

South Ayrshire Council

**Report by Director - Place
to South Ayrshire Council (Special)
of 10 March 2022**

Subject: Draft National Planning Framework 4 Consultation

1. Purpose

- 1.1 The purpose of this report is to seek approval for the proposed responses to the draft National Planning Framework 4 to be submitted to the Scottish Government as the Council's Response

2. Recommendation

- 2.1 **It is recommended that the Council approves the proposed responses contained in Appendix A for submission to the Scottish Government.**

3. Background

- 3.1 The Town and Country Planning (Scotland) Act 1997 (as amended) elevated the status of the National Planning Framework and specified that it would constitute part of the Development Plan for each Local Authority alongside the Local Development Plan and be used in the determination of every planning application.
- 3.2 The preparation of the fourth National Planning Framework for Scotland (hereafter referred to as NPF 4) started in January 2020 with a series of early engagement events, a call for ideas stage, and the publication of the position statement in November 2020. On 10 November 2021, the draft NPF 4 was laid in the Scottish Parliament for a consideration period of up to 120 days. Within this period, the Scottish Government are consulting widely on the draft document with a closing date of 31 March 2022. As part of this consultation process the Council has already provided written comments to the Scottish Parliament's Local Government, Housing and Planning Committee and the Service Lead for Planning & Building Standards has appeared before this Committee to provide a South Ayrshire perspective on the draft document.
- 3.3 It is important to note that the draft NPF 4 contains 35 national planning policies that planning applications will require to be assessed against. On receiving Royal Assent, NPF 4 would outweigh the Council's soon to be adopted Local Development Plan 2 and legislation states that where the policies of NPF 4 and the Local Development Plan are in conflict, then the newer plan is to prevail.
- 3.4 The draft NPF 4 is divided into 5 sections covering ; the National Spatial Strategy for Scotland to 2045; National Developments; National Planning Policies; Delivery of the Spatial Strategy; and Annex's including the minimum all tenure housing land

requirement. A summary of the main issues contained in Appendix A are detailed below.

- 3.5 In relation to the National Spatial Strategy for Scotland, many of the aims for Scotland to 2045 are to be supported, but there are areas which need further clarification on how they will be achieved and delivered, for instance, how the implementation of the 20-minute neighbourhood concept would work in rural areas.
- 3.6 Within the spatial strategy there are a series of actions areas. South Ayrshire has been located within both the Central Transformation Area (essentially the Central belt) and the Southern Sustainability Area (Southern Scotland).
- 3.7 However, these are broad brush designations and it is not possible to identify precisely how the boundary of these areas relate to our towns and villages. This would obviously present challenges when assessing applications in those areas. In addition, these action areas aim to identify areas with common challenges. The Central Transformation Area includes Edinburgh, Motherwell and Girvan and it is difficult to understand how the proposed group of strategies can address the challenges of these very different areas.
- 3.8 A point of concern within the document is its treatment of the Ayrshire Growth Deal and the Spaceport development within the Central Transformation Action Area of the National Spatial Strategy (contained in pages 31-39 of NPF 4, specifically the second bullet point on page 37 with regard to the airport). Their only appearance is how they relate to Glasgow not our own regional priorities of this area, such as how our coastline, harbours and ports could contribute to sustainable tourism. It also fails to mention or address the major infrastructure issues that South Ayrshire faces and fails to mention or recognise the Galloway and Southern Ayrshire UNESCO Biosphere and how that can contribute to the aims and actions for the section.
- 3.9 Prestwick Airport is a national development within the current NPF 3; however, it has been removed from the national developments within NPF 4 without explanation. It is considered that the downgrading of the status of the airport and the location of the spaceport within the airport could have implications for South Ayrshire. This downgrading in status could have economic impacts for the Council; however, these are not quantified at this stage.
- 3.10 As detailed in paragraph 3.3 above, the draft NPF 4 contains a series of national development policies. While the sentiment of the policies is welcomed, it is considered that further amendments are required to ensure the policies are clear, precise, and in a format suitable to be utilised in the assessment of planning applications. Within the detailed response to Part 3 of NPF4, contained in Appendix A to this report, we have highlighted where there are issues with the policy wording, terminology and the implementation of the policy.
- 3.11 Many of the new policies introduce new tests or requirements into the application assessment process that the Council does not have the resources or skill set to deal with and therefore, the policies in the draft NPF 4 will result in further unfunded duties on top of those already required to fully implement the Planning (Scotland) Act 2019.
- 3.12 For the first time in Scotland, a National Planning Framework will set the minimum all tenure housing land requirement that the Council must provide housing land to meet within its new Local Development Plan. The draft NPF 4 sets a figure for South

Ayrshire of 2,000 houses over a ten-year period. This figure was informed by information submitted by the Council and based on the draft Housing Need and Demands Assessment 2021 and this figure was agreed by the Service Leads for Housing and Planning and Building Standards.

- 3.13 In addition to this consultation on the Draft National Planning Framework 4 the Scottish Government are also consulting on the following matters - *Draft Local Development Plan Regulations, Draft Local Development Plan Guidance, Draft Consultation on Open Space Strategies and Play Sufficiency Assessment Regulations*. These consultations relate more to the process and procedures around the Local Development Plan process and open space strategy and a response has been prepared and submitted by the Service Lead - Planning and Building Services as authorised by the Director - Place under his delegated powers.

4. Proposals

- 4.1 As detailed above, there are significant issues with the draft NPF 4 and the response contained within Appendix A of this report provides further detail on the summary of the issues detailed above. Considering these issues, and the concerns about the wording and content of the policies, it is recommended that Council agrees that the Service Lead - Planning and Building Services submits the responses contained within Appendix A to the Scottish Government as the Council's response to the draft NPF 4.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from the contents of this report. However, there are, in the officers' views, issues with the current wording of national development policies, which if not rectified, could result in appeals or legal challenges against decisions made by the Planning Authority.
- 5.2 There are no procurement issues arising from the content of this report.

6. Financial Implications

- 6.1 There are no financial implications arising from this Report. However, as noted above the content of the national development planning policies and the additional requirements within them will have financial implications for the Council going forward. These cannot be quantified at this time.

7. Human Resources Implications

- 7.1 There are no human resource implications arising from this report. Any staffing implications once policies are finalised will be the subject of further reports to the Leadership Panel.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2/

8.2 **Risk Implications of Rejecting the Recommendations**

- 8.2.1 The risks associated with rejecting the recommendations would result in the Council's issues and concerns relating to the draft NPF 4 not being submitted to the Scottish Government, hence the document may be implemented without these concerns being addressed.

9. **Equalities**

- 9.1 There are no equalities implications arising from the content of this report. The Scottish Government have carried out an equality impacts assessment of the draft NPF 4.

10. **Sustainable Development Implications**

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy. Furthermore, the Scottish Government have carried out a Strategic Environmental Assessment of the draft NPF 4.

11. **Options Appraisal**

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. **Link to Council Plan**

- 12.1 The matters referred to in this report contribute to Commitments 4 and 6 of the Council Plan: South Ayrshire Works/ Make the most of the Local Economy; and A Better Place to Live/ Enhanced environment through social, cultural, and economic activities.

13. **Results of Consultation**

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Ian Cochrane, Portfolio Holder for Environment, and the contents of this report reflect any feedback provided.
- 13.3 Consultation has taken place with Members of the Planning Liaison Group and the contents of this report reflect any feedback provided.
- 13.4 Consultation has also been taken with relevant service within the Council and incorporate their views on the draft NPF 4 with the responses given in Appendix A.

14. **Next Steps for Decision Tracking Purposes**

- 14.1 If the recommendations above are approved by Members, the Director - Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Submission of Response to Scottish Government	31 March 2022	Service Lead - Planning and Building Standards

Background Papers **Draft National Planning Framework for Scotland 4**

Response of 10 January 2022 to the Scottish Parliament's Local Government, Housing and Planning Committee

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Date: 3 March 2022

Appendix A: Consultation Response on the draft National Planning Framework 4

Paragraph/Question Number	Council's Response
	Part 1: A National Spatial Strategy for Scotland to 2045
<p>Question 1</p>	<p>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?</p> <p>The Council is supportive in principle of this approach and welcomes that people and place are positioned/prioritised above travel, and the aim to reduce unsustainable travel and the use/reliance on the private car. Particularly, the Council supports the move to embedding green infrastructure first and this approach will help to ensure that sustainability and the natural environment is considered from the outset.</p> <p>The emphasis on the circular economy and equitable use of assets is also welcomed by the Council. However, we would question the term 'sustainable development' and are of the view that the definition needs to be improved as it can be open to interpretation and abuse. The word 'encouraged' also we would suggest needs changed to strengthen the strategy further.</p> <p>However, the Council is generally concerned that this section "lacks teeth" to enable developers to deliver and implement this approach and for Council's to have the necessary weight to make them do so. Its success will rely heavily on culture change within the development world and across the board with greater partnership working and clarity on how it will be implemented and achieved. Fundamentally, it will require a rethink on how we develop places, and it will require a significant change in the design approaches by developers to be successful. There are numerous good quality places that have been developed; however, as the draft NPF4 is seeking to be bolder, the policy wording to achieve this needs to be forceful and clear to ensure that this ambition is deliverable. It will also need to be robust enough to ensure that poorly designed and thought-out places are also rejected on appeal. Without this, then the approach within this section may not become a reality.</p> <p>Therefore, to truly deliver net-zero will need a fundamental rethink of how places are designed and how they link to nature and so on. This clearly needs to be embedded within national policies to ensure that the aims of this section are achieved and implemented by all as detailed above.</p>

