employment land strategy. At the moment the policy does not sufficiently support businesses and investment as it does not ensure there are serviced ready opportunities identified in the Local Development Plan, or a strategy to provide them cross funded by housing development.

NPF4 should require Local Authorities to set out a delivery plan for their economic land strategy which covers:

- identification of economic development sites where there is programmed public sector intervention
- identifying an appropriate cross funding planning policy for the provision of serviced employment land and/or buildings alongside housing development to ensure we help deliver balanced mixed-use communities

To achieve the Scottish Government’s strategy and vision we need a consistent approach set out by Scottish Government for analysing and evidencing the effectiveness of the Local Development Plan (LDP) employment land and economic strategy.

Due to market conditions and the often marginal nature of developing opportunities for employment uses developers are sometimes asked to cross fund the provision of serviced employment land or buildings alongside housing development to ensure we help deliver balanced mixed use communities. NPF4 should have a policy which helps support this approach and which requires LAs to have a strategy which delivers serviced employment land and supports economic development opportunities. Identifying sufficient land for employment uses in our Local Development Plans, even if they are in the right location they will not necessarily deliver the opportunities needed, we need to focus on serviced plots which are development ready. This would also help deliver the 20-minute neighbourhood (ensuring that there are employment opportunities within larger new residential areas).

In terms of retaining existing employment uses (class 4, 5 and 6) these are typically under pressure for conversion to more profitable uses either once a business leaves or by an existing business to try to secure uplift in value. If we are to succeed with 20-minute neighbourhood policy, the retention of employment uses within existing residential areas (where possible) is part of the solution. There will be situations where after marketing the existing use is not viable but there will be others where its loss is avoidable and detrimental. NPF4 should provide policy

support to protect viable employment uses and identify when it is appropriate to consider alternative uses.

It is noted that whilst there should be policy support for homeworking, live-work units and micro-businesses this needs to be achieved in a way that does not undermine the Town Centre First approach. This needs to be clarified, and policy the linkage made.

#### **Detailed comments**

To inform this approach NPF4 should review the role of business land audits and consider the extent to which they link with local economic strategies. This was mentioned in the Position Statement but has not been clarified in the draft National Planning Framework 4 nor has the role for demand assessments.

Scottish Government should:

- require a local economic strategy is undertaken regularly to inform reviews of the Local Development Plan
- clarify the basic methodology of business land audits, demand assessment, and local economic strategies to ensure a consistent and robust evidence base. The economic land strategy needs consistent methodology to forecasts needs, demands, as well as opportunities and threats (such as overreliance on a market sector or company).
- identify criteria to assess whether the LDPs employment land supply is effective and its economic strategy deliverable

As part of this review of business land audits and demand assessments there is a need for Scottish Government to provide a consistent methodology for how Local Authorities determine employment land needs, demands and threats/opportunities. There is significant guidance on assessing and defining housing land requirements, but this does not exist for employment land. Addressing this imbalance would help provide a robust local and national evidence base which would support the strategy to build a wellbeing economy that benefits everyone, and every place, in Scotland.

Historically there have been more significant needs/demands for serviced employment land or buildings than there has been public sector capacity for intervention to address market failure. Without sufficient supply of relatively deliverable opportunities (serviced sites or buildings) or retaining sufficient existing buildings/spaces for these uses we do not necessarily know or understand what the demand could be and what opportunities we are missing out on.

Also there is a need to consider fiscal and grant regimes for reinvestment in our existing supply as the current focus is on areas of greatest disadvantage and need, and this needs refresh within the context of changing digital, workplace and manufacturing/ industrial/commercial practices.



### Part 3 – National Planning Policy – Productive Places – Policy 17 – Sustainable Tourism

#### Summary – page 88

A new policy on sustainable tourism supports growth of the sector in a way which manages impacts on local communities. A new policy to manage short term holiday letting is introduced, and existing facilities which have a viable use are protected.

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

Welcome the overall principle to support tourism facilities/accommodation but this policy seems to be focused primarily on mitigating the impacts of tourism and not generating sustainable tourism that is aligned with the net zero agenda.

#### Detailed comments

Overall, more is needed on what proposals need to include to make them sustainable e.g. should holiday accommodation be held to same standards as mainstream housing? How should tourism businesses be required to link to sustainable transport, waste management, carbon reduction, improved environmental resilience, energy efficiency etc?

b) Welcome the overall principle to support tourism facilities/accommodation but an additional policy criterion should be added noting that all proposals under Policy 17b will be required to ensure compliance with all other relevant planning policies as part of the consideration of the overall principle of the development.

c) Question the extent to which burdening new development with the alleviation of an existing problem complies with the Circular.

d) Note that a definition is included in the glossary for huts but it is unclear whether this only relates to huts for personal use or if it includes huts as a form of holiday accommodation which may raise different issues.

e) Support the inclusion of short-term lets but it is not clear how this interacts with Short Term Control Areas and whether this policy criterion can be applied to areas not identified as a control area. More clarity is required in relation to the justification of what is an 'unacceptable impact', and the inclusion of criteria on how a planning authority is to measure whether a loss of residential accommodation can be outweighed by local economic benefits would be helpful e.g. whether there is a surplus of houses of a particular size / type, whether the house has been vacant for a period of time etc. or alternatively a direction to authorities to set out such criteria in their LDP.

f) Specific terminology on what constitutes 'tourism-related facility' will be important in implementing this policy.

g) Should refer to sustainable tourism or climate change.

### Part 3 – National Planning Policy – Productive Places – Policy 18 – Culture and creativity

#### Summary – page 89

A new policy on culture and creativity recognises the importance of the sector and requires proposals to make provision for public art, encourages creative and cultural uses, protects existing venues, and reflects the agent of change principle.

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

Overall, this is a supportive policy and the principle of having a criteria-based approach upon which to assess development proposals for alternatives away from arts and cultural uses is welcomed.

More could be made of the positive contribution these facilities make to communities in which they are located.

### Part 3 – National Planning Policy – Productive Places – Policy 19 – Green Energy

#### Summary – page

Updated policies on green energy support renewable energy development other than in national parks and national scenic areas, subject to an assessment of their impacts on a case by case basis. Repowering of wind farms, small scale generation, negative emissions technologies and solar energy should be supported. Criteria for assessing proposals are set out.

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

**Response** – The requirement to support the deployment of green energy as part of the net zero is recognised, with land use planning playing a significant role. Policy 19 has incorporated an updated approach to green energy developments from the previous SPP policy, taking a more facilitative approach including removing the requirement for planning authorities to prepare a spatial framework for wind. In light of the updated approach, it is considered that Policy 19 requires to be worded so that all relevant considerations are appropriately assessed and given due weight in the decision-making process. Whilst it is recognised that planning authorities have a role to play in maximising opportunities for the deployment of sustainable green energy, careful planning is required to ensure that an appropriate balance is struck which includes ensuring environmental and other considerations are appropriately considered. Various clarifications, amendments and additions are included in the detailed comments section to support a strengthened policy for green energy which will assist planning authorities and other decision makers in enabling these types of developments in the right place and at the right scale.

#### Detailed comments

##### Policy 19

General support for the overall policy to facilitate the continued deployment of, and transition to, green energy. Decarbonising and decentralising the energy grid will continue to play a key role in facilitating the transition to a net zero future. With the Scottish Government expectation that onshore wind is likely to play a significant role in the expansion of the energy grid – both through repowering and new facilities – careful planning will be required to maximise opportunities for deployment (particularly repowering) in the right locations and at the right scale, whilst at the same time ensuring appropriate environmental protections are in place.

##### Policy 19 – Spatial Framework for Wind

There is disappointment that the previous requirement for spatial frameworks for wind with associated criteria hierarchy has not been carried through into NPF4. The current Spatial Framework for Wind provides a nationally-consistent framework that provides a strategic steer in terms of the relevant environmental/social considerations that will be required to be taken in account. The considerations listed under Policy 19K go some way towards addressing this, but decision making would be more robust if these criteria were accompanied by the strategic targeting of suitable sites via a comprehensive strategic spatial framework which would allow for the application of a consistent approach. Policy as currently reads likely to result in carte blanche approach by developers and an increase in appeals. It is considered that capacity studies will be critical in this regard.

It is not clear how existing locally developed policy and guidance (e.g. Supplementary Guidance) which is cognisant of current policy (SPP) will sit in relation to the emerging draft NPF4 policy and what status this has.

Policy 19(a)

How will a local authority monitor/evidence what the 'full potential' will be for electricity and heat being delivered through renewable sources? The industry will define how and where developers will wish to deliver sites based on market conditions however this does not necessarily reflect environmental sensitivities on the ground which will be a key component for decision-making for local authorities and communities particularly where the scale of anticipated additional onshore wind uptake (as per draft Onshore Wind Policy Statement) is significant.

Policy 19(b)

Whilst the 'in principle' status is supported there should be specific reference to the detailed considerations included under Policy 19k.

Policy 19(c)

This is supported and should be extended to discourage wind farms that are not located within, but will adversely impact on the qualifying features of, National Parks/National Scenic Areas, principally in terms of visual/landscape impact.

Policy 19(d)

The wording '*unacceptable*' is also a term that will require clarification/further guidance in terms of the test in which planning decisions will be based, otherwise there will be discrepancy across planning authorities as to how this is applied which will detract from a consistent basis from which decisions are made.

Further detail is required to understand what is meant by 'recognising the sensitivity of any other national or international designations'. Consideration of other designated areas of wild land and carbon rich soils, deep peat and priority peatland habitat should be added as national and international designations.

Policy 19(f)

Similar to comments on Policy 19b, this sub-policy should be expanded to include reference to being subject to detailed consideration against Policy 19k.

Policy 19(g)

Further clarification would be welcomed in relation to the term 'areas identified for wind farms'. Does this apply only to consented sites, and/or sites identified in spatial policy/landscape capacity studies?

Policy 19(h)

This is supported. Any proposals for carbon offsetting should follow natural solutions in the first instance and within the confines of the site where possible, unless justified. Any decarbonisation strategy should detail the specific offsetting measures to be applied including consideration of construction, operational and decommissioning/restoration phases, and monitoring strategies. As with other draft NPF4 policies, this developing policy area will require adequate resourcing and upskilling of planning authorities with specific reference to the requirements surrounding decarbonisation strategies.

#### Policy 19(j)

Specific reference should be added to this sub-policy on landscape/visual impacts.

#### Policy 19(k)

The introductory statement should explicitly state: 'development proposals for renewable energy developments must take into account *and ensure no unacceptable impacts in relation to*'. This aligns with the current wording of Policy 19d where unacceptable impacts are referenced.

#### Policy 19(k) (greenhouse gas emissions)

This should specifically reference *net* greenhouse gas emissions including consideration of any anticipated GHG emissions as well as effect on emissions reduction targets.

#### Policy 19k (Cumulative impacts)

A standard threshold for cumulative visual impact assessment needs to be clear to avoid adverse impacts on landscape and scenic quality. Cumulative impacts should involve a standardised approach to cumulative visual impact assessments, which includes clarification on the role of existing landscape capacity studies.

Clarity on the assessment of cumulative effects is required – is this defined by impact in combination with other existing windfarm developments in term of consideration of valid applications which have not been determined.

#### Policy 19(k) (impacts on communities and individual dwellings)

Clarity sought on the 2km community separation area around cities, towns and villages based on landform and other features which restrict views out from the settlement.

#### Policy 19k (landscape and visual impacts)

This should specifically reference National Scenic Areas, wild land areas and locally designated landscape areas.

#### Policy 19k (natural heritage)

This should specifically reference protected species and nationally/locally designated sites.

Policy should be aligned with policies for proposed nature networks and strategic blue and green infrastructure to avoid fragmentation of landscape scale ecosystem services.

#### Policy 19k (carbon rich soils)

This should specifically reference peatland and prime agricultural land as well as carbon rich soils as a general *soils* criterion.

Reference to carbon rich soils should be expanded to include priority peatland habitats, deep peat soils (Class 1, 2 and 5).

#### Policy 19k (historic environment & cultural heritage)

This should be expanded to include sites identified in the Inventory of Gardens and Designed Landscapes and Inventory of Historic Battlefields.

#### Policy 19k (tourism & recreation)

Clarity is required to define impacts on accessible recreation and tourism assets.

#### Policy 19k (water environment)

This should specifically reference impact from, as well as impact on exacerbating, flood risk. Additional reference should be made to national flood management, impact on groundwater quality, water abstraction for agriculture and wetlands.

#### Policy 19k (conditions in relation to decommissioning/restoration)

With the aim of wind farms being suitable for use in perpetuity, it would be helpful for consideration of how the windfarm could be renewed at end of current life in planning conditions, to avoid future disturbance to carbon rich soils, wasted embodied carbon of assets, etc.

#### Policy 19k (Woodland & Forestry)

An additional criterion should be added seeking consideration of impact on existing woodland and forestry in terms of biodiversity (linked to natural heritage criterion), recreational interests, and carbon sequestration/net carbon implications.

#### Policy 19 – other comments

Section 3F of Climate Change (Scotland) Act 2009: It appears that the previous requirement for low and zero carbon generating technologies as per Section 3F of the Climate Change (Scotland) Act 2009 is not included as part of the draft NPF4 either through Policy 11 or Policy 19. Clarification on this point is required.

Energy Storage: Further policy coverage on energy storage would be welcomed to support proposals where energy storage is part of a combined energy scheme alongside generation and associated infrastructure. There is the potential for linked energy generation/storage proposals resulting in a net lesser environmental impact if these are developed in tandem and without the need for separate sites to be identified thereby requiring less landtake for associated infrastructure.

Technology in buildings: it is considered there should be further coverage of building level green energy technologies. In particular the approach to historic environment assets and the role of

green technologies should potentially be reviewed. For example, solar PV is one type of technology that could support a historic building meeting future EPC targets however there are restrictions around what is considered to be acceptable in this regard. A holistic approach balancing the various interests may be needed and reflected in planning policy.

Further clarification is required to define 'low carbon fuels' as this has multiple definitions.

Further clarification is required over size thresholds for 'small scale' etc.

NPF4 Data Atlas: Clarity on the layer for wind spatial framework in the NPF4 data atlas is required. The Wind Turbine Framework (2020) appears to be existing group 1 and 2 areas as defined in Table 1: spatial framework for onshore wind for specific local authorities only. PKC LDP2 contains a similar spatial framework and a DRAFT version of Renewable and Low Guidance that contains an additional spatial representation of locally defined strategic level sensitivities that are not represented in this evidence and/or not reflected in the proposed policy within NPF4.

### Part 3 – National Planning Policy – Productive Places – Policy 20 – Zero waste

#### Summary – pages 92-93

An updated and expanded policy on zero waste requires plans to identify locations for new infrastructure and supports development in line with the waste hierarchy. Landfill and energy from waste proposals will only be supported where there is a demonstrable need and waste heat and / or electricity generation is included.

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

This policy could go further, the zero waste policy should require developers to consider the full lifecycle of the building at the development stage, so buildings are flexible, adaptable and if they need to be decommissioned/demolished that can easily be done.

Including the proposed lifespan of the development and encouraging longer life buildings will lead longer term to a significant reduction in waste

#### Detailed comments

Policy 20(a) it will be difficult to identify sites without details of what is proposed and any potential emissions.

Policy 20(c) should apply to all development categories including local developments. It's unclear why the category of local developments has been excluded

Policy 20(i) it will also be hard to identify sites in absence of specific proposals because the environmental assessment will be too difficult and the costs of doing so may not be proportionate. Query that there appears to be some duplication of the SEPA role.



### Part 3 – National Planning Policy – Productive Places – Policy 21 – Aquaculture

#### Summary – page 94

An updated policy on sustainable aquaculture supports industry needs whilst taking into account wider marine planning. Requirements to assess impacts are set out including operational effects, siting and design of cages and land based facilities

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

**Response** – Perth and Kinross Council has no comment to make on this question.

#### Detailed Comments

### Part 3 – National Planning Policy – Productive Places – Policy 22 – Minerals

#### Summary – page 95

An updated policy on minerals requires plans to identify a 10 year land bank at all times, safeguards resources and sets out criteria for assessing proposals for extraction. Extraction of fossil fuels is not supported other than in exceptional circumstances that are consistent with national policy, and the policy confirms the Scottish Government’s position of no support for the development of unconventional oil and gas in Scotland.

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

This policy builds on the provisions of the adopted local development plan policy. There are no sites for fossil fuel extraction nor for development of unconventional oil and gas in Perth and Kinross.

Turning to mineral extraction, firstly the policy should not omit consideration of areas of valuable geodiversity; and secondly the reference to a standard approach for financial guarantees for restoration and aftercare will maintain the existing supplementary guidance provisions.

#### **Detailed comments**

Restoration of mineral extraction should explicitly address the requirement to assess and retain areas of valuable geodiversity. While such assets should not limit extractive activity, such activity provides opportunities for essential historic, education and scientific resources to be revealed and retained for future generations.

### Part 3 – National Planning Policy – Productive Places – Policy 23 – Digital infrastructure

#### Summary – page 96

An updated policy on digital infrastructure requires proposals to incorporate appropriate, universal and future-proofed digital infrastructure. New services and technology in areas with no or low connectivity are supported.

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

Overall, yes this national policy is supported as it provides a positive policy framework against which proposals for the delivery of digital infrastructure may be assessed.

There is no need to repeat this policy support in Local Development Plans if it is becomes adopted at the National level.

**Summary – page 97**

An updated policy on city, town, commercial and local centres aims to support lower carbon urban living. Out-of-town development including new retail is not supported and the policy supports development which diversifies and strengthens city, town and local centres whilst seeking to avoid the clustering of certain developments that can have negative impacts on communities. A town centre first assessment is required for all uses that generate significant footfall. Town centre living is supported provided residential amenity can be achieved and commercial uses are demonstrated to be no longer viable.

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

**Response** – It is agreed that the policies identify some of the criteria that influences where conversion to residential can be appropriate, and that it recognises the importance of neighbourhood centres to the 20 minute neighbourhoods, and it is good that it mentions click and collect locker points. However in this time of significant change it is considered that these policies do not provide enough context, direction, or guidance on when/how to retain town centre uses when the market is in a state of flux, and how to successfully manage any retreat to a smaller core town centre.

**Detailed comments**

It is unclear why the principles in the policy 26 town centre first assessment are not meant to apply to retail development. It appears that policy 25 is against all out of town locations for retail of a scale that generates significant footfall (regardless of the retail catchment's capacity needs, and if there is a lack of suitable town centre, edge of town centre, or commercial centre opportunities). This does not appear pragmatic, and it is not clear why other significant footfall uses are subject to different considerations than retail. There is a need for further policy explanation on how this approach for retail is meant to be applied. Also clarification is needed as to what scale of retail this approach applies to, by defining retail of a scale that generates significant footfall. Also definitions for edge of centre and out of centre locations are needed.

