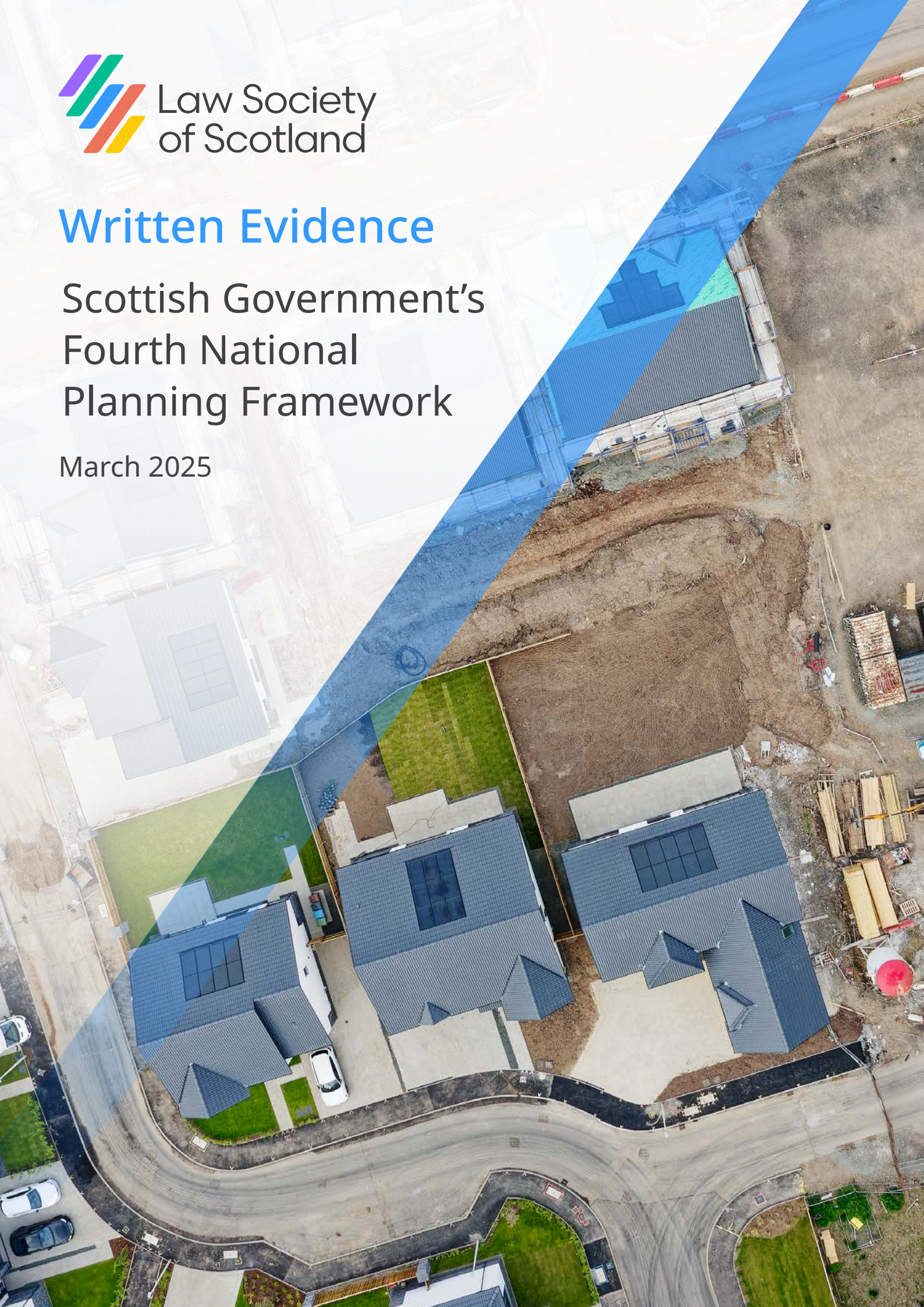


# Written Evidence

## Scottish Government's Fourth National Planning Framework

March 2025





# Written Evidence

## Scottish Government's Fourth National Planning Framework

March 2025



## Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Planning Law sub-committee welcomes the opportunity to consider and respond to the Local Government, Housing and Planning Committee of the Scottish Parliament's call for views: *Scottish Government's Fourth National Planning Framework*.<sup>1</sup> The sub-committee has the following comments to put forward for consideration.

## Response to the call for views

We welcome the opportunity to provide views on the implementation of NPF4 and the progress made on this in the last year.

We have used the themes provided within the call for views as heading for our comments below.

