

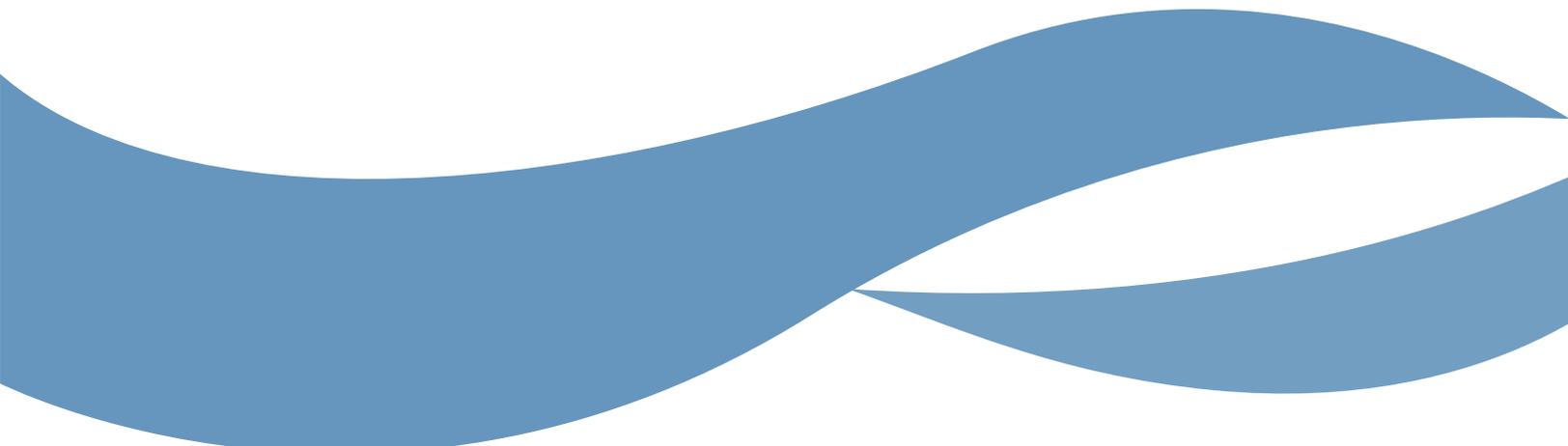


## NPF 4 Position Statement

19-02-2021

### **About Scottish Land & Estates**

At Scottish Land & Estates (SLE) our work helps to ensure that rural Scotland thrives. We are a membership organisation for landowners, rural businesses, and rural professionals. We promote the wide range of benefits land-based businesses provide: tourist attractions, leisure facilities and landscapes enjoyed by the public, as well as housing, employment, tourism & enterprise and farming opportunities. We represent the interests of our members and wider rural Scotland to the UK and Scottish Governments to help ensure that policy and legislation reflects the unique requirements of rural Scotland and its communities.



## Introduction

---

SLE welcomes the opportunity to comment on the NPF 4 Position Statement. Our members make a significant contribution to rural development across Scotland, whether that be leading high-quality new town development, delivering homes to the highest possible energy efficiency standards or creating opportunity and building resilience through diversification. We seek a planning system that strikes an appropriate balance between regulation and enabling development, particularly in challenging times where mounting regulation, the climate and public health emergencies as well as Brexit have combined to make resilience and inward investment into rural communities essential.

In view of these circumstances it is therefore imperative that rural planning should be more permissive where there is a need for appropriate rural development. This should be part of a proactive plan-led process that identifies key types and examples of development which will support diversification and meet the needs of rural communities and businesses.

Supporting small businesses to survive and grow is essential for rural areas. Particular attention should be given to supporting the viability through planning of land based businesses wherever possible. This can be achieved by providing a more supportive framework for mixed use developments and diversification in rural areas as well as by promoting adding value to existing businesses.