NPF4 should also add policy guidance and principles on issues such as:

- the potential negative impact that introducing residential units to the heart of certain commercial and retail areas (which extends beyond being within the same structure) can have on businesses and cultural venues and events (who may then be required to curtail the way they operate)
- transitioning towards identifying smaller (sustainable) centres
- where residential can be appropriate - encouraging local policies which perhaps acknowledge when active uses within ground floor properties might no longer be possible such when as the vacancy rate exceeds 10% for a certain period of time, and when the existing business is not viable and it has been marketed for a reasonable period for a reasonable price (Angus LDP example)
- clarifying how to provide support for night-time economy
- clarifying sustainable transport options
- clarifying what constitutes suitable residential amenity within residential conversions

- considering the appropriateness of new housing development forms with principles on how/where balcony provision and how/where private/semi-private/communal outdoor spaces could and should be carefully designed into higher density town centre living

Clarification on these policy guidance and principles is needed to provide a consistency of understanding and approach to the issues albeit with enough flexibility for local authorities to be responsive to their local situation. NPF4 needs to be pragmatic about the future whilst guarding against a short-term approach since sectors should hopefully rebound somewhat in the medium to long term. However, the least significant scenario is still likely to include some long-term structural changes to our centres arising from habit forming consumer behaviour changes. National policy principles alongside clarifying what Scottish Government support there is for existing city/town centre uses is important with consideration as to how the picture might evolve over the short to long term.

There is a need to ensure that the transition is as painless as possible by identifying what Scottish Government support there is to address and support town centre uses and where necessary replacement uses. A NPF4 evidence report which provides evidence on national trends and projections would help provide focus for Local Authorities and reduce duplication of effort. It is critical that consumer expenditure patterns and behaviour are included as a means of analysing market change and distribution to inform future public and private investment.

If as proposed residential development is going to be a significant part of the solution there are significant challenges to encouraging private housing investment for new build or conversion within town centres as this is a very subdued market. It is hard to imagine it becoming particularly active without substantial public sector assistance or change in fiscal regimes. It isn't the same high value market particularly in smaller towns or rural areas and it doesn't carry the same cache as city centre living. There are also typically a lot of listed buildings, and older buildings with poor energy efficiency, with high conversion/maintenance costs and there is also much underutilised space particularly on upper floors. For gap sites, contamination and archaeological constraints are common, and land assembly can be an issue due to complex historic titles and rights. Development costs can be quite high whilst the premium values of a city centre are not there. Scottish Government funding programmes linked to planning policy and guidance to ensure good quality conversions/development in the right locations/circumstances would greatly assist.

Scottish Government funding programmes are mainly focused on affordable housing. Whilst this will help bring affordable housing forward for a balanced community within our town centres there is a need to assist the middle part of the market. There is also a need for planning guidance to ensure we deliver high quality conversions with appropriate amenity in the right locations. There is a need to deliver higher levels of public and private amenity to make them attractive places to live and spend time in. Town centre living can be the best of both offering amenities and services and access to rural recreation close by. However, with people valuing gardens and open spaces we need to address this aspect where possible. If we focus on ensuring we deliver robust high amenity town centre living accommodation this should help encourage more sustainable, lower carbon lifestyles and also support existing town centre uses. This should also make town centres more viable and desirable so that longer term it requires less public sector assistance and is more robust.

### Part 3 – National Planning Policy – Distinctive Places – Policy 28 Historic Assets & Places

#### Summary – page 100 – 101

An updated policy on historic assets and places aims to safeguard valued historic assets and places including listed buildings, conservation areas, scheduled monuments, historic gardens and designed landscapes, battlefields, and World Heritage Sites. Demolition of buildings with historic value is not supported. Proposals to sensitively repair, enhance or bring back into use buildings at risk are supported.

#### **Q46. Do you agree that this policy will protect and enhance our historic environment and support the reuse of redundant or neglected historic buildings?**

In general, the highest proportion of historic environment assets, that we live in, work next to or walk past – undesignated archaeology/heritage – are not fully represented in this section. Without legal protection, these are the most vulnerable assets and by not clarifying this in the document and ensuring it is clear to all parties, may lead to potential loss and damage of this finite resource. Additionally, this policy is weighted towards the Historic Built Environment and Designated assets and does not make satisfactory reference to archaeology or undesignated assets. This is reinforced by the fact that Q46 at the end of the section includes explicit reference to only to historic buildings.

Further emphasis on the importance of historic assets could be made in terms of health and wellbeing. Why do we want to preserve these features? It's because people want to live in them/around them. House and land value is generally higher in areas viewed as historically significant. Businesses flourish in these places as there is a healthy influx of visitors, interested in the historic setting. We need to celebrate and demonstrate the value of preserving and enhancing our historic assets – see them as a positive asset rather than a restrictive one. We need to demonstrate the economic value of this historic placemaking whilst allowing for growth and improvements.

#### **Detailed comments**

Policy 28(b) there is no mention of the current Scottish Government PAN2/2011. This detailed document is the backbone to historic and archaeological policy and should be referenced here. The HES Managing Change guidance does not seem to fit in this section, given it is not a policy document and other guidance particularly from bodies such as ALGAO and LAA's that steer the historic environment planning system and decision-making process is also excluded.

Policy 28(m) as mentioned in our overarching comments this section should include the primary resource of all historic environment assets, the LAA's Historic Environment Record (HER).

Policy 28(n) discusses enabling development for assets or places otherwise unacceptable. It is worth noting that in some cases unknown undesignated archaeological remains may be discovered in the early stages of development that are deemed of national significance. Provision should be made for including archaeology in this discussion as it reads as very building specific.

Policy 28(o) is a very narrow view of what development archaeology consists of and as such should be widened to incorporate the other aspects of development control archaeology – i.e. Standing Building Survey, Heritage Impact Assessments, outreach and public interpretation etc. Also, development may occur in an area without any historic assets but given various factors -

setting, historic context etc., will be considered as having potential for unknown archaeological remains to exist. As touched on above in 3-Section N, these assets will be new and dealt with through the planning system, and as such appropriate provision and protection must be made to ensure they are adequately resourced and enforceable throughout the project.

Policy 28(p) is too simplistic and fails to adequately cover the archaeological planning process. It appears to be concerned with unexpected/unknown archaeological discoveries although it doesn't explicitly state this. Clarification on this section is required. Additionally, it needs to have stronger wording: '...**should** be reported to the planning authority' would need to be replaced with '...**must** be reported to the planning authority'.

### Part 3 – National Planning Policy – Distinctive Places – Policy 29 – Urban Edges & the Green belt

#### Summary – page 102-103

An updated policy on urban edges and the green belt aims to protect countryside around cities and towns and limits the circumstances where green belt development can be acceptable to specific uses.

#### **Q47. Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?**

This policy appears to be more prescriptive than some others and the extent to which authorities will have the scope to vary requirements and identify area-specific criteria is questioned.

Question whether this section should instead sit within 'Rural Places' as part of a tiered approach with green belts as the most heavily restricted area (see also comments under 'Rural Places').

#### Detailed comments

b) Question whether the intention is that this policy will effectively replace existing LDP policy or whether Authorities will have the scope to alter the criteria under b), e.g. under the first bullet LDPs should not support unless it is 'development associated with...' but the current PKC policy is stronger in that it only allows development where 'it can be demonstrated that the development is essential for....'

Also under the first bullet, development not supported unless for 'retired workers where there is no suitable alternative accommodation available' – question what provision can be made to stop houses subsequently being sold off on the open market e.g. when retiree dies or moves elsewhere which then leads to pressure for a further house for the succession to the next generation. This could be done by restricting the occupancy, but the Scottish Government have previously directed against the use of such restrictions. There is also a need for location criteria e.g. where it is demonstrated that the best possible site has been chosen.

Bullet nine – note that a definition of 'historic environment assets' and 'cultural significance' are included in the glossary, but these are not particularly user-friendly. PKC green belt policy refers to the housing in the countryside policy category 5 which allows the conversion or replacement of traditional non-domestic buildings. Traditional is defined as 'buildings usually constructed before 1919 of materials which would have been available in the local area at that time, largely stone (with or without harling) and slate'. It is suggested that this is a clearer and less subjective approach.

Bullet ten – question why this is restricted to houses currently in occupation. There are many reasons why a building may have become vacant, and this needs more guidance on time periods and reasons.



### Part 3 – National Planning Policy – Distinctive Places – Policy 30 – Vacant & Derelict Land

#### Summary – page 104

An updated and expanded policy on vacant and derelict land and empty buildings encourages re-use of land and buildings and discourages greenfield development unless there are no suitable brownfield alternatives.

#### **Q48. Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?**

##### **Response –**

Overall policy approach is welcomed in supporting re-use of existing vacant and derelict land and redundant buildings, reducing the scope of greenfield development, and ensuring contaminated land will be suitably remediated through development proposals. Referenced to the use of vacant and derelict land to support biodiversity is supported. Support could be provided for the use of unused land for Gypsy / Traveller stopover sites where safe, suitable and appropriate.

There is a need for the policy to be careful about definitions and clarify when/where this will apply – for example, PKC currently has a different definition of rural brownfield land for the purposes of Housing in the Countryside.

Policy 30(e) – this should also specifically state ‘taking in to account their suitability for conversion to other uses *and compatibility with the surrounding area.*’

#### **Detailed comments**

### Part 3 – National Planning Policy – Distinctive Places – Policy 31 – Rural Places

#### Summary – page 105-106

An updated policy on rural places aims to support the sustainability and growth of rural communities and economies. Resettlement of previously inhabited areas is supported where it is consistent with climate change mitigation targets. Proposals for development outwith rural settlements in more remote rural areas are supported in certain circumstances. Proposals in more accessible rural areas are not supported where they would contribute to rural suburbanisation or car-based commuting.

#### Q49. Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

This policy represents a move away from current PKC LDP2 policy, particularly in relation to the increased flexibility for new housing in rural areas. Concern that some of the wording is vague and could lead to pressure for inappropriate development although it is acknowledged that authorities will be able to set a more restrictive approach, if appropriate, in accessible or pressured rural areas. A more proactive approach in the more remote areas is welcomed although consideration will need to be given as to how to ensure new houses built aren't lost to holiday or second homes but genuinely contribute to increasing the supply of housing for local people.

The 'urban edges and the green belt' section is currently separate but question whether it should instead sit within Rural Places as part of a tiered approach with green belts as the most heavily restricted area, followed by accessible / pressured areas, and then a more relaxed approach in remote areas.

#### Detailed comments

a) Clarify how planning authorities are to identify accessible, intermediate and remote areas. Further guidance on this should be prepared to provide a consistent approach across all local authorities.

LDPs to be informed by an understanding of population change over time. Concern that it may be difficult to get population information at a small enough level to be able to do this especially for the most remote areas.

b) Should include 'where sustainable'. The term 'previously inhabited' needs to be defined to enable a consistent approach across all local authorities. For example, are there temporal / built environment considerations here to take into account.

c) First bullet is too vague.

Bullet five – The reuse of vacant, derelict or brownfield land 'where a return to a natural state is not likely' needs to be worded more strongly e.g. where it can be demonstrated that it will not return to a natural state without intervention.

Bullet 6 – 'Small site' needs quantified. Suggest adding '...and where it is demonstrated that there are no suitable sites available within the settlement'. Question whether there should be some scope for allowing market houses for local people where this is required to make an affordable proposal economically viable or where necessary to incentivise a landowner to release the land.

Bullet 7 – The policy criterion: ‘contribute towards sustainable settlements and 20 minute neighbourhoods’ is an open-ended policy and requires further guidance to clarify the various considerations where a development is expected to meet these tests.

e) Second bullet – More is needed on succession homes e.g. number which will be allowed and whether this will only apply to farms or include other rural businesses. Also question what provision can be made to stop houses for retirement succession subsequently being sold off on the open market e.g. when retiree dies or moves elsewhere which then leads to pressure for a further house for the succession to the next generation. This could be done by restricting the occupancy, but the Scottish Government have previously directed against the use of such restrictions. There is also a need for location criteria e.g. where it is demonstrated that the best possible site has been chosen.

Bullet 4 – Although this policy specifies consideration of Historic Assets, PKHT feel that it’s focus and consideration is primarily historic buildings and the archaeological assets have not been fully considered.

Bullet 6 – As above under c) ‘where a return to a natural state is not likely’ needs to be worded more strongly. Need for more parameters to be set as to where it’s appropriate to develop brownfield land. Concern that the glossary definition of brownfield as land which ‘has previously been developed’ and ‘may cover...land occupied by redundant or unused buildings’ is too loose for inclusion here. Need for a higher standard of design on such sites and only where it’s creating improvement or resolving an amenity or health issue, not just to create an uplift in value for the owner.

h) Bullet 4 should be expanded to read: ‘for the generation, *transmission and storage* from a renewable source’.

### Part 3 – National Planning Policy – Distinctive Places – Policy 32 – Natural Places

**Summary – page 107** Plans are required to identify and protect natural assets including landscape species and habitats. The policy protects designated areas, protected species, wild land and deals with non-native species. The precautionary principle is required to be applied to national and international designations.

**Q50. Do you agree that this policy will protect and restore natural places?**

No. There is no power in this policy to restore nature through development, although opportunities can be set out in spatial strategies. The policy needs to be combined with or linked to policy 3 particularly with regard to nature networks (which are referenced here) or clearly limited to designated areas and species. It would be useful to define what is meant by natural places/ natural assets/natural environment in the introduction (as set out in Policy 32(a)) and have consistent terminology throughout. A requirement to explore or realise opportunities to enhance all these assets would be a better reflection of the intention of policy 3.

**Detailed Comments**

Policy 32(a)

The requirement on LDPs to identify assets in plans, including local designations is supported. However “assets” should be defined. It should be clearly set out if plans are expected to identify nature networks in plans, and the nature networks from policy 3 be clearly referenced (or combined) here.

Policy 32 (b)

A general environmental protection policy is already provided in policy 3 with some detail. This policy risks conflicting with that policy. The use of the word unacceptable does not add anything when there are specific tests laid out for protected areas, and requirements in policy 3. The exception is for general landscape which would benefit from a separate express policy. If the policy is intended to apply only to the tests in the following paragraphs this should be made explicit.

Policy 32(c)

The policy setting out the requirement for an appropriate assessment is supported. This could be enhanced by including a reference to “regardless of proposed mitigation” to take into account the People Over Wind judgment.

Policy 32(d)

Outweighing criteria should be “at least” of national importance.

Policy 32(e)

The reference to impacts being fully considered prior to the determination is supported. As currently worded if there is no pre-existing evidence of protected species then no further action is required. Reference to steps to establish the presence of protected species through a site assessment or surveys is required.

Policy 32(f)

Developers should abide by legislation on non-native species and not just take this into account. They should demonstrate that plans are in place to address any INNS on site.

Policy 32(g)

A lower standard of protection for local designations is accepted. However this could better support the local value of such a site, by rephrasing as “should only be supported”. This should also recognise the value of local nature conservation sites as part of the nature network. For other factors to outweigh the value of an identified local site one would hope that the weighting is of greater than local importance. The phrase “of local importance” could be removed or rephrased as “at least local importance”.

Scottish Planning Policy previously set out tests for identifying local nature conservation sites, both for geodiversity and biodiversity. There is no test for such sites other than in now outdated 2006 guidance from (as was) SNH. The criteria for identifying sites should be included either in NPF4 or in updated guidance from NatureScot to ensure consistency and efficiency.

Policy 32(h) The precautionary principle should apply to all designated landscape or natural heritage assets including local nature conservation sites and protected species. The principle as set out in Scottish Government consultation on environmental principles and governance applies the principle to where there is “serious or irreversible damage”. Such damage can occur regardless of the nature of the site. Much of this is already incorporated into legislative tests and may be better simply recognising the principle in the introduction (it also applies to policy 3).

### Part 3 – National Planning Policy – Distinctive Places – Policy 33 – Peat & Carbon Rich Soils

#### Summary – page

An updated policy on peat and carbon rich soils protects peatland, carbon rich soils and priority peatland habitat from development other than for critical infrastructure, renewable energy with a net carbon benefit, small scale rural development or peatland restoration. Proposals for new commercial peat extraction are not supported other than in exceptional circumstances.

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

Response –

Overall the updated policy is supported providing a sound framework from which to consider development proposals and their impact on important soil resources. There are a number of suggested additions to strengthen the overall policy including specific issues around mitigation/compensation requirements, carbon assessments, and the need to protect potential historic environment assets/archaeology.

#### Policy 33(a) & 33(b)

This is supported as an overarching principle to protect valuable soil resources.

#### Policy 33(c)

In terms of site specific assessment requirements this should be required to consider the whole-life CO2 emissions of the development.

In terms of displacement of peatland vegetation this should include specific reference to 'onsite' as the preference for reintegration, unless justified otherwise.

#### Policy 33 – other comments

Any assessment or identification of mitigation measures required should be considered during the determination of any planning application, rather than through conditional approval, as this will allow for any revisions/site changes to be implemented through the permission with appropriate consultee feedback.

Mitigation measures and compensation measures should be required. Compensation should include restoration of peatland. Compensation should also be required by way of a consequent restoration / measures to address the results of the carbon assessment, in accordance with the priority principles for the climate and biodiversity crises as stated in the introduction to sustainable places.

Peatland and bogs are a rich resource of the past, both in terms of artefactual remains ritually deposited to ancient landscapes and settlement and paleo-environmental evidence. This Policy does not specify the risk to unknown and known undesigned historic assets within peatland. Given the proactive restorative work being undertaken across Scotland, these assets are under threat and as such careful consideration, consultation and appropriate mitigation of the historic environment should be included in this policy.

<b>Detailed comments</b>

### Part 3 – National Planning Policy – Distinctive Places – Policy 34 – Trees, Woodland & Forestry

**Summary – page 110** The policy requires identification in plans of existing woodland and potential for expansion. Detailed policy provides protection for trees and woodland and supports sustainably managed woodland.

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

No. The policy goes some way to protect woodland and the protection of ancient woodland and ancient and veteran trees is welcomed. There is insufficient obligation however to promote the expansion of woodland or compensation for lost trees or woodland.(see detailed comments below).

#### Detailed Comments

Policy 34 Introduction.

The introduction is a broad requirement to expand woodland which is supported. Forestry could be mentioned separately here to more clearly distinguish between the two and recognise the benefits of forestry for CO2 and recreation but not conflate it with the much greater biodiversity, landscape and ecosystem service benefits of more natural woodland. The title of the policy references woodland and forestry but only woodland is addressed.

Policy 34(a)

The first sentence is supported, particularly setting out potential for enhancement or expansion. The second sentence requires rewording. It is not clear whether this is requiring additional information to be set out in the LDP or this spatial strategy is simply included in the Forestry and Woodland Strategy.

Policy 34(b)

The policy protecting against the loss of ancient woodland and ancient and veteran trees is supported. It is not clear the relationship between the categories of ancient woodland given the approaches to different categories as set out in the Implementation of the Control on Woodland Removal Policy. If it is intended to only refer to ASNW then reference to other categories must be provided or the policy is too restrictive. The status of a LEPO woodland on the ATI for example would be best surveyed before a decision could be made on its value. Much of this policy will be subject to the results of both tree and woodland surveys, the requirements for which could be set out here, otherwise they will be required to be detailed in LDPs.

