

Community Land Scotland submission to the draft NPF4 consultation, 2022

Community Land Scotland supports much of the aspiration in the NPF4 draft document, particularly for rural repopulation and community wealth building. However, substantial changes are needed on the specifics of the policy to make it implementable. There is conflict between policies in the draft, particularly between policies 31 and 32. There is also detail missing on the cascading policies needed to deliver outcomes from the high-level policy commitments.

In this submission we propose the detailed wording changes needed to fulfil the interests of our members. Taken together, our proposed changes provide a planning policy framework which complements the Scottish government commitment to land reform and community ownership, aligning to deliver Scotland's land for the public interest.

We propose:

- Deliverable policy for rural repopulation at all policy levels in the NPF4, through:
 - Accurate reflection of repopulation priorities in the national spatial strategy, and in the area-specific actions.
 - Including rural repopulation as a national development.
 - Revised wording for Policy 31 on rural development.
 - Revised wording for the natural places policy (Policy 32) which will support nature and communities in their stewardship of nature, reflecting current thinking on nature conservation as a cooperative balance of natural and human use.
 - A new use class for Second Homes, which is required to implement the rural repopulation outcome.
 - A new site designation – Assets of Community Value (or by another name) -- to allow communities to lead on priority repopulation sites.

- Deliverable spatial policy for community wealth building. This includes:
 - A definition for Community Wealth Building based on the Scottish Government definition, linked to indicators in the National Performance Framework as measurable outcomes.
 - A presumption in favour of community-led development with significant community wealth building outcomes.
 - A new site designation, Assets of Community Value, to support communities to become proactive over land use.
 - Improved approach to infrastructure first policy which reflects infrastructure challenges in rural areas, and with support for community led and owned social infrastructure.
 - Stronger Community Benefit Statements through incorporation of community wealth building principles.
 - Noting deliverability issues for Local Place Plans, including lack of funding for council planning offices and communities, and need for stronger links to development plans

We recently completed research on the non-fiscal options to control second homes in areas of housing pressure in Scotland with support from HIE and SOSE, which will shortly be published. This identified that planning, housing and fiscal measures together can jointly deliver the best outcomes on this topic, and has informed our proposals in this NPF4 response.

We do not think that the measures identified are sufficient to deliver the rural repopulation outcome identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997, as modified by the 2019 Planning Act. Section 3A(4)(aa) of the Town and Country Planning (Scotland) Act 1997, as amended, gives the National Planning Framework power to:

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“(a)contain an account of such matters as the Scottish Ministers consider affect, or may come to affect, the development and use of land,
(aa)contain such maps, diagrams, illustrations and descriptive matter as may be prescribed of rural areas in relation to which there has been a substantial decline in population,
(b)describe—
 (i)a development and designate it, or
 (ii)a class of development and designate each development within that class,a
“national development”, and
(c)contain any other matter which the Scottish Ministers consider it appropriate to include.”

Accordingly, the NPF4 could, and must, introduce stronger policy to deliver the rural repopulation outcome including new development classes and designations.

We also comment on other points of interest to our members, such as the climate and biodiversity crisis's, vacant and derelict land, appropriateness of the 20 minute neighbourhood concept for rural areas, etc.

Carey Doyle, March 2022

Part I - National Spatial Strategy

Q1: Sustainable places.

Our future net zero places will be more resilient to the impacts of climate change and support recovery of our natural environment. 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?

We agree with the ambition of the policy, but the wording needs to be refined to deliver this goal. Current wording focuses disproportionately on environmental sustainability. The wording of this policy should include equal reference to the three pillars of sustainability -- economic, social and environmental. A strong commitment to sustainable communities should be included.

Proposed wording changes are below (all proposed new wording in red in this document, with deleted words strikethrough):

“Our future net zero, nature-positive places will be more resilient to the impacts of climate change, **contain thriving communities**, and support the recovery and restoration of our natural environment.

...

Our strategy is to transform the way we use our land and buildings so that every decision we make contributes to making Scotland a more sustainable place. In particular, we want to encourage low- and zero-carbon design and energy efficiency, reduce the need to travel unsustainably, and diversify and expand renewable energy generation. We will secure positive effects for biodiversity, creating and strengthening nature networks and investing in nature-based solutions to support nature recovery and create multiple benefits for our natural capital. **Our places are home to sustainable communities, promote health, wellbeing, community wealth, resilience and jobs, and we support communities to address their needs and build wealth through land use.** “

Q2: Liveable places

Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live. 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?

The wording of this policy needs to be strengthened, as follows:

“We will create places with good-quality homes close to local facilities and services by applying **locally appropriate place-based solutions, such as** the concept of 20 minute neighbourhoods. We want to make better use of our spaces to support physical activity, relaxation and play, to bring people together and to celebrate our culture, diversity and heritage. **Through support for communities' involvement in land use planning, we hope to** empower more people to shape their places.”

The concept of 20 minutes neighbourhoods cannot be applied to all areas in the same way, particularly rural areas. Without change to the policy, there is a risk of limiting rural development where a narrow 20 -minute neighbourhood metric cannot be met. Policy is needed which focuses

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on providing local solutions (retaining the intention of 20 minute neighbourhoods) but provides flexibility for all of Scotland's contexts. The approach we propose is in line with the [RTPI Wales' 2021 research](#) into the applicability of 15 minute neighbourhoods in rural Wales.

Finally, a stronger statement on how planning empowers people to shape places is needed here, rather than the drafted weak commitment to "hoping" to empower people. Planning policy can meaningfully support community empowerment through adopted policy, as we have proposed in the presumption in favour of community-led development -- it can do much more than "hope" to empower.

Q3: Productive places

Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing. 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?

Land ownership inequality undermines productive places. The Scottish Land Commission has extensively documented the harm to communities which arises from the exceptionally unequal land ownership patterns in Scotland. The planning system can play a role in addressing unequal land ownership and use by supporting community wealth building. This is a practical way to implement strategic policy goals, such as for productive places.