Paragraph/Question Number	Council's Response
Question 2	<p data-bbox="618 236 2094 300">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?</p> <p data-bbox="618 344 2094 587">The Council is supportive in principle to the approach advocated in this section. Delivering liveable places requires a deep understanding of local context and we feel that the draft NPF 4 should be more explicit in stating that Local Development Plan's will be the key to delivery. How do we define "high quality" and "great places"? To address the significant inequalities in health that our community's experiences will take generations in some instances and a major societal shift that is outwith the remit of planning. There is no explanation of how the draft NPF 4 will achieve or influence these real-life issues, which will require the shifting of resources to support vulnerable communities through this evolution to a nature and social based economy.</p> <p data-bbox="618 632 2094 874">There is a need to better define the 20-minute principle with regard to the linking of place-making and design led approaches. 20 Minute neighbourhoods are a very urban concept, and the Council is of the view that implementation of this within rural communities and villages may not be achievable as they do not have the critical mass of people to ever be '20-minute' communities. Therefore, the Council is of the view that this concept needs be reframed around supporting walkability or sustainable movement and self- sufficiency. The concept and approach as currently described in the draft NPF 4 on 20-minute neighbourhoods is therefore too loosely worded and how it is to be implemented has not been addressed properly. Clear and precise language is therefore required as is a roadmap of how this concept is to be implemented in all areas and communities.</p> <p data-bbox="618 919 2094 1161">It is not just a spatial concept and it must be recognised that there needs to be a focus on making places more walkable, wheelable, and accessible, it is not just the distribution of uses, the movement network, and green infrastructure that are important, but the visual and social interest and diversity on the journey. Urban fabric is largely missing from the 20 min neighbourhood discussion i.e. it needs to extend beyond creating adequate pedestrian facilities to consider how environments support walkable or wheelable towns/places. Walking through a car dependent low-density suburb, or along hundreds of metres of blank façade in a commercial district, or even greenspace can be dull, so people are more likely to opt to drive. If it's easier to drive people will do it.</p> <p data-bbox="618 1206 2094 1343">Therefore, critical to the implementation of a 20 min principle is the need to address the experience of walking and wheeling, and support that, if we are to achieve what is understood to be the aims of the 20-minute neighbourhood. In the Council's experience, trying to get residential developers in particular to fully adopt the hierarchy of travel modes as a starting point in development design remains a big challenge. Unfortunately, at this point the car remains dominant in the design of most new</p>

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	<p>developments, with walking, cycling and public transport often an after-thought. Therefore, a fundamental rethink needs to be imposed on private developers through national and local development planning policies.</p> <p>The references to the impacts of COVID-19 are supported by the Council but these need to be expanded to set out how this will impact on the liveability of spaces, and what changes will be needed. e.g., work from home spaces, dwelling sizes etc.</p>
<p>Question 3</p>	<p>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?</p> <p>The Council supports the strategy in general, especially the emphasis on the wellbeing economy. However, as this section tries to bridge a dichotomy between economic growth and both zero carbon and green recovery objectives, it must be recognised that this principle will not be able to achieve all of these admirable aspirations at the same time and zero carbon and green recovery objectives cannot avoid being compromised to achieve business and economic growth. The Council is of the view that the critical part of this is the move to green recovery and being zero carbon by 2045 and therefore further clarity is required on how we can achieve this. It may be that it is impossible to do both and therefore, NPF 4 needs to be clear on what the overriding aim is in this context.</p> <p>Some of the terminology in this section is considered to be out of date, such as business and employment, as this is a term which does not cover the vitality and significance of emerging employment solutions. The Council would like to point out that Digital Infrastructure and Innovation are not mentioned here but it is set out In Policy 23. This is an important shift now with more people working from home and business operating digitally and will continue to become more important especially given the knock-on effects of COVID -19. This section therefore needs to address this more fully.</p>
<p>Question 4</p>	<p>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?</p> <p>The Council is of the view that the title of this section may be misleading as Scotland already has many distinctive places, which should be celebrated; however, this is not a new concept which will start happening as a result of the draft NPF 4. Consideration should be given to slightly tweaking the title to something along the lines of Future Distinctive Places.</p>

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	<p>The Council also notes that many of the policies do not reflect the real-world situation relative to developer expectations and aspirations for low carbon/net zero outcome and in many instances have been written with (apparently) specific developments or locations in mind at the expense of creating a genuinely useful policy framework that is applicable to South Ayrshire (and elsewhere).</p> <p>The Council, however, does have serious concerns about the linking of place-making and 'design-led approaches' focused on 'quality'. Whilst acknowledging the (well meaning) intent it is too subjective and open to abuse. As written, the strategy is meaningless. Instead of focusing on quality as a primary outcome, the Council is of the view that shifting the outcomes to creating places for people and a green infrastructure first approach, would be better design mechanisms. Design-led does not equate to better places, nor does it lead to improved quality of life, economic wellbeing, sustainable development.</p> <p>Moreover, the 'strong' environmental policies in this section are undermined by caveats which are seemingly designed to provide loopholes to permit development on an ad-hock basis if in a 'favoured' industry. This runs contrary to the other sections of the draft NPF 4 and results in a dichotomy of competing policy aspirations which there is no clear direction of what, if any, aspirations take precedence. Furthermore, there is a noted reduction in the protections for some heritage resources, which could have an impact on South Ayrshire's rich built and natural heritage.</p>
<p>Question 5</p>	<p>Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?</p> <p>The Council welcomes, and is supportive, of many of the aspects within the spatial strategy, subject to what has been said in response to Questions 1-4. However, the Council does question how the Scottish Government expect the Council to be resourced to deliver and implement many of the requirements of NPF 4. Increases in planning fees alone will not address the significant resourcing pressures that the Council's Planning Service will be under to deliver and implement NPF 4 and the other aspects of the new Planning System. The Scottish Government, if they are truly serious about implementing and delivering the spatial strategy in NPF 4 and the other requirements within it, need to properly fund Council's to do so.</p>
<p>Question 6</p>	<p>Do you agree that these spatial principles will enable the right choices to be made about where development should be located?</p> <p>On balance, the spatial principles are supported by the Council, but further clarity and explanation is required to ensure that the right development is in the right place and not where developers want to go. Also, there is a need for the draft NPF 4 to</p>

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	<p>state what the decision-making weight of these principles actually is and how they should be consider when assessing planning applications.</p> <p>More clarity is also required on definitions, for example, what does rural and urban synergy mean? and what is “a Just Transition” and “Balanced Development”?, and how can planning contribute to that? Other queries have been raised about “local living” and “compact growth” and further guidance is required. Again, clear and precise terminology is important to achieve the draft NPF4 intentions.</p> <p>In general terms these principles are not new, but it needs a strong policy framework to be in place to deliver the spatial principles and the Council is of the view that every policy and principle will make a contribution to the delivery of sustainable, liveable, productive and distinctive places rather than the reference to “no single policy”.</p> <p>Further specific comments to each principal are contained below:</p> <p>Compact growth – limiting urban expansion in terms of reuse of land and buildings is welcomed but the term ‘limit’ needs to be clarified as this could lead to issues when refusing development on unsustainable greenfield sites as an example.</p> <p>Local living – this principal is supported but how 20-minute neighbourhoods will work in practice needs to be clarified and explained more, especially in already established towns and settlements. Also how it works for our rural communities needs to be considered as detailed in response to the Liveable Places question.</p> <p>Balanced development – this principal is also supported, but it has to be made clear that it has to be the right development in the right place and not a free for all or development anywhere at any cost.</p> <p>Conserving and recycling assets – again, this principal is supported and will be critical in green recovery, addressing climate change and moving towards zero carbon.</p> <p>Urban and rural synergy – this principal is also supported. It is considered that a green infrastructure approach to placemaking and design should be taken forward which should be widened out to whole life cycle approach including stewardship and maintenance of the asset over the longer term.</p> <p>Just transition – this principal is supported but more explanation of how this will be achieved in practice is required.</p>

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	<p>Given the geographical spread of settlements, and large rural makeup of much of South Ayrshire, there are likely to be limited opportunities for many viable 20-minute neighbourhoods, let alone a network of them. This would appear to be an aspiration better fitted to Scotland's larger cities such as Glasgow and Edinburgh. A solution for our rural communities is likely to be far more relevant to Ayrshire - the principles as set out don't really show how rural communities will be adapted to help people live and remain in rural areas.</p>
<p>Question 7</p>	<p>Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?</p> <p>Although the Council can see the merit in having actions areas to help address issues being faced in each region, the actual way it is presented is quite confusing and simplistic. Also taking a regional approach but then marrying these to national policies also seems to be a stretch. Consideration should be given to specific regional policies to address these issues.</p> <p>The geographical size of the areas will make it difficult for each region to take forward these priority actions and in many sections, it seems like a one size to fit all approach, which ignores the regional priorities of areas and some areas are overlapping, which just adds to the confusion. A consideration would be to break these larger areas down to Regional Spatial Strategy (RSS) areas. Further commentary will be provided in relation to the Central Urban Transformation Area, which includes Ayrshire and South Ayrshire, in response to Questions 14 and 15 below, and also on the Southern Sustainability Area in Questions 16 and 17 below, which includes parts of South Ayrshire, but fails to mention them.</p> <p>Furthermore, the titling of each grouping - Innovation, Transformation, Transition, Revitalisation and Sustainability – is artificial. In reality, these “branding” terms apply to all of Scotland. The introduction of RSSs further complicates the picture and the status of these area designations for development management decision making is unclear. The Council is therefore of the view that it might be clearer if the RSSs were used as the spatial expression of policy approaches.</p> <p>As a result, the Council is of the view that this section seems to be contrived and is not considered to add to what the draft NPF 4 can deliver. There needs to be more clarity on the role of RSSs and also how LDP's are to reflect these ambitions in their strategies and policies. Furthermore, the linkages between RSS areas need to be made clearer. There is also no information on how the actions are to be delivered and this links back to the point made above on the lack of a delivery plan to be consulted on alongside this draft NPF 4.</p>