The second bullet point is supported although this should be reviewed to be clear whether “high biodiversity value...” applies to just individual trees, hedgerows and trees, or all three. Non native / mixed woodland of high biodiversity value should also be included here. The protection of trees and woodlands should also be extended to those with landscape, cultural, recreational or amenity value. For the avoidance of doubt all native woodland is of high biodiversity value.

Both the first and second bullet point is suitable for irreplaceable habitat but may be too restrictive for others where a very strong presumption against removal might apply but mitigation and public benefit factors counteract the degree of removal.

The third bullet point is presumably intended to read “severing of *connectivity between*” . This would be better phrased as “fragmenting or impairing connectivity between”.

As with peatland a carbon assessment of the impact of the loss should be required to inform compensation.

Policy 34(b)

This paragraph could be reworded to better reflect the climate and biodiversity crises. All woodland removal should be avoided, minimised and mitigated before compensation is



considered. Development proposals should not result in woodland removal unless it is shown that the design shows that removal is unavoidable, mitigation and compensation is provided and it achieves the benefits stated. Compensatory planting cannot continue to be a general expectation but should be required from all development.

A general expectation for compensatory planting is insufficient and does not address the climate or biodiversity crises but risks business as usual. Compensation must be required for any loss. A separate paragraph on compensation is preferred with allowance for planning authorities to tailor compensation requirements to the value of the resource that is lost. The value for which compensation is to be provided could be set out such as carbon, flood, biodiversity and amenity values and at least an expectation that compensatory planting will be more than 1:1 in line with best practice.

Policy 34(d)

This paragraph is supported, although integrating woodland into design should be demonstrated rather than just considered.

Policy 34(e)

Support for new woodlands is supported. Reference to the right tree in the right place guidance here is recommended. A clear definition of woodland is required to ensure this paragraph has the intended effect, as much commercial exotic forestry could be argued to be sustainably managed.

This Policy does not specify the risk to unknown and known undesignated historic assets when identifying forestry/woodland operations. The importance of early consultation with the HER in advance of woodland creation schemes etc is crucial to ensuring responsible management and mitigation to our evolving landscapes.

### Part 3 – National Planning Policy – Distinctive Places – Policy 35 – Coasts

#### Summary – page 111

An updated policy on coasts requires plans to consider adaptation to future climate impacts, supports development in areas of developed shoreline provided coastal protection measures are not required, and minimises development in undeveloped coastal areas unless it supports the blue economy, net zero, the economy or communities.

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

**Response** - Yes the proposed policy approach proposed is considered appropriate.

#### Detailed comments

## Delivering Our Spatial Strategy Part 4

## Part 4 – Delivering Our Spatial Strategy

### Summary – page 112 – 114

The delivery of the strategy and realising of ambitions will require collaborative action from the public and private sectors as well as wider communities. These actions will range across different scales and include a mix of strategic and project investments. The implementation and monitoring of the delivery of strategic actions and key developments will be important.

A detailed delivery programme will be produced to accompany the final NPF4. The approach to delivery is expected to draw on the key delivery mechanisms of:

- Aligning resources
- Infrastructure First
- Delivery of National Developments
- Development Plan Policy and Regional Spatial Strategies
- Monitoring

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

As a general comment, mention of Regional Spatial Strategies (RSS) is quite light touch in Draft NPF4, particularly in respect of their relationship with NPF4 and their status within the planning hierarchy. As a result, it is increasingly unclear what the role and purpose of RSS's will/should be in respect of delivering upon NPF4 aims, and the expectations as to what degree and in what manner Local Development Plans should reflect their content. In its current format, with a lack of clarity around the relationship between Draft NPF4 and RSS's there is a risk of these regional strategies becoming meaningless. This situation is likely to become further complicated with the introduction of more Regional Land-Use Partnerships in time.

Support HOPS response on this matter and would welcome an organisational chart which establishes the hierarchy, context, roles and inter-relationships between these key planning documents and strategies. (NPF4, RSS, RLUPs, LDPs, LPPs)

### Detailed Comments

- (Page 114) The Compulsory Purchase Order process is not fit for purpose – query where the reference is to Compulsory Sales Orders, and how do you get the private sector providers on board?

#### **Part 4 – Delivering Our Spatial Strategy**

##### **Summary – page 112 – 114**

As per summary provided under Question 54.

##### **Q55. Do you have any other comments on the delivery of the spatial strategy?**

The resourcing of a planning service goes way beyond the full cost recovered via Development Management fees and extends beyond planning services. A range of stakeholders within local authorities (transport planning, environmental health, greenspace etc) and key agencies (SW, TS, SEPA etc) all contribute to delivering the NPF.

##### **Detailed comments**

None

## Annexes Part 5

**Part 5 – Annex A – NPF4 Outcomes Statement**

**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?**

**Summary – pages 115-117**

This statement sets out how the Scottish Ministers consider that development will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997. The outcomes are as follows:

- (a) Meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people
- (b) Improving the health and wellbeing of people living in Scotland
- (c) Increasing the population of rural areas of Scotland
- (d) Improving equality and eliminating discrimination
- (e) Meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act
- (f) Securing positive effects for biodiversity

No comment as this will depend on the availability of support in relation to resources, legislation and other agencies.

**Detailed comments**

None

## Part 5 – Annex B – Housing Numbers

### Summary – page 118

This annex sets out the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland. This is to meet the requirement of Section 3A(3)(d) of the Town and Country Planning (Scotland) Act 1997.

### Q57. Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

The draft NPF4 sets a proposed MATHLR for Perth & Kinross of 8,500 over a 10 year period and this is supported.

### Detailed comments

The initial draft estimates of the MATHLR for Perth & Kinross were considered by officers to be very low. PKC was in the fortunate position that we had already commissioned an HNDA, in collaboration with the other TAYplan authorities, and informed by this work a robust case was made to increase the MATHLR. The revised MATHLR PKC of 8,500 over a 10 year period, as was proposed by the Council, is therefore welcomed. It must be noted, however, that without the work which was already underway on the HNDA we would not have been provide as detailed a response to the interim draft MATHLR. This raises the question of how those authorities, which did not have an up-to-date HNDA, could have been expected to provide a similarly informed response.



## Part 5 – Annex C – Glossary of Definitions

### Summary – pages 120 - 128

Definitions of various terms used in NPF4

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

### Detailed comments

#### **Affordable home/affordable housing**

Housing of a reasonable quality that is affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared equity, housing sold at discount (including plots for self-build), self-build plots **not all self build is affordable** and low-cost housing without subsidy.

#### **Brownfield**

Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. **Does this exclude rural brownfield?**

#### **Community Hub**

A community hub is a multipurpose centre, such as a community centre, medical centre or school, that provides a range of high quality and cost effective services to the local community, **So a great building mismanaged would not qualify, this mixes the building issues with service quality.** with the potential to develop new services in response to changing community needs.

#### **Enabling Development**

Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be permitted, except for the fact that it would secure the future conservation of a historic environment asset and the wider benefits outweigh the impacts of not adhering to those policies. **This needs thought trough and perhaps more guidance, is it about public good, building good or economic good?**

#### **Short-term let**

The use of a dwellinghouse (a residential house or flat) for rental by persons other than the owner for short periods and for financial or other remuneration. Typically includes properties advertised as being available for holiday let, although can apply to other situations. **Define short periods or link to legislation.**

#### **Strategic Transport Network**

Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions. **Is this just Trunk roads in our view it should extend to all key routes A93 and CTRLR being examples**



# PERTH AND KINROSS COUNCIL

9 March 2022

## TREASURY & INVESTMENT STRATEGY and PRUDENTIAL INDICATORS 2022/23 – 2027/28

Report by Head of Finance  
(Report No. 22/47)

### PURPOSE OF REPORT

This report details the Council's proposed Treasury Strategy for 2022/23 to 2027/28, the Investment & Property Strategy for 2022/23 and Prudential Indicators for 2022/23 to 2027/28.

### 1. BACKGROUND / MAIN ISSUES

- 1.1 The Treasury and Investment Strategy details the expected activities of the Council's treasury function for the relevant financial years. Its submission to the Council is a requirement of the Council's approved Treasury Management Practices (TMPs) and is also a requirement under the CIPFA Code of Practice for Treasury Management. The Investment Strategy details the Permitted Investments of the Council, and outlines the risks associated with the expected investment activities. The submission of an annual Investment Strategy is a requirement of the Local Government Investments (Scotland) Regulations 2010.
- 1.2 In determining the Treasury Strategy, the Council is required to review its Prudential Indicators. The Council considered the Composite Capital Budget for the 6-years to 2027/28 at its meeting on 23 February 2022 (report 22/36 refers). This report also proposes updated Prudential Indicators for the 6 years 2022/23 to 2027/28 in line with the move to a 6-year Capital Delivery Programme approved by the Council on 23 February 2022.
- 1.3 The proposed Treasury Management strategy for financial years 2022/23 to 2027/28 covers:
  - The Council's current Treasury position
  - Prospects for interest rates
  - Capital requirements and the borrowing strategy 2022/23 to 2027/28
  - The Investment Strategy 2022/23
  - Investment properties 2022/23
  - Debt rescheduling opportunities
  - The Prudential Code
  - Prudential Indicators 2022/23 to 2027/28

## 2. THE CURRENT TREASURY POSITION

- 2.1 In order to put the proposed treasury strategy for 2021/22 to 2027/28 into context, the Council's estimated (as at 7 February 2022) treasury position at the start of the financial year is shown below:

		<u>PRINCIPAL AMOUNT (£million)</u>	<u>AVERAGE RATE (%)</u>
Fixed Rate	<ul style="list-style-type: none"> <li>Public Works Loan Board (PWLB)</li> <li>Market Bonds</li> </ul>	568.0 <u>0.1</u> 568.1	2.41 <u>0.00</u> 2.41
Variable Rate	<ul style="list-style-type: none"> <li>Short Term Market Loans</li> <li>Market Bonds</li> <li>Local Loans</li> </ul>	0.0 43.2 <u>5.2</u> 48.4	0.00 4.59 <u>0.23</u> 4.12
PFI/PPP	<ul style="list-style-type: none"> <li>PFI/PPP Contracts</li> </ul>	127.2	5.10
<b>TOTAL GROSS DEBT</b>		<b>743.7</b>	<b>2.98</b>
<b>TOTAL SHORT-TERM MARKET INVESTMENTS</b>		<b>230.0</b>	<b>0.60</b>
<b>TOTAL NET DEBT</b>		<b>513.7</b>	<b>4.05</b>

- 2.2 The projected Borrowing Requirement for each of the next seven years, which is a significant determinant of treasury activity, is summarised below. This reflects the approved Capital expenditure within the Council's Composite and Housing Investment Programme Budgets which is to be funded by new borrowing. **(note - figures to be finalised to reflect capital budget approved on 23 February, currently assumes £90m for PH2O)**

£ million	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	Total
Borrowing Requirement	148.8	144.4	132.0	75.7	54.3	48.0	603.2

- 2.3 The above figures are based upon the Composite Capital Budget for 2022/23 to 2027/28 and the Housing Revenue Account Capital Investment Programme for 2022/23 to 2026/27. As the Housing Capital Investment Programme covers a shorter period than the Composite Programme, Housing estimates have been included for 2027/28 based upon the current level of investment to ensure the time periods match.
- 2.4 The above figures do not take account of the estimated annual borrowing requirement carried-forward between years to match cashflow requirements. However, they do highlight the front loading of the Council's planned Capital expenditure.
- 2.5 In light of the level of borrowing undertaken in recent years when PWLB rates reached historic lows, it is anticipated that no new borrowing will require to be undertaken until towards the end of 2022/23 to finance the Council's planned Capital expenditure in the year.

### **3. PROSPECTS FOR INTEREST RATES**

- 3.1 The Council's treasury adviser, Link Asset Services Ltd, assists the Council in formulating a view on interest rates. Appendix I shows forecasts of the Bank Base Rate (or short-term/variable rates) and longer-term PWLB fixed interest rates, whilst Appendix II shows the forecast in graphical form. As can be seen, further increases in rates are expected this year before being steady in subsequent years, subject to short term fluctuations.
- 3.2 The Monetary Policy Committee (MPC) reduced the Bank Base Rate to 0.1% at the onset of the pandemic in March 2020. However, with the easing of lockdown restrictions and its impact of economic activity, as well as inflation rising rapidly, they increased the Base rate to 0.25% in December 2021, and again to 0.50% in February 2022. The Base Rate is expected to increase further in 2022. The MPC also started the process of unwinding its Quantitative Easing (QE) programme in February.
- 3.3 In the longer term, to manage economic growth and anticipated inflationary pressures as the UK returns to normal economic conditions, interest rates are anticipated to gradually increase. The unwinding of the Bank of England's QE programme has also put upward pressure on interest rates. Consequently, subject to periods of volatility, the forecast for UK interest rates shows a steady increase over the remainder of this year. However, the potential for further variant strains of coronavirus and future economic restrictions could limit these increases.
- 3.4 The Council's borrowing costs are largely determined by the Public Works Loan Board's (PWLB) interest rates, which in turn are determined by the yield on UK Government gilts. Gilt yields had been at exceptionally low levels throughout the pandemic and PWLB rates reached historic low levels in December 2021 prior to the Base Rate rise. Therefore, the rates available during 2022/23 are expected to remain higher than they had been in the previous year.
- 3.5 As with any forecast, the above interest rate expectations are subject to variation. The main sensitivities of the above forecast are likely to be as follows:
- A fall in long term rates which, for example, could occur if economic growth or inflation were at a lower rate than forecast. This could arise if further restrictions had to be re-introduced if new variant forms of the coronavirus became prevalent.
  - A sharp rise in both long and short-term rates could occur if, for example, economic growth recovered faster than expected, or if inflation increased more rapidly and remained higher than expected for longer as the economy recovers, bringing forward increases in the Bank Rate.
- 3.6 Interest rate forecasts throughout the period covered by the Capital Programme must be considered, particularly when determining the most appropriate timing for new borrowing. This is particularly the case as the Council's current Borrowing Requirement is larger than historic levels, much of which is required in the earlier years of the current 6-year programme.

- 3.7 The current forecasts indicate that short term borrowing will continue to be cheaper than longer term borrowing over the next few years. However, longer term borrowing gives longer term savings and reduces the refinancing risk in later years.

#### **4. CAPITAL REQUIREMENTS AND BORROWING STRATEGY**

- 4.1 The Council requires significant levels of new borrowing over the next few years to fund the Capital Budget. Following the advance borrowing at extremely low rates undertaken in 2021/22, there is no immediate need or expectation to borrow until late in 2022/23 based on current planned expenditure. The flexibility to borrow in advance of need is permissible where it can be shown to be cost-effective but must be considered in conjunction with the associated additional risks and low returns of the resultant increase in short term investments. Therefore, earlier new borrowing would only be undertaken if capital expenditure were to be incurred earlier than projected, or if opportunities arose to borrow at exceptionally low levels. Short term temporary borrowing can also be used to meet any immediate cashflow requirements where necessary where long-term borrowing is deferred.
- 4.2 The low interest rates and long-term cost certainty provided by fixed rate PWLB borrowing make this the most cost-effective source of financing of capital expenditure. Other appropriate market instruments are, however, available to the Council and may be used where appropriate. Such market instruments allow borrowing to be agreed in advance and drawn down at prescribed future dates (usually up to 3 years ahead). Therefore, alternative sources of borrowing will be evaluated and considered where they offer savings or other advantages over PWLB borrowing.
- 4.3 The Council's Treasury Strategy is based on being "risk-aware" and the Council will actively seek to manage its treasury risks. The Council's borrowing position will continue to be reported on an ongoing basis as part of the Quarterly Treasury Activities and Compliance reports.
- 4.4 The Council's borrowing strategy will be continuously reviewed and may change if there are unexpected movements in interest rates. This could impact the borrowing strategy as follows:
- If there was an unexpected fall in long term rates, long-term borrowing in advance of immediate need would be considered when rates were anticipated to have troughed.
  - If there was an unexpected sharp rise in long term rates, fixed-rate funding would be deferred, and short-term borrowing used to meet immediate needs. Longer term borrowing would be considered in future when longer term rates fell from their peaks.
- 4.5 The Prudential Code also requires authorities to detail their strategy on gross and net debt where there is a significant level of both investments and borrowing. It is not possible nor desirable to have no investments due to the daily variations in the Council's cashflow, or following the borrowing of long-term debt. The level of investments may also increase where there are significant levels of short-term Reserves. The Council's level of investments

has increased significantly following the increased level of long-term borrowing undertaken in recent years. Investments may increase further if further borrowing was undertaken at the current low interest rates, however, they are anticipated to reduce steadily over the next 2 years in line with the delivery of the Capital Programme.

## **5. INVESTMENT STRATEGY 2022/23**

- 5.1 The requirement to set an annual Investment Strategy is determined by the Local Government Investments (Scotland) Regulations 2010. These requirements include specifying the Permitted Investments of the Council and setting an annual strategy, identifying the risks associated with the strategy and the reporting requirements.
- 5.2 The proposed Permitted Investments of the Council are shown at Appendix III. These reflect low risk investment products and, together with the application of the approved Lending & Investment Policy (*TMP4, Schedule 4.6 Approved Lending & Investment Policy*), ensure investments are only made with low risk counterparties.
- 5.3 It is not proposed to make any changes to the Permitted Investments for 2022/23, including the range of investment instruments or monetary limits. The current limits ensure that the Council always maintains sufficient liquidity and a spread of investments, whilst the specific counterparty list is reviewed continuously by the Head of Finance in light of credit-rating changes and other market information.
- 5.4 Details of how investments are managed are contained in the Treasury Management Practices (TMPs). The TMPs are generally reviewed annually, whilst the treasury policies are reviewed continuously in light of prevailing economic and market conditions. A copy of the most recent Treasury Systems Document, which includes the TMPs, is available on the Councillor's CHIP SharePoint site. It should be noted, however, that the TMPs were not reviewed last year as temporary arrangements have been put in place to maintain a robust control environment and enable officers to maintain the Council's treasury function whilst working from home. The TMPs will be reviewed once the new long-term working arrangements and practices become known.
- 5.5 The Council generally only invests short-term cashflow surpluses. Such investments in total are unlimited, as they are determined by cashflow balances. However, investments are limited with each counterparty to ensure any risk is spread.
- 5.6 Longer term investments may arise where the Council has significant cash-backed reserves or following borrowing in advance of need within the determined Capital Financing (Borrowing) Requirement. This has been the case in the last two years following the increased level of borrowing, with some funds placed on deposit for up to 24 months. Longer term investments potentially carry greater counterparty risk and a higher market risk of adverse movements in interest rates. Therefore, such investments are limited to £45 million in total (around 20% of the portfolio, as at February 2022) and up to a

maximum of 3 years and are only undertaken after consideration of cashflow and interest rate forecasts to determine the optimum duration. All such longer-term investments undertaken were with other local authorities, and therefore had negligible counterparty risk. However with interest rates expected to increase over the coming years, it is anticipated that there will be no investments undertaken for more than one year.

