

Due to Scottish Government guidance relating to Covid-19, this meeting will be held remotely.

Thursday, 17 March, 2022 - 10.00 a.m.

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AGENDA

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<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATIONS OF INTEREST</b> – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.	
<b>3. MINUTE</b> – Minute of the meeting of Economy, Tourism, Strategic Planning and Transportation Sub-Committee of 25 November 2021	3 - 6
<b>4. SUPPORT FOR VOLUNTARY ORGANISATIONS</b> – Joint Report by the Head of Business & Employability and the Head of Assets, Transportation & Environment	7 - 15
<b>5. FIFE COUNCIL PUBLIC ELECTRIC VEHICLE CHARGING NETWORK</b> – Report by the Head of Assets, Transportation & Environment	16 - 20
<b>6. TRANSPORT (SCOTLAND) ACT 2019 - UPDATE ON PROPOSED PAVEMENT PARKING BAN</b> – Report by the Head of Assets, Transportation & Environment	21 - 25
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<b>12. 2021-22 CAPITAL MONITORING PROJECTED OUTTURN - ENTERPRISE AND ENVIRONMENT DIRECTORATE</b> – Joint Report by the Executive Director - Finance & Corporate Services and the Executive Director – Enterprise and Environment	129 - 134
<b>13. ECONOMY TOURISM STRATEGIC PLANNING AND TRANSPORTATION SUB-COMMITTEE FORWARD WORK PROGRAMME</b>	135 - 136

**Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.**

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10 March, 2022

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**THE FIFE COUNCIL - ECONOMY TOURISM STRATEGIC PLANNING AND  
TRANSPORTATION SUB-COMMITTEE – REMOTE MEETING**

25 November 2021

10.00 am – 10.55 am

**PRESENT:** Councillors Altany Craik (Convener), John Beare (Vice-Convener), Dave Coleman, Colin Davidson, Sharon Green-Wilson, Jean Hall - Muir, Jane Ann Liston, Mino Manekshaw, Ross Paterson, David J Ross, Alistair Suttie, Ann Verner and Jan Wincott.

**ATTENDING:** Keith Winter, Executive Director - Enterprise and Environment, Ken Gourlay, Head of Assets, Transportation and Environment, Martin Kingham, Service Manager, Roads Network Management, Bill Liddle, Service Manager (Roads Maintenance), John Mitchell, Senior Manager, Roads & Transportation Services, Ian Jones, Lead Consultant, Network Management, Neil Watson, Lead Consultant (Roads & Lighting Asset Management), Assets Roads and Transportation Services; Pam Ewen, Head of Planning, Bill Lindsay, Service Manager, Pamela Stevenson, Service Manager - Economic Development, Economy, Planning & Employability Services; Jackie Johnstone, Accountant and Lesley Robb, Lead Officer (Committee Services), Finance and Corporate Services.

**APOLOGY FOR  
ABSENCE:** Councillor Ian Cameron.

**187. DECLARATIONS OF INTEREST**

Councillors Beare and Craik declared an interest in Para 189 – ‘Cessation of SESplan Joint Committee and Budget’ - both being members of the SESplan Joint Committee and the City Region Deal Elected Member Oversight Committee. However, a specific exclusion applied and they would therefore remain and participate in the item.

Councillor Craik also declared an interest in Para 193 – ‘Business Gateway Fife Annual Performance 2020-21’, being a Board Member of Business Gateway Fife.

**188. MINUTE**

The Sub-Committee considered the minute of the meeting of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee of 9 September 2021.

**Decision**

The Sub-Committee approved the minute.

**189./**

**189. CESSATION OF SESPLAN JOINT COMMITTEE AND BUDGET**

The Sub-Committee considered a report by the Head of Planning seeking the cessation of the SESplan Strategic Development Planning Authority Joint Committee and budget through ratification of a SESplan Joint Committee decision on 4 October 2021, following changes through the Planning (Scotland) Act 2019.

**Decision**

The Sub-Committee ratified the SESplan Joint Committee decision to:

- (1) amend the SESplan Constitution so the SESplan Joint Committee was not required to meet twice per year;
- (2) close the SESplan accounts;
- (3) redistribute the remaining SESplan budget equally back to the six SESplan authorities;
- (4) transfer £11,000 (£66,000 across all six SESplan Local Authorities) to the South East Scotland City Region Deal Joint Committee, with the City of Edinburgh Council as the budget holder on behalf of the City Region Deal Joint Committee;

The Committee also noted that:

- (5) following agreement by each of the partner authorities, Regional Spatial Planning responsibilities had transferred from the SESplan Joint Committee to the City Region Deal Elected Member Oversight Committee; and
- (6) the existing 'SESplan Project Board' would be renamed the 'Strategic Planning Advisory Group' (or similar) with the chair of that group becoming a member of the City Region Deal Directors Group.

*Councillor Liston joined the meeting prior to consideration of the following item.*

**190. NEW ROADS & STREET WORKS ACT ANNUAL PERFORMANCE REPORT 2020-21**

The Sub-Committee considered a report by the Head of Assets, Transportation and Environment providing an annual summary of Statutory Undertaker (SU) performance and Fife Council's own performance relating to New Roads and Street Works Act activities in Fife, for the period 2020-2021, as recommended by the New Roads and Street Works Act 1991 (NRSWA).

**Decision**

The Sub-Committee scrutinised and commented on the current New Roads and Street Works Act performance and activity as detailed in the report.

**191./**



**191. A RISK BASED APPROACH TO ROADS MAINTENANCE – UPDATE ON PROGRESS**

The Sub-Committee considered a report by the Head of Assets, Transportation and Environment providing a progress update on the implementation of Fife's 'Road Asset Condition Inspections - Policy Standards', as aligned with the national guidance, 'Well-Managed Highway Infrastructure - A Code of Practice' (October 2016) and approved for implementation from April 2020 (2019 ETSPT 45 para.104 refers).

**Decision**

The Sub-Committee scrutinised and commented on progress of the implementation of the policy and standards approved by the Economy, Tourism, Strategic Planning and Transportation Committee on 24 October 2019.

**192. FIFE'S ROAD CONDITION REPORT 2021**

The Sub-Committee considered a report by the Head of Assets, Transportation and Environment advising Members of the results of the 2018-2021 Scottish Road Maintenance Condition Survey and on the methodology for roads capital budget allocations.

**Decision**

The Sub-Committee scrutinised and commented on the current performance and activity detailed in the report.

*Councillor Craik (Convener), having earlier declared an interest, left the meeting for the following item. The Vice-Convener took the chair for the item.*

**193. BUSINESS GATEWAY ANNUAL PERFORMANCE REPORT**

The Sub-Committee considered a report by the Head of Business and Employability providing an annual overview of the performance of Business Gateway Fife Ltd in delivering services during the period April 2020 to March 2021, including Fife Council's financial assistance to businesses scheme.

The report also provided information on performance and highlighted areas of service adjustments which had taken place during the period, to support businesses across Fife due to the unprecedented impact of COVID-19.

**Decision**

The Sub-Committee noted:

- (1) the performance, expenditure and activity information on Business Gateway Fife Ltd for 2020-2021, as detailed in the report; and
- (2) the delivery focus had been repositioned to support Fife businesses during the period, due to the impact of COVID-19.

*Councillor Craik re-joined the meeting following consideration of the above item.*

**194./**

**194. 2021-22 REVENUE MONITORING PROJECTED OUTTURN**

The Sub-Committee considered a joint report by the Executive Director - Finance and Corporate Services and the Executive Director - Enterprise and Environment providing Members with an update on the projected outturn financial position for the 2021-2022 financial year, for the areas in scope of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee.

**Decision**

The Sub-Committee noted the current financial performance and activity, as detailed in the report.

**195. 2021-22 CAPITAL MONITORING PROJECTED OUTTURN, ENTERPRISE AND ENVIRONMENT DIRECTORATE**

The Sub-Committee considered a joint report by the Executive Director - Finance and Corporate Services and the Executive Director - Enterprise and Environment providing an update on the Capital Investment Plan and advising on the projected outturn for 2021-2022 financial year, for the areas in scope of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee.

**Decision**

The Sub-Committee noted the current performance and activity across the 2021-2022 financial monitoring period, as detailed in the report.

**196. ECONOMY TOURISM STRATEGIC PLANNING AND TRANSPORTATION SUB-COMMITTEE FORWARD WORK PROGRAMME**

**Decision**

The Sub-Committee noted the contents of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee forward work programme.

17 March 2022  
Agenda Item No. 04

## Support for Voluntary Organisations

**Report by:** Gordon Mole, Head of Business and Employability Service and Ken Gourlay, Head of Assets, Transportation and Environment Service

**Wards Affected:** All Fife

### Purpose

This report presents recommendations for the level of support to voluntary organisations within the Enterprise and Environment Directorate for the period 2020-2022

### Recommendation(s)

The Sub-Committee is asked to:

- approve the level of funding to voluntary organisations by the Assets, Transportation & Environment Service as detailed in the attached schedule;
- approve the allocations given through Service Level Agreements from the Business and Employability Service, as detailed in the attached schedule; and
- note the allocation given through the Opportunities Fife Partnership for supporting third sector organisations.

### Resource Implications

The grant schedules appended to this report detail recommendations from the following for approval and noting:

- Assets, Transportation and Environment Service totalling: **£195,291** (as set out in Appendix One) covering grant funding for the period 2022/2023
- Business and Employability Service totalling: **£62,967** (as set out in Appendix Two) covering grant funding for the period 2022/2023
- The Opportunities Fife Partnership totalling: **£60,000** (as set out in Appendix Three)

### Legal & Risk Implications

All awards are recommended for support subject to compliance with Fife Council's Monitoring and Evaluation Framework which requires that they are reviewed on an annual basis as part of the Council's ongoing commitment to ensuring organisations are meeting the terms of their Service Level Agreement.

## Impact Assessment

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No impact assessment is required as there are no substantial changes to service delivery. Changes to individual grants have been negotiated with the organisations concerned.

The Fairer Scotland Duty, which came into force on 1 April 2018, requires the Council to consider how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. Both the Plan for Fife and Fife's Economic Strategy align with this Duty in their commitment to working towards achieving inclusive growth and economic growth, which is shared by all. The grants provided by Fife Council, as detailed in this report, provide specific support to reduce inequalities and support inclusive growth in Fife.

## Consultation

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Members are encouraged to contact the relevant Service Monitoring Officer if they would like to discuss individual awards or require further information prior to the Committee meeting. The contact information for Service Monitoring Officers is detailed on the footer of each appendix of this report.

Service Monitoring Officers, the Head of Finance and the Head of Legal & Democratic Services have been involved in the preparation of this report. The appropriate Service Management Teams have considered each of the awards being presented and recommend the level of support outlined.

## 1.0 Introduction

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- 1.1 This report sets out support provided by the Enterprise and Environment Directorate for the activities supported through the Assets, Transportation & Environment Service and the Business & Employability Service. The support is provided through recurring grants directly to the organisations.
- 1.2 The previous report was brought to the Sub-Committee on 08 April 2021.
- 1.3 The appended schedules detail the awards recommended for approval that will be delivering agreed activities for the Enterprise and Environment Directorate.
- 1.5 Fife Council's Revenue Budget 2021-2024 was approved on 11 March 2021.
- 1.6 Members will recall that the grants for Fife Shopmobility and RVS Fife were considered as part of the wide-ranging six-month Passenger Transport Reform & Recovery review that was reported to Policy & Coordination Committee on 1 April 2021. It was the finding of the review that these grants supported essential local transport services and should be retained and that consideration be given to the roll-out of the RVS Good Neighbours Scheme to West Fife. Fife Council has since engaged with RVS on a potential roll out to West Fife and RVS are onboard with a trial now being undertaken and early feedback has shown that additional volunteers have been recruited and passengers' journeys are being provided. The sustainability of providing the service in West Fife from the existing funding will be reviewed over the coming year. Appendix One outlines the proposed

grants for these voluntary organisations in 2022/2023 of **£150,791** to Shopmobility Fife Ltd. and **£44,500** to RVS for one year only.

- 1.7 Appendix Two sets out the funding of **£38,000** for Fife International Forum (formerly Fife Migrants Forum). FIF has been restructuring to align with the employability delivery structures and ensure they are in a position to work in partnership with other delivery partners. This allocation will allow the Forum to manage and complete this transition and be in a strong position when the organisation commences delivery as one of the successful No One Left Behind delivery partners for 2022-23, in addition to providing continuity funding to complete work on employability activity linked to the UK Government funded EU Settlement Scheme and provide employability support to refugees from Afghanistan and Ukraine.
- 1.8 It is also proposed to continue funding for Fife Voluntary Action until March 2023 to support the No One Left Behind infrastructure, providing support, capacity building, training and upskilling for delivery partners. This support will cover the period April 2022 to March 2023, at a sum of **£24,967**.

### **Opportunities Fife Partnership**

- 1.9 In previous years allocations have been noted for third sector delivery partners, who have been commissioned by the OFP to deliver activity on the Fife Employability Pathway, matched to the European Programme. Fife's ESF Employability Pathway activity will conclude on 31 March 2022 and those pathway programmes are in the process of supporting clients into positive destinations and helping them transition to new provision through NOLB, where appropriate.
- 1.10 Appendix Three to this report outlines the allocation of **£60,000** awarded by the Opportunities Fife Partnership (OFP) as match funding, aligned to the Intensive Family Support (IFS) project, which Fife Gingerbread deliver in Fife as part of the Edinburgh and South East Scotland City Region Deal's Integrated Regional Employability and Skills (IRES) Programme. Employability Pathway Delivery.
- 1.11 This is for noting by the Sub-Committee and is awarded as part of a Partnership agreement. Each delivery partner across the ESES City Region brings additional match to the activity. In Fife, Edinburgh, East Lothian and Midlothian, these partners were selected after a competitive Challenge Fund process, carried out in 2019, to deliver services between April 2019 and March 2022. Due to a phased start of the programme, activity commenced in Fife in June 2019 and has been extended to December 2022 to ensure the end/review point for all local authority areas is aligned. West Lothian and Scottish Borders are delivering activity through their in-house employability teams in line with the flexibility in the project to address local needs.
- 1.12 As a replacement to European funding, the UK Government has outlined in its Levelling-Up White Paper, published in February 2022, alongside pre-launch guidance to implement a UK Shared Prosperity Fund (UKSPF). Full details of the UKSPF are still to

be published. The OFP has retained its 2022/23 European funding allocation at this time, to use as leverage match funding as required for UKSPF and support the delivery of new employability activities going forward.