Paragraph/Question Number	Council's Response
Questions 8-13	<p>The Council has no comments on the questions relating to the North and West Coastal Innovation; Northern Revitalisation, and North East Transition action areas. The Council is of the view that the Local Authorities within these areas are best placed to respond to these questions.</p>
Question 14 and Question 15	<p>Do you agree with this summary of challenges and opportunities for this action area? What are your views on these strategic actions for this action area?</p> <p>South Ayrshire is within the Central Urban Transformation area and the Council is of the view that this section does not adequately cover the challenges and opportunities for South Ayrshire and Ayrshire as a whole. For instance, the substantial and costly infrastructure issues surrounding Ayr, Prestwick and Troon are not referenced and this is significantly affecting the ability of new development to be brought forward, especially due to capacity issues on the A77. This is affecting the deliverability of the Ayrshire Growth Deal and will require Scottish Government intervention and funding. Therefore, this section of the draft NPF 4 needs to recognise and address this issue, otherwise it will result in South Ayrshire and Ayrshire as a region being significantly disadvantaged from the rest of the Council areas in this section of the draft NPF 4.</p> <p>The Council's views on the strategic actions for this area are set aside each action point as follows:</p> <p><u>Pioneer low-carbon, resilient urban living</u> – the move to zero carbon, well designed places for people and green infrastructure first is to be supported and is the concept of 20-minute neighbourhoods, subject to adaptation to suit rural areas, as this will support the move to green recovery, more integrated, sustainable and people orientated places, and sustainable economic development. However, how this is to be achieved is lacking direction, clarity and coherence. What concerted effort and how this is to be achieved also needs further definition and explanation.</p> <p>The move to active travel and accessibility is to be welcomed. However, how this is to be prioritised and followed through needs to be clarified and adhered to. This approach has been in planning policy for several years and yet car dominated developments are still being built. Therefore, a fundamental re-think is required to move away from this. Also, issues outwith planning, such as public transport costs and journey times needs to be also looked at and improved upon, as without cheap mass transit, the fundamental transformation shift will not happen and will create further inequality and disadvantages to our more vulnerable communities.</p> <p>Moving to places which are focused on providing design to encourage health and wellbeing is supported; as is a move to focusing on green infrastructure and people first developments, whilst connecting these to existing communities. This is the fundamental change that is required. We need to move away from developments, particularly housing developments, which</p>

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	<p>are all about roads and cramming as many houses into a plot for profit as possible. The pandemic has taught us that we need to focus more on open spaces, bigger and more adaptable plot sizes and sites located closer to facilities and open space than is currently being allowed through the planning system.</p> <p>Furthermore, the Council believes the proposal to extend a moratorium on out-of-centre developments promoted within the New Future for Scotland's Town document should be adopted.</p> <p>The rest of the actions raised in this section are supported and will assist in the delivery of this action.</p> <p><u>Reinvent and future proof city centres</u> - This action should be widened out to larger towns and as not all areas within this geographic region have cities but do have larger towns. Therefore, sections on areas such as Ayr will be required to also reinvent and future proof our larger towns. Otherwise, there will be a disproportionate approach to cities and larger towns, which is at odds with the spatial principal in a just recovery and reducing inequality and disadvantages.</p> <p><u>Accelerate urban greening</u> – this action is wholly supported, and the Council has no further comments to make at this time.</p> <p><u>Rediscover urban coasts and waterfronts</u> – this action completely ignores or misses the urban coast, harbours and ports throughout Ayrshire and particularly South Ayrshire and the contribution that the rediscovery of these assets could make. The South Ayrshire coast is an important tourist asset and contributor to outdoor tourism and access. Furthermore, it is an important economic generator for the area. To have this completely missing from this section is very concerning and is disadvantaging South Ayrshire from the other coastal towns in this geographic area and other geographic regions were towns smaller than Girvan in size and other villages are specifically mentioned. The South Ayrshire coastline is therefore needed referenced and treated the same as other areas. Development of harbours/ports within South Ayrshire could also help to stimulate different activities on them and South Ayrshire has a proud tradition of boat making throughout its coastline, of which many, have now sadly disappeared. Reusing, these ports, jetties etc would make a difference to the tourism offer and economic situation of many of our towns and rural coastal communities. Therefore, the Council is of the view this section should contain a reference to the coast of South Ayrshire and Ayrshire overall and the harbours/ports contained within them.</p> <p><u>Re-use land and buildings</u> - this action is supported but it is written in such a way that only vacant and derelict land is within city regions and therefore it could be assumed that this part only relates to cities. Other areas also have large amounts of vacant and derelict land within them, and this section should be re-written to acknowledge that. Also, it is not clear how the Council is meant to de-risk sites or where the funding is coming from. The draft NPF 4 should not put the onus on Council's to</p>

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	<p>de-risk sites as this is a multi-agency responsibility and will require substantial external funding to achieve. This also needs to be recognised in this section.</p> <p><u>Invest in net zero housing solutions</u> – this section is supported but requires to be strengthened to ensure that all new developments offset their own carbon emissions. Sustainability credentials for new housing should be considered within the context of good urban design and it is important to ensure that ‘green homes’ are located within the right locations.</p> <p><u>Grow a wellbeing economy</u> – the Ayrshire Growth Deal and Community Wealth Building is, as written in this section, relegated to being a subsidiary of Clyde Mission and not supported by NPF 4 in its own right. This section therefore needs to be written to reflect that the Ayrshire Growth Deal is supported through the draft NPF 4 on its own and then a new paragraph needs to be written on how both the Growth Deal and Clyde Mission can work together and support each other. Currently, the draft NPF 4 has Ayrshire as a subsidiary of the City Region and that is to the detriment to Ayrshire and South Ayrshire especially. Community Wealth Building is also not fully fleshed out and is hardly mentioned with regards to South Ayrshire and Ayrshire as whole. It also does not reference the work that North Ayrshire Council have been doing and leading the way on Community Wealth Building.</p> <p>The Council is also of the view that retrofitting historically inappropriate development (out-of-centres retail or business parks) may not be right if the facilities are not there to support a community, they are not walkable, linked to public transport, etc. This approach needs to be carefully considered.</p> <p><u>Reimagine development on the urban fringe</u> – This section is supported; however, it misses referring to the UNESCO Biosphere which straddles South Ayrshire, East Ayrshire and Dumfries and Galloway Council's and is an important biodiversity asset of international recognition on its own. It is really disappointing that the Scottish Government have missed this out as the UNESCO Biosphere will encourage eco-tourism and will help to strengthen the region's sense of place. Also, the 20-minute neighbourhood concept will need to be redefined for settlements within the countryside and urban fringes as detailed in the response to Question 7 above.</p> <p><u>Improve urban accessibility</u> – This section is supported; however, Ayrshire has been missed out again and there is no clarity on how South Ayrshire will benefit from moving to sustainable transport and any incentives to encourage this. No information is given how the rail network in South Ayrshire could also be strengthened in relation to high-speed rail, which would offer a reduction in journey times and therefore expanding the attraction of South Ayrshire for a range of purposes and investment.</p>

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	<p>Also, the ports in South Ayrshire are completely missed out in this section and they could also contribute to moving freight off road. The comments on 20-minute neighbourhoods, detailed in Question 7 above, are also equally applicable here.</p> <p>In conclusion, the Council is significantly concerned that South Ayrshire, and Ayrshire as a whole, has been largely ignored in this section and this is potentially down to the fact that the geography of the areas is too large to really focus on the issues for each region as expressed in the Indicative RSS's.</p>
<p>Questions 16 and 17</p>	<p>Do you agree with this summary of challenges and opportunities for this action area? What are your views on these strategic actions for this action area?</p> <p>The Council is of the view that South Ayrshire also falls within the Southern Sustainability Action Area and is disappointed to note that South Ayrshire is not referenced within this section. There is also a failure to promote a joined-up approach to the sustainable, low carbon and tourism development of the coast stretching from Stranraer into South Ayrshire and then into North Ayrshire. Furthermore, this section seems to indicate that South Ayrshire is a strategic through route instead of a destination on its own, and the Council is concerned of the message this sends about South Ayrshire contribution for this action area.</p>
<p>Question 18</p>	<p>What are your overall views on this proposed national spatial strategy?</p> <p>Generally, the Council is supportive of the majority of what is proposed but has noted where it doesn't support the spatial strategy or where it has concerns. The Council is, however, severely disappointed and concerned that there is little or no mention of South Ayrshire and how strategic actions would respond to the needs of the area and its people. There is also a lack of substance with respect to how action can and will be achieved at this juncture.</p>
<p>Part 2: National Developments</p>	
<p>Question 19</p>	<p>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?</p> <p>The Council has no specific view on the classes of development described in the Statements of Need.</p>
<p>Question 20</p>	<p>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?</p>