- 5.7 The level of investments is anticipated to fall gradually over the financial year. There are fixed deposits maturing throughout the year, and more of these will be applied to meet ongoing capital expenditure and not re-invested as the year progresses. The forecast total level of investments at the start of the current financial year is £230 million which is anticipated to be the peak, subject to daily variations, unless further new borrowing is undertaken during the year or if the profile of the Council's expenditure during the year changes.
- 5.8 It is anticipated that the following type of investments will be used by the Council in 2022/23:
- Money Market Funds (MMFs),
  - Bank deposits on instant access or notice accounts,
  - Fixed deposits with banks.
- 5.9 Fixed deposits are generally used for cashflow surpluses which are not required within the next 3 months, whilst investment in MMFs, instant access or notice accounts vary in line with daily fluctuations in the Council's cashflow to meet more immediate needs. The amounts in each are dependent on several factors, such as changes in cashflow, including long term borrowing, available rates and market opportunities which may arise. This strategy will be reviewed continuously in light of updated economic forecasts and market developments.
- 5.10 The Permitted Investments also include loans to third parties. Such loans will be constrained by virtue of the Service having to meet all costs related to such loans. All individual loans to third parties must be approved by Council.
- 5.11 The submission of Quarterly Treasury and Compliance reports provide elected members with regular updates on the Council's Treasury and Investment activities and an opportunity to exercise scrutiny over the Council's Treasury Management arrangements throughout the year.
- 5.12 The Common Good Funds operate with relatively small cash balances and with no other financial investments. The Common Good Committees also have authority to grant loans to third parties, and these are included as Permitted Investments. However, the granting of such loans in practice is rare, with each individual proposed loan requiring the specific approval of the relevant Common Good Committee. It is proposed that investments with the Perth & Kinross Council Loans Fund, together with third party loans, remain the only Permitted Investments for the Common Good Funds. It is not proposed to change the terms under which the Common Good Funds place deposits with the Loans Fund.



- 5.13 In addition, the Common Good Funds hold various properties which generate rental income, and which are therefore deemed to be Investment Properties, and covered by the investment regulations.
- 5.14 Investments made by any charity or trust administered by the Council are not within the scope of the Investment Regulations and this Strategy. However, any other Council funds that are managed by external investment managers would be covered by this strategy, and the investment manager would therefore be bound by this Investment Strategy in relation to those funds. It is not proposed to use any external investment manager during 2022/23, other than for the Council's charitable funds.

## **6. INVESTMENT PROPERTIES 2022/23**

- 6.1 Properties held solely to earn rental income and/or for capital appreciation, and not used by the Council for service delivery or administrative purposes, are also covered by the Investment Regulations. Accordingly, an additional permitted investment category of "Investment Property" has been included in the list of Permitted Investments. The Council's initial limit was established as "unlimited", and this remains unaltered.
- 6.2 Budgeted gross income of the portfolio in 2021/22 is £1,819,000, with the latest projection indicating that the final income will be £1,853,000. As a result of the ongoing pandemic (Covid-19), there are additional risks in terms of rents being collected in the short to medium term within the commercial portfolio. The strategy action plan for the rationalisation of the commercial property portfolio remains on programme. Accordingly, the budgeted income for 2022/23 has been set at £1,815,000.
- 6.3 The Annual Property Investment Strategy 2022/23 is attached at Appendix IV and covers property purchased or managed for the following purposes:
- Socio Economic e.g. precinct shops and community facilities
  - Economic development e.g. Industrial Estates and workshop units.
  - Revenue generation e.g. St Johns Centre head lease
- 6.4 The overall aim of the attached Property Investment Strategy for Perth & Kinross Council is to support the objectives of the Corporate Plan 2018 - 2023 and in doing so, it meets the requirements of the Regulations.

## **7. DEBT RESCHEDULING**

- 7.1 Debt rescheduling involves prematurely repaying existing loans and replacing them with new loans at lower interest rates. Any savings in interest costs, however, must be assessed against the premium payable to the lender to compensate for their loss of interest. The amount of premium payable to the PWLB is calculated based on the difference in the interest rate on the existing loan and the prevailing interest rates for new borrowing. The main benefits of undertaking rescheduling include:

- Generating interest savings, without exposing the Council to additional risk,
- Ensuring a better-balanced maturity profile and volatility ratio in the portfolio,
- Reducing the level of investments, where no replacement borrowing is undertaken.

7.2 The current low interest rate environment, together with the PWLB's premature repayment terms, means that any early redemption of PWLB loans is likely to be prohibitively expensive and unlikely to generate savings. Further, the low average rate and maturity profile of the Council's long-term debt mean that it is unlikely that the current portfolio will offer any further significant opportunities. Consequently, there is unlikely to be any debt rescheduling undertaken in 2022/23; however, as interest rates rise, this will be monitored to identify any opportunities which may arise.

## **8. THE PRUDENTIAL CODE**

8.1 The Prudential Code requires the Council to set Prudential Indicators for at least the next three years to ensure that the Council's plans are affordable, sustainable, and prudent. However, to improve longer term strategic and forward planning, the Council maintains Prudential Indicators for the entire period of the approved Capital Budget, currently 6 years to 2027/28.

8.2 The Council has a statutory duty (under the Local Government in Scotland Act 2003) to determine, and keep under review, how much it can afford to allocate to Capital expenditure. The level of Capital Financing Costs (Loan Charges) strongly influences the level of capital expenditure funded by borrowing and, therefore, the size of the ongoing Capital programme. Effective and proactive Treasury Management aims to minimise these costs and their impact on the overall finances of the Council, whilst not exposing the Council to undue risk in the longer term. Adverse movements in interest rates, for example, would directly impact on the level of Capital expenditure which is affordable and sustainable.

## **9. PRUDENTIAL INDICATORS 2022/23 to 2027/28**

9.1 The principal means of monitoring and controlling adherence to the Council's capital and treasury plans, and ensuring that they remain affordable, sustainable, and prudent, is the determination and monitoring of Prudential Indicators. These Indicators must relate to, and be consistent with, the Council's approved Capital Budget and Treasury Management Strategy.

9.2 The proposed Prudential Indicators for 2022/23 to 2027/28 are shown at Appendix V and are based upon the six-year Composite Capital Budget approved by the Council on 23 February 2022 (report 22/36 refers) and the five year Housing Investment Programme approved by the Housing and Communities Committee on 24 January 2022 (report 22/15 refers).

9.3 The ratio of estimated Loan Charges:Net Revenue Stream is a measure of the proportion of the Revenue Budget required to be set aside to meet ongoing borrowing costs in future years. The updated estimates show these

to be a rising trend, increasing from their current level of 7.0% to 8.9% by 2027/28.

- 9.4 The Indicators also include estimates of the Council's estimated capital expenditure and the underlying need to borrow for a Capital purpose (Capital Financing Requirement or Borrowing Requirement) and ensure that the borrowing periods are consistent with the type of capital expenditure being funded.
- 9.5 The Authorised Limit for borrowing is currently £900 million for each year from 2021/22 to 2028/29. However, because of additional borrowing approved by the Council in October 2021 and February 2022, this limit must be increased to deliver the approved programme. It is therefore proposed to increase this limit to £1,200 million (i.e. £1.2 billion). The limit is consistent with the funding strategy for the Council's Capital plans, Loans Fund estimates and the Medium-Term Financial Plan. It is based on total gross external borrowing and long-term liabilities under PPP/PFI arrangements and takes account of when the borrowing requirement is at its peak over the period which is then applied in each year (to allow flexibility).
- 9.6 All the Indicators comply with the CIPFA Code of Practice for Treasury Management in the Public Services and will continue to be included and monitored through the Quarterly Treasury Activity & Compliance reports.

## **10. CONCLUSION AND RECOMMENDATIONS**

- 10.1 Treasury operations are undertaken within a dynamic and volatile environment, which can significantly affect both the cost of borrowing and returns from investment. Net annual interest charges for 2021/22 are currently estimated at £14.9 million (General Fund and Housing Revenue Account combined) and projected to rise to around £21 million by 2027/28, with this increase being addressed through the managed use of the Council's Capital Fund. The setting of an appropriate strategy is, therefore, essential in ensuring that the Council is not exposed to undue risks and costs. The strategy outlined in this report is designed to ensure that the Council achieves the best possible returns on its borrowings and investments, whilst seeking to minimise risk in light of prevailing and forecast market conditions.
- 10.2 The Investment Strategy outlined in this report covers all matters required by the Investment Regulations, and lists the proposed Permitted Investments. These will be reviewed on an ongoing basis as the economic environment changes and/or new investment products are introduced into the financial markets. However, currently, the proposed Permitted Investments for 2022/23 remain unchanged and there are no proposed changes to investment limits, nor to the definition of approved counterparties.
- 10.3 The Investment Strategy, in conjunction with the Treasury Management Practices (TMPs), also includes references to the various risks associated with investments, how these will be controlled, and the considerations and procedures to be followed. Security and liquidity of sums invested remains the primary objectives over investment income. The proposed Permitted Investments carry a low level of risk.

10.4 The report also outlines the link between Treasury Management and the Capital Budget. Accordingly, the report proposes revised Prudential Indicators for the years 2022/23 to 2027/28 consistent with the Council's Capital Budgets. The proposed prudential Indicators include increasing the Authorised Limit for borrowing.

10.5 It is recommended that the Council:

1. approves the 6-year Treasury Strategy for 2022/23 to 2027/28, as detailed in this report, which is submitted in accordance with the Council's approved Treasury Management Practices (TMP).
2. approves the Permitted Investments and Investment Strategy for 2022/23 outlined at Section 5 and detailed at Appendix III of this report.
3. approves the Property Investment Strategy for 2022/23 outlined at Section 6 and detailed at Appendix IV of this report.
4. Approves the proposed Prudential Indicators for 2022/23 to 2027/28, including the proposed increase to the Authorised Limit for borrowing to £1.2 billion, as outlined at Section 9 and detailed at Appendix V of this report.

#### Author(s)

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#### Approved

Name	Designation	Date
Stewart MacKenzie	Head of Finance	09.02.2022
Karen Donaldson	Chief Operating Officer	10.02.2022

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
<b>Consultation</b>	
Internal	Yes
External	None
<b>Communication</b>	
Communications Plan	None

### 1. Strategic Implications

#### 1.1. Corporate Plan

1.1.1. The Council's Corporate Plan 2018 – 2023 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible, and informed citizens;
- (iii) Promoting a prosperous, inclusive, and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.1.2 This report relates to all these objectives.

### 2. Resource Implications

#### 2.1. Financial

2.1.1. There are no direct financial implications arising from this report other than those reported within the body of the main report.

#### 2.2. Workforce

2.2.1. There are no direct workforce implications arising from this report other than those reported within the body of the main report.

### 2.3. Asset Management (land, property, IT)

- 2.3.1. There are no direct asset management implications arising from this report other than those reported within the body of the main report.

## 3. **Assessments**

### 3.1. Equality Impact Assessment

- 3.1.1. Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.1.2. The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

### 3.2 Strategic Environmental Assessment

- 3.2.1 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.2.2 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

### 3.3 Sustainability

- 3.3.1 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.3.2 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

## 4. **Consultation**

- 4.1 The Chief Executive, and the Council's Treasury advisors, Link Asset Services, have been consulted in the preparation of this report.

## 2. **BACKGROUND PAPERS**

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

### **3. APPENDICES**

Appendix I – Outlook for Interest Rates.

Appendix II – Forecast for Interest Rates (Link Asset Services Ltd).

Appendix III – Permitted Investments 2022/23.

Appendix IV – Property Investment Strategy 2022/23

Appendix V – Prudential Indicators 2022/23 to 2027/28





## Outlook for Interest Rates

The data below shows forecasts published by 2 different institutions. The forecast within this strategy has been drawn from these different sources and Council officer's own views.

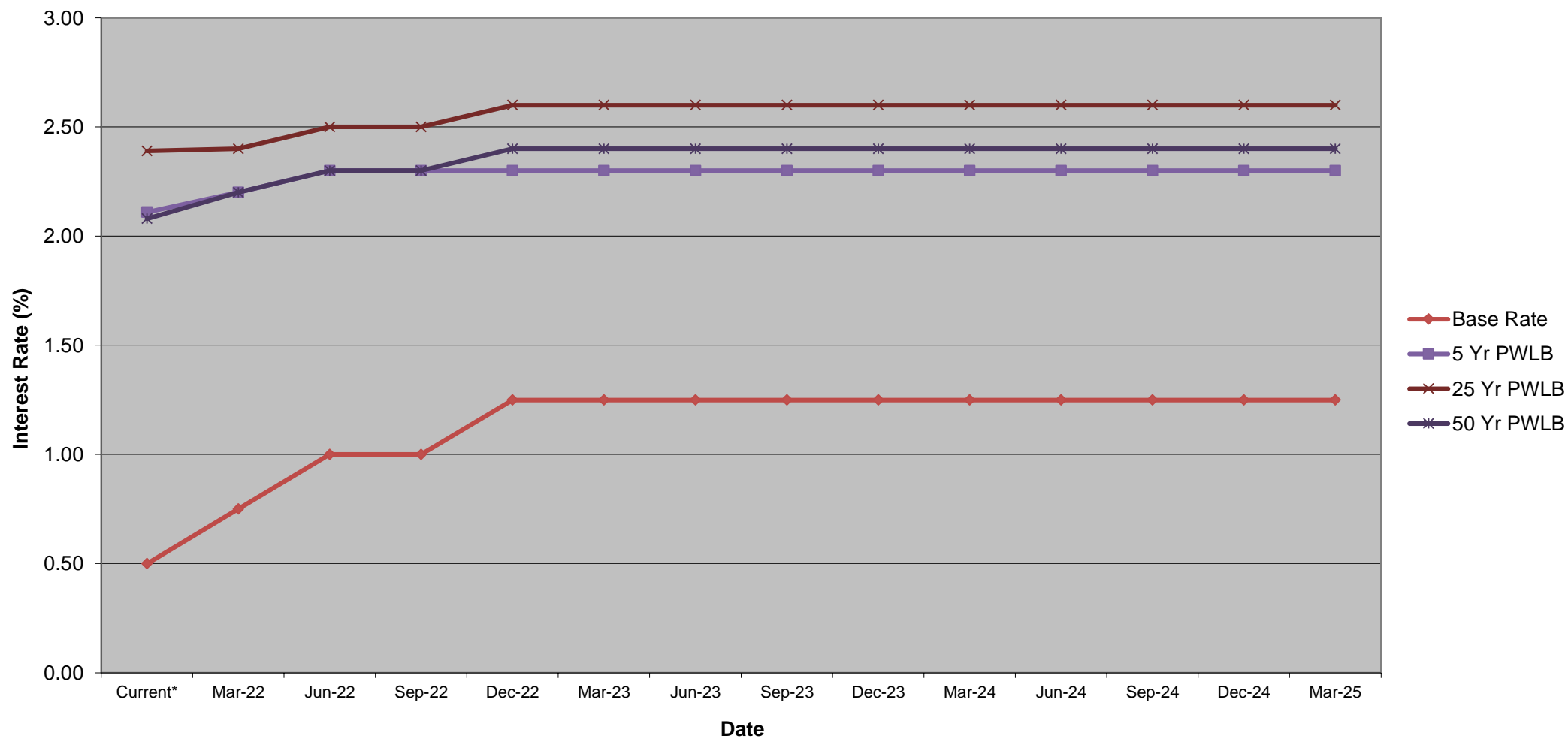
### Link Asset Services Forecast for Interest Rates

(%)	Current*	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
Bank Rate	0.50	0.75	1.00	1.00	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
5 Yr PWLB	2.11	2.20	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30
10 Yr PWLB	2.24	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
25 Yr PWLB	2.39	2.40	2.50	2.50	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60
50 Yr PWLB	2.08	2.20	2.30	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40

\* current rates taken as at 8 February 2022.



## Forecast for Interest Rates (Link Asset Services Ltd)





**PERTH AND KINROSS COUNCIL**  
**PERMITTED INVESTMENTS 2022/23**

Treasury Management Investment Type	Total Limit	Individual Limit	Objectives	Risk Assessment		
				Counterparty	Market	Liquidity
Fixed Deposits with approved Banks and Building Societies up to 1 year	Unlimited	per policy	Guaranteed investment returns	Low risk applied in Treasury Policy	Risk of increase in interest rates	Low risk of tied-up funds
Instant Access Deposits with approved Banks and Building Societies	Unlimited	per policy	Maximise liquidity	Low risk applied in Treasury Policy	Risk of fall in interest rates	No risks
Variable Rate deposits with approved Banks and Building Societies up to 1 year	35%	per policy	Maximise returns	Low risk applied in Treasury Policy	Risk of fall in interest rates	Low risk of tied-up funds
Fixed Deposits with approved Banks and Building Societies over 1 year up to 3 Years	£45M	per policy	Guaranteed longer term investment returns	Increased risk applied in Treasury Policy	Risk of increase in interest rates	Higher risk of tied-up funds
Variable Rate deposits with approved Banks and Building Societies over 1 year up to 3 years	Lower of 35% or £10M	per policy	Maximise longer term investment returns	Increased risk applied in Treasury Policy	Risk of fall in interest rates	Higher risk of tied-up funds
Certificates of Deposit, Fixed Bonds and other fixed commercial paper issued by approved Banks and Building Societies, up to 1 Year	Unlimited	per policy	Maximise returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of increase in interest rates	No risk as negotiable
Certificates of Deposit, Fixed Bonds and other fixed commercial paper issued by approved Banks and Building Societies, over 1 Year up to 3 Years	£45M	per policy	Longer term investment returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of increase in interest rates	No risk as negotiable
Floating Rate Notes and other variable commercial paper issued by approved Banks and Building Societies, up to 1 Year	Unlimited	per policy	Maximise returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of decrease in interest rates leading to loss in capital value	No risk as negotiable
Floating Rate Notes and other variable commercial paper issued by approved Banks and Building Societies, over 1 Year up to 3 Years	£10M	per policy	Longer term investment returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of decrease in interest rates leading to loss in capital value	No risk as negotiable

APPENDIX III

**PERTH AND KINROSS COUNCIL**  
**PERMITTED INVESTMENTS 2022/23**

Treasury Management Investment Type	Total Limit	Individual Limit	Objectives	Risk Assessment		
				Counterparty	Market	Liquidity
AAA rated Short Term and Standard Money Market Funds, including Low Volatility Net Asset Value (LVNAV) Funds.	Unlimited	per policy	Maximise returns and liquidity on smaller deposits	Low risk applied in Treasury Policy	No risk as instant access	No risk
Fixed Rate deposits with Local Authorities, up to 1 Year	Unlimited	per policy	Maximise security on fixed returns	Low risk applied in Treasury Policy	Risk of increase in interest rates	Low risk of tied-up funds
Fixed Rate deposits with Local Authorities, from 1 Year up to 3 Years	£45M	per policy	Longer term investment returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of increase in interest rates	Higher risk of tied-up funds
Variable Rate deposits with Local Authorities	35%	per policy	Maximise security on variable returns	Low risk applied in Treasury Policy	Risk of fall in interest rates	Low risk of tied-up funds
Loans to third parties, including "soft loans"	To be reviewed upon each application	Subject to approval by the Council	For operational Service requirements	Higher risk	High risk, often given on interest-free terms, but met by Service.	Higher risk of tied-up funds
Investment Properties (controls and limits per Investment Property strategy document)						

**Notes:**

1. All investments to be made in sterling
2. The policy referred to above is defined in TMP4, Schedule 4.6 (Approved Lending & Investment Policy)
3. Individual limits apply to all investment types in aggregate
4. Variable rate limit (excluding instant access accounts) applies to all investment types in aggregate
5. The limit for amounts invested over 1 year refer to the remaining period to maturity of investments

## Property Investment Strategy 2022/23

### 1. Introduction

The Local Government in Scotland Act 2003 included specific powers (Section 40) for local authorities to invest money in accordance with regulations approved by Scottish Ministers. Under these powers, the Local Government Investments (Scotland) Regulations 2010 were approved by Scottish Ministers on 1 April 2010 and came into effect from that date.