## 2.0 Monitoring and Evaluation

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- 2.1 As reported in previous years, the Monitoring and Evaluation Framework is continually updated and developed, putting robust procedures in place within Services providing support to voluntary organisations. The work is overseen by the Voluntary Sector Task Group which includes representatives from each of the Councils Services awarding grants to voluntary organisations as well as Audit Services and representation from the third sector. The Task Group is responsible for reviewing the overall Framework and updating particular sections as necessary.
- 2.2 The following monitoring and assessment procedures are undertaken prior to each award being presented to the Economy, Tourism, Strategic Planning and Transportation Sub-Committee for a decision:
- ◆ Organisations are required to submit an application or forward plan outlining the services they aim to provide during the 2022-23 period. For organisations seeking a 1, 2 or 3 year funding agreement this would normally include an appropriate budget for the period.
  - ◆ All projects funded in the previous year have undergone either an annual monitoring exercise or if appropriate a 3-year evaluation. Where the organisation receives over £10,000, the annual monitoring is carried out by the appointed Link Officer. An independent officer who is not the organisation's Link Officer carries out the 3-year evaluation. As part of these monitoring procedures an assessment of the governance of the organisation is made. This includes compliance with relevant legislation such as child protection.
  - ◆ The organisation's constitution and latest set of annual accounts will be checked. The latter will be checked by officers from the Council's Finance service.
  - ◆ The project is assessed by the appropriate Service Management Team against the priorities of the Service, the Council's priorities and the Plan for Fife.
  - ◆ For those providers delivering employability services, the OFP produced a third sector governance document in 2015 and self-assessment health check, supported by Fife Voluntary Action. Each of those providers that wish to delivery employability services must carry out a self-assessment, with reference to the governance document. Any issues or challenges that are flagged as high risk, require an action/improvement plan to be developed and worked through, with support from FVA and the OFP. This governance health check is specific to the Economy, Planning and Employability Service.
- 2.3 Having gone through each of these stages the award is then presented to the Sub-Committee for decision. If the award fails to satisfy all elements of the Monitoring and Evaluation Framework, the recommendation will be delayed and presented for Members' consideration at a future Sub-Committee meeting. Where compliance conditions are not being met, it may be recommended that no funding is provided.

## 3.0 Conclusions

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- 3.1 The awards presented to the Sub-Committee have been assessed in line with Service priorities and the Council's Monitoring and Evaluation Framework and are considered to make a valued contribution to the delivery of services across Fife contributing to the objectives of the Local Outcome Improvement Plan, the Plan for Fife.

### List of Appendices

1. Recommended Awards – Assets, Transportation and Environment Service
2. Recommended Awards – Business and Employability Service
3. For noting – Allocation awarded by the Opportunities Fife Partnership to be matched to Edinburgh and South East Scotland City Region Deal's Intensive Family Support Project, as part of the IRES Programme.

### Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

- Voluntary Sector Monitoring & Evaluation Framework

### Report Contacts

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**Appendix One**  
**Recommended Awards – Economy, Tourism, Strategic Planning and Transportation**  
**Sub-committee**

**Assets, Transportation & Environment Service**

<b>Organisation</b>	<b>Project Description</b>	<b><u>Award</u> 20/21</b>	<b><u>Award</u> 2021/22</b>	<b><u>Requested</u> Grant 22/23</b>	<b>Award 2022/23</b>	<b>Total 2020-2023</b>	<b>Additional Comments</b>
Fife Shopmobility Ltd	Lending powered and manual wheelchair and electric scooter to people with mobility difficulties free of charge. Provide a long term hire of manual equipment. The organisation also provides escorted shopping services for vulnerable people and those with visual impairments	£150,791	£150,791	£181,450	£150,791	<b>£452,373</b>	Whilst, the Assets, Transportation & Environment Service fully supports this initiative as it meets a primary aim of targeting support to the most vulnerable in our communities there is no additional money available to meet the increased level of funding applied for. The service only recommends maintaining the Grant within current budget levels for one year only
RVS East Fife	Targeting support to the most vulnerable in our communities who are unable to access mainstream public transport due to some form of reduced mobility. This is in the form of both transport and personal support to individuals ensuring people remain active and supported in their local communities.	£44,357	£44,500	£5250	£44,500	<b>£133,357</b>	The Assets, Transportation & Environment Service fully supports this initiative as it meets a primary aim of targeting support to the most vulnerable in our communities. The service recommends maintaining the Grant within current budget levels for one year only
<b>Transportation Total</b>					<b>£195,291</b>	<b>£585,730</b>	



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## Appendix Two

### Recommended Awards - Economy, Strategic Planning and Transportation Sub-committee Business & Employability Service

<b>Organisation</b>	<b>Project Description</b>	<b><u>Awarded Allocation</u> 21/22</b>	<b><u>Award Allocation</u> 22/23</b>	<b><u>Award Allocation</u> 23/24</b>	<b><u>Award Allocation</u> 2024/25</b>	<b>Total 2022-2025</b>	<b>Additional Comments</b>
Fife International Forum	Organisational restructuring and support for core activity	£38,000	38,000	N/A	N/A	£38,000	For Approval – to continue funding for organisational restructuring to prepare for delivery as one of the NOLB preferred bidders in 2022 and complete employability work linked to the Home Office EU Settlement Scheme.
Fife Voluntary Action	Continued funding through to March 2023 to support NOLB infrastructure	£15,800	£24,967	N/A	N/A	£24,967	For Approval - to continue funding for Fife Voluntary Action to support No One Left Behind infrastructure programme. This support will cover the period April 2022 to March 2023
<b>Business and Employability TOTAL</b>		N/A	<b>62,967</b>	N/A	N/A	<b>£62,967</b>	

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## Appendix Three

### Economy, Tourism, Strategic Planning and Transportation Sub-committee

#### Allocated Awards for Noting - Opportunities Fife Partnership

<b>Organisation</b>	<b>Project Description</b>	<b><u>Awarded Allocation</u> 21/22</b>	<b><u>Award Allocation</u> 22/23</b>	<b><u>Award Allocation</u> 23/24</b>	<b><u>Award Allocation</u> 2024/25</b>	<b>Total 2022-2025</b>	<b>Additional Comments</b>
Fife Gingerbread	Extending the delivery of Edinburgh and South East Scotland City Region Deal's Intensive Family Service	£55,000	£60,000	£60,000	£60,000	£180,000	For Noting by Subcommittee as match funding to Edinburgh & South East Scotland City Region Deal resources to support the delivery of regional Intensive Family Support activity in Fife, through the City Region's appointed delivery organisation in Fife, Fife Gingerbread.
<b>OFF TOTAL</b>		N/A	<b>£60,000</b>	£60,000	£60,000	£180,000	

#### Service Monitoring Officer:

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17 March 2022

Agenda Item No. 05

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## Fife Council Public Electric Vehicle Charging Network

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**Report by:** Ken Gourlay, Head of Assets, Transportation & Environment

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**Wards Affected:** All

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### Purpose

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This report updates members on the emerging guidance from The Scottish Government on a future Electric Vehicle Strategy and, considering that, the development opportunities for the EV network in Fife.

### Recommendation(s)

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It is recommended that the Sub-Committee agree to:

- (1) note the Scottish Government's focus on exploring the provision of future EV infrastructure through commercial enterprise in partnership with public ownership;
- (2) the development of an EV Strategy for Fife considering the draft EV Vision from Scottish Government in line with the timescales detailed within the draft Vision documentation; and
- (3) Officers exploring opportunities to partner with national, regional and commercial organisations with a view to developing a mixed economy EV charging network in Fife.

### Resource Implications

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There are no costs associated with this proposal. The current public EV infrastructure in Fife, including the initial 5-year period, has been delivered through grant funding from the Scottish Government. The ongoing maintenance thereafter lies with the Council and is met by the tariff applied at public charging points.

Fife Council has no capital budget assigned to the development of the public EV network. Therefore, a funding solution will need to be identified.

The Scottish Government has indicated that future funding support for development of the EV network is targeted at partnership working with commercial providers with a view to move to a mixed economy network provision. This acknowledges that with the future rate of expansion and technological innovation it cannot be solely funded by the public sector.

## Legal & Risk Implications

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There is a risk that if Fife does not transition to partnership working with commercial providers development of the EV network, including funding from the Scottish Government, would not be realised and the level of service needed to accommodate future demand would not be met.

There is a risk that because of the current volatility in energy pricing, the electricity charge rate of 15p/kWh may have to be revised.

## Impact Assessment

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An EqIA has not been completed because the report does not propose a change or revision to existing policies and practices at this time.

## Consultation

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Protective Services and Planning Service have been consulted in the development of this report.

## 1.0 Background

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### Existing Network

- 1.1 The existing 'eFife' EV public charging network was planned with charging points spaced approximately 10 miles apart to help facilitate top-up charging, the presumption being the predominant charging location would be at the owner's home. The costs for the electricity during the early period of development of the EV network was met within the Assets Transportation and Environment, Roads & Transportation Services budget as the grant funding then was conditioned on a tariff free structure. However, Transport Scotland removed this requirement in 2018 in acknowledgement of the pressures on Local Authorities and the need to manage the network in a more sustainable way.
- 1.2 On 30 January 2020, this Committee approved the introduction of a tariff to charge Electric Vehicles in Fife Council public car parks (2020 ETSPT 52 para 120 refers). This fee still requires ongoing subsidy as there is insufficient income to fund the future revenue and replacement costs for the existing EV infrastructure.
- 1.3 In light of the Covid pandemic, introduction of the tariff at public charging points commenced on 16 November 2020 (£1.60 connection fee and 15p/kWh thereafter).
- 1.4 The type and number of public and private charging infrastructure in Fife is shown in Table 1 below.

EV Chargers	Total Number Units	Comments
No. of eFife Rapid Chargers (50kW)	9	
No. of eFife Fast Chargers (22kW)	14	
No. of eFife Trickle Chargers (7-11kW)	30	
Total no. of eFife chargers	53	NB: this provides 115 plug-in points over 37 locations
Total no. of chargers from private providers in Fife	60+	Across 39+ locations

**Table 1** Total Charging Facilities in Fife to March 2022

## **Monitoring of the Fife EV network**

### 1.5 The eFife EV network:

- At the end of 2021, there were 1,953 different users of the eFife network.
- In the third quarter of 2021 Department for Transport figures show 1,759 Ultra Low Electric Vehicles (ULEV's) registered in Fife.
- At times of peak demand, the public network has only 32% of the chargepoints in use, leaving sufficient capacity to accommodate increased short-term demand.
- The level of EV users increased year on year pre-Covid.
- In terms of usage of the network, given the travel restrictions throughout the Covid pandemic numbers have been low. Also, during this period, Transport Scotland changed the back office administrator for Charge Place Scotland and there have been issues for all Scottish Local Authorities in obtaining data on usage from the administrator. We are only now beginning to receive data. Once a full range of comparison data is obtained, a report will be presented to a future committee in Autumn 2022 to advise on usage of the eFife network following the introduction of a tariff.
- Private providers have also installed charge points across Fife and the level of fees vary. Some examples include the Shell Garage (Glenrothes) at 45p/kWh, Stephens Bakery at 28p to 50p kWh (depending on speed of charge) and Kingdom Shopping Centre 35p/kWh.
- Helping to facilitate Electric Vehicle use is only one of the measures that Fife Council is committed to help tackle climate change. There is equally a need to see an overall reduction in reliance on cars, aligned with the reduction in annual vehicle kilometres driven by 20% by 2030. Key to helping to achieve this is through encouraging greater use of public transport and the promotion of active travel and behavioural change measures.

## **2.0 Issues and Options**

### **Government Guidance**

2.1 In January 2022, Transport Scotland published a new document, '*A Network Fit for the Future: Draft Vision for Scotland's Public Electrical Vehicle Charging Network*'. Transport Scotland plan to engage further on its draft Vision Statement over the spring and summer with a view to a final Vision Statement being published in the winter of 2022.

2.2 The draft Vision documentation details the following key points:

- Transport Scotland are anticipating between 500,000 and 1,000,000 EV users in Scotland by 2030 (100,000 expected in Fife). Hence, the scale and pace of investment in public EV charging infrastructure will need to be accelerated to meet growing demand over the coming years. They highlight that it is unsustainable for the public sector to meet this challenge on its own.

2.3 The ambition underpinning this new approach would be to facilitate a transition towards mixed economy models and partnering with the private sector wherever possible. This would mean that future funding provided to Local Authorities for EV infrastructure would need to:

- Be used to explore different delivery models, depending on the location and type of charging infrastructure required and the market being served.

2.4 The overall Scottish Government aspiration is for all local authorities to have a completed EV infrastructure strategy and expansions plan by the Autumn of 2022. Guidance and

templates are still to be developed by SFT (Scottish Futures Trust) to support document production; hence this timescale is not definite at this time.

- 2.5 These strategies and expansion plans will seek to evidence how a rapid expansion of an accessible, affordable, and reliable public network that meets the needs of all users across Scotland, including both rural and urban areas, can be delivered.
- 2.6 They will be used to assess the level of project subsidy required (if any) from Transport Scotland to create the conditions to attract private sector investment and deliver the pace and scale of change required.

### **Governance Arrangements**

- 2.7 It is proposed that the future electric vehicle charging funding programme will be overseen by a Programme Board, which will comprise representation from Transport Scotland, COSLA, SFT and Energy Saving Trust. The Programme Board will invite representation from the SCOTS network.
- 2.8 A joint Transport Scotland / Scottish Futures Trust delivery support team will engage with all Local Authorities in advance of the launch of the electric vehicle charging funding programme in April 2022.

### **Programme Funding**

- 2.9 The new public electric vehicle charging funding programme will provide up to £60 million to Local Authorities over the next four years (2022 – 2026), with £30 million coming from the Scottish Government and a further £30 million anticipated to be invested from the private sector. This funding programme will replace the current Local Authority Installation Programme, which grant funds all Local Authorities for hosting and maintaining charging infrastructure to support the development of CPS, the national network of EV chargepoints across urban and rural locations.