Paragraph/Question Number	Council's Response
	<p>The Council has no specific views in this regard.</p>
<p>Question 21</p>	<p>Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?</p> <p>The Council is concerned that Prestwick Airport and the future spaceport are not seen as a National Development and are not referenced as such within the draft NPF 4. These two assets will have real and significant economic impacts for South Ayrshire and form part of the Ayrshire Growth Deal.</p> <p>Glasgow Prestwick Airport (GPA) was identified in NPF3 as a strategic airport with adjoining land identified for mixed industrial and business use.</p> <p>Since 2014, the Ayrshire Growth Deal (AGD) has secured £80m of funding from the UK and Scottish governments to develop horizontal space launch capability, commercial build and innovation support for advanced manufacturing in the immediate area of the airport to promote growth of the existing aerospace and space cluster. The Prestwick cluster is an established centre of excellence for aerospace Manufacturing Repair and Overhaul (MRO), Aero structures - design engineering and aviation services, which draw on 80 years of expertise. Over 3,000 skilled employees are based there, more than 50% of the Scottish aerospace workforce.</p> <p>The AGD will enable industry investment to start-up and grow the new lifecycle of the local aerospace sector as well as consolidating and facilitating the growth of the commercial space sector providing growth in GVA and the creation and safeguarding of high value jobs. The aim of these projects is to support and encourage innovation, raise skills and productivity and to provide modern, flexible commercial spaces so that the Prestwick cluster can respond to global competition, technology change and exploit new market opportunities.</p> <p>It is disappointing to see that these are no longer considered as National Developments as they currently are within NPF 3. This could disadvantage South Ayrshire and therefore the Council is of the view that these should be added to the list of National Developments and its position maintained in the draft NPF 4.</p>

Paragraph/Question Number	Council's Response
	Part 3 – National Planning Policies
General Comments	<p>The Council has real concerns about the wording of the policies. The current 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 NPF 4 require to be clearly understandable and deliverable. There are too many 'could's' and 'should's' rather than 'require'; 'shall'; or 'must do'. Also, the continual used of bold typeface throughout this section is confusing and is often taken out of place. It could be construed as that part of the policy in bold is the most important part. The bold parts should therefore be removed in order to avoid any confusion.</p> <p>Most of the national development policies start off with what an LDP should do or needs to contain. These should not be included as criteria within a development management policy as they have nothing to do with the assessment of a planning application. By including them in a development management policy will lead to confusion and potential challenge.</p> <p>Many of the new policies introduce tests/requirements that Planning Authorities do not have the resources to deal with and therefore, the polices in draft NPF 4 result in further unfunded duties on top of those already required to fully implement the Planning (Scotland) Act 2019. Indeed, many of these new policy tests are beyond the current skill sets of planning professionals to assess. This may be also true of Reporters and how these cases would be treated on appeal with regard to failing to comply with these new policy tests/requirements.</p> <p>Furthermore, and in the light of the constant legal challenges to the Scottish Planning system that have played out in the past years, should this not be addressed to the satisfaction of the Council; then this may lead to our LDP 3 having to contain policies to address these issues and ensure that the Council is not adversely affected or open to legal challenge on planning decisions made on the policies within NPF 4.</p> <p>Therefore, the Council considers that the successful implementation of the ambitions set out in the draft NPF 4 fundamentally depend on clear, defensible and practical policies which all stakeholders can understand.</p> <p>This overarching response applies to each of the policies below. The Council also provides more specific responses to each of the policies also detailed below.</p>
Question 22	Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

Paragraph/Question Number	Council's Response
	<p>Although the Council welcomes the intentions of this policy, it has concerns about the legal robustness of this guiding principle and how it is to be assessed in the consideration of planning applications. Placing this as the primary guiding principles for plans and planning decisions may lead to other critical aspects being overlooked or side-lined.</p>
<p>Question 23</p>	<p>Policy 1: Plan-led approach to sustainable development. Do you agree with this policy approach?</p> <p>The Council is supportive of sustainable development and the right development in the right place. However, the Council is of the view that the intention of this policy seems to be that it only applies to the creation of development plans and not decision making on individual applications and therefore, it is not considered to a development management policy. This appears contradictory to the statement at page 61 of the NPF4 that “The following Universal Policies should apply to all planning decisions.”</p>
<p>Question 24</p>	<p>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?</p> <p>The Council strongly supports the need to address the climate emergency and the need for a strong policy framework to achieve this. However, as currently written, the Council is of the view that this policy is unworkable from a development management perspective and needs to be rethought and reworked. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) What is meant by “significant weight”? Do the Council need to include a statement in all reports of handling to demonstrate that the Climate emergency has been considered in the assessment of a development proposal? Clarification is required on this. b) Is this equally applicable to all development proposals? How should this be demonstrated to Planning Authorities? When considering emissions, does this apply to car journeys? Clarification is required on this. c) What is meant by the term “significant emissions? How is this to be assessed? The Council have little or no in-house expertise to understand and agree with or dispute the evidence provided by a developer that the level of emissions is the minimum that can be achieved for a development to be viable? This is another unfunded duty placed on the Council. How would we assess emissions off-setting measures without experts internally? We also suggest that this policy is too long and would benefit from being separated out to a series of smaller policies or more concise as its

Paragraph/Question Number	Council's Response
	<p>difficult to understand what the policy is asking to be assessed. It shouldn't be a wish list. Clarification on terms is also required.</p> <p>d) The Council would like clarification from the Scottish Government that we can refuse applications where we deem a proposal to not be adaptable to the future impacts of climate change and this will be upheld at the DPEA. Also what is meant by adaptable? Clarification is required.</p> <p>Furthermore, the Council is concerned about how this policy works in terms of deliverability. Measures, in particular for alterations to existing infrastructure, require to be commensurate to help ensure that associated costs are not significantly affected, as this may have implications for deliverability of vital works. How is the Council to assess that in the context of this policy?</p> <p>The Council strongly requires this policy to be reworded and completely thought out on how it would be assessed as part of a planning application.</p>
<p>Question 25</p>	<p>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?</p> <p>Again, the Council is strongly supportive of a tight policy framework which address nature crisis. However, as the policy is currently worded, the Council is of the view that it is unworkable from a development management perspective. The aims and emphasis of the policy are noble, but the policy itself is ineffective. Specifically, Criterion (a) is not a development management criterion.</p> <p>Furthermore, the Council would like evidence and clarity that we can refuse any application where biodiversity enhancement is not proposed and how this would be evidenced and defended at appeal. There needs to be a criterion within this policy that specifies what level of development or types of development this policy applies to. Also what is considered to be a 'biodiversity enhancement' needs to be clarified.</p> <p>Clarity is also sought on what is meant by a degraded habitat; how is this to be assessed; what level of information is required and so on? This will add additional costs to developers unless the types of application this applies to is specified.</p> <p>The Council is also of the view that this policy should be broken down into separate policies as it relates to different assessment requirements and it is unwieldy in its current format.</p>

Paragraph/Question Number	Council's Response
<p>Question 26</p>	<p>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?</p> <p>Although all these rights and policy directions are supported by the Council, it is of the view that this is not a development management policy and more of a statement. It would be unenforceable and difficult to assess a planning application against. It should therefore be deleted as other legislation and regulations cover these areas.</p>
<p>Question 27</p>	<p>Policy 5: Community wealth building. Do you agree that planning policy should support community wealth building, and does this policy deliver this?</p> <p>The Council is strongly supportive of the concept of Community Wealth Building and it is part of the Ayrshire Growth Deal. However, the Council do not consider this is a development management policy and have real concerns that community wealth building is being imposed on Council's that have not embraced this. This is more applicable for a Local Development Plan and the Council would like an explanation from the Scottish Government of how this is to be assessed in practice? What is the information that is required to demonstrate that planning application complies with all of the five pillars of Community Wealth Building? Or does it only need to comply with one or two and so on. This policy therefore should be deleted from NPF 4 and should be for a Local Development Plan to integrate within it.</p> <p>However, the one positive from this policy is that it specifies the types and level of developments that this applies to. This should be applied within other policies.</p>
<p>Question 28</p>	<p>Policy 6: Design, quality and place. Do you agree that this policy will enable the planning system to promote design, quality and place?</p> <p>The Council is strongly supportive of creating places that work for people and that we create places that function. However, the Council is of the view that this policy lacks teeth, clarity, robustness and certainty. It is subjective and will be difficult to accurately assess. The Council is also of the view that the documents mentioned in this policy have contributed to the continual poorly designed places that have been constructed throughout Scotland and nothing has changed to fundamentally alter 'the anywhere design' that the majority of schemes are that come in front of the Council. Therefore, the Council suggest that instead of being design led, focused on quality etc the policy should be re-orientated to focus on places for people and green infrastructure first and be more outcome focused.</p>

Paragraph/Question Number	Council's Response
	<p>The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> b) This criterion appears to elevate guidance documents to statutory policy consideration and has the potential to extend the processing times of applications. Also, clarity is sought on how inclusive and design led approach is to be demonstrated and assessed by the Council that a developer has done this, and actually what is meant by these terms. What are the criteria? Also how is 'relevant' and 'appropriate' to be assessed? Who determines this and what is the criteria? c) How is this to be demonstrated? Will a statement showing how a development incorporates the six qualities of successful places be required in support of applications? This again requires additional design resources and is yet another unfunded duty. e) How will privacy be defined and measured? What about noise? Air quality? For example, the level of residential amenity that can reasonably be expected will differ depending on location (residential properties in town centres will not enjoy the same level of amenity as properties within residential areas). <p>The Council strongly suggests the Scottish Government reword and rethink this policy as its not considered to be robust or implementable.</p>
<p>Question 29</p>	<p>Policy 7: Local living. Do you agree that this policy sufficiently addresses the need to support local living?</p> <p>The Council agrees with the principle of local living and our communities moving towards self-sufficiency where appropriate. However, the Council is strongly of the view that this policy, as currently written, is unworkable from a development management perspective. Reference to 20-minute neighbourhoods should be removed as this is impossible within larger Local Authority areas with scattered rural settlements. This policy also appears to place a lot of additional unfunded duties on Planning Authorities, especially those with larger geographical areas and scattered rural settlements.</p> <p>The Council also would point out that Criterion a) is not a development management criterion and is of the view that criterion B is unrealistic. The Council would like the Scottish Government to provide it with evidence of how you can apply this to more rural locations and how would you assess applications in this regard.</p> <p>The Council is of the view that this policy should be reworked and rethought about as you cannot assess planning applications against it.</p>