The following wording revision to this land use policy will effectively support the Scottish Government's commitment to land reform:

"Our strategy is to build a wellbeing economy that benefits everyone, and every place, in Scotland. The transformations needed to tackle the climate and nature crises, together with the impact of the pandemic, means that green investment is a key priority for the coming years. The way we work is changing, and we will need to be flexible to facilitate future business and employment that benefits communities and improves places. **Scotland continues to have one of the most unequal land ownership patterns in Europe, which we must address through a fairer approach to land ownership and use.** We will play to the economic strengths and opportunities of each part of Scotland. We want to encourage development that supports the prosperity of key sectors, builds community wealth and creates fair work and good green jobs where they are most needed. We will need to support, and be supported by, businesses and communities across Scotland."

Q4 Distinctive Places

Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient. Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

We agree -- we particularly welcome the following text as it clearly commits to local and contextual solutions in places of decline and to address inequalities in the use of our assets:

"Scotland has a rich and high quality natural and historic environment. We must also tackle challenges in some parts of the country. This may mean changes at local, regional

and national scales, for example where there has been past decline, where the pandemic has exacerbated inequalities, or where there is a need to make more efficient and equitable use of our assets.”

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

We welcome the spatial strategy generally, but do not think the current wording will deliver the ambition of the policy when it comes to applications for development.

We proposed wording refinements below which give greater policy support for sustainable communities, and a refinement of 20 minute neighbourhoods concept to reflect rural circumstances.

Principle “b) Local Living” needs to better reflect rural circumstances for the application of 20 minute neighbourhood concepts:

“We will ~~create networks of 20 minute neighbourhoods~~ to support local liveability, reduce the need to travel unsustainably, promote and facilitate walking and cycling, improve access to services, decentralise energy networks and build local circular economies. **This will provide 20 minute neighbourhoods where appropriate.** As an integral part of this, cleaner, safer and greener places and improved open spaces will build resilience and provide wider benefits for people, health and biodiversity, in a balanced way. Virtual connectivity and active travel links will also be important.”

We strongly support principle “c) balanced development”, and particularly this policy:

“We want to support development across Scotland so people have more choice about where they live, learn and work. This will create opportunities for communities in areas of decline, and manage development more sustainably in areas of high demand. In particular, we wish to enable more people to live and remain in rural and island areas, and to actively transform areas of past decline so that we can make best use of our assets.”

We support d) Conserving and recycling assets, and the focus on the productive reuse of existing land and buildings.

We generally support principle “e) Urban and rural synergy”, but more detail is needed on what is meant by this synergy and how it will support the right choices about where development should be located. The principle is good in theory, but it needs to be supported by actions which truly reflect rural circumstances; the inappropriate inclusion of 20 minute neighbourhoods in rural policy indicates that more work is needed to understand appropriate spatial policy for Scotland’s rural areas.

We strongly support f) “Just Transition”. The commitment to community-led climate solutions here is welcome but needs to be strengthened through clearer wording. Our proposed wording changes would address this:

“The pandemic has demonstrated the capacity of our communities to work together and find their own local solutions to shared challenges. Our strategy builds on this, ~~to~~ ensuring local people are more able to shape their places and transition to net zero and

environmentally sustainable ways of living, through a presumption in favour of community-led development.”

Q7: Spatial Strategy Action Areas. Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

The action areas are generally fine.

Q8: North and west coastal innovation. Do you agree with this summary of challenges and opportunities for this action area?

We welcome the detail on challenges and opportunities for this area; this level of consideration of rural areas has been missing in the past.

This area benefits from well-established community landowners who are addressing local needs and building community wealth and working in tandem with private investment and local authorities. This is an opportunity which should be noted and built on.

We welcome the reference to population decline as a future risk.

The particularly unequal nature of land ownership in this area of Scotland is a challenge for sustainable development, as communities are unable to develop sustainably to meet their needs without access to land, leading to depopulation and lack of community wealth. This is relevant as planning policy supporting community land development can address this. Our research shows that community land owners are effective at repopulation

Q9: North and west coastal innovation. What are your views on these strategic actions for this action area?

We welcome the actions on affordable housing for this area, and propose the following refinements to the policy:

“There is a clear need for affordable housing provision across the region to improve choice and access to homes, and in some areas to help offset the impact of second home ownership and short term lets on the market. Local solutions may include key worker housing, temporary homes for workers in remote areas, self-provided homes, including self-build, ~~and~~ custom build, short term let and second homes control areas, or other innovative initiatives to deliver accessible and affordable new housing and enable repopulation. Continued innovation of holistic place based solutions, such as the Rural Housing Initiative, will be required to create homes that meet diverse community needs, including homes for an ageing population and to help young people to stay in or return to their communities. Greater efforts to ensure young people have more influence in decisions that affect their future places could support this, as well as helping more people access land and crofts and the reuse of abandoned sites where appropriate.”

The policy on depopulation in North and West Coast Innovation (final paragraph of Action 1) requires substantial changes to make it deliverable. It should be changed as follows :

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~~“To reverse past depopulation, planning can help to sustain communities in more peripheral and fragile areas in a way that is compatible with our low carbon agenda and resilient to climate change impacts. Further action should be taken where appropriate to reintroduce people to previously inhabited areas. where it can be achieved in line with our climate commitments and wider aspirations to create sustainable places that incorporate principles of 20 minute neighbourhoods and active travel networks...”~~

This draft NPF4 text is a heavily qualified repopulation policy which will not deliver the outcomes legally required. Repopulation may be required in a range of areas, so a reference to peripheral and fragile areas needs to be removed. The qualification of the policy with other commitments to climate change, 20 minute neighbourhoods and active travel networks is unnecessary, waters down the policy, and imposes contradictions—it should be removed.

In practice all the policy commitments in the NPF4 will be balanced in the exercise of planning judgement, so there is no need to qualify repopulation policy with reference to other NPF4 policies. A simple and strong statement in favour of repopulation at this strategic scale, with implementable policies at subsequent policy levels, is what is required.

This policy seems to include a misunderstanding that rural repopulation cannot happen hand-in-hand with nature conservation or net zero targets. This is fundamentally wrong. Community-led and owned development has to be the centre of a Just Transition. As our 2020 research on Communities and Climate Change has shown, community bodies are skilled at delivering high quality nature conservation projects. There is a growing body of international research which demonstrates significant causal effects between community land ownership and land conservation outcomes.