### **Expanding the EV Network in Fife**

- 2.10 It is proposed that officers engage with service providers to investigate and trial options for off-street and on-street charging and eCar Clubs etc. to make EVs more accessible to all and supporting the equitable shift towards net zero.
- 2.11 The EV charging offer is rapidly changing with work being undertaken to assess what is required to balance the power supply and allow affordable grid connections. Fife Council is liaising with Scottish Power Energy Networks (SPEN) and partners, to help develop a suitable future network.
- 2.12 Through planning requirements, EV charging facilities are linked to new build housing thus continuing to expand the EV charging offer. Housing Services is taking the proactive step to future proof their new developments by installing ducting in car parking areas to incorporate further future expansion in EV charging facilities.

## **3.0 Conclusions**

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- 3.1 The scale and pace of investment in public EV charging infrastructure will need to be accelerated to meet growing demand over coming years. However, it is unsustainable for Fife Council to meet this challenge on its own and, therefore, a funding solution will need to be identified.

- 3.2 Fife Council needs to investigate a shift to a partnership approach to develop the public EV charging network with provision based on the Just Transition principles. Equitable access to the network, regardless of location, needs to be central to any new approach.
- 3.3 Officers will continue to work with local communities, other Council services, regional and national organisations and EV providers on this approach and will provide further reports to this Committee as appropriate.

## List of Appendices

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### Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:-

- Department for Transport – ULEV Statistics  
Source - VEH0132: [Licensed ultra low emission vehicles by local authority: United Kingdom](#) VEH0132a
- Update to the Climate Change Plan [Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update - gov.scot \(www.gov.scot\)](#)

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17 March 2022

Agenda Item No. 06

## **Transport (Scotland) Act 2019 - Update on Proposed Pavement Parking Ban**

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Report by: Ken Gourlay, Head of Assets Transportation & Environment

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Wards Affected: All

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### **Purpose**

The purpose of this report is to update the sub-committee on the pavement parking provisions in the Transport Act 2019 and the impacts on lining policy that this may bring, as agreed in response to Motion 1 approved by the Fife Council Committee on 2 December 2021 (2021 FC 297 para 266 refers).

### **Recommendation(s)**

It is recommended that the sub-committee:

1. notes the content of this update report and considers the potential implications and impacts of this legislative proposal for Fife; and
2. agrees to limit the use of 'H Bar' markings to the circumstances described in para.2.12 to maximise their effectiveness.

### **Resource Implications**

Transport Scotland has provided a grant of £106,000 to Fife Council to cover the assessment process that must precede implementation of the Pavement Parking Ban.

The future requirements to provide exemption Orders, sign and line exempted footways and enforce the ban represents a significant resource implication for Fife Council.

Currently, there is no indication that there will be additional grant to cover this cost and so it will have to be met from existing budgets.

The longer-term resource implications of this legislation, in terms of secondary parking congestion and enforcement activities, will not be clear until more specific details are available on this major change to the use of the road environment.

### **Legal & Risk Implications**

There are no known legal implications at this stage. In relation to risk, there is the potential for public concern towards these proposals and a risk of negative reputational impact for Fife Council following implementation of the legislation. Accordingly, communication of the new arrangements will need to be managed carefully and combined with an active publicity campaign prior to any enforcement measures taking effect.

# Impact Assessment

The purpose of the pavement parking ban is to make access for pedestrians easier, particular for people with disabilities. A full impact assessment will be required prior to adopting a Policy for Fife.

## Consultation

Consultation on exemptions is currently being undertaken in accordance with the Scottish Government's procedures and this is the subject of a separate briefing note.

### 1. Background

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- 1.1. The Transport (Scotland) Act was implemented in 2019 and contains several sections relating to aspects of transport and parking. Part 6 introduces a ban on vehicles parking on all footways, a ban on double parking (defined as where a vehicle is parked more than 500mm away from a kerb) and a ban on parking across dropped kerb pedestrian crossing points. There are permitted exceptions to the ban, and those are detailed in section 55 of the Act. These will be further considered when a report is brought to consider and determine a policy for Fife.
- 1.2. Transport Scotland undertook a consultation with Local Authorities on the guidance for the assessment of streets and the exemption criteria and process. In view of an expectation that the assessment process will be largely as featured in the recent consultation on this guidance, the Service has commenced a desktop assessment process.
- 1.3. Whilst this legislation is now in common reference, the Scottish Government are still working on the required Regulations to make the pavement parking ban enforceable, and it is anticipated that the ban will be enforceable from early 2023.
- 1.4. This report provides a further update to the report presented to this Committee on 9<sup>th</sup> September 2021 (2021 ETSPT 76 para 176 refers).

### 2. Update on Key Issues

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#### Exemptions From the Footway Parking Ban.

- 2.1. It is currently proposed that exemptions to the footway parking ban will be implemented based on the following criteria: -
    - *If a vehicle can be parked partly or wholly on the footway such that a minimum width of 1.5m of clear footway can be retained for pedestrian use. This width can be reduced to 1.2m to clear obstructions such as sign poles, street trees etc.*
- Or
- *It will not be possible for emergency services to access a street if parked vehicles are displaced from the footway onto the carriageway.*

## Exemption Process.

- 2.2. The process by which a Local Authority can exempt a footway from the ban is likely to be similar to the Traffic Regulation Order (TRO) process currently in operation across Scotland.
- 2.3. Transport Scotland is currently undertaking consultation on the criteria proposals detailed in para 2.1. The consultation is due to close on 11<sup>th</sup> March and a briefing note for members was issued, with a proposed response, during week commencing 28 February 2022.
- 2.4. A Fife Wide desktop assessment is in the process of being undertaken, to identify streets where footway parking takes place and where exemptions might be provided. This work is due for completion in March 2022.
- 2.5. Thereafter, site visits will be carried out to confirm the streets that could be eligible for exemptions and a schedule of such exemptions will be drawn up for consultation with residents and Elected Members.
- 2.6. It is expected that the guidance from Transport Scotland on exemption criteria and process will be confirmed shortly after the consultation deadline.

## Ban on parking across recognised pedestrian crossing points

- 2.7. The Transport Scotland Act states:

*A person must not park a motor vehicle on a carriageway adjacent to a footway where, for the purpose of assisting pedestrians or cyclists to cross the carriageway*  
*(a) the footway has been lowered to meet the level of the carriageway, or*  
*(b) the carriageway has been raised to meet the level of the footway*

Further details on this aspect of the Act are yet to be forthcoming from Transport Scotland.

## Lining requirements for the footway parking ban and ban on parking across recognised pedestrian crossing points.

- 2.8. The Traffic Signs Regulations and General Directions 2016 details signage requirements for footways that can be parked on. It is expected that lining will be used to help delineate the extent of an exempt footway that can be parked upon.
- 2.9. Longitudinal white lines with end bars – an ‘H bar’ marking – can be used to highlight vehicular or pedestrian access locations. Use of such markings should be restricted to locations where an access would benefit from being highlighted. The Traffic Signs Manual warns against proliferation of such markings to ensure that they remain effective.
- 2.10. In Fife, H bar markings are typically used to delineate a vehicle access in streets with marked parking bays on the road, where there is a gap in the bays provided for the access or where the access is not obvious. They have also been used successfully to highlight pedestrian crossing points. Given that the Act bans parking across such

crossing points, it is proposed that this marking is used predominantly to highlight these crossing points to help prevent drivers parking across them.

- 2.11. Unfortunately, in recent years, H-bar markings have also been provided at many private driveways that are already obvious to drivers seeking to park. This has led to their overuse and has reduced the effectiveness of such markings. For this reason, it is proposed that the use of these markings is restricted to the circumstances stated in para 2.12 to maximise compliance and that the markings that have been inappropriately applied are not replaced when worn out.

#### Ban on Double Parking

- 2.12. Double parking has not been recorded as a significant issue in Fife; however, this will need to be monitored and a decision taken on the level of enforcement once the ban comes into effect.

### **3. Conclusions**

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- 3.1. The preliminary work on the assessment of streets in Fife is nearing completion. Further, more detailed work will be required once the exemption criteria and process are finalised by Transport Scotland.
- 3.2. As noted in the update to this Committee on 9 September 2021 (2021 ETSPT 76 para 176 refers), the assessment process, exemption order process and implementation process represent a significant volume of work for Assets, Transportation & Environment Roads & Transportation Services. Once implemented, a further significant workload is expected to be generated to deal with the effect of displaced parked vehicles impeding traffic flow, the demand for additional parking where capacity has been reduced and the associated pressure on the Council's enforcement resources.
- 3.3. As it stands there is no expectation that funding, over and above the grant already received, will be made available to Local Authorities to implement exemptions, provide required signing and lining and any other works to manage displaced traffic. Whilst enforcement will generate income from Penalty Charge Notices, it is expected that compliance will be such that the income is unlikely to offset the cost of the additional infrastructure and enforcement needed. Until the scale of these issues is established, funding estimates and sources cannot be determined.

### **Background Papers**

Transport (Scotland) Act 2019

<https://www.legislation.gov.uk/asp/2019/17/contents/enacted>

Consultation on Pre-Implementation Regulations and Directions for Local Authorities  
[Link.](#)

List of Appendices:

None

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17 March 2022

Agenda Item No. 07

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## Scotland's Fourth National Planning Framework: Consultative Draft

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**Report by:** Pam Ewen, Head of Planning

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**Wards Affected:** All wards

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### Purpose

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This report provides Members with information on *Our Fourth National Planning Framework* (NPF4) draft and its implications for Fife's development plan. It recommends responses to the associated consultation before it's approved by the Scottish Parliament.

### Recommendations

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It is recommended that the Sub-Committee:

1. considers the Scottish Government consultation on the draft regulations on *Our Fourth National Planning Framework* (NPF4) and agrees Fife Council's response to the consultation as contained in Appendix 1;
2. agrees any additional comments/amendments for inclusion in the consultation response; and
3. delegates the Head of Planning, in consultation with the Convenor and Vice-Convenor, to submit the finalised Fife Council response to the consultation by the deadline of 31st March 2022.

### Resource Implications

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There are no resource implications for the Council linked to the consultation response other than officer time. The resource implications of implementing NPF4 are discussed in the report and noted in the response to the partial business and regulatory impact assessment in Appendix 1 (question 70).

### Legal & Risk Implications

The Planning (Scotland) Act 2019 extended the content and status of future National Planning Frameworks (NPF). It amends the Town and Country Planning (Scotland) Act 1997 to define the development plan for an area is to be taken as consisting of the provisions of:

- (a) *the National Planning Framework,*
- (b) *any strategic development plan for the time being applicable to the area, together with—*
  - (i) *the Scottish Ministers' notice of approval of that plan, and*
  - (ii) *any supplementary guidance issued in connection with that plan, and*
- (c) *any local development plan for the time being applicable to the area.*

These changes will make the NPF a part of every development plan in Scotland, meaning that policies and proposals in the NPF must be considered by decision makers when considering applications for planning permission.

The Scottish Government can only adopt the final version of NPF4 once it has been approved by a resolution of the Scottish Parliament. Adoption therefore depends on the parliamentary progress of NPF4 with a finalised version currently expected to be laid before Parliament for approval by summer 2022. Transitional arrangements and status are discussed in this report.

There is no direct risk to the Council in responding to this consultation and participation enables the Council's views to be considered as the Scottish Government finalises NPF4.

## **Impact Assessment**

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An Equalities Impact Assessment has not been completed and is not necessary as no plans, programmes or strategies are being developed at this time.

The Scottish Government has undertaken impact assessments in the preparation of draft NPF4, details of which are available as part of the consultation and can be viewed via the link provided in the background papers listed below. The Scottish Government also co-ordinated evidence gathering and assessment stages where relevant, sharing information and links between the different assessment topics and making connections. Fife Council will undertake its own impact assessments when preparing the new Local Development Plan.

A Fife Environmental Assessment Tool (FEAT) assessment is not required as this report does not propose that the Council make any policy change.

The Fairer Scotland Duty, which came into force on 1 April 2018, requires the Council to consider how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. It is considered that there are no implications from this report under the Fairer Scotland Duty.

## **Consultation**

The Heads of Legal & Democratic Services and Finance have been consulted and their comments considered in the preparation of this report. Other Council Services were consulted, and comments received have been incorporated into the proposed response. A workshop was held on 10 January 2022 to brief Members on NPF4. Consultation and engagement with communities is being led by Scottish Government.

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## **1.0 Background**

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- 1.1 NPF4 is, arguably, the most significant change in development planning in the last twenty years. Its status and significance for development planning and decisions Fife Council will take on future development strategy and in determining planning applications requires the Council's careful attention to the proposed content.
- 1.2 NPF4 flows from the Planning (Scotland) Act 2019 and the main changes introduced by the Act include:
  - The scope of future NPFs will be extended to include national planning policy. In practice this means that national planning policy, currently set out in the Scottish Planning Policy (SPP), is now incorporated within the draft NPF4;
  - Future NPFs will become part of every development plan, meaning that policies and proposals set out in the NPF must be considered by decision makers when considering applications for planning permission;
  - The duration of any future NPF is increased from five to ten years; and,

- NPFs will establish Minimum All-tenure Housing Land Requirements for local, city-region and national park authorities which must be reflected in the amount and location of deliverable land for future housing development identified in local development plans. Draft NPF4 sets out the minimum housing land requirement.
- 1.3 As with any development plan, the success of NPF4 will be reliant on its delivery. The plan must be read as a whole, so it is important that planning policies are robust, clear, and concise. This is important not just to be defensible at appeals, but also for the ease of use by communities and other stakeholders, and to build further trust in the planning system nationally.
  - 1.4 Greater parliamentary scrutiny is being applied to NPF4 compared to previous versions. The time available to the Scottish Parliament to consider any future NPF was increased from 60 to 120 days. It is noted that the Scottish Parliament's Local Government, Housing and Planning Committee, and other Committees, are taking evidence from stakeholders on the draft document during the consultation period rather than waiting for the final NPF4 after all submissions have been made and considered.
  - 1.5 Fife Council officers have had active ongoing roles in working with Scottish Government officials preparing the draft NPF, including representation through Heads of Planning Scotland working groups, and workshops run by Scottish Government. A collaborate approach on engagement has been taken by Scottish Government, and the Council responded to previous stages at the 'Call for Ideas' and the 'Position Statement'. The opportunity to comment further is welcomed.
  - 1.6 The consultation invites responses to 58 questions on draft NPF4 and a further 12 questions on associated documents and assessments. Appendix 1 contains the Council's proposed response to each question. No response is offered where there are no direct implications for Fife.