Paragraph/Question Number	Council's Response
<p>Question 30</p>	<p>Policy 8: Infrastructure First. Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning?</p> <p>The Council considers that this policy lacks clarity as it does not clearly set out how the various component parts work together or what the mechanism for delivering infrastructure will be.</p> <p>The Council also consider that it is important for the policy to describe the continued role of Section 75 Agreements in infrastructure delivery and possibly to set out the Scottish Government's position on the possible introduction of the Infrastructure Levy. The Council is strongly of the view that Section 75 Agreements and other types of agreements have their own policy. Given the potential for infrastructure to span across more than one planning authority, it would seem appropriate for reference to be made in this policy to the use of Regional Spatial Strategies.</p> <p>The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. Notwithstanding this, there are issues arising from this criterion, in particular that the plans and strategies referred to in bullet 1 will have different review cycles to LDP (leading to potential alignment issues), and investment / finance issues for new infrastructure (bullet 3) on the basis that some sites are not being developed. b) Is an application required to provide a statement that demonstrates how account has been taken of the Scottish Government Investment Hierarchy? Who has the expertise to interrogate this? Again this is another unfunded duty placed on the Council to address in order to comply with the assessment of these policies. d) The Council agree with the principles of this, but there will no doubt be examples of development that will have unmitigated infrastructure impacts that should nonetheless be supported on the basis that the developments are in the public interest. This criterion does not appear to allow flexibility to accommodate such circumstances.
<p>Question 31</p>	<p>Policy 9: Quality homes. Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?</p>

Paragraph/Question Number	Council's Response
	<p>The Council is of the view that this policy requires to be separated out as these are fairly major bits of policy and for clarity and consistency should be separate policies. It is too long. The Council also questions if NPF 4 has complied with the Town and Country Planning (Scotland) Act 1997 (as amended) as there is no statement in NPF 4 which states how they have considered that development will meet the outcomes listed in section 3A(3A) including the housing needs of older people and disabled people.</p> <p>The Council is therefore of the view that Policy 9 should clearly set out the needs in terms of housing, both in terms of quality and quantity, and how these needs should be met at local level. As it stands, the Council does not consider that the contents of NPF4 meet the specific requirements of the Act on these matters. This also gives rise to concerns as how NPF4 and in turn, development, will contribute to the outcomes of improving health and wellbeing and improving equality.</p> <p>The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a-c) These are not development management criterion. d) This criterion should make it clear that this is expected of housing irrespective of tenure, please see comments to Policy 6 with regard to the design elements of the policy. e) Will proposals be considered unacceptable in the absence of a statement of community benefit? Who will interrogate the statement of community benefit? If a development does not, for example, improve the residential amenity of the surrounding area (itself a vague statement), would the proposed development be refused? Again, this is another unfunded requirement placed on the Council to address. A definition of community benefit is also required and also what is a reasonable community development? What is the criterion for this? Who decides? f) Does this criterion imply that development proposals that improve affordability and choice should be approved regardless of other applicable policies? How is an equalities-led assessment to be undertaken? Again, this is another unfunded duty and resource burden placed on the Council. What is the benchmark for improvement? How is this to be assessed? This policy is more applicable to what an LDP needs to do. g) Bullet 3 is open to interpretation. This needs to be more criterion based or needs to have a better-defined understanding of what an unacceptable impact on the character, appearance or amenity of an area is. h) It is considered that this policy is unwieldy and not precise. What are we meant to be assessing? Need to reiterate that the development, regardless of tenure, is expected to be high quality. How would this apply to small sites of less than 10 units? How are viability issues meant to be taken account of; where is the flexibility to not provide affordable housing and take a commuted sum instead? The policy also needs to avoid piecemeal development of larger sites by developers to avoid providing affordable housing. The policy needs to take account of this to ensure that the total

Paragraph/Question Number	Council's Response
	<p>amount of affordable housing for a larger site is provided, irrespective of what applications come in for smaller areas of land.</p> <p>i) Developers could stall delivery on allocated sites to develop out unallocated sites. As a result, the policy raises potential enforceability issues, for instance, what happens if a proposal comes forward with an agreed timescale for build-out that then can't be met? The Council does not have the legislative power to force someone to build? Also, who will determine whether build-out time proposed by developer is realistic / achievable? Unallocated housing sites within Affordable Housing plans undermines the LDP, unless a shortfall identified. How is this to be addressed?</p> <p>j) Bullet 3 hints that adaptations to dwellings on health grounds will always be acceptable. This is not robust and there may be instances when they are not acceptable in light of other policies. How is this to be addressed?</p>
<p>Question 32</p>	<p>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?</p> <p>The Council is extremely supportive of sustainable transport and active travel. However, the Council is of the view that this policy, as currently worded, is unworkable from a development management perspective. The Policy is too long and should be separated out to series of policies or be made more concise.</p> <p>Furthermore, the Council feels that stronger requirements are needed to ensure that good levels of public transport provision are both in place from the first occupations within a development to help foster positive travel habits, and that services are supported over sufficient time (and with sufficient incentivisation) to give them every chance to succeed. This may require a greater funding commitment from developers with respect to public transport, or possibly in some way underwritten by government.</p> <p>There is admirable effort being put into t promoting sustainable modes of travel, however, there may be needs to be a greater consideration of how we penalise car travel, especially for developments in close proximity to public transport.</p> <p>The Council also provides specific comments on the criteria within the policy below:</p> <p>a & b) are not development management criterion.</p> <p>d) This criterion appears to place an unfunded duty on Planning Authorities in an area of expertise best suited to a Road Authority i.e. monitoring the travel patterns resulting from a development.</p> <p>g) This criterion is significantly ambiguous and reads more as a statement than something against which a proposal could be assessed.</p>

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> i) Bullet 4 is not worded particularly well and does not go far enough. This needs to be re-worded and include a requirement for contributions to the provision of charging points in the locale of a development where it is not possible to provide them within a development. This should also be accompanied by a justification as to why charging points cannot be accommodated within a development. j) If not delivered at the beginning of a development, this is potentially meaningless, as behavioural habits, once established, are difficult to break i.e. reliability on unsustainable modes of transport. k) How is this to be assessed in practice? What are the abilities of different users? How is this defined and what does it mean? For instance, if the infrastructure is for a specific business and industrial use, does it really have to consider all users? This would be unworkable. What happens if the developer hasn't done this, will we be able to refuse an application on it? Additional specialist resources would also be required to ensure that the abilities of everyone have been considered. This policy really needs to be more precise and specify what it actually applies to and what types of development it needs to be considered as part of this. l) This criterion appears to be toothless, as it suggests that developers 'should' consider cycle parking. Surely, cycle parking should be a requirement of development unless otherwise justified. By including the words 'where possible', developers have an optout thereby undermining the criterion and the intended aims of the policy. m) Reads as a statement rather than the criterion to a policy.
<p>Question 33</p>	<p>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?</p> <p>The Council is extremely supportive of a strong policy framework that assist with the transition to zero carbon by 2045. However, the Council is also of the opinion that this policy, as currently written, is unworkable from a development management perspective and seems to be a bit of a wish list for the planning system to regularise, which will have significant impacts on all users to achieve. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) is not a development management criterion. b) Clarification of what a heat network zone is required and what happens if the heat network zone has not been designed properly and new developments can't connect to it? c) The Council has no or minimal expertise to ensure that a development is designed to allow for a cost-effective connection to a heat network is available at a later date? Technology changes all the time. This is yet another unfunded burden on resources the planning department and will be difficult for developers to achieve.

Paragraph/Question Number	Council's Response
	<p>d) The Council has no expertise within planning to be able to assess what is an acceptable low or zero emissions heating system. Is there going to be guidance given on what is acceptable technology? This policy places yet another unfunded requirement on the Council.</p> <p>e) This policy fails to consider the acceptability of compatible uses. You wouldn't put a housing estate within or next to a waste generating use just because it is closely located with a use requiring a high rate of heat demand. Health and safety issues need to be considered as does amenity issues. The burden on a developer in this case will be excessive and will be well in excess of a proposal to the Council? What is the economic impact to an expanding business?</p> <p>g) How will the Council know if a networked system is available? Flues can be installed under permitted development rights, but is domestic biomass is itself permitted development. There are no smoke control zones in South Ayrshire, so is there really a requirement for all biomass systems to meet this requirement? Clarification is sought on this matters.</p> <p>h) Are all proposals for the repurposing of fossil fuel infrastructure for production and handling of low-carbon energy automatically acceptable? What is the threshold. The Policy needs to clarify this.</p> <p>i) The Council has no or minimal expertise to assess sustainable temperature management? What does it mean? What is acceptable? This is more relevant to Building Standards and yet is another unfunded duty placed on the Council to address as we will need to start considering, as planners, how buildings are internally heated.</p>
<p>Question 34</p>	<p>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?</p> <p>The Council is supportive of many parts of this new policy but would have liked the policy to firmly embedding a green infrastructure first approach to development as this would truly ensure that the spirit of the policy and its contribution to climate resilience was achieved. The Council also provides specific comments on the criteria within the policy below:</p> <p>a) This is not a development management criterion;</p> <p>b) This is not a development management criterion;</p> <p>c) The policy should remove the word 'net' and be clear that any loss of blue or green infrastructure is not supported and so on;</p> <p>f) Who's responsibility is it for determining that there is no on-going or future demand for the play provision? This needs to be clarified;</p>