The NPF4 needs to support nature conservation and the net zero transition, as well as communities to address land ownership inequalities and to build community wealth. This is not contradictory, it is achievable—and it is necessary to provide a Just Transition. An ecologically restored countryside home to thriving communities is the way to achieving a socially just transition to net zero. Net zero should not be met through large scale landholdings devoid of local population and extracting carbon-market wealth to absentee land owners. The NPF4 has to deliver this through strong support for communities to implement their land use projects; hence our proposal for a presumption in favour of community led development with significant community wealth building outcomes.

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

We welcome the reference to population decline and the acceleration of housing prices as a future risk for this area.

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

The title of Action 5. “Strengthen networks of resilient communities” needs to be refined. Resilience and networks are a difficult concepts to deliver through direct planning outcomes, so will be challenging to monitor. Resilience seems to refer to climate change mitigation and adaptation measures. We suggest the title is refined to **“Repopulate and build climate resilience and community wealth”**.

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We support the content of Action 5, which states:

“We will do all we can to help reverse depopulation across rural Scotland.... homes will be needed to retain local people and attract new residents of all ages. Many communities have taken ownership of their land and this could form the foundations for future development by unlocking further development sites. Refurbishment of existing rural buildings and halting the loss of crofts could help to repopulate the area, and new homes should align with infrastructure and service provision. “

We support Action 6, which states:

“Community ownership of renewable energy projects at all scales could play a key role in improving resilience, empowering local people to take control of their own assets and helping tackle fuel poverty.... The electricity distribution and transmission network will require upgrading to support the large increase in on and offshore electricity generation as well as new demand from heat and transport required to achieve net zero. There will also be a need for more community-scale energy generation to serve the needs of local communities directly and build resilience.

...

Demand for development, including in pressured areas, will require a planned response to minimise the impact of second homes on local communities and ensure new housing is affordable and meets local needs.”

Q12: North east transition. Do you agree with this summary of challenges and opportunities for this action area?

We welcome the references to the need for a just transition, and to population decline as a future risk for this area.

Q13: North east transition. What are your views on these strategic actions for this action area?

Action 9. Transition to net zero needs to be improved. The draft states:

“Local people will need to be involved in deciding how potentially significant industrial and business activity can be accommodated alongside regenerating a vibrant, redesigned city centre in the coming years.”

Community empowerment means more than "being involved in decisions". We suggest meaningfully opportunities for community wealth building through community empowerment are prioritised for this action area, given its importance to the net zero transition and history of poverty here.

We welcome the reference to "Community-led climate action projects will help to provide locally-driven solutions" in Action 10, and note that the wider policy framework of support for community-led projects that we are proposing will accelerate these types of projects.

Q14: Central urban transformation. Do you agree with this summary of challenges and opportunities for this action area?

We welcome the reference to population decline in Glasgow as a future risk.

Q15: Central urban transformation. What are your views on these strategic actions for this action area?

We support action "Action 17. Reuse land and buildings", and specifically the commitment to:

“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.”

We support “Action 19 : Grow a wellbeing economy.” Further commitment to community wealth building through the socially just use of land and property will facilitate implementation. The following wording refinements do this:

“...In line with our aspirations to build a wellbeing economy, opportunities for investment and development should be designed to maximise economic, social and environmental wellbeing, rather than focusing on growth alone. **Support for community led and owned development will help to rebalance our economy through building community wealth.**

...

A wellbeing economy goes beyond strategic investment sites to link more closely with the wellbeing of communities and their local environments. It will be critical to recognise the importance of anchor institutions who can support local investment in our places and natural and historic assets, provide education, employment and other services, and act as community hubs. Communities can drive forward community-led housing initiatives and **other developments** to help meet the needs of local people. “

Q16: Southern sustainability. Do you agree with this summary of challenges and opportunities for this action area?

We welcome the reference to population decline as a future risk for the south of Scotland. There is no acknowledgement of the present and increasing difficulties in the housing markets in some parts of the Southern Sustainability spatial area.

The statement "The area's economy depends on low wage and public sector employment and this presents challenges for building a wellbeing economy" is not correct. It's not clear how this economic base will provide specific challenges for wellbeing economics; rather, an economic system with strong community wealth element would address the limitations of the low wage and public sectors. If employment opportunities are to be realised, housing opportunities must first be addressed.

Q17: Southern sustainability. What are your views on these strategic actions for this action area?

More developed planning policy proposals on how to support community wealth building would be welcomed. Including specific policy support for community led and owned development would

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provide incentive and policy support for the growing community wealth movement in the south of Scotland.

Q18: National Spatial Strategy. What are your overall views on this proposed national spatial strategy?

We support the inclusion of a national spatial strategy in the NPF4, and the identification of depopulation in a range of rural and urban areas as key challenges.

Supportive planning policy for key concepts such as repopulation and community wealth building should be developed and included in the strategic actions. This will provide a clearer line of sight between strategic considerations, key challenges and opportunities, and the use of the NPF to determine individual development projects applications.

In particular, planning policy support for community-led and owned development will provide an incentive to the growing community land sector which has the potential to bring transformative change. Scottish communities benefit from unique community empowerment legislation, including rights to the ownership of land and buildings. To realise the potential of community empowerment legislation, communities need supportive land use policy.

A presumption in favour of community-led development is needed. This is a strong and simple step to incentivise communities' role in planning. To ensure that this presumption has substantive outcomes for communities, we suggest it is qualified to apply to community-led projects which build significant community wealth.

This presumption, as well as the other policy tools we have proposed (including the opportunity for communities to designate Assets of Community Value) provide straight forward tools for communities to become proactive in planning. Simple approaches such as these will support community bodies (who do not commonly have resources for lengthy technical studies to influence planning policy), and provide a stepping stone to the use of more resource-intensive tools such as Local Place Plans and exercising community rights over land.

Part 2 - National developments

19. Do you think that any of the classes of development described in the statements of need should be changed or additional classes added in order to deliver the national development described?

No comment.

20. 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?

Clarity is needed on how projects will demonstrate their delivery of community wealth. We suggested that this is linked to outcomes in the National Performance Framework, as this provides a set of indicators already in the national interest.

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

A Western Islands and North of Scotland repopulation area should be included as a national development. This would be a similar size area to the “Islands Hub for Net Zero” or “Central Scotland Green Network “ shown in the National Developments map.

We have provided draft text for inclusion in the revised NPF4:

National developments to deliver sustainable, liveable places

1. Rural Repopulation Area

This national development facilitates the creation of sustainable communities throughout a region which continues to suffer the harms of depopulation. It will play a key role in delivering a socially just transition to net zero by ensuring communities benefit from land use transitions for net zero.