Although we consider many of the potential policy changes in the Position Statement to be well-intended it is important to remember that there is a clear difference in the needs of rural and urban communities and policies must reflect this. Priorities for net zero carbon, putting people's health and wellbeing at the heart of the planning system may need to be interpreted differently in a rural context. Our response will attempt to highlight areas where we consider it appropriate to apply different priorities that enable our rural communities to thrive.

### **1. Do you agree with our current thinking on planning for net-zero emissions?**

---

SLE shares the Scottish Government's vision of a "long-term strategy... driven by the overarching goal of addressing climate change," and we welcome Kevin Stewart's Ministerial Forward stating that "We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions."

We broadly welcome the 5 main themes set out for future development, but would urge a more nuanced approach to the integration of land use and transport in a rural context. Where embedding the National Transport Strategy 2 (NTS2) sustainable travel and investment hierarchies is concerned, appropriate weight should be given to need for single vehicle transport in rural areas. NTS2 states: *"Whilst alternative modes of transport to car use must be encouraged, we also need to accept that car ownership is not a luxury but a necessity for many living and working in rural areas. For this reason, this Strategy will take a realistic and staged approach to the use of vehicles in rural areas that recognises the*

*practical realities of travel in many rural areas.”*

NPF4 should promote the sustainability of living and working in rural areas, recognising the possibilities afforded by new technology and social and environmental benefits of having people on the land. There should be a shift from planning authorities only allowing development of new housing in the countryside if it is proposed location is accessible by public transport.

Where there are obvious constraints to the wholesale implementation of active and low-carbon travel in rural areas, this should be balanced by properly enabling development of renewable installations that can take advantage of Scotland’s natural assets.

We agree that there needs to be a concerted effort to promote retention / reuse / redevelopment of existing buildings. To achieve this there needs to be a flexible approach appropriately reflected in policies concerned with listed building consents etc. However, a ‘reuse first principle’ should not be applied prescriptively in areas where there is limited scope to develop brown field sites (much of rural Scotland). Instead, a more proactive approach to encouraging developments on green field sites that do not negatively impact biodiversity and/or contribute to carbon reduction should be encouraged.

SLE supports the notion of innovation and adding value to help meet climate targets. Planning policy should encourage innovative and sustainable design – a presumption in favour of using local materials, for example, could be considered a positive way to encourage development that reduces carbon emissions and helps boost the local economy through adding value to local industries.

We agree the concept of ‘community hubs’ or ‘rural hubs’ combining workplace with home (or at least easy travel distance) could help create sustainable, productive communities. But this may require more flexible attitude to reusing traditional buildings. Development should deliver more flexible / adaptable and durable developments and we therefore welcome the comments made around encouraging mixed use development in this respect – this should also apply to the conversion of traditional buildings.

We support the need to update current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas. However, that protection must be justified. If developers can demonstrate, through EIAs etc., that development would be positive for biodiversity and contribute positively to net-zero emissions targets, it could be argued that such a development is in the public interest, particularly in the context of securing positive effects for biodiversity through development. As a core aspect of the new planning Act, developments should be considered in the long term public interest.

## **2. Do you agree with our current thinking on planning for resilient communities?**

---

Welcome infrastructure first approach incorporated with the aspiration of 20-minute neighbourhoods through encouraging mixed-use development. However, applying a policy of 20-minute neighbourhoods requires a particular set of circumstances not often found in rural locations. The idea of 20-minute neighbourhoods should therefore not be applied prescriptively in rural areas, instead it should be an aspiration in more populated areas. Policies that encourage mixed use development to help create active travel communities (where possible) over time should be the norm, rather than prohibiting housing development that is not or will not be part of a 20-minute neighbourhood.

Policies to strengthen affordable housing provision should not be to apply a blanket increase the provision of affordable housing above the current 25%. This may deter investment, particularly in marginal rural areas.