## 2.0 Executive Summary

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- 2.1 The fourth National Planning Framework for Scotland (NPF4) is a significant planning policy document and markedly different from previous versions. It incorporates Scottish Planning Policy and broadens its scope to say more about place, climate change, nature, health and wellbeing, local liveability, and community wealth building. NPF4 will become part of planning authorities' development plan, and so its policies include many which are a development management-style normally found in local development plans; this will provide consistency across the country and avoid duplication in local development plans.
- 2.2 The proposed Council response, as set out in Appendix 1 to this report, welcomes draft NPF4 and supports the scope and direction of travel the draft policies are intending to make – a shift in how places are designed and located. The Council's response highlights areas where there is concern and where further work is needed in finalising the NPF to ensure it is deliverable, clear, and concise.
- 2.3 Draft NPF4 requires planning and planners to have key roles in delivering the Government's ambitions. It also provides a positive context within which the Council's focus on place leadership can affect positive change across Fife's communities.
- 2.4 The key areas of concern relate to:
  - Deliverability –
    - NPF4 is to be accompanied by a delivery programme. A draft delivery programme has not been prepared for consultation at this time. As such, it is difficult for Fife Council to be clear on how NPF4 will be delivered. A capital and revenue plan is needed to understand the financial consequences of implementing the plan. NPF4 also requires clear and concise policies, and where Scottish Government want to



clearly direct change, then policies need to be worded firmly around “must” or “require”. Such policy direction can go beyond statutory requirements and needs to be prescriptive if the intentions of the draft are to be achieved.

- Infrastructure First approach –
  - The timely delivery of infrastructure is often one of the biggest challenges in delivering development and achieving Fife’s economic growth. Too often, the deliverability of allocated development sites and growth areas is being restricted, due to requirements for new education, transport, or other infrastructure. A national approach is needed, has long been discussed, and national solutions are required to deliver NPF4 ambitions.
- Alignment with other national plans and strategies –
  - Cross-references are made throughout the draft to different national plans and strategies; however, this needs to be comprehensive. Given NPF4 will be part of the development plan, those links need to be clear to inform decisions. There will also be national plans and strategies that will need to be updated – and which will, in turn, impact on the operation of local policy or development delivery over the life of the local development plan – to align with the ambitions of NPF4 and this should be set out in the next Programme for Government.
- Resourcing –
  - NPF4, as drafted, places additional complexity, assessment, and skill set needs on Fife Council as planning authority, and across its Services. This relates to how planning applications are assessed and determined, and the preparation of local development plan. This additional impact on resources, is in addition to the 49 new and unfunded duties arising from the Planning (Scotland) 2019 Act. Alongside the NPF, a resourcing and skills plan is required setting out how the NPF can be implemented, including new revenue funding to councils.

2.5 Overall, the intentions of draft NPF4 will assist in delivering the ambitions in the Plan4Fife, but it does require a strong and well-funded delivery plan to achieve this across Scotland and resources into councils.

## 3.0 Observations and commentary on draft NPF4

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### Overview

- 3.1 NPF4 has five parts, and this report follows that structure setting out the key principles below and the key points of the Council’s proposed response (as set out in full in Appendix 1):
- Part 1: A National Spatial Strategy for Scotland 2045
  - Part 2: National Developments
  - Part 3: National Planning Policy Handbook
  - Part 4: Delivering Our Spatial Strategy
  - Part 5: Annexes
- 3.2 NPF4, as with all development plans, needs to be read as a whole. It is a large document which may be difficult to penetrate for readers not used to development plans, but the authors have made good efforts to define sections as listed above. Most people will be interested in Part 3: National Planning Policy Handbook which provides the planning policies; however, that comes quite some way into the draft, which is presented as a pdf document, but it is understood the finalised NPF will be a digital version which is to be welcomed and should be interactive and allow direct access to each part of the plan.

3.3 Whilst the Framework needs to be read as a whole, the draft appears to attach different weight to certain policies by use of draft language “must” and “significant weight”; this needs further consideration. As part of the development plan, NPF4 needs to be clear and concise for councils to implement, communities to understand, and for developers and investors to have clarity on what is required to be delivered, and what may be optional.

### **Part 1: A National Spatial Strategy for Scotland 2045**

- 3.4 The national spatial strategy guides decisions on future development across Scotland, which aims to produce:
1. Sustainable places, which reduce emissions and restore biodiversity.
  2. Liveable places, where people can live better, healthier lives.
  3. Productive places, which produce a greener, fairer and more inclusive wellbeing economy.
  4. Distinctive places, where we recognise and work with local assets.
- 3.5 The National Spatial Strategy is underpinned by six spatial principles for Scotland in 2045 – compact growth, local living, balanced development, conserving and recycling assets, urban and rural synergy, and a just transition. It also recognises the different challenges and opportunities across Scotland’s regions, which are outlined in five geographic action areas.
- 3.6 The four spatial strategy aims and the principles that underpin them are welcomed. Collaborative working across all sectors will be necessary to achieve these aims, but it must be recognised that planning is adversarial in nature due to competing agendas, so differing interpretations on how to deliver the spatial strategy requires a clear understanding of NPF4’s role in planning and investment decisions.
- 3.7 Five Actions areas are identified across Scotland. Fife is within the **Central Urban Transformation** Area which can broadly be described as Scotland’s central belt, spanning the Kintyre peninsula and much of Argyle and Bute, most of Ayrshire, the Glasgow conurbation, M8 motorway corridor, Edinburgh, Fife, Perth, and Dundee and their hinterlands. This is an extensive geographic area which is also diverse in its socio-economic characteristic. This can be regarded as too large for one approach to be applied to and needs to be defined more clearly if it is to remain as part of Fife’s development plan.
- 3.8 Key points in the Council’s recommended response to Part 1 are:
- The Council agrees with the benefits that can come from better use of scarce resources, efficient use of energy, investing in net zero, and investing in nature-based solutions but NPF4 must align with other national strategies and plans because the planning system alone cannot deliver these aspirations. Examples include transport, economy, and population;
  - The Council supports the explicit recognition that planning has a role in achieving better health and wellbeing, but capital and revenue investment is needed for the measures that will achieve the policy aims;
  - Concern is raised to the reference relating to regional developer contributions in respect of cross boundary transport ‘challenges. Given the level of consented development, a clear understanding of what is reasonable and deliverable in terms of any cross-boundary developer obligations is needed to ensure that development viability is not impacted upon and overall deliverability of city region growth and meeting housing needs. This concern is shared by other councils in the Edinburgh and South East Scotland City Region Deal partnership;

- NPF4 should not be seen too much through a 'COVID' lens of the last two years as the plan is long term with a vision to 2045;
- Investment and collaboration across the development sector, public bodies, and communities will determine the success of the spatial strategy;
- The status of the spatial principles in determining planning applications, if any, is unclear and they should be moved to sit with the policies in Part 3 of NPF4 which will be the principal material considerations;
- Welcoming recognition of the Leven rail link, as well as Edinburgh and South East Scotland City Region Deal strategic sites including Dunfermline;
- The cartography needs to be more clearly defined to ensure there is clarity for decision making as part of the development plan; and
- Action to invest in net zero housing is welcomed but more needs to be done to upgrade the existing housing stock to reduce emissions and adapt to future climate impacts.

## **Part 2: National Developments**

- 3.9 Eighteen national developments are identified, which support the delivery of the National Spatial Strategy; these range from significant infrastructure projects across the country's main cities to developing a digital fibre network Scotland wide. The graphics used in NPF4 are schematic rather than defining specific locations and implementation, and policy detail will require to be taken forward in local development plans and, where appropriate, regional spatial strategies. The draft NPF4 does not stand on its own and the key national and international strategies and plans cited in the draft plan need to be set out in more detail to fully understand the overall context. The forthcoming review of Fife's local development plan will show these relationships and plan hierarchy.
- 3.10 In the absence of a delivery plan showing who is responsible for delivering NPF4 and resources available to deliver its actions and proposed developments, there is a risk that the plan will be aspirational. It remains to be seen what benefits will be derived by identifying national developments.
- 3.11 Key points in the Council's recommended response to Part 2 are:
- Noting the only national development identified in the Fife region (beyond the national developments across whole country) is the Central Scotland Green Network (CSGN) which extends its coverage compared to NPF3 to span most of Fife; and
  - Expressing disappointment that suggestions for other national development in and supporting Fife have not been included. The Council made submissions in 2020 and 2021 suggesting what could be considered as national development, particularly the economic and transport infrastructure potential of the Firth of Forth to complement the National Development identified at Grangemouth.

## **Part 3: National Planning Policy Handbook**

- 3.12 NPF4 sets out 35 national planning policies which, once approved, will become part of every planning authority's development plan. These policies replace and reflect many of the national policies in the existing Scottish Planning Policy but go beyond them to introduce new policy themes including climate change, the nature emergency, health and wellbeing, and community wealth building.
- 3.13 National policies in NPF will be important in the determination of planning applications, as well as shaping the next Fife Local Development Plan. The intention is that national policies will not need to be repeated at a local level unless there is good reason to localise policies. It is therefore important that the national policies are clear, concise, and will deliver the intentions of NPF4.

### 3.14 Key points in the Council's recommended response to Part 3 are:

- In many cases, the policy wording is too loose and imprecise, and the Council is concerned it will not stand up to robust legal challenges; that, in turn, will undermine the policy intentions and ability to implement them;
- Too many policies use “should” which can undermine the aim and commitment to the given subject. The Council would prefer “must” to be used instead in many policies to be clear that the policies set expectations or statutory requirements rather than being simply guidance or encouragement to act. An example is Policy 2 on climate emergency which refers to “significant weight” and “should”. If the Scottish Government considers that a step change is needed to address climate emergency, then this needs to be a requirement, rather than using discretionary language;
- There is a need to make a clear distinction between policies which are to be applied in development management decisions and others which direct the content and actions planning authorities must follow when preparing local development plan;
- The purpose of bold text throughout policies is not clear and makes for a confusing read – this should be explained or removed;
- The Council also comments on cases where it believes the policies could be undeliverable. The spatial principles set out on Page 10 would be better as an integral part of NPF4 Part 3, and they need to include references to nature and biodiversity given its importance to climate change, environmental quality, and health and wellbeing;
- Definitions of terms used in policies to be included in the glossary – for example: “significant weight”, “community wealth”, “fair work”, “good green jobs”, “great places”, “high quality”;
- Overall, national policies need to be rigorous to be deliverable and to strengthen confidence in the planning system.

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

3.15 This part of NPF4 sets out priorities to deliver NPF4's strategy and realise its ambitions. The Government will hold workshops to explore delivery with a range of stakeholders; Fife Council officers will participate in these. Key delivery mechanisms are listed:

- Aligning resources – working with multiple parties to align existing or planned public sector investment and national programmes and projects such as City Region Growth Deals;
- Infrastructure First – recognising the need for greater coordination and collaboration in infrastructure;
- Delivery of National Developments;
- Development Plan Policy and Regional Spatial Strategies – their role in delivering the national strategy, the local development plan's role in taking forward the Minimum All-Tenure Housing Land Requirement among other key land use, and the supporting role of other mechanisms such as local place plans, planning obligations, land assembly, and masterplan consent areas. This part of NPF4 also recognises the benefits of a better resourced planning service and proposes revised performance related planning fees.

3.16 The deliverability of development plans is what underpins their credibility. The Planning (Scotland) Act 2019 requires planning authorities to submit their proposed local development plans along with draft delivery programmes, so it is disappointing that draft NPF4 is not accompanied by a draft delivery programme explaining resourcing,

responsibilities, and delivery mechanisms. It was expected that this work would have been progressed in parallel with the draft NPF. There is no clarity on how existing or public sector plans, strategies, and investment plans will align to support delivery of the spatial strategy, so it is essential the NPF4 delivery programme is prepared with the finalised version.

- 3.17 The role of planning authorities in delivering NPF4 also needs to be considered. Planning teams need to be resourced in terms of numbers and skill set, including new skills to implement the broader scope of NPF4 and the requirements that fall on local development plans and development management, so recognition of this in Part 4 is welcomed and the Council will work closely with Government colleagues to achieve this. Whilst new Planning Fee Regulations are expected soon, to implement a new fee structure, this will only go some way to properly funding a planning authority. The Council has previously pressed for full cost recovery through planning fees, and the anticipated new Regulations are expected to fall short of this. It is therefore important that Scottish Government publish a Resource and Skills plan alongside NPF4 that addresses how planning authorities can deliver Government's intentions through NPF4.

### **Part 5: Annexes**

- 3.18 There are limited recommended responses to the annexes. The glossary needs to be improved to help interpretation of the plan and there is a recognition of the resource impact on planning authorities given NPF4 comes on the back of 49 new and unfunded duties through the Planning (Scotland) Act 2019.
- 3.19 NPF4's Annex B sets out the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland. In assessing the MATHLR proposed by the Scottish Government, Fife Council followed the steps set out within the consultation document and worked with Housing Market Partnership stakeholders to consider and discuss the initial default estimates. Work was linked to the project management framework for the Edinburgh and South East Scotland and Tay Cities Housing Need and Demand Assessments (HNDAs), with Fife Council working as part of the two regional groups. The revised estimates were approved by the Economy, Tourism, Strategic Planning & Transportation Sub Committee in June 2021 and NPF4 Annex B includes those estimates. The local development plan review Fife Council will allow the Council to consider whether there an additional requirement beyond the minimum number set out within NPF4 is needed taking account of the completed HNDAs.