Each Council is granted the freedom to determine what types of investments they may make, and the level of risks acceptable to each Council in making investments must be explicitly stated. These must be approved by the Council in advance of each financial year.

The properties within the Council's commercial investment property estate which are held solely to earn rental income and/or capital appreciation fall within the scope of the regulations. The requirements outlined for financial investments therefore apply to these Council property investments. The Council is required to approve an Investment Strategy before the start of each financial year.

This paper is the Council's Property Investment Strategy for 2022/23, which forms part of the Council's requirement for an annual overall Investment Strategy.

### 2. Context

The Council does not normally acquire property solely for investment purposes.

New property acquisitions generally support one of the functions noted below and do not therefore fall within the scope of the Local Government Investments (Scotland) Regulations 2010;

- **direct service provision** e.g., new school sites and land for road junction improvements, or
- **Socio economic or economic development** e.g., land and buildings held on the Commercial Property Investment Programme (CPIP) to support a supply of land to businesses and industry.

The Regulations do, however, cover those parts of the commercial estate which are generally held to provide rental income. Predominantly these properties would have initially been acquired to meet a socio economic or economic development need but having met that need at some time in the past, are now retained for the rental income they produce. The portfolio has therefore been developed over a long period and includes properties such as

shops, offices, small workshop units, industrial and commercial ground and land purchased to facilitate development etc.

### 3. Strategic Vision for the Property Investment Portfolio

To move from the historic legacy of a portfolio of properties acquired or developed over many years to a more balanced sustainable portfolio to meet the future financial and corporate objectives of the Council.

### 4. Corporate Aims and Objectives

The overall aim of the Property Investment Strategy is to support the objectives of the 2018/22 Corporate Plan.

**The Property Investment Strategy supports corporate objectives by seeking to:**

- Maximise and enhance socio economic and economic development opportunities to the benefit of local communities and businesses.
- Encourage new business take up, retain and enhance existing businesses and opportunities.
- Maximise community benefit through the provision of land and premises.
- Clearly identify the primary purpose for holding individual assets (and groups of assets) and apply appropriate management, retention and disposal policies, and procedures relevant to the asset categories by completing a review of the commercial property portfolio.
- Optimise financial return and best value.

### 5. Current Portfolio

Perth and Kinross Council's commercial portfolio currently consists of approximately 215 properties together with land held for future investment, infrastructure, or disposal.

The properties currently held for income generation are managed using lease agreements and the number of leases per asset type is approximately:

32 Shops  
9 Offices  
39 Industrial premises  
120 Ground leases  
15 Miscellaneous properties

The budgeted gross income for the financial year 2022/23 is £1,815,000 and regular appropriate monitoring and reporting of the current position is being carried out.



The Council holds a number of town and village halls, leisure facilities etc which are “let” to management committees, community groups and Live Active. As these assets are effectively managed to provide functions which would otherwise be provided by the Council, they are not classified as investment properties and, therefore, lie outwith the remit of the regulations.

## **6. Categorisation**

In developing a strategy for managing the commercial investment property portfolio it is necessary to define the reasons for retaining non-operational properties, to categorise the individual properties, and to apply criteria to ensure that the appropriate return (financial, economic or community benefit) is achieved from each property.

The portfolio can be split into the following categories, with each requiring a different approach when deciding future management and retention policies.

The categories adopted are:

- Socio economic
- Economic development
- Operational occupation
- Revenue generation (Investment)
- Housing Revenue Account (non-Housing - includes investment)

## **7. General Strategic Principles**

There will be a presumption against the acquisition of new heritable properties solely for financial investment purposes.

- Heritable property will only be acquired to support the Council’s strategic objectives, with the property’s investment potential being secondary to securing Council objectives.

Existing Council owned properties which become surplus to operational requirements will be disposed of in line with the Disposal of Land and Buildings Policy.

- There will be a presumption against the retention of surplus property assets for financial investment purposes unless the retention supports Council strategic objectives. As with new acquisitions, the assets investment potential is secondary to securing Council objectives

There are a number of general principles that will be applied to the management of the retained investment portfolio:

- Day to day decisions on the management of the portfolio should support the efficient & effective delivery of the Council’s strategic and operational objectives.

- The portfolio should reflect strategic and operational objectives by clearly differentiating between those held for the benefit of the community (economic development and socio economic) and those retained purely as investment opportunities.
- “Added value” principles should apply – investment and expected returns should be on the basis of what is “best for communities” rather than concentrating on purely financial return.

## 8. Specific Strategic Principles

The Council will use the portfolio to support corporate objectives by adopting the following principles in the future management of the various categories of commercial properties:

- **Socio Economic Portfolio** – Held primarily for promotion or enhancement of the Council’s 5 strategic objectives for securing the future. Revenue generation for this category, although important and justifiable, is secondary to supporting Council objectives.
- **Economic Development Portfolio** - Held primarily to support strategic objectives but with an emphasis on supporting Objective (iii) - a prosperous, sustainable, and inclusive economy. The portfolio will be used to safeguard, control, and promote the use of land for economic development and regeneration through:
  - **Business Opportunity enhancement** – Land and buildings acquired or provided to facilitate and encourage business opportunities in local communities where the private sector has failed to provide infrastructure due to market conditions. There is a general presumption that this provision will be made available at sustainable market levels but with an acceptance that provision may have to be subsidised to generate development in certain areas. As part of this proposed approach the intention is to focus on strategic sites with development potential partnering with the private sector via Memorandums of Understanding intended to explore and exploit development and incoming-producing opportunities
  - **Start-up Workshop Units** – units should be held to encourage new and expanding businesses locate and flourish. Such units, where available, should be on short term lets with flexible terms to assist firms become established.
- **Commercial Investment Property** – Properties will generally only be held for rental income generation whilst generating an adequate and competitive return. There will be a presumption in favour of disposal of poorly performing properties. Units which are difficult to let, expensive to manage or present a company growth opportunity for a sitting tenant

will generally be positively considered for disposal unless these form part of a larger grouping where disposal of part would be detrimental to the value of the whole e.g., part of a row of workshop units.

In appropriate circumstances, consideration will be given to sales to sitting tenants if the disposal would not adversely affect the remaining portfolio; but only at full market value and at a price economically advantageous to the Council e.g., sales may be resisted at times of economic downturn when sale prices are unfavourable.

Poorly performing multi occupancy investments; industrial estates, rows of shops etc will be considered for disposal to either existing occupiers or as investments.

There is a presumption against properties held on the commercial estate being occupied by Council Services. Properties held for revenue generation may, however, be occupied by Council Services, with that service meeting the full cost of occupation, including payment of a market rent where appropriate.

### **Commercial Property Investment Programme (CPIP)**

The Council's approved CPIP is a comprehensive 10-year programme of employment land acquisition, servicing, and development to support the Council objectives of attracting investment and supporting businesses across Perth and Kinross. The programme (CPIP 2013-23) which is funded through sales receipts from sites and properties sold to developers and businesses has delivered 9.15ha of business land to support company growth since inception in 2013. The revised programme approved by the SP&R Committee on in November 2019 included a review of the approach to ensure effective delivery of corporate property development and investment activities. The CPIP is kept under regular review by the Estates & Commercial Investment Team and the Executive Director (Housing & Communities) through the SP&R capital monitoring process with appropriate committee approval sought regarding land and property disposals with an impact on the revenue budget.

**Housing Revenue Account (non-housing)** – There is no general presumption in favour of the disposal of investment properties held on the Housing Revenue Account (HRA) and the Executive Director (Housing & Environment) is consulted prior to the consideration of disposal of any HRA assets to allow consultation in accordance with current Housing Legislation to be carried out. The same principles as applied to the rental income-generating portfolio will generally be applied to the HRA portfolio.

## **9. Portfolio Management Principles**

### **Socio Economic Portfolio:**

- Clearly identify any "subsidy" level in leases to future socio economic and community lets.

- Only consider future lets on socio economic grounds where supported by a business case clearly identifying the community benefits and financial viability of the proposed let and having identified a sponsoring Service within the Council to provide support.

#### **Economic Development Portfolio:**

- The sale or lease of land and premises held for economic development purposes will be considered against the economic benefit to the local community and business needs.

#### **Revenue generating portfolio:**

- Always seek to maximise the return from the investment by applying market rents to all properties held in this category.
- Wherever practical, identify and allocate all running costs associated with the portfolio including “hidden” costs e.g., management costs.
- Monitor return on investment.
- Regularly review portfolio performance.
- Assess requests to sell from sitting tenants against the return on investment and the impact of sale on any remaining holdings in the immediate area.
- Manage the portfolio to maximise returns, balancing maintenance expenditure requirements against capital and rental growth potential.
- Support capital receipt generation (disposal of poorly performing assets) whilst seeking to achieve a balance between revenue and capital. Investigate options for investment to maximise and maintain revenue streams.

#### **HRA (non-housing) Portfolio:**

- Unless identified by the Executive Director (Housing & Environment) as a property held for socio economic or economic development purposes, manage the portfolio on terms consistent with the management of the general fund revenue generating portfolio.
- Consult with the Executive Director (Housing & Environment) prior to agreeing to the disposal of investment properties, providing advice on whether disposal represents a good return on the investment.

## **10. Risk Management**

### **Risk of falling rental income**

A substantial unforeseen decrease in projected rental income could present a risk to the Council’s revenue planning. Rental forecasts are regularly reviewed and managed in consultation with the Head of Finance.

The major risks affecting income potential are:

- Changing market conditions and
- Reducing rental income through disposal of investment properties.

### **Changing market Conditions – Low to Medium Risk**

The risk of a substantial unanticipated decrease in income resulting from changes in market conditions was previously considered to be “Low” as leases tend to terminate on set dates, with a relatively small proportion terminating within a single year. The risk element in the retail sector of the portfolio rose to Medium” for 2021/22 due to challenging economic conditions in light of the ongoing global pandemic (Covid-19) and this continues to be the case going into 2022/2023. There are additional risks in terms of rents being collected in the short to medium term within the commercial portfolio as a result of this. If leases terminate, even if unanticipated, the Council retains the capital asset which can be made available for re-letting or disposal. The current economic climate as a result of the ongoing pandemic, however, continues to make re-letting challenging.

### **Disposal of investment properties – Low Risk**

Disposal of investment properties will result in a capital receipt, but the consequence of this will be the loss of rental income from the asset. Decisions to dispose of major assets will therefore affect income. Disposal will be discussed with the Head of Finance and a programme agreed as appropriate to support the Council’s revenue budget and capital programme needs.

### **Risk associated with new investment acquisitions**

Procedures are in place to assess and manage the risk attached to any new investment proposal as the acquisition will be subject to a full business case analysis and risk assessment by the appropriate corporate group and will require subsequent Committee approval.

## **11. Strategy Action Plan**

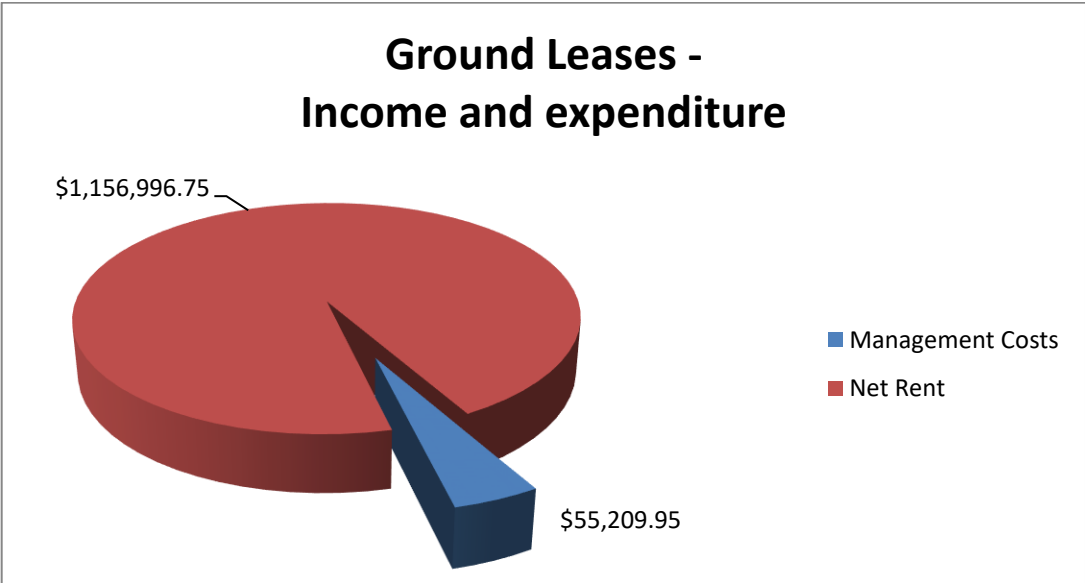
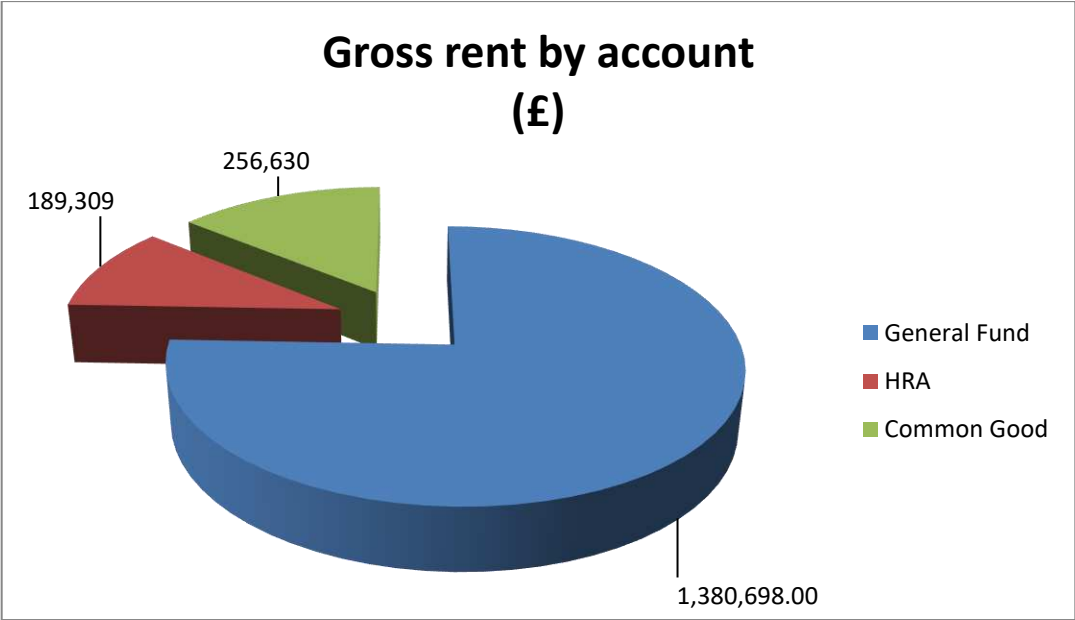
The portfolio is being transformed from the historic legacy to a more balanced sustainable portfolio to meet the Council’s current strategic objectives and the future financial viability of the commercial portfolio will be maintained through:

- the assessment and classification of each property as either socio-economic, economic development, investment or HRA (investment),
- regular review of the commercial estate to determine each property’s investment potential and viability, and
- by disposal of poorly performing investment properties and redevelopment/conversion of properties (e.g., conversion from retail to social housing).

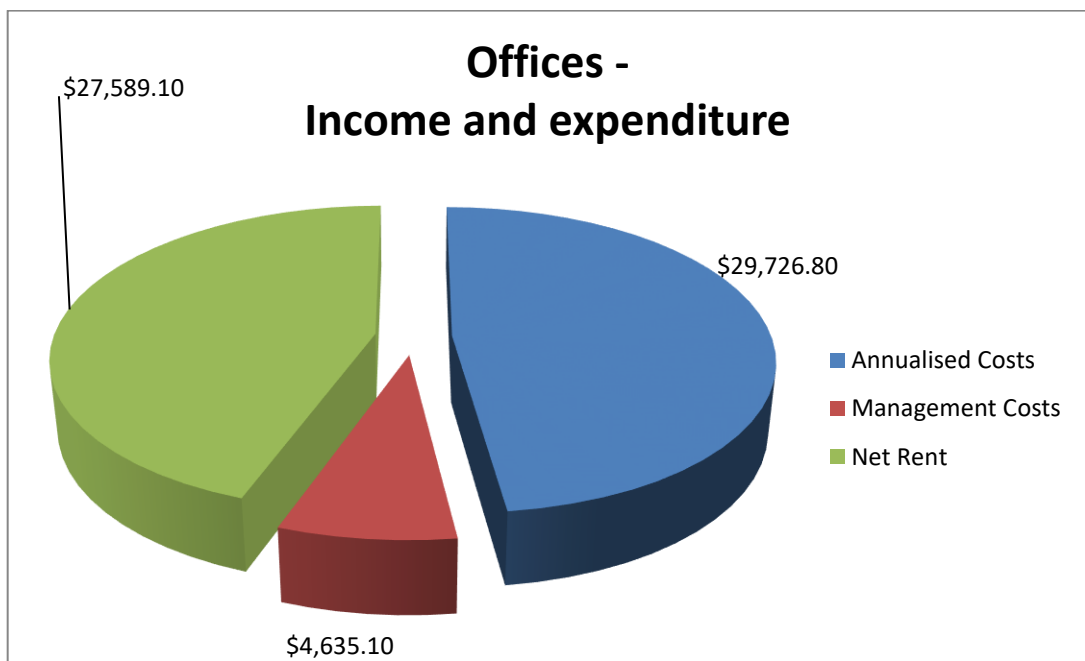
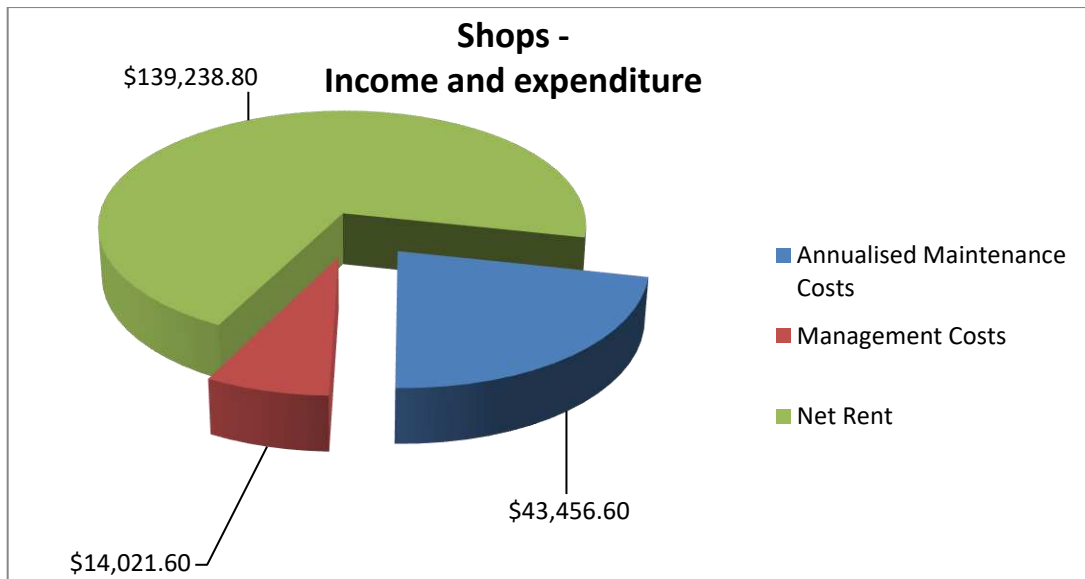
### **Commercial Investment Property Review 2018/19**

The valuation, classification and review of the portfolio is periodically carried out by the Council’s Estates and Commercial Investment Team on a five-year cycle unless significant change occurs. The 2018/19 review is shown in the following diagrams. It can clearly be seen that the vast majority of the rental income is received from ground leases which by their nature provide a low risk, low management, secure net rental income to the Council. The findings are informing the framework for development and investment in the Perth and

Kinross area and in Perth as part of the work being undertaken nationally to develop a consistent approach to investment in the Scottish cities and City Investment plans.