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> g) Suggest that additional text is required at the end of this criterion to ensure that there is no impact on residential amenity; h) Restricting green infrastructure to the six quality of successful places may not go in tandem. It should simply say that a green infrastructure first approach to development should be followed and then into the characteristics of this; i) Clarification of what is considered to be 'well-designed' and 'good quality provision' is required. Who determines this? j) new streets and public realm should ideally be founded on the principles of Designing Streets and inclusive design as opposed to only incorporating these principles; k) Clarification on all the terms used in this criterion is required i.e. how would you defined and assess what a stimulating environment actually is? What does inclusivity look like in the consideration of this policy? l) SUDS within developments should ideally be incorporated as features within developments, and seen as an opportunity to enhance biodiversity and wildlife within new developments. Roads design should also, where practicable, seek to incorporate bioretention features, rain gardens, etc.
<p>Question 35</p>	<p>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?</p> <p>The Council supports the provision of a more definitive flood risk framework to guide development, which sets out categories of annual probabilities of coastal and watercourse flood risk and guidance on surface water flood risk. In terms of surface water flood risk more emphasis needs to be made in terms of the current Scottish Water default position that surface water connections into surface water sewers will not be accepted. Therefore, developers need to be encouraged to work together to resolve surface water outfall issues through master planning and shared infrastructure.</p> <p>The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. b) What is the Future Functional Floodplain? Where is this defined? The first occupied / utilised floor needs to be above the future flood level with an allowance for freeboard – therefore a table within the policy to show what the future flood level may be for any given area is required. Are we really going to tell a developer that they cannot use certain floors of a development because of the potential of flooding as by doing so could result in dead frontages which cannot be considered to contribute to vitality or viability of town centres? How much allowance is there to be for freeboard? Clarity is also required on these points.

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> c) This is considered to be a statement and not a policy. d) What is meant by 'additional requirements'? Clarification is required on this and also who would determine what they are? e) With regard to bullet 1 – is the onus on the developer to demonstrate that flood risk can be successfully mitigated? No mention is made of this within this bullet. In relation to bullet 2 – what expertise does the Planning Authority have in respect of understanding whether a proposed surface water drainage system or a ground water drainage system increases discharge to the public sewer network? Is the onus on the developer to provide this information as part of an application? This is also considered to be another unfunded duty placed on the Council to address. f) This policy potentially has significant cost implications (including viability) for a developer if permeable surfaces are going to effectively be insisted upon. Clarity on this is required of how viability will be taken into account. g) This presents issues in rural areas where connections to the public water network are either unavailable or prohibitively expensive. What are the exceptional circumstances and how defines these? What is the criteria for assessment of these? Clarification is required on these points.
<p>Question 36</p>	<p>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?</p> <p>In relation to Policy 14, the Council is supportive of health and wellbeing considerations being part of the assessment of a planning application, but the policy as currently worded is considered to be unworkable and should be deleted as a health impact assessment would cover the same issues and would assess the proposed development in terms of impacts on health and wellbeing. Essentially this policy is duplicating the health impact assessment requirements. The rest of the policy in relation to air quality and noise should be separate policies. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> b) What does a health impact assessment entail? What constitutes a significant adverse health impact? Is this really for Planning Authorities to consider? This is considered to be duplications with the role and remit of Environmental Health and respective legislation. c) Should there be a requirement for an air quality assessment, similar to the noise impact assessment required by criterion d)? d) What is unacceptable noise? This will differ from location to location. Clarity is therefore sought on this matter.

Paragraph/Question Number	Council's Response
	<p>e) Does this elevate the acceptability of proposals which include space for allotments for example over other development which may not do so. This is also considered to be more of a statement that an acceptable policy in which to consider a development against.</p> <p>The Council supports Policy 15 but suggests that it is made more concise as its poorly written.</p>
<p>Question 37</p>	<p>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?</p> <p>The Council is generally satisfied with this policy; however, a policy on home working should be included as this has been a mainstay for office work in the last 18 months and there is a need for greater direction for this method of working beyond the Covid-19 pandemic. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. b) How is the net economic benefit assessed / measured? Will a site appraisal be required as part of an application? Clarification is sought on this. e) What are appropriate instances in the context of this policy? Surely, site restoration is something we will always want. This criterion does not give a Planning Authority the necessary tools to achieve a satisfactory restoration and therefore needs to be reworded. f) Should there not be a requirement for a sequential test? Should agent of change principles be applied? Clarification is sought on these matters. g) Why does the assessment of a business and industrial use need to include the requirements of bullet 2? How would you assess population, health and wellbeing and so on in this context? What are we assessing here? This should be removed from the policy as its irrelevant from the consideration of a development proposal.
<p>Question 38</p>	<p>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?</p> <p>The Council is generally supportive of this policy but considers that it should set out what the time limit for short-term letting is and how this is to be considered. Due to the current and ongoing uncertainty on when the use of residential properties for short-term letting (outwith short-term let control areas) becomes a material change of use, the Council considers that it is</p>

Paragraph/Question Number	Council's Response
	<p>essential that the NPF4 deals with this issue and provides a policy direction in this section on short-term lets. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. b) Not all extensions to tourist facilities will be acceptable for other reasons (natural environment impact etc.). What about infrastructure? Is this sufficient to serve the existing development? What is the benchmark for assessing viability, sustainability, and diversity in this context? What is the threshold for refusal? Clarification is sought on these matters. e) What is an unacceptable impact when considering short-term letting? Clarification is sought on this and what the threshold for assessment of an unacceptable impact is in this regard. f) How will the viability or otherwise of a tourism related facility be evidenced when a change of use application for an alternative use is submitted? Clarification is sought as is a definition of what a tourism-related facility is. g) What about infrastructure and impacts on natural, built or historic environment? Surely these need to be considered as well? Definition of what hinders the provision of homes or services is also needed as this is ambiguous and subjective.
<p>Question 39</p>	<p>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?</p> <p>The Council is supportive of the retention of our creative and cultural facilities and industries; therefore, the spirit of the policy is welcomed. However, The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) is not a development management criterion. b) Clarification is sought if the Council is to refuse applications that don't make provision for public art within new public open spaces? c) The policy would benefit for including the phrase 'not having a significant adverse impact on amenity'. d) What is the justification for 12 months? It is unclear why this length of time has been chosen, and it could be argued that a 12-month period does not adequately respond to changing circumstances within town centres. What level of evidence will be required to demonstrate that there is no longer a demand for the venue? What is definition of cultural venue and significant cultural value? What is the definition of sustainable demand and how is that to be assessed? Clarification is sought on these matters.

Paragraph/Question Number	Council's Response
Question 40	<p data-bbox="618 237 2103 301">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?</p> <p data-bbox="618 344 2103 443">Although the spirit of the policy is supported by the Policy and will assist with green recovery and the move towards zero carbon, the Council is nonetheless of the view that the policy, as currently written, is unworkable from a development management perspective. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> <li data-bbox="680 491 2103 624">a) This is not a development management criterion. Notwithstanding this, this criterion hints at windfarm extensions always being acceptable, with no caveats. Wind turbines are getting larger/more powerful, and more visually intrusive. Impacts on natural environment, wildlife and heritage assets are missing from this criterion and there is no reference to Regional Spatial Strategies. <li data-bbox="680 635 2103 802">b) This criterion effectively creates a blanket acceptance of the principle and does not consider location. Renewable energy proposals, dependent on what they are and the scale of the development, will not be acceptable in all areas. What happened to the right development in the right place and the consideration of sustainable development? Clarification is sought on these matters, as this criterion gives a blanket approach for these types of development anywhere. <li data-bbox="680 813 2103 912">d) There is no reference to landscape capacity studies and how they have to be taken into account. This is an important element in determining the acceptability of wind farm within the landscape and its impact on local communities and individual properties. <li data-bbox="680 924 2103 987">e) There is no reference to cross boundary developments and how the impacts are to be assessed on a neighbouring Local Authority. <li data-bbox="680 999 2103 1131">f) This policy allows for developments anywhere; without having to comply with other relevant policies. Some of these developments may have unacceptable impacts on a host of receptors and must be assessed against a set of criteria. Also, no consideration given as to how small-scale renewable energy developments will impact on the historic environment. <li data-bbox="680 1142 2103 1310">g) Something that is appropriate now may not be appropriate in future, which is a dangerous statement to make. There are countless examples of perpetual developments which we cannot undo; therefore, caution must be exercised with terminology like this. It also should not be automatic for windfarms already granted consent to simply extend their consented period and the impacts of them need to be re-assessed when the consented period ends should they wish to continue for longer. <li data-bbox="680 1321 2103 1385">h) This is another unfunded duty as the Council has little of no expertise in house to deal with decarbonisation strategy. Clarity is sought on those matters should be dealt with.