Location

Highland, Na h-Eileanan Siar, Argyll and Bute, Orkney and Shetland local authorities.

Need

This national development is needed to maintain, and create new, sustainable communities. This supports the delivery of the spatial strategy, which highlights rural depopulation as key risks in these areas, the existing expertise of community led approaches building community wealth, and the importance of these community-led approaches to the net zero transition.

Designation and classes of development

A development within the Rural Repopulation area and within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

- a) Community-led housing with significant community wealth outcomes.

Part 3 - National Planning Policy

22. Sustainable Places. We want our places to help us tackle the climate and nature crises and ensure Scotland adapts to thrive within the planet’s sustainable limits. Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

We agree with that addressing climate change and nature recovery should be the primary guiding principles, but this transition needs to be socially just. Due to current unequal land ownership patterns in Scotland, there is a pronounced risk that moves towards net zero will have unintended harmful impacts on people. This reflects the learning of the Just Transition Commission, and Spatial Principle f), above. The Scottish Land Commission will shortly publish research documenting the

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implications of the Natural Capital market in rural areas—our members note that recent increases in land prices in rural areas is contributing to further depopulation.

To incorporate just transition principles, this policy needs refined. We propose the following wording changes:

“To achieve a net zero, nature-positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate. It also means ensuring that our approach to planning is designed to help Scotland's biodiversity and better connect our biodiversity rich areas, and to invest in nature-based solutions, benefiting people and nature. **We must ensure that, as we reduce our emissions and respond to a changing climate, that journey creates a better future for everyone – regardless of where they live, what they do, and who they are.**”

...This must involve working with stakeholders and **supporting** local communities to create liveable, healthier and sustainable places that improve lives, builds economic prosperity and contribute to net zero and environmental ambitions.”

23. Policy 1: Plan-led approach to sustainable development. Do you agree with this policy approach?

We agree with this approach.

We note that community ownership is an indicator of Scotland’s National Outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015), and this policy requires local development plans to seeks to achieve increased community land ownership.

24. Policy 2: Climate emergency. Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

We support the centrality of the climate emergency to the NPF4. However, Policy 2 needs to take account of Community Wealth Building and just-transition principles.

In particular, Policy 2c) allows for significant emissions where “this level of emissions is the minimum that can be achieved for the development to be viable”. This will mean that the appropriateness of significant emissions will be determined by the business model and profit target of the applicant—through development viability. Where viability assessments are used in major housing developments, for example, they typically include profit levels of 15 to 20%. This approach builds in an extractive for-profit business model, allowing applicants to specify profit levels, determine “viability”, and therefore the amount of emissions harming Scotland’s nature and communities.

Community Wealth Building concepts provide alternative approaches which could be used here to provide a better balance of development in the public interest and profit. We suggest the following wording changes:

“c) Development proposals that will generate significant emissions, on their own or when combined with other proposals or when considered in combination with other proposals, allocations or consented development, should not be supported unless the applicant provides evidence that this level of emissions is the minimum that can be achieved for the

development to be viable and it is also demonstrated that the proposed development is in the long-term public interest and where the proposal is consistent with climate change mitigation targets. In these extreme cases viability information will need to be provided in the public domain, and should not include aggressive profit making business models. Opportunities to build significant community wealth should be prioritised for any project generating significant emissions.

25. Policy 3: Nature crisis. Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

No comment.

26. Policy 4: Human rights and equality. Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

Planning must reflect human rights and equality legislation- this is required in law. What is needed in the NPF4 is policy that helps planners, applicants, and the public understand how these legal requirements will be implemented, and which is sufficiently flexible for changes in human rights and equality legislation expected over the timeframe of the document (2040).

An approach is needed that can accommodate parliament's legislative agenda, such as a new Human Rights Bill is intended to be introduced at the current parliamentary session. This Bill will add four treaties to Scots Law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities. This includes possible right to a healthy environment, right to adequate housing and to the continuous improvement of living conditions, and a right to secure, equitable and sustainable access to, use of, and control over, land for those who are landless or live in poverty.

Draft Policy 4 does not go far enough in implementing planning's potential to respect, protect and fulfil human rights. The principles of non-discrimination, participation, transparency, and accountability are key here, as are communities' social, economic and cultural rights. Policy support for community led development in the NPF4 will allow for communities to become proactive within the planning system, therefore supporting communities to fulfil their environmental, social, economic, and cultural rights.

We suggest the following wording changes:

a) Planning ~~should~~**must** respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality.

Planning policy is proposed to respect, protect and support the fulfilment of Human Rights, including:

- the human right to adequate housing through policy support for housing delivery, for affordable housing, and community-led approaches to housing.
- the human right to a health environment to a range of policies which promote health and wellbeing.
- communities' environmental, social, economic, and cultural rights through policy support in favour of community wealth building and community-led development.

b) Planning authorities, applicants, key agencies and communities have a responsibility to consult and engage others collaboratively, meaningfully and proportionately. Throughout the planning system, opportunities are available for everyone to engage in local development planning and the development decisions which affect them. Such engagement, undertaken in line with statutory requirements, should be early, collaborative, meaningful and proportionate. Support or concern expressed on matters material to planning should be given careful consideration in developing and in considering development proposals, **and decisions should be made with transparency.**

27. Policy 5: Community wealth building. Do you agree that planning policy should support community wealth building, and does this policy deliver this?

We strongly support the inclusion of Community Wealth Building in planning policy. Socially - Just use of land is a pillar of Community Wealth Building by the Scottish Government definition. The Scottish Land Commission recently published guidance on implementing Community Wealth Building over land. Community Wealth Building is a very important new economic policy which has significant spatial implications, and has the potential to deliver on many of planning's aspirational policies, such as tackling market failure and addressing inequality.

The NPF4 policy needs to be strengthened to deliver Community Wealth Building. We've provided suggestions throughout our NPF4 response on how to do this, and would welcome further discussions or to provide more examples.

To make the policy implementable for development plans and individual projects, particular priority outcomes for community wealth building and objectives need to be specified. Without that detail, the policy is unlikely to have the intended outcomes.