## **4.0 Conclusions**

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- 4.1 Draft NPF4 is welcomed, as is the intention to create national planning policies which achieve a step change to address climate and nature emergency, infrastructure first, local liveability, and redevelopment of brownfield and town centre sites among other drivers.
- 4.2 The proposed Council response addresses areas of concern that require further shaping before NPF4 is finalised to ensure it is robust, concise, and deliverable. The Council's response highlights the need to properly resource and up-skill within planning authorities if the Government's intentions are to be achieved through the planning system.
- 4.3 Once NPF4 is finalised it will start to have more weight in determining planning applications in Fife and, once adopted, will have significant weight and be part of the development plan. In the event of incompatibility between NPF4 and the local development plan; the more recent document will prevail.

## List of Appendices

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1. Scotland's Fourth National Planning Framework (NPF4) – Proposed Fife Council Consultation Responses

### Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

Bulleted list

- [The Draft Fourth National Planning Framework \(Draft NPF4\)](#)
- [Fife Council's Responses to Fourth National Planning Framework \(NPF4\) Call for Ideas, March 2020; Appendix A; Appendix B; Appendix C](#)
- [Report to Economy Tourism Strategic Planning and Transportation Sub-Committee, 10 June 2021 – Item 6, National Planning Framework 4 Minimum All Tenure Housing Land Requirement - Fife Council Response](#)  
[https://www.fife.gov.uk/\\_\\_data/assets/pdf\\_file/0019/231076/LR-Public-Agenda-Pack-2021-06-10.pdf](https://www.fife.gov.uk/__data/assets/pdf_file/0019/231076/LR-Public-Agenda-Pack-2021-06-10.pdf)

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# Appendix 1

## Scotland's Fourth National Planning Framework (NPF4) – Proposed Fife Council Consultation Responses

<b>National Spatial Strategy</b>
<b>Sustainable places</b>
<b>Q1: Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?</b>
<b>Potentially</b>
<p>Fife Council recognises this is a marked shift in national policy to address the environmental, economic, and social challenges climate change has brought to planning and environmental policy. The Council agrees with the benefits that can come from better use of scarce resources, efficient use of energy, investing in net zero, and investing in nature-based solutions. The spatial principles set out in this section to effect change require to be an integral part of policy, and to include reference to nature and biodiversity.</p> <p>This ambition can be achieved but NPF4 must align with other national strategies such as the recently published 10-year <i>National Strategy for Economic Transformation</i><sup>1</sup>; the planning system alone cannot deliver this. The policies that support this approach need to be implemented and respected by all players in the planning system and through appeals and inquiries where those occur. Fife Council is committed to this and declared a Climate Emergency in 2019</p>

<b>Liveable places</b>
<b>Q2: Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier, and more vibrant places to live?</b>
<b>Potentially</b>
<p>Fife Council supports the explicit recognition that planning has a role in achieving better health and wellbeing. Measures to achieve better, healthier, and more vibrant places need capital and revenue investment to achieve the policy aims. The experience of COVID-19 lockdowns has highlighted the value of the environment and access to good quality spaces and the Council is acutely aware that investment in better spaces and facilities comes at a time of constraints in capital and revenue budgets.</p> <p>The Council expects that a national spatial document addressing future places, homes, and neighbourhoods would have at least referred to <i>Housing to 2040 Vision and Principles</i> published by the Scottish Government in March, 2021. The principles in that document clearly relate to the aspirations in NPF4; for example:</p> <ul style="list-style-type: none"><li>• <i>Principle 1 - Everyone has a right to an adequate home. This includes: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy (including for Gypsy/Travellers, for example)</i></li><li>• <i>Principle 2 - The housing system should supply high quality homes that are affordable for living in, to shift the balance away from the use of homes as a means to store wealth.</i></li><li>• <i>Principle 3 - Government policy (including taxes and subsidies, for example) should promote house price stability, to help underpin Scotland's standard of living and productivity and promote</i></li></ul>

<sup>1</sup> <https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation-equality-position-statement/documents/>

## Liveable places

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

*a Fairer Scotland.*

- *Principle 5 - Housing provision should be informed by whole life economic and environmental costs and benefits in the round and help to address inequalities in health, wealth and education.*
- *Principle 7 - Government policy should promote a greater diversity of home builders and broader availability of land for development to reduce prices and improve building quality.*
- *Principle 10- Decisions around the quality, location and utilisation of existing stock and new build should be ambitious in enhancing biodiversity, promoting Scotland's energy security, and be consistent with the target for Scotland's emissions to be net zero carbon by 2045.*
- *Principle 11 - New housing<sup>3</sup>, and the required community resources, should only be provided where they help to create safer, stronger, attractive, sustainable and integrated communities.*
- *Principle 12 - Local communities should be empowered to respond to housing need in their area, as part of a coherent regional economic approach (creating and maintaining jobs) and supported by provision of the right infrastructure.*
- *Principle 13 - Place-based approaches should help existing and new communities to be physically, digitally, culturally and economically connected within a coherent geographic region; this includes, where required, intervention to retain and attract vibrant communities in areas facing depopulation.*
- *Principle 15- Housing and the housing market should be highly flexible to enable people to meet their changing needs.*

The relationship between these principles and those in draft NPF4 are strong enough to warrant cross-reference.

As noted in later responses to policy 9 (quality homes), the quality of the external space around homes is a critical part of creating better and healthier places but is often the budget line sacrificed in cost savings. The planning system can help to deliver this but needs commitment from developers, landowners, public agencies, and communities.

In terms of the home environment, energy and climate will play a key role in what is a good quality home: for example, a home that is not insulated appropriately is not resilient to unavoidable climate change; one that is too costly to heat is not a good quality or affordable home.

Clarity is needed on what a 20-minute neighbourhood means for smaller settlements and mixed rural areas that typify Fife. The principles around access to facilities and services needs to be flexibility interpreted if they are to be effective in those areas. (This point is also referred to in responses to later questions.)

Plans should learn from the past and while the COVID-19 pandemic has been a genuine gamechanger for the way society works, NPF4 should not be seen too much through a 'COVID' lens of the last two years. For example, NPF4 has the apparent contradictory aims of carbon reduction through less travel but planning for major transport infrastructure. Flexibility in policy will be important to accommodate changes that may arise to deliver the liveable places described.

## Productive places

**Q3: Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?**

**Yes**

NPF4 represents a change in emphasis in national planning policy to broaden sustainable economic growth to incorporate broader sustainability objectives and include matters such as climate change and health and wellbeing. This approach has the potential to focus on retaining and maximising existing investment and spend in communities and places, in addition to attracting new investment. A focus on



### Productive places

**Q3: Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?**

making best use of local resources and supporting community wealth building should be a priority. It should set out how places can be enabled to support the transformation of existing jobs to the transitions required for the climate emergency and, thereby, the energy system through construction and retrofit, support for the circular economy, and transport, for example.

The Council notes that the *National Strategy for Economic Transformation* (NSET) referred to in draft NPF4 will have five key programmes: Entrepreneurial People and Culture; New Market Opportunities; Productive Businesses and Regions; Skilled Workforces; and Fairer and More Equal Society. This provides an opportunity for NPF4 approvals to align with NSET and is an example of where it would be useful to lay out the relationship between NPF4 and other relevant national strategies.

As with many of these objectives, how the related policies are interpreted, applied, and supported by all those involved in the planning and development activity will be the test of how successful this approach will be.

Several words and phrases need to be defined definitions are required in the glossary such as “good green jobs” and “community wealth building”, and policies that specifically apply to development management need to be explicit.

### Distinctive places

**Q4: Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?**

**Yes.**

This approach is well embedded in the planning system and has been for some time. The test will be, as it is now, to have the resources to deliver on plans and proposals. Making better use of vacant and derelict land, for example, has been a long-held aim in Fife but has often been hampered by constraints around investment to make these sites viable for development or access to make the spaces available for other uses. The Council anticipates local place plans will identify opportunities in some locations and, if resources are not available to realise local aspirations, there is a continue risk that confidence of the planning system to deliver rather than just facilitate will be undermined.

Investment and the historic environment, too, as well as town centres is needed to recognise the value of existing heritage assets which contribute to making places distinctive setting a benchmark for future design and build quality standards. It also welcomes the recurring theme which gives emphasis to ‘place’. The quality of buildings and the spaces between them are more important than individual component parts of any place.

The infrastructure first approach is important to the deliverability of brownfield, vacant and town centre development sites which are unviable or high risk and require public sector intervention. The Council believes support mechanisms to release land and property for redevelopment are necessary and supports further strengthening and streamlining of compulsory purchase order legislation and will respond in full to future consultations on any new legal powers, such as compulsory sales orders.

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

**Potentially.**

Responses to previous questions contribute to this one. Investment and collaboration across the development sector, public bodies, and communities will determine its success. The Council also

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

believes reference can be made to related national plans and strategies, such as the Strategic Transport Projects Review (STPR).

National and local design guidance repeatedly promotes the ideals of quality design and integrated facilities and networks – as do the policies in NPF4 – but communities remain critical of the ‘pattern book’ designs and layouts of many new residential development. A more concerted effort for the development sector and planning authorities to agree how to level up to the best examples of design and maintenance is needed and can be required by NPF4. Fife Council therefore seeks strengthening of national policy to achieve these aims.

**Spatial principles**

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

**Yes**

The reference to safeguard land through compact growth to provide the services and resources we will need in the future is welcomed. The Council anticipates challenges to compact growth and, as noted in previous responses, the manner in which policies are applied and extent to which they are supported, including, if necessary, at appeal will determine the value of these principles.

The compact growth principle, for example, must recognise the significant increased space needed for energy networks (pipes, cables, storage, energy centres) within and nearby settlements.

It is unclear what status the six spatial principles will have in determining planning applications, if any. The policies in Part 3 of NPF4 will be the principal material considerations and reflect the spatial principles but it would be helpful to make this clearer to the reader in the finalised NPF4 and the Council recommends moving the spatial principles to Part 3 of NPF4.

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

**Yes.**

Fife Council recognises the challenges in identifying separate thematic areas across Scotland and notes that NPF4 seeks to support the various geographies and distinct characteristics of different parts of Scotland. Further comments on the Central Urban Transformation Action Area are provided in responses to questions 14 and 15. Overall, the Council considers that this section could be seen as being over-thought: innovation, transformation, transition, revitalisation, and sustainability apply to all parts of Scotland. Further thought is required as to how this sits within the development plan and, perhaps, emphasises the difference in nature of previous versions of NPF to NPF4 as part of statutory development plan.

**North and west coastal innovation Action Area**

**Q8: Do you agree with this summary of challenges and opportunities for this action area?**

**Q9: What are your views on these strategic actions for this action area?**

No implications for Fife. No response.

#### Northern Revitalisation Action Area

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

Q11: Do you agree with this summary of challenges and opportunities for this action area?

No implications for Fife. No response.

#### North East Transition Action Area

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

Q13: Do you agree with this summary of challenges and opportunities for this action area?

No implications for Fife. No response.

#### Central Urban Transformation Action Area

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

##### Yes

This area is diverse in its character and geography and, while it is recognised as spanning Scotland's central belt, it could be perceived as having a city focus which risks a lack of national direction for non-city areas such as Fife lying between Dundee and Edinburgh. The broad spectrum of characteristics and issues across the Central Urban Transformation Action Area is reflected in the description of challenges and opportunities in NPF4. Fife Council acknowledges there are socio-economic, environmental, health, and cultural needs that planning can help to address across the whole of the Action area and believes this can be better acknowledged in NPF without undermining the importance of the cities as economic drivers and cultural hubs. Again, in the absence of a delivery plan, the Council cannot comment on how effective this could be.

Reference to working together to decarbonise buildings and transport and connect to renewable electricity and heat networks is welcomed by Fife Council. The Government should consider reference to Local Heat & Energy Efficiency Strategies' role in achieving this and in retrofit solutions, notwithstanding reference to these strategies in Policy 11.

Overall, there needs to be greater clarity as to how the action areas will be used to determine planning applications or whether to only inform local development plans.

#### Central Urban Transformation Action Area

Q15: What are your views on these strategic actions for this action area?

Strategic connections are illustrated in schematic form and could be open to misinterpretation. Strategic transport connections across and through Fife are not identified, for example; this can be corrected by showing an east coast strategic connection from the Aberdeen city region to Fife and beyond to the central belt and east coast

The Council agrees with **Action 16** to rediscover urban coasts and waterfronts and the Edinburgh and South East Scotland interim Regional Spatial Strategy submission recognised the regional economic and recreational roles of the Forth and Tay in the green/blue economy. Given Fife has almost 250km of coastline, the Council believes there also needs to be some acknowledgement of climate change implications for urban coasts and waterfronts, including sea level rise and storm surges and the resources that will be available to mitigate these or manage the consequences. Recognition of the Leven rail link and Edinburgh and South East Scotland City Region Deal strategic sites is welcome.

**Action 17** is to reuse land and buildings, which Fife Council supports. This has been a consistent national and local planning policy position for decades but turning that policy aspiration into development and remediating on the ground has proved difficult in practice for several reasons such as land

## Central Urban Transformation Action Area

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

ownership and access to property, and an absence of financial resources to overcome development viability and risk concerns. Fife's 2020 Vacant and Derelict Land report lists 222 sites covering 730 hectares with 31% of Fife's population living within 500 metres of a vacant/derelict site; and a concentration in some areas due to several large former industrial sites. NPF4 notes the benefits of de-risking sites taking an infrastructure first approach but there is no information on what means will be made available to assist councils in this respect.

The action to invest in net zero housing solutions (**Action 18**) is welcomed by Fife Council. In addition to building new homes to net zero standards, more needs to be done to upgrade the existing housing stock to reduce emissions and adapt to future climate impacts. Energy efficiency, sustainable accessibility, zero emissions heating solutions and water management will be key challenges and it would be helpful to have more detail/ clarity on planning's role in this. An earlier reference (**Action 13**) cites planning's role in helping to retrofit facilities in support of low carbon living but does not illustrate how this will be achieved; the Council comments on this in respect of related policies in later questions. Where solutions are identified, such as retrofitting energy efficiency measures to social housing, Fife Council believes they should no longer be described as innovative, but as a clear direction of travel for all buildings to maximise the energy efficiency opportunity as part of the energy transition. Careful thought needs to be given as to what can be delivered through the planning system, and what cannot.