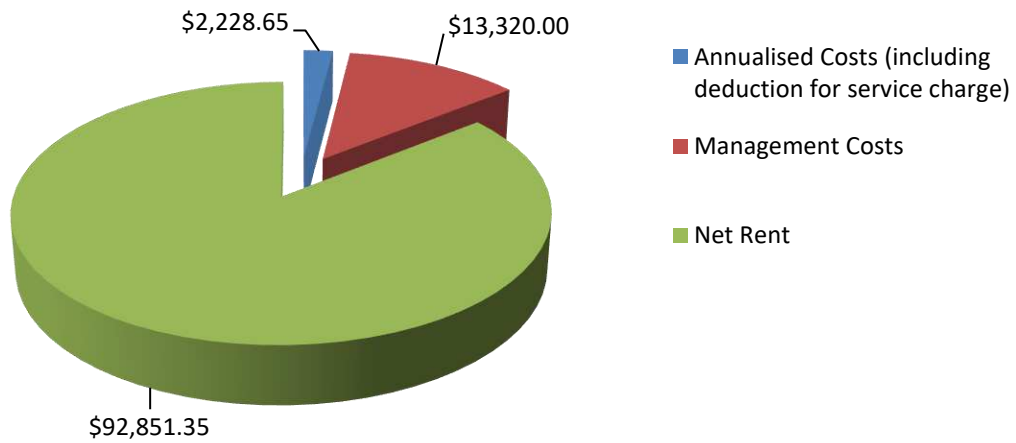


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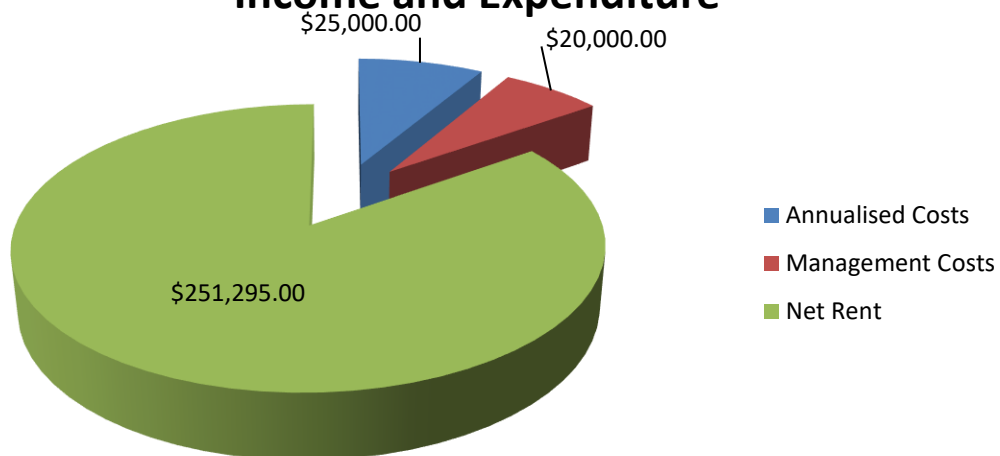


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### Industrial Units - Income and expenditure



### Miscellaneous - Income and Expenditure





**PERTH AND KINROSS COUNCIL**  
**PRUDENTIAL INDICATORS 2022/23 TO 2027/28**

Appendix V

**1 Financing Costs:Net Revenue Stream**

The ratio of Capital Financing Costs (Loan Charges) to the Council's net revenue stream shall not exceed the following limits, which are based on historic levels, and allow some headroom for mc  
The estimated Financing Costs below are based on the latest monitoring figures.

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Prudential Limit - General Fund	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Estimated Ratio of Financing Costs to Revenue	7.00%	7.24%	7.79%	8.58%	9.11%	8.86%	8.90%
Prudential Limit - HRA	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%
Estimated Ratio of Financing Costs to Revenue	23.80%	23.79%	23.61%	23.15%	22.39%	22.17%	22.39%

**2 Gross & Net Borrowing and Capital Financing Requirements**

For prudence, net external borrowing must not exceed the total capital financing requirement, thus ensuring that over the medium term, borrowing is only undertaken for capital purposes.  
The estimated total net borrowing and Capital Financing Requirement at the end of each of the years are as follows:

	Actual as at 17-Feb-22	Projected 31-Mar-22	Projected 31-Mar-23	Projected 31-Mar-24	Projected 31-Mar-25	Projected 31-Mar-26	Projected 31-Mar-27	Projected 31-Mar-28
Net External Borrowing*	478,554,000	514,004,000	614,741,000	803,338,000	944,176,000	1,008,013,000	1,053,596,000	1,089,179,000
Gross External Borrowing*	744,628,000	744,004,000	744,741,000	883,338,000	994,176,000	1,058,013,000	1,103,596,000	1,139,179,000
Capital Financing Requirement	631,614,000	630,307,000	765,128,000	903,469,000	1,016,552,000	1,081,268,000	1,126,162,000	1,160,064,000

\*For the purpose of this indicator, Borrowing includes the outstanding liability under PPP/PFI contracts.

**3 Estimates of Gross Capital Expenditure**

The total estimated Capital Expenditure contained within the Council's Budgets for each year is as follows, based on updated monitoring figures.

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Gross Capital Expenditure							
Composite Programme	90,702,000	173,549,000	173,708,000	140,089,000	83,252,000	66,395,000	54,928,000
HRA Programme	14,617,000	17,299,000	15,983,000	13,886,000	20,085,000	16,044,000	16,500,000
Total Gross Capital Expenditure	105,319,000	190,848,000	189,691,000	153,975,000	103,337,000	82,439,000	71,428,000

**4 Estimate of Capital Financing Requirement**

The estimate (as at February 2022) of the Capital Financing Requirement (ie new borrowing requirement for Capital Expenditure) for each year based on these plans is as follows:

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Capital Financing Requirement							
Composite Programme	45,007,000	135,251,000	136,121,000	119,105,000	65,856,000	48,780,000	37,313,000
HRA Programme	12,396,000	14,685,000	13,338,000	10,557,000	16,125,000	11,765,000	12,000,000
Movement in Estimated Capital Financing Requirement	57,403,000	149,936,000	149,459,000	129,662,000	81,981,000	60,545,000	49,313,000

**PERTH AND KINROSS COUNCIL**  
**PRUDENTIAL INDICATORS 2022/23 TO 2027/28**

Appendix V

**5 External Debt (Gross and Net)**

External Borrowing	As at 17-Feb-22	Projected 31-Mar-22	Projected 31-Mar-23	Projected 31-Mar-24	Projected 31-Mar-25	Projected 31-Mar-26	Projected 31-Mar-27	Projected 31-Mar-28
Public Works Loan Board	568,000,000	568,000,000	575,000,000	720,000,000	837,000,000	907,000,000	957,000,000	997,000,000
Market Bonds (LOBOs)	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000
Project Borrowing	140,000	140,000	140,000	0	0	0	0	0
Special Loans	2,169,254	2,169,254	2,169,254	2,169,254	2,169,254	2,169,254	2,169,254	2,169,254
Temporary Loans/Other Borrowing	3,506,331	3,300,000	3,000,000	2,700,000	2,500,000	2,300,000	2,300,000	2,300,000
Other Long Term Liabilities (PPP/PFI)	127,612,548	127,194,346	121,231,770	115,269,194	109,306,618	103,344,043	98,926,869	94,509,695
<b>Total Gross External Debt</b>	<b>744,628,132</b>	<b>744,003,600</b>	<b>744,741,024</b>	<b>883,338,448</b>	<b>994,175,872</b>	<b>1,058,013,297</b>	<b>1,103,596,123</b>	<b>1,139,178,949</b>
Short Term Investments	(266,073,842)	(230,000,000)	(130,000,000)	(80,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)
Long Term Investments	0	0	0	0	0	0	0	0
<b>Total Net External Debt</b>	<b>478,554,290</b>	<b>514,003,600</b>	<b>614,741,024</b>	<b>803,338,448</b>	<b>944,175,872</b>	<b>1,008,013,297</b>	<b>1,053,596,123</b>	<b>1,089,178,949</b>
<b>Note:</b>								
Operational Boundary	745,000,000	744,000,000	745,000,000	883,000,000	994,000,000	1,058,000,000	1,104,000,000	1,139,000,000
Authorised Limit	900,000,000	900,000,000	1,200,000,000	1,200,000,000	1,200,000,000	1,200,000,000	1,200,000,000	1,200,000,000

The Operational Boundary and Authorised Limit are based on Gross External Debt.

**6 Principal Sums Invested Longer Than 365 Days**

The Upper Limit for sums invested for over 1 year up to 3 years is £45 million. There was no amounts invested within this period as at the start of the financial year.

**7 MATURITY STRUCTURE**

The lower and upper limit for the proportion of the Council's total-long term debt which matures in each of the time bandings below, and is therefore subject to refinancing at the prevailing market

Fixed Rate Borrowing Maturity Structure	Lower Limit	Upper Limit	Estimated
Under 12 months	0%	35%	1.89%
over 12 months and < 24 months	0%	35%	1.48%
over 2 years and < 5 years	0%	50%	5.94%
over 5 years and < 10 years	0%	75%	7.20%
over 10 years	10%	95%	83.48%

The maturity profile for the Council's current long-term portfolio as at February 2022, measured from the start of the financial year, is as follows:

	Less 1 Year	1 - 2 Years	2 - 5 Years	5 - 10 Years	10 - 20 Years	20 - 30 Years	30 - 40 Years	40 - 50 Years	Over 50 Years	Total
PWLB	8,000,000	5,000,000	23,000,000	27,500,000	5,000,000	0	40,500,000	459,000,000	0	568,000,000
LOBOs	0	0	0	0	0	13,000,000	25,200,000	5,000,000	0	43,200,000
Other	0	0	140,000	0	0	0	0	0	0	140,000
PPP/PFI Liability	5,962,576	5,962,576	20,759,499	25,664,807	65,483,599	3,361,289	0	0	0	127,194,346
<b>Total</b>	<b>13,962,576</b>	<b>10,962,576</b>	<b>43,899,499</b>	<b>53,164,807</b>	<b>70,483,599</b>	<b>16,361,289</b>	<b>65,700,000</b>	<b>464,000,000</b>	<b>0</b>	<b>738,534,346</b>
<b>Percentage</b>	<b>1.89%</b>	<b>1.48%</b>	<b>5.94%</b>	<b>7.20%</b>	<b>9.54%</b>	<b>2.22%</b>	<b>8.90%</b>	<b>62.83%</b>	<b>0.00%</b>	<b>100.00%</b>

# PERTH AND KINROSS COUNCIL

9 March 2022

## CORPORATE PARENTING UPDATE AND PLAN

**Report by Executive Director (Education and Children's Services)**  
**(Report No. 22/48)**

### PURPOSE OF REPORT

This report gives an update of the progress made in relation to the Corporate Parenting Plan 2017-2020 and set outs the Perth and Kinross Corporate Parenting Plan 2021-2024.

### 1. BACKGROUND/MAIN ISSUES

- 1.1 The Children and Young People (Scotland) Act 2014 introduced the statutory duties and responsibilities for the Council in their role as corporate parents. The Act defines corporate parenting as "the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers".
- 1.2 Part of those responsibilities is that each corporate parenting body produce a plan which indicates their contribution to meeting the needs of their population of care experienced children and young people.
- 1.3 Progress on the Corporate Parenting Plan 2017–2020 is detailed within the plan for 2021-2024 but some of the highlights are:
  - Increased support to, and recruitment of, carers and supported lodgings providers.
  - Introduced intensive support to young people on the edge of care by the development of REACH, aimed at supporting young people to remain at home.
  - Development of lifelong links which allows for children and young people to reconnect with those who were important to them but with whom they have lost contact.
  - Developed the PRAISE team which provides intensive support to children in primary school who are struggling with mainstream education.
  - Increased the availability of independent advocacy to ensure children and young people's voice is being heard.
- 1.4 The Independent Care Review was established in 2017 with the purpose of having an in-depth look at the care system and identify improvements. The Independent Care Review listened to over 5,500 voices of care experienced children and young people and those who worked in the care system.
- 1.5 The Independent Care Review concluded in 2020 and a series of recommendations was published in the format of The Promise.

The Scottish Government's intention is that Scotland becomes a place where children and young people grow up loved and respected so that they realise their full potential.

- 1.6 The Perth and Kinross Corporate Parenting Plan 2021-2024 reflects this ambition and the priorities within The Promise and indicates the actions which will be taken locally to meet these priorities.

## 2. PROPOSALS

- 2.1 The Perth and Kinross Corporate Parenting Plan 2021-2024 – “Our Promise to You” is available as Appendix 1.

## 3. RECOMMENDATIONS

- 3.1 It is recommended that Council:
- (i) Notes the progress made in the delivery of corporate parenting actions;
  - (ii) Agree the Perth and Kinross Corporate Parenting Plan for 2021-2024; and
  - (iii) Agree that training on the role of a corporate parent be part of the elected members induction.

### Author

Name	Designation	Contact Details
Linda Richards	Service Manager (Services for Children, Young People and Families)	<a href="mailto:ECSCCommittee@pkc.gov.uk">ECSCCommittee@pkc.gov.uk</a> 01738 475000

### Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	23 February 2022

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**1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION**

<b>Strategic Implications</b>	<b>Yes/None</b>
Community Plan / Single Outcome Agreement	<b>No</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>No</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>No</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>No</b>
Strategic Environmental Assessment	<b>No</b>
Sustainability (community, economic, environmental)	<b>No</b>
Legal and Governance	<b>No</b>
Risk	<b>No</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>No</b>

**1. Strategic Implications**Community Plan/Single Outcome Agreement

- 1.1 This section sets out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No. (i) and (ii).

Corporate Plan

- 1.2 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan Objectives:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No. (i) and (ii).

- 1.3 The report also links to the Education & Children's Services Vision, Values and Priorities in respect of the following key Priority area:

- Care and Equity

## 2. Resource Implications

### Financial

- 2.1 There are no financial implications.

### Workforce

- 2.2 There are no workforce implications.

### Asset Management (land, property, IT)

- 2.3 N/A.

## 3. Assessments

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:

The Corporate Parenting Plan is seen as having a positive impact and ensuring that there is a focus on care experienced children and young people by health and education as well as promoting inclusion within their communities.

### Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

The proposals have been considered under the Act, however, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

### Sustainability

3.3 N/A.

### Legal and Governance

3.4 N/A.

3.5 Risk

There is a statutory duty to provide a Corporate Parenting Report and so not doing so would not meet our statutory obligations.

3.6 N/A.

## **4. Consultation**

### Internal

4.1 This Plan has been developed by services within the council who are part of the Corporate Parenting Strategy Group and the FYI (Fun Young Individuals) who are a group of care experienced young people.

### External

4.2 Partners involved in the delivery of Corporate Parenting in Perth and Kinross have been consulted. Each and Every Child, an organisation who are promoting the voice of care experienced children and young people, were also consulted.

## **5. Communication**

5.1 N/A.

## **2. BACKGROUND PAPERS**

2.1 Independent Care Review - [The Independent Care Review - The Promise](#)

## **3. APPENDICES**

3.1 Appendix 1 - Perth and Kinross Corporate Parenting Plan 2021-2024; Our Promise to You







# Our Promise to You

Perth and Kinross Corporate Parenting Plan 21-24

**Our commitment is that Perth and Kinross will be the best place for all our children and young people – especially those of us with care experience to grow up.**

---

**“We grow up loved, safe, and respected so that we realise our full potential.”**

Scotland's Ambition for our children and young people



## Why do we need a plan?

Since 2014, public bodies across Scotland are working together as part of a flexible scaffold of support, centred around the needs of children and young people cared for by local authorities. The public bodies include Perth and Kinross Council, Tayside Health Board, Perth College, and others. Each body needs to produce a plan which sets out how they are going to support you. You can find a list of all the public bodies and links to their plans at the end of this document.

## Who is this plan for?

### Perth & Kinross Council Our Community

288

In Perth & Kinross on the 31st July 2021 there were 288 children looked after.



The number of children being cared for continues to rise.



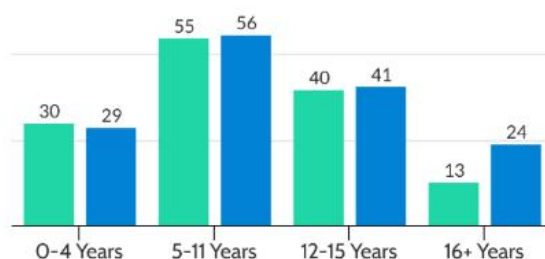
Across Scottish communities, the number of children being cared for is falling.