Proposed wording changes are below—the community wealth building objectives should be linked to national performance framework outcomes, as this provides a set of indicators already in the national interest that can be used to implement community wealth building.

Additional policy supports are required to implement community wealth building, by supporting communities to proactively engage with land use to build local wealth.

While local place plans are an important new right for communities, they require substantial resources to complete. An initial first step to allow communities to designate singular sites of value is a necessary addition to communities' spatial planning tools. Communities should be able to designate Assets of Community Value with planning weight. This will allow them a straightforward first step in creating socially just land uses, as they develop further plans through communities powers, such as local place plans, community empowerment supports, etc. Assets of Community Value have been successfully applied to thousands of sites in England.

The following wording changes are required:

- a) Development plans ~~should~~ **must** address the five community wealth building **principles: progressive procurement, fair employment and just labour markets, shared ownership of the local economy, socially just use of land and property, making financial power work for local places. This should be done in ways appropriate to the context and scope of the plan.**

~~priorities by reflecting a people-centred approach to local economic development. Spatial strategies should support community wealth building; address economic disadvantage and inequality; and provide added social value.~~

- b) Proposals for development within the categories of national developments and major developments should contribute to community wealth building objectives **defined using indicators in Scotland's National Outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015), such as community ownership.**
- c) **We support communities building wealth through the planning system. This includes a presumption in favour of community-led development with significant community wealth building.**

28. Policy 6: Design, quality and place. Do you agree that this policy will enable the planning system to promote design, quality and place?

No comment

29. Policy 7: Local living. Do you agree that this policy sufficiently addresses the need to support local living?

The principles of locating services as close as possible to users, and to support active travel for daily needs, are good ones. Opportunities to do this via community led action should be a priority.

However, an arbitrary 20 minute reliance is an urban concept which does not directly translate to sustainable rural development. The language of this policy needs to be refined, and references to 20 minute neighbourhoods in other policies (like Policy 31) have introduced conflict and need to be removed. We propose the following changes to this policy:

- “ a) Local development plans should support the principle of 20 minute neighbourhoods, including through the spatial strategy, development proposals, associated site briefs and masterplans. The approach should take into account the local context for the plan and reflect the particular characteristics of the area, **particularly in rural areas.**”

30. Policy 8: Infrastructure First. Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning?

We welcome the idea, generally, of infrastructure first, of the need to increase rural infrastructure, and to reviewing the planning obligations systems to ensure the infrastructure is in place for communities and nature to thrive. However, it is important that a policy preference for infrastructure first does not stop repopulation in rural areas without existing infrastructure – we need to use this policy to address infrastructure deficits, while providing infrastructure for new development. There is also a need for rural infrastructure to be contextually appropriate – e.g. urban design requirements such as suburban style street lighting are not always appropriate in rural areas.

In our experience there is a growing problem with developers required to provide community facilities such as recreation spaces as part of a planning obligation, but these are then abandoned as developers move away or wind up their companies, or sold off to third parties. Community facilities are a key kind of social infrastructure, which the existing system is not providing effectively. Social

infrastructure should be provided to support new housing development , and communities should have long term control over what is provided to ensure it is appropriate.

Social infrastructure policies and community benefit policies could be joined up to effectively deliver community wealth. There are existing models to do this, such as new housing developments in which the common land is owned by a community body, and community wind farm benefits which include ownership of land and a wind turbine.

We propose the following wording changes for the NPF4:

“c) Development proposals which provide (or contribute to) infrastructure that is identified as necessary in Local Development Plans and their delivery programmes should be supported. **Development proposals which provide for community-led and owned social infrastructure should be encouraged.** “

31. Policy 9: Quality homes. Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

We support a plan-led approach to housing needed in principle. However, there are well-acknowledged issues with traditional Housing Need and Demand Analysis and substantial improvement is required. Current market and plan led approaches are not providing the housing needed in many rural areas, which will make it very difficult to deliver the legally required NPF4 outcome of rural repopulation. It is not clear that Housing Land Requirements as proposed is sufficient to address these issues.

While a plan-led approach is preferred, our experience is that outcomes can be difficult to deliver with whole-scale reliance on the market-led approaches. Research by the Scottish Land Commission and Highland and Island Enterprise shows that market led approaches to housing are NOT working in most peripheral rural areas – a new solution is urgently required. Our members who provide housing note that planning can be a major block to community-led development. Other market failures, such as those addressing derelict housing in towns and cities, also need targeted policy.

Housing strategies should reflect local contexts, with mechanisms in place to review and refine these strategies. Sufficient time and resource for local authorities is needed to develop effective population estimates and link these with housing strategies. These strategies should reflect community insights on housing need, with a mechanism available for communities to identify significant issues such as areas of housing pressure, and emerging community-led proposals for rural repopulation. To complement the proposed “top down” spatial strategy, (which will take time and resources to effectively deliver), “bottom up” support for community-led development is needed to spur the growth of housing which builds community wealth.

Planning’s regulatory function in housing also needs to be expanded on. Innovation is needed in the management of existing housing stock (including control of numbers of existing short term lets and second homes, and the prevention of new short term lets and second homes).

Where viability assessments are used in housing, they typically include profit levels of 15 to 20%. This approach builds in an extractive for profit business model, and lack of transparency over these assessments has been a notable issue where viability assessments are a standard tool. Transparency should be required if viability is used as a policy tool, as well as a statement against extreme profits. Support for community wealth building will help to implement an alternative economic system.

Community Land Scotland submission to the draft NPF4 consultation, 2022

Overall, a more nuanced policy is required which supports a wellbeing economy, balancing market approaches with those which deliver human and ecological wellbeing. The presumption in favour of community-led development with significant community wealth building which we have proposed would allow communities to exercise their rights and supports over land, creating more diverse supply of housing development. It will also incentivise innovative approaches to community wealth building.

The following wording changes are required to this policy:

“c) Land should be allocated to meet the Housing Land Requirement in sustainable locations that create quality places for people to live. The location of where new homes are allocated should be consistent with the principles of 20 minute neighbourhoods and an infrastructure-first approach **where appropriate**. In rural and island areas, authorities ~~are encouraged to~~ **should** set out tailored approaches to housing which reflect locally specific market circumstances and delivery approaches.