We welcome proactively bringing forward good opportunities for quality homes in places that would benefit from them, including remote rural and island etc. Such an approach can be strengthened by incorporating an overarching presumption in favour of sustaining rural populations in planning policy and decisions.

However, policy relating to reducing the need to travel unsustainably, states: “This should guide development to places which can currently be sustainably accessed, or have the ability to become so, with minimal cost to the public and private sectors arising from the need to subsidise public transport or invest in new infrastructure resulting from the need to rely on the private car.” This potentially runs contradictory to the policy above and we refer to our previous points about implementing the NTS2 above. There is a balance to be struck which allows development in these circumstances where it creates a positive impact on biodiversity or where it can be part of an electric charging point infrastructure first approach which helps contribute to net-zero carbon outcomes, for example.

While we recognize the need to make Housing Land Audits clearer and more consistent, we are of the view that planning should rely on more fine-grained approaches in rural areas which can identify untapped housing demand and place less reliance in these areas on traditional measures of need and demand.

### **3. Do you agree with our current thinking on planning for a wellbeing economy?**

---

In our view it is difficult to quantify the effect development can have on wellbeing and it will therefore be a considerable challenge for Scottish Government to realign its spatial priorities to suit.

SLE supports the idea of remote working, home working and community hubs as this can encourage improved work-life balance. The concept of rural isolation also needs to be considered here and as a result a permissive approach to rural hubs should be incorporated. There needs to be an enabling approach if this is to be applied successfully in rural context – e.g. converting traditional buildings into mixed use.

The role of positive planning policies and strategies in the sustainable tourism sector are identified as vital components to be further developed and we look forward to seeing how this can be achieved in a post-pandemic recovery scenario and contributing to that process. In particular there should be explicit policies which support the diversification of rural businesses into tourism activities.

SLE strongly welcomes the inclusion of a policy to provide greater flexibility for housing development that provides accommodation for rural businesses. This should be both existing and new-build and we also have further comments related to housing for retired farmers detailed in question 7.

#### **4. Do you agree with our current thinking on planning for better, greener places?**

---

We welcome the policy, “proactively rebuilding the resilience of rural communities and economies by enabling well designed, sustainable development. This can include policies to strongly support rural investment and diversification and enable the development of essential infrastructure for rural areas including affordable housing. As part of this we will take into account the specific circumstances of island communities.” It should be noted that in our view, all housing should be considered essential infrastructure not just affordable housing.

In terms of securing positive effects for biodiversity in development we would welcome the opportunity to discuss with Government further how this might incorporate the concept of natural capital. The proposals set out in the NatureScot paper are of interest, however, we are concerned that if any (or a combination of) these are applied, it must be clear to everyone involved what is expected of them in the development process. If complex policies are used it can easily convolute an already complex process. In our view if this approach is successful it could also impact the way we treat some designations in planning.

We support the view that wild land policy should be reassessed. In our view development in these areas should be changed to reflect an EIA-led approach for renewable developments as well as in considering housing developments. incorporating positive effects for biodiversity into an EIA-led approach will also ensure positive outcomes for rural development.

As we have outlined above, we welcome commitment to enabling use and reuse of historic buildings as part of a circular economy.

#### **5. Do you have further suggestions on how we can deliver our strategy?**

---

A delivery programme will be essential and it will need to have resources and costs at its heart, and it should clearly set out the linkages and relationships between participating partners.

In our view, there needs to be a deeper understanding of how Masterplan Consent Areas and Local Place Plans will contribute to delivering the strategy.

**6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside the statement?**

---

N/A

**7. Do you have any other comments on the content of the Position Statement?**

---

NPF4 should promote the sustainability of living and working in rural areas, recognising the possibilities afforded by new technology and the social and environmental benefits of having people on the land. As part of this consideration should be given to a national programme of rural transport enhancements which collectively amount to a 'national development'.

We consider it is important to allow development of housing to accommodate retiring farmers to facilitate succession of viable farm businesses. Whilst we acknowledge the Scottish Government's positive action on PDR for converting agricultural buildings for residential use, there is still a gap in national policy to explicitly support retiring farmers build new homes on existing farm units.