More clarity is needed on how retrofit is considered in NPF4 and other planning policy. The transition of urban areas to improve energy efficiency and decisions on where to install heat networks will be a significant settlement planning decision. Cumulatively, this could reasonably be considered a national development such as a power station. As a minimum, the link between the Heat Network (Scotland) Act 2021 and the NPF4 should be explained as part of the central urban transformation.

The Council is encouraged by the links between affordable housing and reducing climate change emissions; more, however, is needed to clarify affordability for housing including transitions required to meet the climate emergency transition up to 2045. Any definition of affordable needs to include the cost of these transitions in any calculation. The new homes targets must include some indication of the energy resources required. The risk is that if more larger homes are built, does that in turn increase the challenges for energy supply or other resources.

**Action 18** refers to regional developer contributions in respect of cross boundary transport 'challenges. Given the level of consented development, a clear understanding of what is reasonable and deliverable in terms of any cross-boundary developer obligations is needed to ensure that development viability is not impacted upon and overall deliverability of city region growth and meeting housing needs.

## Southern Sustainability Action Area

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

### Q17: What are your views on these strategic actions for this action area?

No implications for Fife. No response.

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

The Council welcomes the refreshed national spatial strategy and the broader scope to include climate change actions and links made between planning and health and wellbeing but refers to previous responses on specific issues.

## Part 2: National Developments

**Q19: Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added in order to deliver the national development described?**

The only national development identified in the Fife region is the Central Scotland Green Network (CSGN) which extends its coverage compared to NPF3 to span most of Fife. The schematic notation suggests that the north Fife coast is omitted from the CSGN but there is no reason to do so, notwithstanding the boundary has been identified by the Green Action Trust, and Fife Council believes the illustrative boundary should be re-drawn accordingly. Boundaries need to be clear given NPF4 will be part of the development plan. The Council accepts the statement of need but believes it could refer to the value of more rural, less populated areas now that it includes north-east Fife.

Fife Council is disappointed that suggestions for other national development in and supporting Fife have not been included following work undertaken for the interim Regional Spatial Strategy and earlier NPF call for ideas. Strategic investment locations within Fife such as Rosyth Waterfront and Longannet have potential to complement Grangemouth which is recognised as a proposed National Development. The role of these Fife sites and the respective rail, port, and marine infrastructure linking all three locations needs to be recognised along with the need for the continued promotion of related infrastructure investment through Strategic Transport Project Review 2, SEStran Regional Transport Strategy and the Edinburgh and South East Scotland City Deal Regional Prosperity Framework. Recognition in NPF4 would help to promote the role of the Firth of Forth as a valuable national economic corridor and would support investment or regeneration initiatives including the role of these sites and the Forth, as a prospective 'Green Freeport' designation.

**Q20: Is the level of information in the Statements of Need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?**

Yes.

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

It would be useful to have clarification on the Scottish Cluster and carbon capture, use, and storage (CCUS), with Fife having significant local business emissions such as Mossmorran and noting that the UK Government is not funding the Scottish CCUS sites.

The Council notes that **National Development 12** (Strategic Renewable Electricity Generation and Transmission Infrastructure) is defined as a Scotland-wide National Development and seeks clarity on this because electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity is usually covered by the Electricity Act.

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

Yes.

Fife Council has committed to action on both the climate emergency and nature emergency given the impact on our physical and economic environment. Planning has a key role in delivery on these aims. Recognition is needed of the finite land resource and the additional demands on land from both the climate and nature emergencies, and how these affect communities, the way we live, and the economy. More clarity needed on the scope of planning's role and the boundaries between land use and matters better able to be implemented through other regimes such as building standards.

## Part 3: National Planning Policy

### General observation

Fife Council submits comments on the national policies as set out in responses to questions 23-53 but makes some general observations given the policies will become part of Fife's Development Plan and material to decisions the Council takes as planning authority.

- The Scottish Government appears to be seeking to balance certainty with flexibility in different circumstances. That approach is understandable for a long-term plan where the future is uncertain, but it influences how the plan is written and creates some contradictions and conflicts within the policy framework.
- The policy wording is too loose and imprecise, and the Council is concerned it will not stand up to robust legal challenges; that, in turn, will undermine the policy intentions and ability to implement them. There are too many policies saying "should" which can undermine the aim and commitment to the given subject. The Council would prefer "must" to be used instead in many policies to be clear that the policies set expectations or statutory requirements rather than being simply guidance or encouragement to act. The Council understands Scottish Government has taken this approach to distinguish between what is a statutory requirement and what is not; nevertheless, if the Government want key intentions of NPF4 to be delivered, such as addressing climate emergency, then policy wording needs to require the necessary change,
- The preamble to the policies (page 68) states: "*The following Universal Policies should apply to all planning decisions*" and multiple policies which then state that they just apply to the creation of local development plans. This points to a need to make a clear distinction between those policies which are to be applied in development management decisions and others which direct the content and actions planning authorities must follow when preparing local development plan. The Council believes these policies could be distinguished in separate subsections of Part 3.
- Also on the Universal Policies, will Scottish Government have a role in intervening/directing if these policies are not met?
- Format: the purpose of bold text throughout policies is not clear and makes for a confusing read – this should be explained or removed.
- The Council also comments on cases where it believes the policies could be undeliverable. The spatial principles set out on Page 10 should be an integral part of NPF4 Part 3, and there is a need to include references to nature and biodiversity given its importance to climate change and environmental quality, and health and wellbeing.
- Definitions of terms used in policies need to be included in the glossary – for example: "community wealth building", "fair work", and "good green jobs" are used but, in the absence of agreed definitions, there is a risk that interpretations will vary to suit various agendas with a consequence that a lowest common denominator will emerge as a default position. This underlines the importance of the Scottish Government working closely with the Planning and Environmental Appeals Division (DPEA) in finalising NPF4 so that all decision makers have an agreed understanding of what is expected from the plan.

### Policy 1: Plan-led approach to sustainable development

#### Q23: Do you agree with this policy approach?

Fife Council agrees with the principle but does not believe it is a policy. It reflects the statement in Section 1 of the Town and Country Planning (Scotland) Act 1997 (as amended) and has no enforceable requirements via development management. It does not need policy status, too, or it risks being a policy aspiration with no enforceable requirements via development management.

### Policy 2: Climate emergency

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

## Policy 2: Climate emergency

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

### Potentially (it cannot ensure)

The Council accepts that the climate emergency needs to be a material consideration when determining all planning applications and, welcomes the weight attached to this. It is anticipated that these policies will help focus decision making on addressing factors responsible for contributing to the climate crisis; however, to achieve step change the Council suggests that the terminology “significant weight” needs to be changed to “requires” or similar wording.

Policy 2(b) and (c) encourages rather than requires that all development should be designed to minimise emissions over its lifecycle and encourages (rather than requires) whole life assessments as part of a planning application. There is an additional expectation on applicants and planning authorities and must have nationally agreed methodologies to help the consistent application of the policy across the country. There is no definition of “significant emissions” in applying 2(c).

Proposed emission off-setting measures must be proportionate and defined. Any consideration of this option needs wider consideration of all land use demands and services. There is a risk that this part of the policy gives a ‘get out clause’ for developers and the Council suggests allowing emissions as a last resort, dependent on available land, and the long-term public interest test. The NPF delivery plan could usefully define the responsibilities of applicants, planning authorities, national government, key agencies, and others in implementing the policy.

Retrofitting energy efficiency measures in existing development, active travel, access to public transport and public/private electric vehicle charging facilities are examples of measures that must be part of any development need and included in this universal policy. Some of these are listed in later policies but an overarching policy statement would help reinforce the climate change ambition sought through NPF4.

Finally, the policy does not refer to LDP allocations, but these must take account of and minimise risks from the impacts of climate change.

## Policy 3: Nature crisis

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

### Potentially (it cannot ensure)

This policy suggests specific development/site requirements in local development plans which, in turn, need to be deliverable and enforceable. It also relates to open space and greenspace strategies.

It refers to “nature networks” which is defined separately from green networks in the glossary; in practice, there will be a lot of overlap between these networks. The Government should explain if the habitat networks in NatureScot maps are different - this feels like the introduction of new terminology for no good reason.

Assessing the potential impact of development on biodiversity and nature assets confirms the need for in-house natural heritage and biodiversity expertise; not all planning authorities will have that and NatureScot can only be expected to have a higher-level strategic role.

The benefits of nature-based solutions are welcomed in the policy as a means of addressing some key issues and providing the opportunity to enhance biodiversity.

## Policy 4: Human rights and equality

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

**No**

#### **Policy 4: Human rights and equality**

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

Fife Council welcomes and supports the principle, but it is a principle rather than a planning policy. It cannot be applied in development management. Development planning is subject to equalities impact assessments to address these matters and the Fairer Scotland Duty. This policy could better guide the design and use of land to reduce inequalities and seek clarity from developers and developments on how the design and delivery reduces inequalities (possibly as part of a statement on community benefit). Consideration of equality appears to be limited to engagement with all parties. The built environment affects equality in a myriad of ways, for example well-lit active travel routes designed for wheelchairs are inclusive and benefit everyone, while out-of-town developments favour those with high incomes who can afford a car. Many of these issues are considered throughout the draft NPF4, but the Council suggests this policy should specifically outline physical ways that the planning system can improve equality or remove the policy.

#### **Policy 5: Community wealth building**

**Q27: Do you agree that planning policy should support community wealth building, and does this policy deliver this?**

##### **Potentially**

This is better as a principle in NPF or a local development plan strategy, rather than a policy. In Fife, for example, it can be used to support the Local Outcome Improvement Plan and Fife's recovery and renewal and Mid-Fife Economic Strategy, for example. Community planning and economic development initiatives.

Community wealth building needs to be defined in NPF4 to allow a common understanding of it and how it and how planning policies are applied to achieving it.

Community wealth building in the context of ensuring local economic development is often most successful in locations with existing business or economic assets. It cannot be achieved in isolation, but the planning system can support activity that contributes to it, but it is not clear how this policy will do that, and it may be better for local development plan policies to address the matter.

#### **Policy 6: Design, quality and place**

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

##### **Yes**

The Council recognises the importance of good quality design to improving places and demonstrating the benefit of new development. Quality can often be traded off against viability and delivery arguments, so proof of this being a successful policy will be demonstrating that design, quality, and place will be sufficient reason to refuse – and successfully defend at appeal – development proposals that do not meet the policy tests. The Council supports the inclusion of the six qualities of successful places in the policy.

#### **Policy 7: Local living**

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

##### **Yes**

Fife Council agrees this is starting point for site assessment and strategic planning of facilities, services, and connectivity. The delivery of these will often be for agencies other than planning authorities. This



## **Policy 7: Local living**

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

policy is more readily applicable to towns and cities; adapting this to rural and more dispersed areas is a challenge and will rely on having an audit of those services to use in local development plan site selection and assessment and will need to consider clusters of smaller settlements able to access a network of services. In Fife, Education Services assumes 20 minutes walking neighbourhoods in its current policy of walking to a primary catchment school but for other services, driving distances may be more appropriate.

## **Policy 8: Infrastructure First**

### **Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?**

#### **Potentially (it cannot ensure)**

This policy makes infrastructure considerations explicitly central to land use and place making decisions for the first time. The policy needs to be supported by DPEA if the policy is used as a basis to refuse planning permission for proposals that do not meet the policy. Delivery will rely on some form of public sector front funding to be recouped from developers through loans or other legally binding mechanism if development is to be viable when significant front funding is required. Risk also requires to be considered, and who – public and/or private sector – should bear that risk. The relationship with (or reliance on) other national plans and strategies is noted. The Government could usefully explain in the NPF delivery plan how this funding is to be made available given councils' budget constraints.

Fundamentally, a national solution is required to deliver timeous and front-loaded infrastructure removing constraints, providing confidence on how a place will be developed, and removing risk at a local level.

The policy includes different considerations to be balanced in plan making and in planning decisions. Best use should be made of existing infrastructure but difficult to see how this policy interacts with the others to provide the growth in wellbeing required and runs danger of overshadowing other concerns.

## **Policy 9: Quality homes**

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

#### **Yes**

This is a long and multi-layered policy but an important one. Much of the policy reflects the position taken in existing Scottish Planning Policy for plan making but includes clauses which are more clearly intended for determining planning applications. The mixed-style policy could be improved by separating those parts of the policy intended for different purposes.

Policy 9(b) introduces a deliverable housing supply pipeline to maintain housing supply but does not acknowledge the role of developers in delivering the homes – councils do not control the rate of housebuilding other than their own developments. The wording needs to be changed so as not to impose on planning authorities a requirement that is not within their remit. This policy will be monitored to determine its impact on maintaining a continuous effective land supply.

Part (d) states homes should be adaptable to changing and diverse needs and lifestyles, but the Council believes the adaptability of homes most likely a function of its construction and internal layout; as such this is outwith the remit of planning and is more appropriate to building standards. Planning's interests will be with the external environment, accessibility, and facilities to support active travel.

Part (e) of the policy states development proposals for more than 50 dwellings should be accompanied by a statement of community benefit without offering guidance on the weight it should be given in determining planning applications.

Part (f) notes the importance of the Local Housing Strategy to inform specific needs to achieve an

### **Policy 9: Quality homes**

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

equalities-led approach to addressing housing needs. Fife Council welcomes this and expects that it will help to set out specific housing requirements to be included in local development plans and used in negotiations with the housing development and delivery sector.

The punctuation and layout of criteria in part (i) need revised to clarify 'and/or' selection in the listed criteria. Otherwise, this part of the policy is welcomed in promoting plan-led development.

The role of local housing strategies in identifying gaps in provision is noted and welcomed.

### **Policy 10: Sustainable transport**

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

#### **Potentially (it cannot in itself reduce the need to travel)**

The policy preamble states the planning system should ensure that the National Transport Strategy 2 Sustainable Travel and Investment Hierarchies are integrated into the appraisal and assessment of development proposals and decisions in order to make best use of existing infrastructure and reduce unsustainable travel and transport of goods. It would be preferable to have these hierarchies included in NPF4 or in the policy.

Fife Council supports the policy direction, but there is room for interpretation in the language which allows a continuation of the status quo over prioritising sustainable transport options. Policy 10 parts (a) and (b) note the role of evidence and assessment to inform local development plans' spatial strategy but improvement in sustainable travel will only be achieved if actions are taken as part of development proposals when they are planned and built.