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> i) What are negative emissions technologies? Clarification is sought on this matter; however, if this were made clear then this policy could make sense and could be potentially supported by the Council. j) The Council questions if the airport operators or the MOD been consulted on this? It would be prudent for a map showing flight paths to be provided, as this could inform potentially acceptable locations for solar arrays. There is no consideration of the impact of these on natural environment designations? Also, is it for the Planning Authority to advise a developer of the type of foundations they must use in their development? Clarification is sought on this but the Council has no expertise in-house to provide this advice or assess it and therefore is another unfunded requirement for the Council to address. k) The definition of net economic benefit is required, as is what associated business and supply chain opportunities are. Clarification is sought on these matters.
<p>Question 41</p>	<p>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?</p> <p>The Council is supportive of being more resource efficient, however, is of the view that the requirements for compliance with this policy are unclear. The policy is significantly ambiguous and appears very flexible and would not appear to point towards achieving “zero waste” if that is the intended policy. It would be helpful if the policy contained proposals setting out how compliance is to be demonstrated. However, the policy, as currently written, is considered to be unworkable from a development management perspective.</p> <p>The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. b) This is a noble objective, but the Council cannot refuse an application because a developer has not used materials with the lowest form of embodied emissions. Also, we do not have any expertise in these areas and yet again is another unfunded requirement placed on the Council to address. What is an embodied emission? Clarification is sought on this. It is also highly unlikely that the Council is best positioned to determine what construction or demolition methods will minimise emissions. This is a matter for SEPA to deal with and address and should be removed from this criterion.

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> c) How is the circular economy measured? Clarification is sought on this. It also important to bear in mind the arguments advanced by developers regarding demolition and new-build versus re-use and adaptation and the policy requires to address this and close off this loophole. Also, should the aims of this criterion not also apply to local developments? e) Impacts on the natural environment should be addressed within this policy. g) The Council would question if we should be supporting new land-fill sites at all with the zero-carbon agenda taking precedence. h) Will the capture, distribution or use of gases captured from landfill sites or wastewater treatment plant always be acceptable? Should there not be some sort of caveats to this? What is the threshold for acceptability in this case? Clarification is sought on what is a demonstrable community benefit and what is the threshold for the assessment of this?
<p>Question 42</p>	<p>Policy 21: Aquaculture. Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?</p> <p>The Council is generally content with this policy but would state that criterion (a) is not a development management criterion and would seek clarification of why only the north and east coasts of Scotland should be safeguarded for migratory fish species? Surely all routes for migratory fish should be protected.</p>
<p>Question 43</p>	<p>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?</p> <p>The Council is generally content with the vast majority of this policy, but again thinks the policy is too long and needs to be more concise or broken down into separate policies. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. Notwithstanding this, is a 10 year landbank a minimum requirement? Who defines what the relevant market area is? Clarification is sought on these matters. b) The Council would question if this criterion is consistent with climate change targets? c) This is a statement and not a criterion for a policy. It should be reworded or removed. d) There are a number of considerations missing from this policy, such as developer contributions, community benefits, site restoration concerns and monitoring. These need to be addressed. Also, clarification is sought on what is meant

Paragraph/Question Number	Council's Response
	<p>by the term sustainable extraction of aggregates. Aggregates cannot be replaced once extracted; so how can it be considered to be sustainable?</p> <p>e) The Council is of the view that there should be a maximum timescale for borrow pits specified in policy, to ensure that a review of the necessity of the borrow pit is undertaken. However, the Council would support the use of on-site borrow pits wherever practicable to reduce the potential impacts that imported stone loads would have on local roads, particularly in more rural areas where roads construction is less formal and carriageway widths constrained.</p>
<p>Question 44</p>	<p>Policy 23: Digital infrastructure. Do you agree that this policy ensures all of our places will be digitally connected?</p> <p>The Council is supportive of the provision of digital infrastructure within new developments, especially within our rural communities where it is acceptable. However, as currently worded, the Council is of the view that the policy is unworkable from a development management perspective. The Council also provides specific comments on the criteria within the policy below:</p> <p>a) This is not a development management criterion. Notwithstanding this, this is only likely to work with new developments and not existing developments.</p> <p>b) Will a Planning Authority be supported at appeal if it refuses a development because it does not make provision for digital infrastructure?</p> <p>c) Why should Planning Authorities not question need for the development, especially if it has unacceptable impacts? The Council states that a minimum speed should be specified, otherwise there will be inequality in the provision of broadband speeds; however, we would question how we can enforce such a speed should the Government decided to specify a speed.</p> <p>d) This policy does not consider impacts on the historic and natural environment, which could result in unacceptable impacts upon them.</p> <p>e) Clarification is sought of how the Council is to assess whether a development proposal will have an adverse impact on existing digital infrastructure, especially when we have no expertise on this matter. Again, this is another unfunded requirement that the Council will have to address.</p>
<p>Question 45</p>	<p>Policies 24 to 27: Distinctive places. Do you agree that these policies will ensure Scotland's places will support low-carbon urban living?</p>

Paragraph/Question Number	Council's Response
	<p>The Council supports a strong framework for the creations distinctive places and low carbon living. In relation to Policy 24, the Council provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) his is not a development management criterion. b) The principle of this criterion is noble, but this could lead to certain types of development not presently considered acceptable within town centres for example (hot food takeaways) being considered acceptable. Potential for over-provision or concentration of uses similar to that previously noted with bookmakers and charity shops. What constitutes a concentration of undesirable uses? Clarification is sought on this matter. However, if implemented correctly, and appropriate town centre uses are defined, the Council may support this policy. At present, however, the policy is considered to be too vague and open. <p>In relation to Policy 25. the Council is surprised to see support for new petrol station developments in rural areas, given the 2030 date for the cessation of manufacture of new petrol/ diesel vehicles in the UK and the commitments given at COP 26. The Council also suggests the policy needs to account for cumulative impacts within retail impact assessments as often a single store will not show an impact. Moreover, online shopping and the needs for storage and distribution should also be considered in this policy and planning's role in this made clear. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) The stronger emphasis on town centres is supported. However, there will be circumstances where a premise in a town centre will not be appropriate for certain types of retail (bulky goods for example). The Council is therefore of the view that a requirement for a sequential test is needed in such instances? b) What is the status of the health check? Clarification is sought on this matter. Also, would a Planning Authority be able to refuse an application for a betting office or hot food takeaway in close proximity to other similar businesses where it results in the re-use of a long-term vacant premises that may otherwise continue to sit vacant? Reuse of vacant buildings is a priority of NPF 4; therefore, an inherent conflict exists between this policy and that aim. Consideration also needs to be made regarding the impact of such proposals on the historic environment, considering the continued visual impact of a property if left vacant. <p>In relation to Policy 26, the Council is supportive of the policy, but consideration should be given to moratorium on all out-of-centre retail development to comply with the 20-minute neighbourhood concept. In relation to criterion (b), the Council is of the view that this will be resource intensive in terms of required information. The Council has no expertise on supply chains</p>

Paragraph/Question Number	Council's Response
	<p>and how we are meant to assess these, as well as, assessing the environmental impact of the transportation of goods, staff and visitors. Again, these are other unfunded requirements for the Council to address.</p> <p>Turning to Policy 27 next, the Council supports town centre living and the re-use of vacant buildings within town centres. However, this policy has severe issues in its clarity and applicability. As a result, this policy needs to be extensively reworded and rethought out. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is a vague commitment. Clarification is sought on what proportion of the housing land requirements should a Planning Authority be providing within town centres? The Council is of the view that without this, subject to local variation, the criterion is meaningless. There is also no mechanism to ensure that the proportion of housing in town centres can be met. No information has been provided to demonstrate there is a market demand for this. Have HNDA's and Local Housing Strategies to specifically look at a housing figures for town centre living now? Clarification is sought on these matters. b) Where a proposal for housing reuses a vacant town centre building, how is the non-viability of the former use to be demonstrated? Would this be through proof of marketing for a set period of time with little-to-no interest for former use? The Council is of the view this criterion needs to be tightened up and to specific what the evidence base would be for decisions to be made on the existing use being considered no longer viable. d) What is meant by the phrase undesirable concentration of uses where it relates to residential properties? What constitutes a concentration of uses in respect of housing? Clarification is sought on these matters.
<p>Question 46</p>	<p>Policy 28: Historic assets and places. Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?</p> <p>The Council is content with the vast majority of this policy, however, there are issues with its current composition and he Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. c) This criterion does not include reference to selling the property to a potential restoring party as part of demonstrating that all efforts to retain, reuse and adapt a building have been made. Evidence should be required that the property has been marketed for a set period of time at the current market value (based on condition of the building). Most neglect of historic buildings is wilful; therefore, the owner should also be made to demonstrate that appropriate steps to maintain the building have been taken. The criterion should be reworded to address these matters.