Agriculture has an ageing workforce. [Scotland's Agricultural Census: June 2019](#) showed that 67% of farmers were over the age of 64 while only 19% were under 41. Recognising the housing needs of farming families would remove one of the barriers that prevents the next generation from taking over the business.

Succession is a critical stage for a farming business which can be both financially and emotionally difficult. Having a home on the farm for the retiring farmer to move into would enable the retired farmer to continue to provide advice and support. It would also enable a farming family to provide care for an elderly farmer – helping improve wellbeing. Brexit and the change it will bring to the agricultural sector may be the catalyst for many farmers to retire. Having positive policies that remove barriers to this is a sensible step to take at this time.

Succession is the process of transferring the management of business assets, it is not a single event but should be a process that takes place over an extended period of time. Succession may take months or years and an additional home can play an important role in easing this transition as well as providing for accommodation needs at the end of the process. It should also be noted that in some circumstances the retiring farmer may continue in some form to contribute to the family business, either by retaining a financial interest, advising on the local agri-environmental conditions or by involvement in some form of business diversification. If the farmer was to do this whilst living at an off-site location, this may contribute to unnecessary travel and carbon emissions associated with that.

Supporting new entrants into farming and providing a way for older farmers to stay on the land preserves an intergenerational connection on a farm. It provides important benefits such as helping to

build responsibility for the land and retaining location specific information and how to deliver effective agricultural and environmental management.

It is important to note that the intention of this proposal is not to provide every farmer with an automatic right to build an additional property on their land when they retire. The intention is to minimise exposure to existing barriers at local level where the need arises. This is highlighted in a recent CAAV report "[Retirement Housing for Farmers in the United Kingdom: A review of the issues, experiences and possible answers](#)" which notes that the issue of housing concerns can lead the occupier to remain farming long into old age, with the potential for increasing infirmity.

We consider it is critical that the most recent research published should be taken cognisance of as a material consideration in formulating planning policies for development in the countryside and rural businesses.

Currently, [Scottish Planning Policy \(SPP\)](#) allows planning authorities some discretion to support single house development in remote rural areas, without occupancy restrictions on housing (paragraph 83). Without explicitly referencing farming retirement, we consider this policy is very relevant to succession planning because, as with bullet point three in paragraph 83, small-scale housing development under these circumstances supports sustainable economic growth where it would not happen otherwise.

We consider the 2017 Aberdeenshire Council [Local Development Plan](#) to be an example of good practice where in its Policy R2 on housing and employment development elsewhere in the countryside, it states: "*Single homes will also be permitted for the retirement succession of a viable farm holding.*"

Scottish Government's Chief Planner wrote to the Heads of Planning in November 2009 to draw their attention to a recommendation of the Tenant Farming Forum that easing the retirement housing of a tenant farmer could open opportunities for new entrants, assisting the rural economy. And more recently, the 2017, [Places, People and Planning: A consultation on the future of the Scottish Planning System](#), said:

*"We are aware that a well-functioning planning system is vital for the business activities of Scotland's farmers and rural communities. We will be examining a number of planning issues, such as permitted development rights, which could potentially contribute to the development of economic activity in rural Scotland. We will also be examining what measures need to be taken to increase the supply of affordable housing for retiring tenant farmers."*

Given the Scottish Government already recognises the need to address this specific topic, we are of the view that now is an appropriate time to draft a planning policy that embeds an explicit reference to supporting housing development for retired farmers within rural housing policy and guidance. SLE would be grateful for the opportunity to continue to work with Government on developing this proposal further.

**For more detailed information**

**Gavin Mowat**  
Policy Officer

✉: [gavin.mowat@scottishlandandestates.co.uk](mailto:gavin.mowat@scottishlandandestates.co.uk)

☎: 0131