The Council believes a transport assessment must be carried out for any development that will generate significant trips. Experience shows active travel is the first area to be compromised or dropped when developers are attracted to Fife but cannot afford all the measures sought. Active travel infrastructure must be mandatory if the Government wants to see a step change.

Suitable infrastructure to encourage public transport in new developments, including roads, bus stops and bus shelters, is essential and early engagement with local authority public transport planners and operators is a must for large scale development. Working together with planners, developers, and public transport operators, a joint approach from the outset of a plan can provide more sustainable developments.

Part (i) lists matters to be demonstrated by development proposals, but it is not clear how these are assessed in the development management process without further policy guidance.

Part (m) reads more as a consideration than an enforceable policy and should be removed from the policy.

### **Policy 11: Heat and cooling**

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

#### **Yes – with caveats**

Fife Council welcomes the link in NPF4 between the Local Heat & Energy Strategy and local development plan and the development of national policy area and expects it will bolster planning's role in achieving better outcomes for heating and cooling networks in the future local development plans which has proved challenging to date. The construction sector has the key role in delivering these solutions in their developments and the Council expects the policy to assist a transformation in the

### **Policy 11: Heat and cooling**

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

culture and attitude towards how we heat and cool buildings.

One of the challenges anticipated is the challenge from the development sector – and, perhaps, house purchasers, who will argue that an increase in demand for lower density residential development following the COVID pandemic renders heat networks unviable for some developments.

Large scale heat storage, and supply options including large scale solar thermal systems should be actively considered alongside heat networks.

Part (c) is supported; Fife adopted this policy for many years but has had no national policy support until now to make it a requirement. The housebuilding sector is currently not geared up to deliver these networks and has limited confidence in them. One concern in the policy as written is the reference to “where a heat network is planned”; the policy needs to recognise that new developments should be assessed and future-proofed in circumstances where heat networks not planned but where there is potential to install them later. Heat networks can and should be identified early in the planning of new developments and can be assessed for established built development. This relates to part (f) which the Council supports.

### **Policy 12: Blue and green infrastructure, play and sport**

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

**Yes**

Fife Council supports this policy given the importance of open space, play, and sport to our environment and the links with health and wellbeing. The effectiveness of the policy will rely on costs being available for the maintenance of existing and the creation of new blue and green infrastructure and play and sport facilities. This area is a challenge for councils whose maintenance budgets are limited and part of discretionary spend. It requires standards that can be applied through the planning process and supported at appeal where these are appeals against the refusal of proposals which do not meet these standards. The impact on the development sector should not be underestimated but those costs can be factored into development costs if developers now in advance what is required.

Creative thinking in the application of the policy should be supported; for example, blue and green infrastructure have potential additional multi-use roles such as climate change mitigation including sequestration and adaptation, and by providing land to collect heat for heat pumps, and routes for energy pipe or cable routes to supply buildings.

The NPF4 delivery plan needs to identify the resources and responsibilities to deliver this policy.

The application of parts of the policy will rely on the Open Space Strategy and Play Sufficiency Assessment which are additional requirements on councils and subject to a separate Scottish Government consultation.

### **Policy 13: Sustainable flood risk and water management**

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

**Yes**

It is noted that the policy does not refer to the coast and that Policy 35 reference addresses coastal areas and flood risk.

Part (b) would be stronger if “should not” is replaced with “will not” and the first list of bulleted tests should include “or” to make clear all conditions do not have to apply. The second list of bulleted tests

### **Policy 13: Sustainable flood risk and water management**

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

should be reviewed as some end with ";" and some with "; and".

Part (c) relates to small scale extensions and alterations being outwith the scope of the policy. Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, this would appear to fall under General Binding Rule (GBR) 10B(d). There is, however, no reference in Policy 13 as to what constitutes 'small scale' while GBR10B(d) refers to "a single dwelling and its curtilage". The cumulative effect of small-scale extensions and alterations is a gap in the draft NPF that, without consideration, has the potential to significantly affect flood risk. This term therefore requires an explicit definition for use in Policy 13.

Part (g) needs clarity on what "exceptional circumstances" are.

Clarification is also needed on the effect on the storage capacity as all flood risk management actions do not accept anything other than zero effect or an improvement in capacity. This is a contentious topic for all scales of development and the Council feels these points should be reviewed and clarified.

### **Policies 14 and 15: Health, wellbeing and safety**

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

#### **Potentially (the policies cannot ensure)**

##### Policy 14 (Health and wellbeing)

Fife Council welcomes the national policy on these matters but notes this is another example of a single policy mixing direction on plan making (part (a)) with development management criteria. Part (b) is an additional assessment for planning applications and implies screening to establish proposed development that is considered likely to generate significant health effects but does not indicate would be "significant"? Health impact can be addressed at plan preparation stage.

##### Policy 15 (Safety)

The Council notes this policy is based on safety close to major hazard sites and believes a cross-reference could be made to other design policies associated with the six qualities of successful places in recognition that development design and layout is a consideration in the safety of women or vulnerable people given the policy introduction refers to communities.

### **Policy 16: Land and premises for business and employment**

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

#### **Potentially (it cannot ensure)**

Fife Council observes employment land does not have an equivalent level of guidance and methodology as is applied to housing land. Fife's Employment Land Strategy will inform the new local development plan and expects the Edinburgh and South East Scotland Regional Prosperity Framework to play a role in identifying where Fife can contribute to regional needs. In the absence of additional national guidance, the Council assumes there is no role for NPF4 in that regard.

Part (b) – further guidance would be helpful to determine net economic benefit. The Scottish City Region Deals Carbon Guidance for Projects and Programmes uses the approach introduced by HM Treasury to quantify the cost of the whole life carbon emissions for capital investment. This values the cost of dealing with any increase in carbon emissions.

Part (e) concerns site restoration policies in appropriate circumstances and the Council observes

**Policy 16: Land and premises for business and employment**

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

previous experience from former mining activity and establishing funds to pay for restoration can be challenging and time consuming.

**Policy 17: Sustainable tourism**

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

**Yes**

Fife Council supports this policy and, for part (g), suggest that tourist facilities must (rather than should) consider access, parking, and traffic generation. Fife's experience of tourism in historic towns confirms the nature of their layout cannot accommodate high levels of traffic which often leads to congestion and loss of amenity.

**Policy 18: Culture and creativity**

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

**Yes**

The policy should also acknowledge the health and wellbeing, and educational aspects of culture not just the economic impacts. This would allow a more holistic view to be taken of the planning requirements and better fit with the wellbeing community wealth building agendas.

Part (d) should be reviewed to clarify the use of "and"/"or", both of which are used in the same bullet list.

**Policy 19: Green energy**

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

**Potentially (it cannot ensure)**

This policy is supported by Fife Council in view of the huge energy generation requirements to meet the Scottish 2030 50% energy target. In terms of policy direction to local development plans, NPF4 should consider requiring energy planning as part of local development plan preparation or to inform it. The Council recognises this crosses devolved and reserved powers duties, so would need to be worded accordingly. This could be regional or local and tie into Local Heat and Energy Efficiency Strategy work, as well as other areas such as transport and economy and so help to contribute to net zero ambitions.

Part (c) does not support wind farms in designated areas and, while the Council supports that principle, it does mean if this principle is kept then that means more energy is required from the remaining areas such as Fife. The implication of this needs to be balance against the use of rural land for other uses such as for food production to maintain resilience in food supply. The Council considers that the Scottish Government need to set out what the country's capacity is for additional wind farms before setting any targets.

Part (g) refers to identifying areas suitable "in perpetuity". This suggests these areas will not be reviewed although the policy text states consents may be time limited. This policy seems confusing and does not allow for a review in an unknown future in which circumstances and considerations may differ from now.

### **Policy 19: Green energy**

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

In part (h), the Council believes it is reasonable to say developments must be accompanied by a decarbonisation strategy.

Part (k) reads as a list of tests to be met or assessed but should also include an assessment of benefits of a proposal.

### **Policy 20: Zero waste**

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

#### **Yes**

This policy is recognised as a positive move to a zero waste and circular economy. Its application though the planning process is challenging and relies on other plans and initiatives to deliver its aims. Development design and layout will need to change as part of this approach and so the development sector will have a leading role.

### **Policy 21: Aquaculture**

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

**Potentially (it cannot ensure)**

### **Policy 22: Minerals**

**Q43: 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?**

Fife Council welcomes the statement that the extraction of fossil fuels is not supported, except in exceptional circumstances. However, the Council considers further clarity is needed for this to be considered against any development proposal.

Part (d) – Fife Council would like to see some mention of the potential that secondary or recycled aggregates could have in making an inherently unsustainable activity more sustainable in the climate emergency.

In Fife, and nationally, we are also starting to see examples of welcome synergies across sectors emerging that can contribute to secondary aggregate production, such as using waste streams from other processes to contribute to aggregates provision. For example, at Goathill Quarry, Fife Council has approved an incinerated bottom ash plant, which takes the residue formed from energy from waste plants and processes that for use as a secondary aggregate such that less primary aggregate is required for specific applications.

### **Policy 23: Digital infrastructure**

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

**Potentially (it cannot ensure)**

Fife Council agrees with this policy. Fife Council is a partner in a national infralink project to make it easier, quicker for digital infrastructure to take place. The development of new homes is an area that

### Policy 23: Digital infrastructure

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

requires stronger policy to ensure owners have a choice of digital provision. This is an important aspect of living locally, reducing the need to travel, supporting local economies, and the ability for home working and developing businesses.

### Policies 24 to 27: Distinctive places

#### Q45: Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

##### Potentially (it cannot ensure)

##### Policy 24 (centres)

This is supported and is likely to rely on flexible planning policies to allow the role of centres to adapt as society does while safeguarding their social, cultural, and economic benefits. Lessons can be learned from responses to the COVID pandemic measures to support town centres.

##### Policy 25 (retail)

Part (c) requires metrics to allow a planning assessment of wellbeing. This assessment will rely on the licensing regime in addition to planning policies. Other challenges will relate to the application of this: when is an area considered disadvantaged; which non-retail uses would this apply to – just those listed; and what is the threshold of provision that would be acceptable?

##### Policy 26 (town centre first assessment)

Fife Council supports the continued requirements to put town centres first, while discouraging out-of-town locations, and consideration of 20-minute neighbourhoods within this. However, more levers need to be applied to Place Principle and Town Centre First Principle. A new Town Centre Action Plan is due to be published by the Scottish Government early in 2022, building on the work of the Town Centre Action Plan Review Group Report and this should be incorporated in the final version of NPF4.

##### Policy 27 (town centre living)

Fife Council believes vacant property and underused sites and premises offer scope for town centre living. The Council's affordable housing programme is identifying opportunities for more affordable homes in town centres. The Council has supported this approach for almost a decade and believes people bring life to town centres which can, in turn, attract services and generate economic opportunities. Challenges associated with this policy approach include ensuring capacity in community infrastructure such as healthcare and schools. NPF4 also needs to recognise the challenges in implementing other policies such as addressing future needs for sustainable transport solutions such as electric vehicle charging where space will be limited. The delivery plan which is to accompany NPF4 needs to address how funding can be realised to achieve these aims.

### Policy 28: Historic assets and places

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

##### Yes

NPF4 highlights the competing agendas and objectives in planning. Historic places and assets are important for places' identity and distinctiveness. The fine detail of how the historic environment is protected collides with other objectives such as energy efficiency and net zero; for example, in part (d), the challenge of installing energy efficient, low carbon windows in listed buildings presents the planning system with dilemmas (for example, single pane original sash and case with secondary glazing in the face of a climate emergency versus modern alternatives that fall foul of historic environment policies). Historic Environment Scotland's policy advice needs to be updated to complement the NPF4. The cumulative effect of individual changes on the character of conservations areas will be a related

### **Policy 28: Historic assets and places**

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

consideration.

Similar challenges exist in retrofitting alternative heat/energy provision in listed buildings. Failure to do so could mean people will not be able to afford to live in them, thereby dissuading developers from investing in conversion and, in turn, placing redundant buildings at risk.

Part (f) Reads as though demolitions can make a positive contribution. Local development plan policy guidance will be needed on agreeing a brief for a new building replacing a demolished building in a conservation area.

Part (k) deals with offshore development and the Council believes it would be useful to have clarification for energy, particularly heat from the sea for heat pumps. Sea heat is a potentially significant resource that could be required to achieve decarbonised heat targets. Any policy needs to be able to balance both these needs.

### **Policy 29: Urban edges and the green belt**

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

**No**

This policy is based on the current green belt policy in Scottish Planning Policy. Fife Council notes flood risk management is an acceptable use in the green belt and is supported but the Council is not convinced it will increase development density as the Council's experience is that house builders will seek alternative sites on which to build at a density meeting their development model. Fife has two green belts but many other locations which can accommodate new building at conventional urban densities.

### **Policy 30: Vacant and derelict land**

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

**Yes**

Fife Council supports this as it is another long-held planning policy but one which has been difficult to translate to development.

As noted in the response to question 4, making better use of vacant and derelict land, for example, has been a long-held aim in Fife but has often been hampered by constraints around investment to make these sites viable for development or access to make the spaces available for other uses but, without funding sources and incentives, pragmatism will be required in respect of the viability of reusing of buildings and structures.

This policy should encourage prioritising sites on Vacant and Derelict Land (VDL) Registers which are long term, are near communities and often in areas of deprivation that would benefit from investment. Although beyond the scope of development planning, this is another area where the planning system needs to be supported by mechanisms to incentivise property owners maintain their assets in a sound condition or release them to agencies who can do so with a view to re-use. Fife Council is working on an assessment methodology to indicate potential uses for properties in the VDL and currently has funding from Scottish Government for this but is conscious that not all councils have that.



### **Policy 31: Rural places**

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

#### **Potentially (it cannot ensure)**

Fife Council's takes the view that further development of this policy is needed to align with related policies elsewhere in NPF4: for example, the policy does not mention tourism (other than in the introduction) or protection of landscape character; policy 29 mentions landscape character but there is no text protecting it. Policy 32 says that LDPs' spatial strategies should protect landscapes. Some revision or consolidation of policies should be considered.