Paragraph/Question Number	Council's Response
	<p>h) What are the exceptional circumstances where the loss of a scheduled monument is acceptable? Clarification is sought on this matter.</p> <p>m) The Council is of the view that it isn't appropriate to assess proposals for listed buildings/unlisted buildings in Conservation Areas differently because they appear on the Buildings at Risk Register, as these buildings are no more important than the listed buildings/unlisted buildings within Conservation Areas that do not appear on the register. The aims of this criterion are welcomed in principle, but the Buildings at Risk Register is effectively a brochure and really has no status in the consideration of a planning application in this regard.</p> <p>n) The Council are concerned that this criterion seeks the approval of enabling development for historic buildings at any cost and could result in unacceptably poor development proposals being considered acceptable because they save one or two buildings of merit. The Council recognises that not every historic building can be capable of being saved. Clarification is sought on these matters.</p>
<p>Question 47</p>	<p>Policy 29: Urban edges and the green belt. Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?</p> <p>The Council is supportive of limiting urban expansion and encroachment into the greenbelt, as well as, reusing brownfield land and buildings first. The principle of urban edge development is sound as long as efforts are made within the design and implementation of developments to promote active travel and facilitate sustainable modes of travel for everyday trips including public transport.</p> <p>That being said, the Council is of the view that the policy as currently drafted is unworkable from a development management perspective. The Council also provides specific comments on the criteria within the policy below:</p> <p>a) This is not a development management criterion. Clarification is required on peri-urban.</p> <p>b) The Council would advise that you does not normally condition the use of residential accommodation for agricultural or forestry workers or retirees, as this contradicts Chief Planner's letter of November 2011. The Council would have no control over future sales and this criterion would therefore be unenforceable. There is also a lack of definition regarding recreation, leisure and tourism uses. What justification will a developer be required to provide regarding the likes of telecoms infrastructure or cemetery provision within a green belt area? Clarification is sought on these matters.</p>

Paragraph/Question Number	Council's Response
	<p>c) This criterion appears to require the submission of a statement to justify why a green belt location is essential, and why the development could not be located elsewhere. The Council question how it can assess and consider unspecified alternatives? Clarification is sought on these matters.</p>
<p>Question 48</p>	<p>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?</p> <p>The Council is content with the majority of this policy but provides specific comments on the criteria within the policy below:</p> <p>a) is not a development management criterion.</p> <p>c) Is the criterion suggesting that a sequential approach is required for greenfield development even where the land is allocated in a development plan? Does this mean that there is a requirement for a sequential approach for residential development that must be brownfield before greenfield? Clarification is sought on this matter as it would be unenforceable where there is a shortfall of housing land and a site not allocated in the Plan in a greenfield location is considered to be sustainable. Also, this directly contravenes the LDP guidance in terms of a pipeline of housing sites where brownfield sites can be deallocated for a range of reasons and that new sites will be required to fill the void and meet the housing land requirement. The LDP guidance does not specify that these are to be brownfield sites.</p>
<p>Question 49</p>	<p>Policy 31: Rural places. Do you agree that this policy will ensure that rural places can be vibrant and sustainable?</p> <p>The delivery of 20-minute neighbourhoods in rural locations will be a significant challenge, however, it is agreed that through careful development and land use mixes it may be possible to help reduce trips and make local communities more self-reliant. That being said, the Council is of the view that the policy as currently written is unworkable from a development management perspective. The Council also provides specific comments on the criteria within the policy below:</p> <p>a) This is not a development management criterion.</p> <p>b) This criterion will result in the use of historic maps and valuation rolls to state that now naturalised sites are suitable for housing on the basis that there were houses on site in the distant past. This will set a dangerous precedent that could lead to significant increases in the number of dwellinghouses in the countryside and create ribbon development and a rural housing free-for-all, which would be unsustainable. The Council question how this can be consistent with climate change targets? What about infrastructure to serve these developments? What happens if there is no</p>

Paragraph/Question Number	Council's Response
	<p>infrastructure and how will this be assessed in terms of environmental impact and so on? Clarification is sought on these matters.</p> <p>c) In relation to bullet 1, development pressures are also considered to be development in the countryside itself and that a planning application is also a pressure for development. This bullet point is unworkable from a development management perspective and needs clarified and re-written.</p> <p>e) The Council is of the view that it should be demonstrated first that there is no suitable accommodation for a retiring farmer within a settlement before considering a new dwellinghouse in the countryside? The Council would also point out that occupancy restrictions are not regularly conditioned, as clarified in the Chief Planners letter of November 2011. Does the reference to reinstating a former dwelling relate to a building that is largely intact and capable of being reused subject to appropriate repair and extension works and perhaps re-roofing, or does it allow for the erection of a dwelling on the basis that the foundations of a former dwelling are still evident on site? Clarification is required on this matter.</p>
<p>Question 50</p>	<p>Policy 32: Natural places. Do you agree that this policy will protect and restore natural places?</p> <p>The Council is supportive of the majority of this policy; but provides specific comments on the criteria within the policy below:</p> <p>a) This is not a development management criterion.</p> <p>b) What is an unacceptable impact on the natural environment? Clarification is sought on this matter.</p> <p>g) the Council questions if this criterion renders local designations ineffectual? Clarification is sought on this matter.</p> <p>i) This criterion undermines the strong protection provided by the other criterion of the policy and appears to have been drafted in a manner that will enable renewable energy development in Wild Land areas. This needs to be addressed and rectified to protect wild land from renewable energy developments.</p>
<p>Question 51</p>	<p>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?</p> <p>Although the Council is supportive in principle of this policy, it is of the view that the policy as currently written is unworkable from a development management perspective. The Council provides further comments on the specific criterion within the policy as detailed below:</p>

Paragraph/Question Number	Council's Response
	<ul style="list-style-type: none"> a) This is not a development management criterion. b) The Council questions how can a proposal be designed to minimise soil disturbance? How can a Planning Authority interrogate whether the soil disturbance required for a proposed development is the minimum necessary? The Council has no expertise to do this and again this will require an additional resource to assess which is not funded. Also this is completely unenforceable in the Council's view. c) Who will assess the likely effects of disturbing the soil on CO2 emissions? What is appropriate mitigation? Who will assess the peatland management plan? The Council has no expertise in house to do this; therefore, this will result in more unfunded duties . d) How can peatland be restored to its original condition if the peat has been extracted? Clarification is sought on this matter.
<p>Question 52</p>	<p>Policy 34: Trees, woodland and forestry. Do you agree that this policy will expand woodland cover and protect existing woodland?</p> <p>The Council is of the view that this policy is poorly written as on the one hand, it seeks to protect trees/woodland, but then advocates compensatory planting as mitigation for the loss of the trees/woodland the policy is intended to protect. Therefore, the Council is of the view that the policy as currently written is unworkable from a development management perspective. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion. e) The Council has no in house expertise to assess carbon sequestration? This is another unfunded duty placed on the Council.
<p>Question 53</p>	<p>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?</p> <p>The Council is supportive in principle of this policy and welcomes the role of area specific Shoreline Management Plans and that they should be considered as part of the coastal development planning process. The Council also provides specific comments on the criteria within the policy below:</p> <ul style="list-style-type: none"> a) This is not a development management criterion.

Paragraph/Question Number	Council's Response
	<p>b) The Council is of the view that there should be a requirement for developers to demonstrate that a coastal location is required? Also, evidence requires to be provided that there is no need for further coastal protection measures. The criterion needs to be reworded to address these issues.</p> <p>c) Further to b) above, there should be a requirement for a developer to justify why the development is required in an undeveloped coastal area.</p>
Part 4 – Delivering Our Spatial Strategy	
<p>Question 54 Question 55</p>	<p>Do you agree with our proposed priorities for the delivery of the spatial strategy? Do you have any other comments on the delivery of the spatial strategy?</p> <p>The Council is concerned that Part 4 – Delivering the Spatial Strategy is the shortest section in the draft NPF4 and its omission at this stage in the process is serious and even if budgets are not finalised an estimate of costs and funding would have been helpful.</p> <p>This is a crucial aspect of how a radical and ambitious strategy can be effectively delivered by the practitioners tasked with that management and delivery. It is not just about “planners” but all the essential internal and external inputs from other professionals, including, for example other Council services, Key Agencies, investors and developers and central government departments who provide infrastructure and built development.</p> <p>Alignment of resources is key, and it must include alignment of other plans and strategies and also their respective timescales. The Draft NPF4 needs to set out a clear Capital and Revenue Investment Programme, the Monitoring processes involved, and what additional resources are to be invested in planning services throughout Scotland who are already taking on the burden from the work generated by the Planning Act which imposed 49 new, unfunded duties, and the further unfunded duties that the national polices impose on the Council to address.</p> <p>Any capital investment must be aligned with the associated revenue expenditure, particularly at a time when the Council’s budget is particularly challenging, there is diminishing investment in planning resources, and there is a nationwide shortage of planners.</p>

Paragraph/Question Number	Council's Response
	<p>The draft NPF4 introduces areas requiring particular specialist skills and areas of expertise which will require additional funding for re- skilling and up-skilling, but even then, there is likely to be a strong need for external expertise for a range of assessments set out in the draft national policies.</p> <p>Further clarity is also required on the respective roles and funding streams available from central and local government, multi-agency, private sector, and partnership arrangements.</p> <p>Finally, the Council considers that the Draft NPF4 must align with the Programme for Government and there also has to be alignment of different legislative frameworks.</p>
Part 5 – Annexes	
Question 56	<p>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?</p> <p>Annex A details the NPF Outcomes Statement which sets out the 6 outcomes identified in the planning legislation. The Council has no specific comments to make on the connections and policy interactions identified but we would like to continue to stress the need for clearer policy wording which needs to be “fit for purpose” in planning decision making and needs to be fully supported by Scottish Government and DPEA in their decision- making processes to back up the decisions made by local Councils.</p> <p>Policies on their own cannot guarantee delivery of development but they can be used to shape the approach to be taken to individual development proposals to assist in clarity and guidance in advance to the development sector.</p> <p>The Council is not the sole custodian of some of the high-level commitments on climate change and zero carbon, for example, and the different roles and responsibilities may need to be made clearer. In many cases the Council’s planning service will only be able to contribute in a minor and supportive way and it will require the collective efforts of all relevant stakeholders to ensure that the objectives of the Spatial Strategy and the policy aspirations set out in the draft NPF4 are achieved.</p>
Question 57	Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

Paragraph/Question Number	Council's Response
	As the draft NPF 4 reflect the Council's submission on the Minimum All-Tenure Housing Land Requirement and hasn't deviated from that number, the Council is in agreement with the figure for South Ayrshire.
Question 58	Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary? Please refer to the Council's responses above in relation to terms and definitions that need to be clarified in the glossary.