Number of Children Looked After (per 1,000 of 0-17/0-18 population)

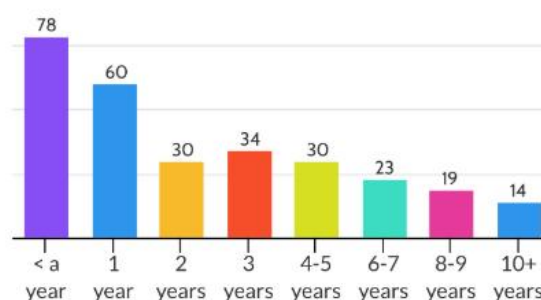


## WHO WERE WE SUPPORTING ON 31/07/2021?

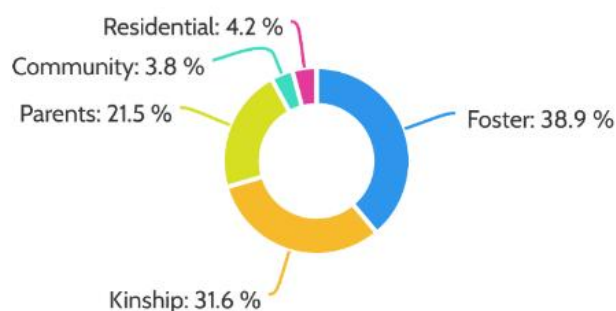
Gender & Age  
48% Female 52% Male



Length of time cared for at 31/07/2021



### Types of Care



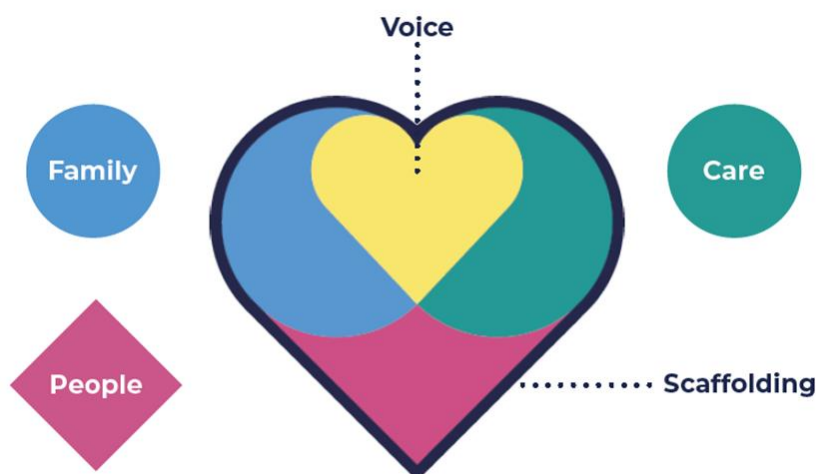
### Brothers & Sisters



- 85 brothers and sisters across 42 families are looked after.
- Of the 42 sibling groups, 27 are all cared for together.
- 21 children are not placed with any of their brothers or sisters.

## Independent Care review

An Independent Care Review was commissioned by the Scottish Government in 2016 to listen to those of us with experience of living and working in and around the care system to understand what needs to change. The review heard from more than 2,000 children, young people and adults who had lived in care. At the end of the review the conclusions and recommendations were identified in The Promise, under five priority areas (foundations) on which change must be built upon.



### Voice

Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what children want and need. There must be a compassionate, caring, decision-making culture focussed on children and those they trust.

### Family

Where children are safe in their families and feel loved they must stay – and families must be given support together to nurture that love and overcome the difficulties which get in the way.

### Care

Where living with their family is not possible, children must stay with their brothers and sisters where safe to do so and belong to a loving home, staying there for as long as needed.

### People

The children that Scotland cares for must be actively supported to develop relationships with people in the workforce and wider community, who in turn must be supported to listen and be compassionate in their decision-making and care.

### Scaffolding

Children, families, and the workforce must be supported by a system that is there when it is needed. The scaffolding of help, support, and accountability must be ready and responsive when it is required.

## What have we done so far?

Over the last three years we have made good progress through our corporate parenting plan for 2017-2021 which has built solid foundations for realising the Promise for all Perth and Kinross children. Some of our highlights:

A good childhood	Increased our support to kinship carers by creating a dedicated Kinship Care Team who support carers by offering practical advice and a listening ear.
	Changed our ways of working so that young people aged 12-18 who are on the edge of care are supported 24/7 to stay within their families, schools, and communities wherever it is safe to do so.
	Introduced Lifelong Links which makes it easier for you to reconnect with people from your past and build the lasting relationships we all need to thrive throughout our lives.
	Increased the number of foster and kinship carers and supported lodgings providers so you can live within a family for as long as you need to.
	Created PRAISE, a team which provides support to primary school children who need extra support with their learning.
	Provided you with the opportunity to take part in online tutoring and mentoring when preparing for exams.
	Provided additional support for young people leaving care by ensuring that all young people with care experience are prioritised for affordable homes in your area of choice and supported to make community connections.
	Increased levels of Independent Advocacy Support to ensure your voice is heard and listened to.
	Supported you through Fun Young Individuals (FYI) to create Milestones, an opportunity for you to share your experiences with staff and raise awareness of what you need to thrive. Also, the development of a workshop around "language" being used to describe young people with care experience.
	Created Care Experienced Education Guidance to ensure all education staff have an awareness of The Promise and know how to best support all children and young people
	Created Education Guidance for children who are alone and seeking asylum, ensuring we have appropriate understanding of needs and suitable education placements.
Whole Family Support	Scottish Fire and Rescue committed to prioritising a home safety check for all young people with care experience.
	Strengthened and increased levels of family support by funding third sector to support family wellbeing and to help them stay together.
	Introduced Family Group Decision Making to support your family to navigate through rough waters.
	Developed family mentoring to support your family in your community – Barnardo's and Tayside Council on Alcohol.
	Trying a new way of delivering family support through partnerships with local families and resources – Families Empowering Communities
	In partnership with adult drug and alcohol services developed a test of change creating a whole family assessment and plan to meet the needs of whole families where parents are struggling with drugs or alcohol.

## Our Action Plan 21-24

Whilst we have completed all the above, we still have work to do to make sure that each and every child with care experience can thrive. Below is what we will do in the next 3 years in line with the Promise Plan 21-24. Actions will be overseen by the Promise Delivery Group and reported to the Corporate Parenting Board. (Appendix 1).

A Good Childhood				
Children who have been removed from their family of origin and live in and around the 'care system' will have a good, loving childhood.				
High Level Outcome	No.	Action	Timescale	Lead Service
Children and young people with care experience have all they need to thrive at school.	1	Review and develop alternatives to exclusion.	January 2022	Education
	2	Ensure all children with care experience have been considered for a Co-ordinated Support Plan (CSP) which identifies their needs and actions taken to meet them by statutory partners.	ongoing	Education
	3	Ensure each and every child in our community has the same opportunities to thrive – continue to reduce the attainment gap between those from the most and least disadvantaged backgrounds.	ongoing	Education
Children and Young People are supported to strengthen relationships and spend time with those who are important to them.	4	Create a Connections Plan for every child who is currently cared for. This will detail arrangements for contacting and spending time with people most important to them.	June 2024	SCYPF
	5	Foster and Kinship carers will receive training and support to encourage them to strengthen connections between the child they care for and those most important to them.	June 2024	SCYPF
	6	Extend the use of lifelong links so that all young people with care experience have the chance to build on the stable, support network around them.	June 2024	SCYPF
Brothers and sisters will live together.	7	Where living with their parents is not possible, children must live with their brothers and sisters where safe to do so.	June 2023	SCYPF

A Good Childhood				
Children who have been removed from their family of origin and live in and around the 'care system' will have a good, loving childhood.				
High Level Outcome	No.	Action	Timescale	Lead Service
Young people are provided with community-based alternatives to custody.	8	Strengthen joint working between Children's services and Criminal justice services to expand programmes in the community to prevent and divert young people away from offending behaviour.	June 2023	SCYPF
	9	Co-design flexible supports with young people currently in custody which can prevent other young people becoming in conflict with the law.	January 2022	SCYPF
Children, Young People, and their families voice is heard and amplified.	10	Using an opt-in model, independent advocacy will be provided to all children aged 5+ alongside information of how to be supported by Child's Rights Lawyers.	June 2024	SCYPF
	11	Using an opt-in model, independent advocacy will be provided to families with children under the age of five alongside information of how to engage with Child's Rights Lawyers.	June 2024	SCYPF
	12	Expand the reach of our young people with care experience through the FYI group by developing further groups across localities.	June 2024	SCYPF
Young people who want to leave care have stable, flexible options to support them moving on.	13	Young people are encouraged to stay with their carers but if they chose not to are prioritised for housing and supported accommodation.	June 2024	SCYPF
	14	All young people with care experience are set up to thrive after leaving school and can go on to education, work or training.	June 2024	Skills Development Scotland
	15	Develop initial tenancy package to include painting and decorating and DIY chores.	January 2022	Communities

## Whole Family Support

All families need support at different times of their lives and family support is a crucial emphasis for 21-24.

High Level Outcome	No.	Action	Timescale	Lead Service
Increased opportunities for families in rough waters to be supported in their own homes and communities.	16	Provide support to families with children and young people before they need to enter the care system.	June 2024	SCYPF
	17	Co-design a range of safe harbours - early intervention and prevention supports - with families who have lived experience and through the families empowering community's project.	June 2024	SCYPF
	18	Increase capacity of Family Group Decision Making team.	June 2024	SCYPF
	19	Monitor and map the supports from 3 <sup>rd</sup> sector partners.	June 2024	SCYPF

## Supporting the Workforce

Children experience the 'care system' through people. Over Plan 21-24, support for people who care and continue to care if times get tough, will improve.

High Level Outcome	No.	Action	Timescale	Lead Service
A confident and competent workforce that provides the right support at the right time for children and families	20	Further develop our workforce from Trauma Informed to Trauma Enhanced.	March 2023	SCYPF
Lifelong connections and relationships between SCYPF staff and children are supported and valued.	21	Promote the importance of maintaining stable, supportive relationships whilst ensuring safety of every person involved. Staff and people with lived experience to explore how this can be delivered in a way that is manageable and appropriate.	June 2024	SCYPF
A confident and competent workforce that are skilled in clearing the path to education for all children and young people.	22	Increase understanding of the additional support needs which children and young people with care experience may have in an educational context.	June 2024	SCYPF and Education
Shifting attitudes around young people with care experience to improve their life chances.	23	In conjunction with FYI build on initial training materials to create a workshop influenced by the research undertaken by <a href="#">Each and Every Child</a> .	June 2024	SCYPF and FYI

The other two priorities Planning and building capacity have actions which will be directed by national policy and be implemented in due course.



## Appendix 1 – Annual Thematic Reporting Schedule

### Indicators are shaded by Promise Priority Area

- A Good Childhood
- Whole Family Support
- Supporting the Workforce

Spring 2022: Choices and Chances for Young Adults	
<ul style="list-style-type: none"> <li>The proportion of looked-after school-leavers in an initial positive destination. (Insight)</li> <li>Number of Looked After and Care Experienced Young People who are not in Education, Employment, Training.</li> <li>The average total number of looked-after school-leavers' Insight tariff points.</li> <li>The proportion of all looked-after school-leavers in a year who achieve (separately) literacy and numeracy qualifications at SCQF Level 4 (Insight).</li> <li>S5 from S4 Staying on rates for Looked After Children.</li> <li>Number of young people aged 16+ leaving care by after care accommodation: Continuing Care Supported Accommodation</li> </ul>	<ul style="list-style-type: none"> <li>Average length of time between application and award of all new tenancies.*</li> <li>Percentage of tenancies sustained over 12 months.*</li> <li>Number of young people in receipt of initial tenancy support package.*</li> <li>Percentage of Care Leavers receiving a Health Needs Assessment within 28 days of their request.</li> <li>Number of care experienced young people who are in conflict with the law taking part in community programmes.*</li> </ul>
Summer 2022: Quality of Care and Life	
<ul style="list-style-type: none"> <li>Number of groups for Care Experienced Children and Young People.</li> <li>Percentage of SCYPF workforce trained at each trauma level.</li> <li>Percentage of Foster and Kinship Carers completing training.*</li> <li>Stability Index* (Annual measure of the stability of the lives of children experiencing the care system).</li> </ul>	<ul style="list-style-type: none"> <li>Percentage of Looked After Children (school age) with a completed Mental Health Assessment by School Nurse by 12 weeks of notification.</li> <li>Percentage of referrals to CAMHS known to be CECYP offered an appointment and/or their professional network offered consultation within the 18-week referral to treatment (RTT) standard.</li> <li>NHS Corporate Parenting training strategy developed. Quality Assurance and Performance Reporting Dataset established.</li> </ul>
Autumn 2022: Education & Learning	
<ul style="list-style-type: none"> <li>Proportion of children (who were looked after by PKC at any point since birth) meeting all their pre-school developmental milestones.*</li> <li>Percentage of Looked After Children with a CSP (Co-ordinated Support Plan).</li> <li>Percentage of care experienced children who have been considered for a CSP. *</li> <li>Percentage of Looked After pupils meeting expected CfE levels in literacy and numeracy at P1, P4,7 &amp; S3.</li> </ul>	<ul style="list-style-type: none"> <li>Number of Looked After Children working with Inclusion Services.</li> <li>Number of Looked After Young people receiving 1:1 tutoring.</li> <li>Number of Looked After Young People with a Mentor.</li> <li>Attendance rate by placement type. Placement type will be determined by longest placement proportion of that term. With comparators.</li> <li>Number of exclusions - by placement type at point of exclusion. Rates and comparators.</li> </ul>

Winter 2022: Family and Connections	
<ul style="list-style-type: none"> <li>• Annual review and audit of Connections Plans.*</li> <li>• Number of families completing Family Group Decision Making process and adhering to family plan.</li> <li>• Number of Children and Young People completing Lifelong Links process.</li> <li>• Number of foster families that can accommodate brothers and sisters.*</li> </ul>	<ul style="list-style-type: none"> <li>• Number of families supported by REACH.</li> <li>• Number of families supported by COPE.</li> <li>• Number of families supported by Third Sector Partners*.</li> <li>• Number of young people who are no longer receiving social work services who remain in contact with staff.*</li> </ul>

\*To be developed

Public Bodies who are Corporate Parents and links to their plans.

<b>Public Body</b>	<b>Link to plan</b>
Children's Hearings Scotland	<a href="#">Children's Hearings Scotland Business and Corporate Parenting Plan</a>
The Scottish Children's Reporter Administration	<a href="#">SCRA's Corporate Parenting Plan 2020-2023</a>
Perth College	<a href="#">Corporate Parenting Plan 2017-2021</a>
NHS Tayside	No plan – Dr Simon Hilton, Public Health Medicine Consultant gave update to <a href="#">Care Governance Committee on 05/08/2021 item 7.9.</a>
Healthcare Improvement Scotland	<a href="#">Corporate Parenting Action Plan 2020-2023 and progress report</a>
The Scottish Qualifications Authority	<a href="#">Corporate Parenting Plan 2018-2021</a> <a href="#">Corporate Parenting Commitments</a>
Skills Development Scotland Co. Ltd (registered number SC 202659)	<a href="#">Corporate Parenting Policies</a>
Care Inspectorate / Social Care and Social Work Improvement Scotland	<a href="#">Corporate Parenting Plan 2021-23</a>
The Scottish Social Services Council	<a href="#">SSSC Realising Potential 2020-2023</a> <a href="#">Children's Rights Report 2020-2023</a>
The Scottish Sports Council	<a href="#">Paused the development of our refreshed Corporate Parenting Plan 2020-23 due to the impact of the Coronavirus pandemic (COVID-19).</a>
Police Scotland	<a href="#">National Corporate Parenting Plan</a>
The Scottish Fire and Rescue Service	<a href="#">Corporate Parenting Plan</a>
The Scottish Legal Aid Board	<a href="#">2018-2021 Corporate Parenting Plan</a> <a href="#">Corporate parenting literature review</a>
The Commissioner for Children and Young People in Scotland	<a href="#">December 2016</a>
The Mental Welfare Commission for Scotland	<a href="#">Corporate Parenting Plan 2018-2021</a>
The Scottish Housing Regulator	<a href="#">Corporate Parenting Plan and Children's Rights Report</a>
Bòrd na Gàidhlig	<a href="#">Bòrd na Gàidhlig Corporate Parenting Strategy and Plan 2018-2021</a>
Creative Scotland	<a href="#">Creative Scotland's Corporate Parenting Plan</a>
Social Security Scotland	<a href="#">Corporate Parenting Plan</a> <a href="#">Corporate Parenting Impact Assessment Summary</a> <a href="#">Action Plan</a>



# PERTH AND KINROSS COUNCIL

15 DECEMBER 2021

## PETITIONS PROCEDURE

Report by Head of Legal and Governance Services  
(Report No. 21/248)

### PURPOSE OF REPORT

This report presents the petitions procedure for approval as an appendix to the Council's Standing Orders.

### 1. BACKGROUND / MAIN ISSUES

- 1.1 It was agreed at a meeting of the Governance Member/Officer Working Group that a formal procedure would be included as an appendix to the revised Standing Orders to ensure a consistent approach to the receipt and consideration of petitions.
- 1.2 The petitions procedure remained outstanding at the time of the Council meeting of 23 June 2021, when the revised [Standing Orders](#) for the regulation of the business of the Council in terms of Paragraph 8, Schedule 7 of the Local Government (Scotland) Act 1973, were agreed.
- 1.3 The petitions procedure attached to this report (Appendix 1) now requires to be formally incorporated into the Council's approved Standing Orders.

### 2. PROPOSAL

- 2.1 It is proposed that the petitions procedure as attached at Appendix 1 to this report be agreed.
- 2.2 Perth & Kinross Council works to ensure that the democratic process is open, transparent and as accessible to the public as possible.
- 2.3 Petitions are one way for individuals, communities, groups or businesses to raise issues with the Council and to be involved in the Council's decision-making process.
- 2.4 The proposed petitions procedure sets out the areas of Council business that can / cannot competently be the subject of a petition and the process for submission.
- 2.5 Petitions will be accepted in community languages and other formats. Interpretation and translation services, including British Sign Language, will be arranged, if required.

- 2.6 A standard form for submitting a petition will be available from the Council's website [www.pkc.gov.uk/petitions](http://www.pkc.gov.uk/petitions) (to be created) which guides the petitioners through the process.
- 2.7 Petitioners are encouraged to include a clear statement of no more than 250 words which covers the purpose of the petition and details of the results which the petitioner expects to achieve.
- 2.8 Sections 10 and 11 of the procedure outlines the steps taken to have the petition heard at a relevant Committee and allows for petitioners to have the opportunity to make a statement to Committee.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 The formalisation of the Petitions Procedure will ensure a consistency of approach in dealing with petitions; providing individuals, communities, groups or businesses an opportunity to raise particular issues with the Council and to be involved in the Council's decision-making process.
- 3.2 Council is asked to: -
- (i) approve the petitions procedure as set out in Appendix 1 of the report;
  - (ii) formally incorporate the petitions procedure into the Council's approved Standing Orders.

#### Author

Name	Designation	Contact Details
Lisa Simpson	Head of Legal and Governance Services	committee@pkc.gov.uk

#### Approved

Name	Designation	Date
Karen Donaldson	Chief Operating Officer	11 November 2021

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All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	N/A
Corporate Plan	N/A
<b>Resource Implications</b>	
Financial	N/A
Workforce	Yes
Asset Management (land, property, IST)	N/A
<b>Assessments</b>	
Equality Impact Assessment	N/A
Strategic Environmental Assessment	N/A
Sustainability (community, economic, environmental)	N/A
Legal and Governance	Yes
Risk	N/A
<b>Consultation</b>	
Internal	Yes
External	No
<b>Communication</b>	
Communications Plan	N/A

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 N/A

#### Corporate Plan

1.2 N/A

### 2. Resource Implications

#### Financial

2.1 N/A

#### Workforce

2.2 The procedure outlined in this report will require additional resources, this will be considered as part of the review of staffing within Democratic Services.