...

e) Development proposals for more than 50 dwellings should be accompanied by a statement of community benefit. Planning authorities may wish to extend this to smaller proposals, for example in rural areas. Planning authorities should take this information into account when assessing proposals. The statement should explain the contribution of the proposal to:

- meeting local housing requirements, including affordable homes;
- providing or enhancing local infrastructure, facilities and services;
- **providing opportunities for building community wealth**; and
- improving the residential amenity of the surrounding area.

f) Proposals for new homes that improve affordability ~~and~~, choice, and **community wealth** should be supported. An equalities led approach to addressing identified gaps in provision should be taken, informed by the Evidence Report or Local Housing Strategy, whichever is latest. This could include: self-provided homes; accessible, adaptable and wheelchair accessible homes; build to rent; affordable homes; a range of size of homes such as those for larger families; homes for older people; people undertaking further and higher education; and other specialist groups.

...

h) Development proposals that make provision for affordable homes in areas where there is an identified requirement should be supported. Proposals for market homes should generally only be supported where a contribution to the provision of affordable homes on a site is at least 25% of the total number of homes. A higher contribution than this benchmark may be sought where justified by evidence of need. The contribution should generally be for serviced land within a site to be made available for affordable housing. Local authorities can also determine in local development plans the locations or circumstances where a lower contribution may be appropriate. This could include, for example, where there is evidence of impact on viability, small-scale developments, **community-led development** or where a planning authority wishes to incentivise particular types of homes to diversify the supply, for example self-build, accessible or build-to-rent homes. **Viability information will need to be**

provided in the public domain, and should not include aggressive profit making business models.

i) New homes on land not identified for housebuilding in the local development plan should not be supported. Exceptions should be limited to circumstances where the planning authority determines that:

...

- the proposal is consistent with policy on rural places including particularly the outcome of rural repopulation; or
- the proposal is community-led with significant community wealth building outcomes“

32. Policy 10: Sustainable transport. Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

No comment.

33. Policy 11: heat and cooling. Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

No comment.

34. Policy 12: Blue and green infrastructure, play and sport. Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

We welcome this policy and note that many communities develop high quality play and sporting areas—this is a common priority for community groups.

35. Policy 13: Sustainable flood risk and water management. Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

No comment.

36. Policies 14 and 15 – Health, wellbeing and safety. Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

We welcome policy 14 e): “Development proposals for, or including, space or facilities for local community food growing and allotments should be supported.”

37. Policy 16 – land and premises for business and employment. Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?

Community Land Scotland submission to the draft NPF4 consultation, 2022

This policy should reflect Community Wealth Building principles. We have suggested the following changes:

“a) Local development plans should set out proposals to meet requirements for employment land, infrastructure and investment in a way which supports a **green, inclusive community wealth building** ~~a greener, fairer and more inclusive wellbeing~~ economy.

...

f) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the local development plan should be supported where the nature and scale of the activity will be compatible with the surrounding area and there will be no unacceptable impacts on neighbouring uses and the natural environment. **In support of community wealth building, proposals for community led businesses and employment should have a presumption in favour of development.** “

38. Policy 17: Sustainable tourism. Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net-zero and nature commitments?

We welcome policy 17, particularly:

(c): “ Development proposals in areas where existing tourism provision is having adverse impacts on the environment or the quality of life and health and wellbeing of local communities should only be supported if satisfactory measures are proposed to alleviate existing pressures and prevent further adverse impacts. “

(e) “Development proposals for the reuse of existing buildings for short term holiday letting should not be supported if it would result in:

- an unacceptable impact on the local amenity or character of a neighbourhood or area; or
- the loss of residential accommodation where such loss is not outweighed by local economic benefits.”

A managed approach to sustainable tourism is critical. Communities have a maximum carrying capacity and the land use system should be used to manage new development where that capacity has already been reached. We need to be sure that policy 17 is implementable, and that appropriate policy tools are available to communities to influence land use management.

To this end support for the Use of Short Term Let Control Area Orders should be developed, including resources for communities to decide on local appropriateness. This could be through Local Place Plans or other planning mechanisms that ask communities what they feel the maximum number of short term lets should be in their local area.

Second homes should be made the subject of a separate use class designation to allow communities and Local Authorities to control second home numbers in their areas to ensure there are enough affordable and available homes for local people and local businesses.

39. Policy 18: Culture and creativity. Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

No Comment.

40. Policy 19: Green energy Do you agree that this policy will ensure our places support continued expansion of low carbon and net-zero energy technologies as a key contributor to net-zero emissions by 2045?

Community Wealth Building should be incorporated into Policy 19 k) as follows:

“k) Specific considerations will vary relative to the scale of the proposal and area characteristics but development proposals for renewable energy developments must take into account:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, **and opportunities to build community wealth.** “

41. Policy 20: Zero waste. Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy? 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?

No Comment

42. Policy 21: Aquaculture. Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

No Comment

43. Policy 22: Minerals. Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

No Comment

44. Policy 23: Digital infrastructure. Do you agree that this policy ensures all of our places will be digitally connected?

No Comment

45. Policies 24 to 27 – Distinctive places. Do you agree that these policies will ensure Scotland’s places will support low carbon urban living?

No Comment

46. Policy 28: Historic assets and places Do you agree that this policy will protect and enhance our historic environment, and support the re-use of redundant or neglected historic buildings?

No Comment

47. Policy 29: Urban edges and the green belt. Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

We welcome the reference to community woodlands in Policy 29b, although we note that community woodlands are relevant across all of Scotland, not just the green belt. Successful implementation of this policy will require interpretation supportive of the wide range of projects / developments that community woodlands wish to take forward. Currently community woodland owners are significantly disadvantaged in the planning system because a) planners don't regard many community activities or projects as "appropriate" in a woodland setting and b) communities aren't considered to have mainstream agricultural or forestry objectives so often can't use permitted development rights to facilitate operations (a farmer is allowed to use permitted development rights dig a pond to water stock but a community group can't use them to create a pond for biodiversity purposes) .

48. Policy 30: Vacant and derelict land. Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

We support policy 30 b) "Planning applications for proposals that result in the permanent or temporary reuse of vacant or derelict land and buildings should be supported in principle"; many of the community groups we support are interested in temporary or permanent use of these lands.

49. Policy 31: Rural places. Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

We do not agree. Increasing the population of rural areas of Scotland is a required outcome from the National Planning Framework, as identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997, as modified through the 2019 Planning Act. This policy needs substantial revision to effectively deliver the rural repopulation outcome required under this legal framework.