### [The outcome of the Scottish Government's consultation on Investing in Planning – A consultation on resourcing Scotland's planning system](#)

We responded to this consultation in May 2024 ("the 2024 consultation").<sup>2</sup> We note the summary of responses now published.<sup>3</sup> We note that the Scottish Government states that the Scottish Government is currently considering the responses to the consultation and has not yet provided any update on proposed next steps. However, various reforms have already been introduced. In particular, The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2024 introduced changes to planning fees including inflation-linked fees and more options for discretionary fees. The option of allowing local setting of fees was not introduced and we welcome the certainty this provides in the system. We understand that it is intended to take forward the option of introducing fees for planning appeals and would welcome the opportunity to comment further on this in due course. There was also a consultation in October

---

<sup>1</sup> [Scottish Government's Fourth National Planning Framework - Scottish Parliament - Citizen Space](#)

<sup>2</sup> [2024-05-31-plan-cons-investing-in-planning.pdf](#)

<sup>3</sup> [Introduction - Investing in Planning – A consultation on resourcing Scotland's planning system Summary of responses to the consultation - gov.scot](#)



2024 on proposals for reforming the consenting processes in Scotland under the Electricity Act 1989. We see these are particularly important changes and made extensive comments in our consultation response.<sup>4</sup>

### The time taken to process planning applications, particularly the role of statutory consultees

We have no specific comments.

### The work of the National Planning Improvement Champion

We have no specific comments.

### How NPF4 can be used to support the response to the housing emergency

Whilst we do not seek to express a view on how NPF4 can be used to support the response to the housing emergency, we would note that the current hybrid position- whereby housing allocations in LDPs which were based on the 5 year housing land supply model in the old SPP operate together with the new deliverable housing land pipeline mechanism in NPF4- may not be particularly well-suited to meeting the circumstances of what is being described as a housing emergency.

### How the prominence of NPF4's commitment to addressing the climate and nature emergencies is manifesting in individual planning decisions and the impact of these key pillars of the framework overall

We note that, unlike the position in England, there is no prescribed level of biodiversity enhancement which requires to be provided by individual developments. Whilst this potentially has the benefit of a more flexible and less legalistic approach than is the case in England, there is considerable variation in approach between planning authorities which can lead to uncertainty for developers on what they are expected to provide as well as inconsistency in how similar developments may be treated in different parts of the country.

### The stringency of the application of individual policies within NPF4 (key examples of Policy 5 on soils and Policy 22 on flooding were discussed)

In the experience of our members, there still seems to be an element of "bedding in" in terms of the approach to how compliance with the individual policies of NPF4 are approached by consultants and planning authorities. We understand that there appears to be a considerable degree of variety in how assessment of a development against the development plan (and in particular NPF4) are approached, and there is not always full engagement with the extent to which the policies in the relevant LDP are consistent with policies in NPF4. This can lead to situations where the policies in NPF4 are perhaps not applied as stringently as might be expected.

---

<sup>4</sup> <https://www.lawscot.org.uk/media/w2lm1ond/24-11-29-plan-electricity-infrastructure-consenting-in-scotland.pdf>



## Capacity building within communities to allow them to contribute to local plan plans and participate in the planning system in general

We have no specific comments.

### Planning housing hub

In our response to the 2024 consultation, we generally welcomed attempts for greater consistency across different planning authorities, and considered that there could be many benefits to a planning hub approach.

We noted the reference to the Building Standards Hub objective to “Increase consistency in the delivery of the verification service across all local authorities” and consider there would be merit in something of a similar vein in the planning context. We also noted that there can be variety between the content uploaded to the various planning portals, meaning that some contain more information than others. Consistency would be welcomed in this area too.

We considered that further benefits of a Planning Hub could be to pool resources for specialist functions, such as undertaking retail impact assessments. Similarly, a Planning Hub could also be of assistance by providing assistance to a Local Authority if, for example, it had issues due to temporary staffing pressures caused by illness or recruitment issues.

### Gender sensitive planning

We have no specific comments.

### Additional Issues

In 2020, we undertook a public consultation and related work on the subject of planning obligations in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

The purpose of the consultation was to identify an evidence base to support good practice in relation to planning obligations. Based on the evidence received from the consultation and discussion events, we published two papers: (1) Planning obligations report September 2020<sup>5</sup> (the Report); and (2) Planning obligations summary document September 2020.<sup>6</sup>

These papers set out our proposals, based on the evidence gathered through the 31 consultation responses we received and at subsequent discussion events. Our findings and proposals were reported to Scottish Government. We consider that these finding and proposals remain relevant and we would welcome an opportunity to discuss further.

---

<sup>5</sup> [plan-planning-obligations-final-paper.pdf](#)

<sup>6</sup> [plan-planning-obligations-final-paper-summary.pdf](#)



For further information, please contact:

Jennifer Paton  
Policy Team  
Law Society of Scotland  
DD: 0131 476 8136  
[JenniferPaton@lawscot.org.uk](mailto:JenniferPaton@lawscot.org.uk)