#### Asset Management (land, property, IT)

2.3 N/A

### **3. Assessments**

#### **3.1 Equality Impact Assessment**

N/A

#### **3.2 Strategic Environmental Assessment**

N/A

#### **3.3 Sustainability**

N/A

#### **Legal and Governance**

3.4 The Head of Legal and Governance Services has been consulted on the contents of this report.

#### **3.5 Risk**

N/A

### **4. Consultation**

#### **Internal**

4.1 The revised petitions procedure has been shared with the Governance Member/Officer Working Group.

### **5. Communication**

5.1 The Council's Petition Procedure will be available on the Council's website at [www.pkc.gov.uk/petitions](http://www.pkc.gov.uk/petitions) and as an appendix to the Council's Standing Orders.

### **2. BACKGROUND PAPERS**

N/A

### **3. APPENDICES**

Appendix 1: Petitions Procedure





**Perth and Kinross Council  
Petitions Procedure**

**Date TBC**

**Perth and Kinross Council  
Petitions Procedure**

**Contents page**

**TO BE FINALISED**

DRAFT

## 1. Introduction

Perth and Kinross Council aims not only to deliver services which meet the needs of citizens and communities but also to make its decision-making process, open and transparent and as accessible to people, as possible.

The petitions process is one way for individuals, communities, groups or businesses to raise issues with the Council and to be involved in the Council's decision-making process.

*Note – Councillors may not submit a petition as they have other methods to progress an issue on behalf of a constituent(s). In addition, in signing a petition a councillor may create a conflict of interest for themselves if they sit on the committee which will hear the petition.*

## 2. Issues that can be considered

Petitions should be about services provided by the Council or issues that affect you or your community that the Council is involved in.

Petitioners may freely disagree with the Council and/or call for changes in policy and the Council will accept petitions about most issues. There are some matters/issues that the Head of Legal and Governance would not consider to be appropriate to deal with by way of a petition, usually because such matters are dealt with by some other legal or corporate process. These are detailed in Section 3 below. A final decision on whether a petition is to be considered will be taken by the Head of Legal and Governance Services, in consultation with the relevant Committee Convener.

## 3. Issues that are not considered appropriate for the Petitions Procedure

- Matters which are the subject of individual planning, licensing or other similar regulatory processes where there are already [procedures](#) in place to consider objections and an appeal against a decision.
- Matters which are subject to a specific statutory or administrative process (for example, school placing request refusal appeals).
- Matters which are the subject of current or anticipated court proceedings.
- Matters which have been raised through the Council's [Complaints Procedure](#) and the process is not yet completed.
- Matters relating to employees' terms and conditions of employment.
- Operational business matters (for example, individual or personal issues such as housing allocations or a neighbour dispute).
- Issues affecting an individual business interest.
- Complaints against individual councillors, Council staff or other individuals. These matters will either be dealt with by the [Standards Commission](#) or the [Council's Complaints Procedure](#).
- An allegation that an individual or organisation has broken the law as this is a police matter.

- Matters which have been the subject of a decision taken by the Council, a committee or joint committee within the past 6 months.
- A matter which is identical or similar to another petition considered during the preceding 12 months.
- Any matter which is potentially unlawful or deemed by the Head of Legal and Governance Services to be out with the Council's statutory powers.

#### 4. Action before submitting a petition

In addition to considering the information in Section 3, petitioners may also wish to consider the following before submitting a petition:

- Have you raised the issue with the relevant [local elected member](#) or with a [Member of Parliament](#), [Member of the Scottish Parliament](#), [Community Council](#) or [Area Action Partnership](#)?
- Is the subject of your petition covered as part of a current [consultation exercise](#) or engagement process?
- Is the issue something that has been or could be submitted as a [Freedom of Information](#) request?
- Is the matter already scheduled to be considered as an item of business at a [Council / Committee / Sub-Committee](#) meeting?

Petitioners should ensure that any relevant correspondence is included as supporting information and submitted with the petition.

#### 5. Submitting a petition

To assist, a form for petitions is included as an Appendix to this procedure and can be downloaded from the Council's website at [www.pkc.gov.uk/petitions](http://www.pkc.gov.uk/petitions) - *to be created*.

Petitions can be submitted by email to [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk), by post or by hand. For all petitions submitted by email, by post or by hand, there are some basic requirements.

The petition should be titled and include a clear statement of no more than 250 words which covers the purpose of the petition and details of the results which the petitioners expect to achieve.

A petition **must** include the following:-

- i. the **name** of the **principal petitioner** who must be on the Register of Electors for the Council area or be a secondary school pupil on the roll of a secondary school in the Council area or in the case of a local business be on the Valuation Roll for the Council area;
- ii. the **contact address** of the **principal petitioner** to which all communications should be sent;

- iii. the **name, address and signature** of any person(s) supporting the petition unless the petition is supported by a community council (see below).

Names and addresses can be gathered both online and on paper. If there are to be both online and paper versions of the petition, please remove repeat / duplicate names before submitting the petition.

For paper petitions, it would be helpful if petitions were typewritten or completed using a black pen. If petitioners have any special requirements, they should email [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk).

A petition **must** be supported by:-

**Petition by individual / community / group** - at least 25 signatures from people who live in the Council area and are on the Register of Electors and/or secondary school pupils on the roll of secondary schools within the Council area.

**OR** the support of the relevant community council.

*Note - Fewer signatories may be accepted where the issue concerns a small community which could not reasonably be expected to raise 25 signatories. This discretion may be exercised by the Democratic Services Manager.*

**Petition from local business(es)** - at least 5 other businesses on the Valuation Roll for the Council area

**OR** the relevant community council.

If the petition is supported by a **community council**, a community council office bearer must countersign the petition, and a copy of the minutes of the relevant community council meeting should be included as supporting information.

## **6. Support and help with a petition**

We will accept petitions in community languages and other formats. We will also arrange for interpretation and translation services, including British Sign Language if you need it. We will take account of your needs when making arrangements to hear petitions. If you need any support, you or your representative, should discuss these with the Democratic Services Manager.

## **7. How to send in petitions**

When the principal petitioner is satisfied that the petition meets the criteria outlined in this procedure, the petition should be submitted to the Council's Democratic Services Manager at [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk) or by post / by hand clearly marked for the attention of the Democratic Services Manager, Council Building, 2 High Street, Perth PH1 5PH.

A written acknowledgement will be sent to the principal petitioner upon receipt of the petition.

## **8. Validation of petitions**

The Council validates (or checks) each petition, and a certain amount of support must be included before consideration of the petition can begin.

During validation, the petition will be checked for: -

- Completeness
- Number of signatories and their qualification
- Compliance with the criteria set out in Sections 3 and 5 of this procedure.

**If the petition is valid** then the next steps in the process are outlined in Sections 10 and 11 below.

**If the petition is not valid**, the petition will be returned to the principal petitioner by the Democratic Services Manager outlining the reasons for return.

## **9. Privacy policy and content of petitions**

Information about any individual will not be used for any other purpose than in relation to the petition. Information on how the Council collects and uses information can be found at <http://www.pkc.gov.uk/dataprotection>.

Once a petition has been submitted, validated and acknowledged, the information will be made available for public access on the Council's website at [www.pkc.gov.uk/petitions](http://www.pkc.gov.uk/petitions).

Petitioners should therefore take care not to include any information in the wording of their petition that they would not wish to be made available to the public. The name of the principal petitioner will usually be publicly available but details of individual signatories will not be disclosed to the public.

In exceptional circumstances, the Democratic Services Manager may agree that the name and address of the principal petitioner is not made publicly available. If you wish to request that your name is withheld, please email [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk).

- Petitioners must make sure that the Petition does not include: false, offensive or insulting statements
- information which is protected by any court order
- information which is commercially sensitive or confidential
- information likely to cause personal distress, injury or loss to an individual
- the names of individual officers of public bodies

- the names of other individuals or information whereby they may be easily identified
- offensive language
- duplicate names

Signatories to a petition should not enter the name of another individual as a signatory unless they are in possession of a signed mandate authorising them to do so.

## **10. Consideration of petitions**

Once the petition has been validated, wherever possible it will be considered at the next available meeting of the relevant Committee, subject to the management of business on the agenda for the meeting.

The Democratic Services Manager, in consultation with the Chief Executive / relevant Executive Director(s) and Convener(s), will determine which Committee is the relevant one.

If the petition is received **within 3 weeks** of the date of the next meeting of the relevant Committee, consideration of the petition will be deferred to the next available meeting of that Committee after that.

As soon as the date of the meeting at which the petition will be considered is known, the principal petitioner will be advised of the date, time and venue for the meeting.

The principal petitioner should indicate on the form whether or not they wish to have the opportunity to make a statement before the Committee.

The relevant Executive Director will also prepare a briefing report for the Committee outlining the issues raised in the petition and the preliminary response to these issues. This report will be included in the agenda for the Committee meeting and the principal petitioner will be provided with a copy of this report as soon as the agenda papers are issued.

Where the issues raised in the petition are particularly complex and may require further investigation or consultation with officers or third parties, the principal petitioner will be advised that formal consideration of the petition will be deferred to a future meeting to allow all relevant information to be gathered and presented.

## **11. Attending the committee meeting**

If the principal petitioner has indicated that they wish to have the opportunity to make a statement before the Committee, the Committee will consider that request. If the Committee agrees to the request, the principal petitioner will introduce their petition with a time limit of 10 minutes allowed for speaking.

Any local member, who is not a member of the relevant Committee may, with

the consent of the Committee, address the Committee for no more than 5 minutes in relation to the issues raised in the petition.

The Committee will consider petition and take any of the following actions;-

- i. decide that the issues raised do not require any further action to be taken by the Council; or
- ii. instruct immediate action in response to the issues raised by the Petition; or refer the petition to the relevant Executive Director, in consultation with the Convener and Vice Convener(s), for consideration, without specific direction as to action; or
- iii. refer consideration of the petition to another Committee or full Council; or
- iv. continue consideration of the petition at the next meeting of the Committee, pending the submission of further information.

Following the Committee, the principal petitioner will be advised in writing of the Committee's decision.

## **12. Petitions log**

Every valid petition submitted to the Council will be added to the petitions log on the Council's website. Petitions will be identified as live (actively being pursued) or closed. The principal petitioner will be kept advised of the progress of the petition throughout the process. All information regarding a petition will be retained in line with the Council's relevant retention schedule.

## **13. Contact information**

All correspondence and enquiries should be directed to: -

Democratic Services Manager  
Council Building  
2 High Street  
Perth  
PH1 5PH

Email [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk)



## PETITIONS FORM



If you wish to submit a petition for consideration by Committee, please complete this template.

***Please refer to the Protocol on Petitions before completing the template. If you require any further information or advice, please contact the Democratic Services Manager whose details are provided at the end of this form.***

### Details of Principal Petitioner

Please enter the name of person and organisation (if applicable) raising the petition. Please include a contact address to which correspondence may be sent, a contact telephone number and e-mail address if available.

**Name:**

**Address:**

**Tel No:**

**E mail:**

**Title of Petition .....**

**Petition Statement** - Please state (in no more than 250 words) what action the Petitioner wishes the Council to take.

### Action Taken (if any) to Resolve Issues of Concern before Submitting the Petition

Before a petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence, including any responses, should be appended. This information will be made available to the Committee prior to its consideration of the Petition.

### Appearance before Petitions Committee

Petitioners may have the opportunity to appear before the Committee to speak in support of their petition. Petitioners should indicate whether they wish to make a brief statement to the Committee when it is considering the petition. Note – Proceedings of meetings of the Council, Committees or Sub-Committees held in the Council Chamber at 2 High Street, Perth, and which are open to the public (with the exception of the Licensing Committee) are broadcast live online and recorded / uploaded to the Council's YouTube page.

**\*I DO wish the opportunity to make a brief statement before the Committee**

☐

**\*I DO NOT wish to make a brief statement before the Committee**

☐

*\* tick as appropriate*

### Signature of Principal Petitioner

When satisfied that the petition meets all the criteria outlined in the Guidance on Petitions, the Principal Petitioner should sign and date the form in the box below.

Any additional sheets of signatures should be appended to the form.

Signature ..... Date .....

Name in block capitals .....

**Form A****PETITION TITLE:** \_\_\_\_\_**A petition must be supported by:-**

at least 25 signatories from people who live in the Council area and are on the Register of Electors and/or school pupils on the school roll of secondary schools within the Council area **OR** have the support of the relevant Community Council by means of a Community Council Office Bearer countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved. (see Form C)

NAME	ADDRESS (inc Postcode)	SIGNATURE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		

*\*Add additional sheets if required*



## PETITION SUBMITTED BY LOCAL BUSINESS(ES)

**PETITION TITLE:** \_\_\_\_\_

**A petition must be supported by:-**

at least 5 other businesses on the Valuation Roll **OR** have the support of the relevant Community Council by means of a Community Council Office Bearer countersigning the petition at the appropriate point and attaching a copy of the minutes of the Community Council meeting when the support was approved.

Name and Position held within Business	Address of Business (inc Postcode)	Signature
1.		
2.		
3.		
4.		
5.		

**Or**

### Support of Community Council

Signature ..... Date  
.....

(Office Bearer ..... Community  
Council)

### Submission

Please submit the original form and attachments to:-

Democratic Services Manager  
[petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk)  
 Perth and Kinross Council  
 Council Building  
 2 High Street  
 Perth  
 PH1 5PH

PETITION TITLE: \_\_\_\_\_

**SUPPORT OF COMMUNITY COUNCIL**

Signature ..... Date .....

(Office Bearer ..... Community Council)

*\* Please include the minutes of the Community Council meeting when the support was approved*

**Submission**

Please submit the original form and attachments to:-

Democratic Services Manager

[petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk)

Perth and Kinross Council

Council Building

2 High Street

Perth

PH1 5PH

## Petitions Log

For information or assistance please contact the Democratic Services Manager at [petitions@pkc.gov.uk](mailto:petitions@pkc.gov.uk)

Ref No.	Petitioner	Subject	Appropriate Committee	Valid/ Not Valid	Status (actively being pursued or closed)	Outcome





## UPDATES TO SCHEME OF ADMINISTRATION

### Part 2 – Provisions Relating to Committees

#### Kinross-shire Local Committee

Following the decision of Council (6 October 2021) to agree a Scheme of Administration for a 12 month pilot Kinross-shire Local Committee, the Head of Legal and Governance to make the necessary amendments to the Perth and Kinross Council Scheme of Administration.

### 3. Strategic Policy and Resources Committee

#### Land Use Planning

- 3.15 To exercise the functions of the Council in relation to Development Plans, including functions described in Part II of the Town and Country Planning (Scotland) Act 1997 ~~as amended by the Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019 and all related subordinate legislation; with the exception of those functions conferred on the Council as a Joint Strategic Development Planning Authority which are subject to the provisions of the Minute of Agreement among Angus, Dundee City, Perth and Kinross, and Fife Councils in relation to the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority.

### 10. Planning and Development Management Committee

#### Terms of Reference

- 10.4 In accordance with the ~~Scheme of Delegation~~ Scheme of Delegation approved by Scottish Ministers in ~~October 2016~~ January 2020 (or as may subsequently be approved), to exercise the development management functions of the Council as Planning Authority under the terms of the Town and Country Planning (Scotland) Act 1997 ~~as amended by the Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019, ~~the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended~~ and all related ~~subordinate~~ legislation, in relation to:-
- (i) applications for both planning permission for major developments and approval of matters specified in conditions associated to major developments which are not significantly contrary to the development plan, unless the Executive Director (Communities) intends to refuse solely on the ground of inadequate information to enable determination; and

## 12. Local Review Body

### Terms of Reference

- 12.3 To consider and determine applications for review of decisions made by officers under delegated powers in respect of planning applications for local developments in accordance with Section 43(a)(8) of the Town and Country Planning (Scotland) Act 1997 ~~as amended~~ and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 ~~(both as amended).~~

## 13. Pre-Determination Committee

### Terms of Reference

- 13.3 To hold pre-determination hearings prior to determination of the application by full Council in terms of Section 38A of the Town and Country Planning (Scotland) Act 1997 ~~(as amended)~~ and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 ~~(as amended).~~

## Part 3 – Delegation to Officials

### 18 – Chief Operating Officer

#### 18.1

##### Property

- To act as the Council's agent in all property matters.
- To dispose of any property or right in property valued ~~by the Head of Property~~ at £100,000 or less either by negotiation or advertisement and subject to section 74 of the Local Government (Scotland) Act 1974 (the duty to obtain best reasonable consideration), as amended by Section 11 of the Local Government in Scotland Act 2003 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
- To acquire any property or right in property in respect of which there is a relevant project or programme and budget provision and instructions have been received from the relevant Executive Director.

##### ~~Energy Management and Conservation~~

- ~~• To undertake carbon trading in consultation with the Head of Finance and the Head of Legal and Governance Services in accordance with the Carbon Reduction Commitment Energy Efficiency Scheme.~~

## Section 23 - Executive Director (Communities)

### 23.1

#### Environment

Town and Country Planning (Scotland) Act 1997 (as amended), including all other powers and duties, not hereby specified, arising in terms of the 1997 act, except ~~in~~ so far as provided for ~~in relation to~~ section 43A Scheme of Delegation as set out below;

#### Development Planning

- In accordance with the ~~Scheme of Delegation~~ Scheme of Delegation approved by Scottish Ministers in ~~October 2016 to January 2020~~ (or may subsequently be approved) exercise the functions of the Council as Planning Authority in terms of the Town and Country Planning (Scotland) Act 1997 as amended by the ~~Planning Etc. (Scotland) Act 2006~~ Planning (Scotland) Act 2019, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) and all related subordinate legislation.

#### Property

- To manage the Council's leasehold portfolio including, without prejudice to the generality, agreeing tenancies, rentals, rent reviews, assignments, sub-tenancies, terminations and renewals.

## 25 - Statutory Appointments of Officers

### 25.1

#### STATUTORY PROVISION

#### PURPOSE / ROLE

#### OFFICER

**Town and Country  
Planning (Scotland) Act  
1997**

All other powers and  
duties, not hereby  
specified, arising in terms  
of the 1997 act are  
hereby delegated to:

Executive Director  
(Communities) Head of  
Planning and  
Development; Service  
Manager: Development  
Management and Building  
Standards, Planning and  
Housing Strategy;  
Development Management  
Team Leaders; and  
Development Plans Team  
Leader.

S43A

Delegated authority in  
respect of planning  
applications for local  
development

Executive Director  
(Communities); Head of  
Planning and  
Development;  
Development Management  
and Building Standards  
Service Manager;  
Development Management  
Team Leaders; and (for  
certain applications only)  
Development Management  
Planning Officers who have  
membership of the Royal  
Town Planning Institute  
and 2 years post-qualifying  
experience