Repopulation is crucial, and community led and owned developed proven effective at addressing repopulation. Following community buy-outs, community-led approaches have delivered the following repopulation: the Island of Eigg has increased in population 83% (60 at buyout to 110 today), Island of Gigha increased population by 82% (92 pre buyout, now 165-70), Knoydart has increased by 86% (60 pre buyout, now 111), and West Harris increased by 49% (110 pre buyout, now 164). There is significant capacity to upscale community-led repopulation in rural communities.

Policy 31 incorporates a range of rural spatial concepts including accessible, intermediate and remote areas, areas of pressure, remote areas, fragile areas, and previously inhabited areas. These terms need to be rationalised to ensure deliverability, with more flexibility provided for development plan authors to use appropriate policy tools, but not be required to use all. We believe that "areas under housing pressure" and "previously inhabited areas" are the priority spatial approaches, and should be used. Resurrecting previous policy of Housing Pressured Area status would enable better targeting of supply, planning and fiscal measures to encourage development and support controls over rural housing. Communities should have the ability to identify areas under housing pressure, as well as previously inhabited areas, which can then be targeted by local authorities in their development plans.

A more flexible approach is needed in the NPF4 than a top-down spatial strategy which will require substantial resources and time for local authorities to implement. Strong policy support for bottom-up approaches, as we've proposed, and flexibility for spatial planning which reflects local circumstances are needed. This policy should be refined as set out below and complemented with a presumption in favour of community led development which builds significant community wealth.

31 a) Local development plans should set out proposals to support the sustainability and prosperity of rural communities and economies. ~~Plans should identify accessible, intermediate and remote areas across the mainland and islands.~~ The spatial strategy should set out an appropriate approach to development in areas of pressure and decline, including proposals for future population growth. It should also be informed by an understanding of population change over time.

31. b) states "Development proposals that support the resettlement of previously inhabited areas should be supported ~~where the proposal is consistent with climate change mitigation targets.~~"

Supporting development proposals only where climate change mitigation targets are being met is an exceptionally high threshold for development, and which could undermine the national commitment to rural repopulation. If development consistent with climate change mitigation targets is imposed as a test in the NPF4, it would be more appropriate on developments with significant climate impacts, not small scale rural housing proposals. This needs to be removed from policy 31 – we have instead proposed it on development proposals with significant emission in Policy 2.

31. c) identifies considerations for supporting development proposals in rural areas which we generally support subject to the changes below.

The first bullet point should be strengthened as follows:

- "reflect the development pressures, environmental assets, **community needs** and economic needs of the area;"

The reference to 20 minute neighbourhoods in the last bullet is not appropriate for rural policy, should be replaced as follows:

- "contribute towards sustainable **communities, the provision of local services, or innovative small-scale rural settlement patterns.**" ~~20 minute neighbourhoods.~~

31. d) identifies considerations for supporting development proposals which contribute to the local economy, which we generally support, particularly bullet 6. Community wealth building policy should also be included here, as policy 31d is for economic development.

- "small scale developments that support new ways of working such as remote working, homeworking, **new forms of crofting**, and community hubs;
- **Projects which build community wealth.** "

31 e) needs to include a similar support for innovating working and community wealth building, such as:

- “is a small scale development that support new ways of working such as remote working, homeworking and community hubs; or
- Builds community wealth.”

31 f) needs to reflect community priorities, such as lack of affordable housing in pressured rural areas.

“f) Development proposals in ~~accessible or~~ pressured rural areas should only be supported where they are consistent with the spatial strategy set out in the local development plan and do not lead to the unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside. **Proposals for affordable housing or housing which builds community wealth in pressured areas are encouraged to provide rural repopulation.**

g) Development proposals in ~~remote~~ rural areas, where new development can often help to **repopulate** ~~sustain fragile~~ communities, should be supported where they:

- encourage sustainable development that will provide employment or **build community wealth**;
- support and sustain ~~fragile and dispersed~~ communities for example through provision of new housing, and digital infrastructure;
- include provision for small-scale housing and other development, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.

50. Policy 32: Natural places. Do you agree that this policy will protect and restore natural places? Do you agree that this policy will protect and restore natural places?

No, we do not agree. It does not reflect contemporary nature conservation best practice. Policy 32 sets out a comprehensive approach to protecting natural places in policy including local development plans, and international, national and locally designated environmental sites. Item i), which provides an additional policy projection through a Wild Land Areas designation, should be deleted entirely.

The policy emphasis provided in the draft NPF4 for the 2014 “wild land areas” development makes these de-facto exclusion areas for development. Under the draft policy any meaningful proposals for repopulation in these large areas would have to argue that they “cannot reasonably be located outside” the area. This is a difficult test, and is likely to conflict with the repopulation outcome, as well as meeting net zero targets.

The implementation of Policy 32 in its current formulation has the potential to have significant negative impacts on rural dwellers, including for the individual and community rights for access to housing and for the sustainable development of their local areas.

Community Land Scotland submission to the draft NPF4 consultation, 2022

Contemporary best practice thinking in nature conservation understands conservation as a cooperative balance of natural and human use, not an imposed artificial concept of wildness. There is emerging good practice on this work, such as in Loch Lomond National Park, and a robust system of other nature conservation designations. There is no need for additional planning weight to be given to wild land areas in the NPF4.

32 i) in its entirety should be deleted:

~~i) Development proposals for development in areas identified as wild land (per Nature Scot Wild Land Areas map 2014) should only be supported where:~~

- ~~• the proposed development cannot be reasonably located outside of the wild land area; or,~~
- ~~• it is for small scale development directly linked to a rural business, croft or required to support a fragile population in a rural area; and,~~
- ~~• a site based assessment of any significant effects on the qualities of the areas is undertaken, and use of siting, design or other mitigation minimises adverse impacts.~~

51. Policy 33: Peat and carbon rich soils. Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

No comment.

52. Policy 34 – Trees, woodland and forestry: Do you agree that this policy will expand woodland cover and protect existing woodland?

Policy 34c is very welcome but needs clarification that "significant and clearly defined additional public benefits" includes social benefits for the local community as well as environmental benefits. For example, the provision of new woodland crofts as part of rural repopulation has a social benefit which needs to be taken into account.

53. Policy 35: Coasts. Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

No comment.

Part 4 - Delivery

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

New implementation resources should be prioritised; local place plans in particular present a notable opportunity for communities, but without community or planning officer resources it will be very difficult to deliver effective local place plans. Local place plans also need to be given weight within the planning system, with support to implement community vision for land in the short term through Assets of Community Value.

A wider supportive framework for communities should be implemented, as we have set out in this submission. Strong policy support for community-led development will incentivise bottom-up community- focused development, which will build community wealth and deliver on the parallel government priorities including repopulation, nature conservation, and fairer use of Scotland's land.

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

More detail is needed on delivery of the NPF4, with appropriate indicators and resourcing strategies, and mechanisms for review.

More information is also needed on the role of land ownership. Those involved in land reform need to be involved in NPF4 delivery discussions to ensure that outcomes are met—the Land Commission would be well placed to advise on the outcomes of their work which relate to the NPF4 objectives, such as land for the delivery of housing. Planning policy which supports further concentrated land ownership will be an infringement on Community's Social, Cultural and Economic Rights.

Funding commitments for national development projects should be provided; if project-specific commitments cannot be made then a commitment to pursuing an innovative approaches, like the Community Wealth Fund we have called for, should be given.

There are fundamental issues around the long-term maintenance/ ownership of infrastructure and communal facilities in new developments, where in the worst cases infrastructure is not provided by developers and communities have to step into address the issue. A proactive approach is needed, and community ownership can have a central role managing communal spaces; there are many alternative ways to provide infrastructure for the common good with local ownership—the English New Towns being a high-profile example. Community benefits from development should go beyond community benefit payments to meaningful stake in development which build community wealth in the long term.

Developer contributions should be an integral part of developers of renewable or carbon projects contributing to local communities in the sharing of local natural capital. A new regime is urgently required to better reflect the values of renewable and carbon assets to local communities.

The planning service requires better resourcing and we note the proposals around fees.

Subsidised fees should remain for communities who are not developing projects to generate profit, but to deliver local economic and social value. Our members report that planners can be slow, inconsistent and obstructive; further training and support is needed for planning officers to work more collaboratively with community organisations.

56. Annex A. 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?

No. We do not think that the measures identified are sufficient to deliver the rural repopulation outcome identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997, as modified by the 2019 Planning Act. Policy for rural repopulation is not sufficiently strong, and conflict with other policies is likely to undermine this required outcome.

We have provided detailed wording changes for the NPF4 which together provide policy support for rural repopulation and community-led and owned development. This strengthened policy support is necessary to meet the rural repopulation outcome. The required changes are set out in various sections of the NPF, provided separately above.

Community Land Scotland submission to the draft NPF4 consultation, 2022

We note particularly that Section 3A(4)(aa) of the Town and Country Planning (Scotland) Act 1997, as amended, gives the National Planning Framework power to;

- “(a) contain an account of such matters as the Scottish Ministers consider affect, or may come to affect, the development and use of land,
- (aa) contain such maps, diagrams, illustrations and descriptive matter as may be prescribed of rural areas in relation to which there has been a substantial decline in population,
- (b) describe—
 - (i) a development and designate it, or
 - (ii) a class of development and designate each development within that class, a “national development”, and
- (c) contain any other matter which the Scottish Ministers consider it appropriate to include.”

Accordingly, the NPF4 could, and must, introduce stronger policy to deliver the rural repopulation outcome including new development classes and designations.

Planning tool to deliver community-led rural repopulation should include:

- (1) A new use class for Second Homes – Second homes should be recognised as a distinctive use under planning by creating a new Second Homes Planning Use Class. Recognising second homes as a distinctive part of the planning landscape would allow the planning system to regulate the transfer of existing residences into second homes. Providing second homes with a separate planning status could make control of their use much easier to enforce, as well as providing a transparent system to establish their status for existing owners and potential second home buyers. The ability to control changes from principal residence to second home status could be established through the route of providing suspension of Article 4 Permitted Development Rights. Close examination should be made of the current consultation in Wales. The introduction and enforcement of this change in use class could mirror the Short Term Let Planning Control Area Orders which focus action in areas of housing need (or pressure), where the availability of affordable housing is impacted by the prevalence of short term let (and second) homes.
- (2) Occupancy restrictions should be used more widely to prevent the development of *new* second homes. These powers already exist but their use and potential for impact in opening up the supply of sites for full time residential use only should be promoted in areas of particular concern. This can be done by direct policy recommendations in the National Planning Framework 4 and via policies embedded in Local Development Plans and Local Place Plans. Additional direction from the Chief Planner overruling previous advice will also be important. Very limited exceptions could be permitted where it can be proven the inclusion of a very limited number of non-burdened properties is essential to bring forward larger permanent residential housing schemes.
- (3) Including Rural Repopulation as a National development, as we have proposed in our submission.
- (4) A new designation -- Assets of Community Value. This will allow for effective implementation of the outcome to deliver rural repopulation. These sites could be used by communities to identify sites for rural repopulation, which would then give their sites planning weight. This would provide a flexible and straightforward way for communities to apply policy to sites important to them.

[Assets of Community Value](#) are proven to work in England as an easy to apply designation for communities; over 4000 sites such sites have been designated. A similar community designation could be used to proactively implement the rural repopulation outcome. This designation could also be used to support community wealth building, such as to save important social infrastructure like community shops/pubs/historic sites, as they are used in England.

57. Annex B. Do you agree with the minimum all-tenure housing land requirement (mathlr) numbers identified above?

Generally we note that community-led development is required where the market and spatial plans (such as housing strategies) are not delivering the housing communities need. We support changes which address these issues, and have proposed supportive policy for community led development which should accelerate the provision of community led affordable housing which builds community wealth. Key to this is a presumption in favour of community-led housing. We are also supportive of mixed tenure development that prioritises primary residence.

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

A definition for community wealth building should be included, such as the Scottish Government definition:

- Plural ownership of the economy
- Making financial power work for local places
- Fair employment and just labour markets
- Progressive procurement of goods and services
- Socially just use of land and property

Indicators from the National Framework for Scotland should be identified as outcomes for these principles, thereby creating an effective framework for implementing Community Wealth Building in planning policy terms.

Questions - Integrated Impact Assessments

No comment.