The inclusion in part (c) of affordable housing is positive provided it is applied having regard to accessibility to services and facilities so that it does not lead to affordable housing being developed in inappropriate places.

Part (g) would benefit from a definition of "remote" to assist consistency across the country.

Part (h) Could refer usefully to food security as part of a long-term strategy to 2045.

### **Policy 32: Natural places**

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

#### **Yes**

No further comment is offered.

### **Policy 33: Peat and carbon rich soils**

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

#### **Yes**

National policy on this finite and valuable resource is welcomed and the Council suggests the policy needs to refer to include prime agricultural land which is not well protected under policy 31.

Part (c) requires detailed site-specific assessment to identify depth, quality and stability of soil and the effects of the development on peatland, including the likely effects of development on CO2 emissions. Further advice and guidance on standard metrics for a range of carbon soils to enable planning for carbon sequestration potential of defined areas and so allow the need for sequestration to be balanced against other land demands.

### **Policy 34: Trees, woodland and forestry**

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

#### **Yes – with caveats**

The policy has potential to expand woodland, but the emphasis must be on protecting existing woodland as new replacement woodland does not have an immediate benefit to counter the carbon released from felled trees. This policy should not be used to advocate new replacement woodland as a straight compensation for the loss of established trees.

In supporting this policy, Fife Council suggest a revision to the text that makes clear the policy protects trees in settlements which a crucially important for shelter and shade as climate change alters microclimates. The policy needs to promote new planting in settlements for those reasons.

## Policy 35: Coasts

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

### Yes – with caveats

Fife Council has published *Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements*<sup>2</sup> which refers to coastal areas in respect of drainage run-off and construction adjacent to the coast and with almost 250km of coastline, Fife Council has obvious interest in supporting national planning policy for the coast and feels it can be strengthened by including reference to no development within the 1:200 year return period, including the effects of climate change as presented by SEPA<sup>3</sup> and in compliance with the Flood Risk Management (Scotland) Act 2009, and the Council's design criteria standards.

## Part 4: Delivering Our Spatial Strategy

**Q54: Do you agree with our proposed priorities for the delivery of the spatial strategy?**

Fife Council cannot comment specifically on the proposed priorities without seeing the delivery programme but makes these observations on the priorities:

- **Aligning resources** requires a clear committed leadership from the Scottish Government for national agencies to work with planning authorities and have the resources to do given each authority will be working to different timescales;
- **Infrastructure First** recognises the need for greater coordination and collaboration in infrastructure investment and the role of local development plan delivery programmes but any strengthening of links between planning and infrastructure delivery must be backed by public sector investment mechanisms and funding to prime development which can be recovered through obligations and agreements with developers. The Council notes that Scottish Government workstream for capturing land value uplift (a share of the increase in land value that occurs when development is supported through the planning system) for public benefit, and the proposed new power for an infrastructure levy introduced by the Planning (Scotland) Act 2019 programmes those actions for 2023-24.
- NPF4's recognition of the benefits of a better resourced planning service under **Development Plan Policy and Regional Spatial Strategies** is welcomed and Fife Council will work constructively with Government to secure those resources while monitoring performance of the planning service in Fife.

It is, however, regrettable that a draft delivery programme was not available with the draft NPF in the same way planning authorities are expected to produce their draft delivery programmes with their proposed local development plans. The Council believes a detailed delivery programme must accompany the finalised NPF4.

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

No.

<sup>2</sup> [https://www.fife.gov.uk/\\_\\_data/assets/pdf\\_file/0025/193255/DESIGN-CRITERIA-GUIDANCE-NOTE-ON-FLOODING-AND-SURFACE-WATER-MANAGEMENT-PLAN-REQUIREMENTS-valid-from-01.01.2021.pdf](https://www.fife.gov.uk/__data/assets/pdf_file/0025/193255/DESIGN-CRITERIA-GUIDANCE-NOTE-ON-FLOODING-AND-SURFACE-WATER-MANAGEMENT-PLAN-REQUIREMENTS-valid-from-01.01.2021.pdf)

<sup>3</sup> [https://www.sepa.org.uk/media/426913/lups\\_cc1.pdf](https://www.sepa.org.uk/media/426913/lups_cc1.pdf)

**Q56: Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?**

Section 3A(3)(c) refers to a statement about how the Scottish Ministers consider that development will contribute to each of the outcomes listed in subsection (3A)<sup>4</sup>. Fife Council has no comment on the connections and policy interactions, but would stress the need for clear, concise, and deliverable policies. Further careful consideration needs to be given as to what can and cannot be delivered through the planning system and recognising that largely the planning system is about shaping new places and site. Consideration needs to be given as to how clarity can be provided on how other stakeholders and/or statutory systems can deliver.

## **Part 5: Annexes**

### **Minimum All Tenure Housing Land Requirement**

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

**Yes**

The numbers for Fife are as submitted to the Scottish Government by the Council in 2021. The Scottish Government took an inclusive approach to arriving at the MATHLR which was welcomed by Fife Council. This provides a minimum requirement, and, through the local development plan review, the Council will consider whether there are any areas and/or circumstances where further housing land should be allocated. Councils know their areas best, and by engaging with communities, businesses, and developers at a local level, are best placed to determine any increase beyond this minimum; in doing so, the Council will take into consideration HNDAs as appropriate.

### **Glossary**

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

**Yes**

Throughout the Council's response examples have been given of terms that need to be defined within the glossary in order that all users of NPF4 work to the same definitions in the assessment and application of principles and policies; These include:

- significant weight
- community wealth building
- fair work
- green jobs
- great places

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<sup>4</sup> The outcomes are—

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

## Glossary

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

- Small scale (as applied to Policy 31 part (c))
- Remote (as applied to Policy 31 part (g))
- Significant emissions

## Integrated Impact Assessments

### Environmental Report

**Q59: What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?**

No response.

**Q60: What are your views on the predicted environmental effects of the draft NPF4 as set out in the environmental report? Please give details of any additional relevant sources.**

No response.

**Q61: What are your views on the potential health effects of the proposed national developments as set out in the environmental report?**

No response.

**Q62: What are your views on the assessment of alternatives as set out in the environmental report?**

No response.

**Q63: What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?**

No response.

## Society and Equalities Impact Assessment

**Q64: What are your views on the evidence and information to inform the society and equalities impact assessment?**

No response.

**Q65: Do you have any comments on the findings of the equalities impact assessment?**

No response.

**Q66: Do you have any comments on the findings of the children's rights and wellbeing impact assessment?**

No response.

**Q67: Do you have any comments on the fairer Scotland duty and the draft NPF4?**

No response.

**Q68: Do you have any comments on the consideration of human rights and the draft NPF4?**

No response.

**Q69: Do you have any comments on the islands impact assessment?**

No response.

**Q70: Do you have any comments on the partial business and regulatory impact assessment?**

NPF4 will require additional resource in planning authorities, as well as investment in skills development to enable assessments to be undertaken in new work areas if the ambitions in NPF4 are to be achieved. Fife Council is fortunate in having a Climate Change and Zero Waste team within the Planning Service, but planning officers involved in plan making and development management need to invest in additional skills to deal with the broader policy scope and implement many policies in NPF.

The Council believes this must not only be recognised, but NPF4 needs to be accompanied by a resource and skills plan, akin to what is being developed in England for its National Planning Framework, which sets out the resource impact and how this is to be addressed. This is particularly important, coming on the back of the 49 new and unfunded duties through the Planning (Scotland) Act 2019.

The anticipated Planning Fees Regulations will be welcomed by Fife Council, however this in the first instance will address years of disinvestment nationally in planning authorities following over a decade awaiting a comprehensive review of planning fees.

Nationally, this is compounded by a 30% reduction of planning staff since 2009 and a 43% reduction of planning budgets in real terms together with a demand for 700 planners<sup>5</sup> in the sector in the medium term. It is difficult to imagine how the planning system and planning authorities can deliver the Government's NPF4 aspirations without full cost recovery and proper resourcing.

Fife Council seeks a commitment from Scottish Government that full costs recovery will be delivered within this parliamentary period.

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<sup>5</sup> (Source: RTPI Scotland)

# Equality Impact Assessment Summary Report

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(To be attached as an Appendix to the committee report)

<p><b>Which Committee report does this IA relate to (specify meeting date)?</b></p> <p>Scotland's Fourth National Planning Framework, ETSP&amp;T Sub-Committee, 17 March 2022</p>
<p><b>What are the main impacts on equality?</b></p> <p>None. No plans, programmes or strategies are being developed at this time and the Scottish Government has undertaken impact assessments in the preparation of draft NPF4.</p> <p>A Fife Environmental Assessment Tool (FEAT) assessment is not required as this report does not propose any policy change.</p> <p>There are no implications from this report under the Fairer Scotland Duty.</p>
<p><b>What are the main recommendations to enhance or mitigate the impacts identified?</b></p> <p>Not applicable.</p>
<p><b>If there are no equality impacts on any of the protected characteristics, please explain</b></p> <p>No plans, programmes or strategies are being developed at this time and the Scottish Government has undertaken impact assessments in the preparation of draft NPF4.</p>
<p><b>Further information is available from: Name / position / contact details:</b></p> <p>Bill Lindsay, Service Manager (Policy &amp; Place) <a href="mailto:bill.lindsay@fife.gov.uk">bill.lindsay@fife.gov.uk</a></p>

17 March 2022

Agenda Item No. 08

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## Local Development Planning – Draft Regulations and Guidance Consultation

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Report by: Pam Ewen, Head of Planning, Planning Services

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Wards Affected: All of Fife

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### Purpose

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This report enables Members to consider the Scottish Government's Local Development Planning Draft Regulations and Guidance and Fife Council's response to the related consultation. This report comments on the draft regulations and guidance, and where the Council can agree with the content or would like to promote change.

### Recommendations

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It is recommended that the Sub-Committee:

1. Considers the Scottish Government consultation on the Local Development Planning Draft Regulations and Guidance and agrees Fife Council's response to the consultation outlined in Appendix 1; and
2. Delegates the Head of Planning to submit the finalised Fife Council response to the consultation by the Scottish Government deadline of 31st March 2022.

### Resource Implications

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There are no resource implications for the Council linked to the consultation response other than officer time.

Once finalised, the implementation of the regulations and guidance will have resource implications for Fife Council as they set out greater detail on how the new local development planning provisions of the Planning (Scotland) Act 2019 are to be implemented. The resource costs will be on officer time in preparing the new local development plan and additional costs incurred will be managed within the Enterprise and Environment Directorate revenue budget.

### Legal & Risk Implications

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There is no direct risk to the Council in responding to this consultation. However, the outcome of this consultation in informing the regulations and associated guidance will set out the requirements for Fife Council in the preparation of Fife's next local development plan.

### Impact Assessment

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An Equalities Impact Assessment has not been completed and is not necessary as no plans, programmes or strategies are being developed at this time.

A range of impact assessments have been undertaken by the Scottish Government and have informed the proposed provisions in the draft regulations and guidance. These cover Business and Regulatory Impact; Equalities Impact Assessment; Child Rights and Wellbeing Impact; and Island Communities Impact. All these assessments can be viewed via the link provided in the background papers listed below.

A Fife Environmental Assessment Tool (FEAT) assessment is not required as this report does not propose any policy change.

The Fairer Scotland Duty, which came into force on 1 April 2018, requires the Council to consider how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. Whilst there are not considered to be any implications from the content of this report under the Fairer Scotland Duty for Fife Council, as highlighted above, the Scottish Government have undertaken a Fairer Scotland Duty Assessment for draft the regulations and guidance.

## Consultation

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The Heads of Legal & Democratic Services and Finance Service have been consulted and their comments considered in the preparation of this report.

## 1.0 Background

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1.1 The Bill for The Planning (Scotland) Act 2019 (the 2019 Act) was passed by the Scottish Parliament on 20th June 2019 and received Royal Assent on 25th July 2019. To assist the implementation of the 2019 Act, secondary legislation is required to provide additional detail on the duties and processes outlined in the 2019 Act. The draft local development planning regulations and guidance provides this function for Part 1 of the 2019 Act which concerns development planning.

1.2 The regulations and guidance form part of the Scottish Government's wider work on planning reform and implementing the 2019 Act. Significant changes to development planning were made by the 2019 Act. To guide implementation of these changes, the draft local development planning regulations and guidance have been prepared. The Scottish Government is now inviting comments on these documents by 31<sup>st</sup> March 2022.

### Planning Reform and Local Development Plans

1.3 Fife's Local Development Plan (LDP), FIFEplan, sets out how our local places will change into the future, including where development should and should not happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory development plan together with National Planning Framework 4 once that is approved; the development plan is the prime consideration for all decisions on planning applications.

1.4 There is strong support for a plan-led planning system in Scotland. Planning reform over recent years, including provisions of the 2019 Act, has sought to strengthen and simplify LDPs. The Scottish Government want a new approach to preparing plans that will result in new style plans that support the management and use of land in the long-term public interest. They want to refocus plans on the outcomes that they will deliver for people and places, rather than the processes of preparing them and they want plans to be informed by consultation and collaboration so that they are relevant, accessible, and interest people.

### Preparation of the Draft Local Development Planning Regulations & Guidance

1.5 The Scottish Government collaborated with many stakeholders in preparing the regulations and guidance. This included the formation of four working groups to support the Scottish Government's *Transforming Planning in Practice* programme. One group



focused on Development Planning and Fife Council fed into the work of this group, and its sub-groups, through Heads of Planning Scotland.

- 1.6 General commentary and implications of the proposed draft regulations and guidance are explored in Section 2 of this report.

## 2.0 Issues and Options

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### Proposed Regulations

- 2.1 As highlighted in paragraph 1.1 above, the proposed regulations are necessary to provide additional detail on the requirements set out in the 2019 Act (the primary legislation) and will assist the implementation of the new LDP system. The draft regulations are set out in Part B of the consultation.
- 2.2 The regulations' supporting text highlights many elements of the 2008 Regulations (the current development planning regulations) which are still appropriate and are proposed to be unchanged in the replacement regulations. This approach is supported and will focus Fife Council and Scottish Government resources to sections of the 2008 Regulations which require change, as a result of experience from either implementing the regulations or where changes or new duties and requirements have been introduced through the 2019 Act. The consolidation of requirements in the replacement regulations is also supported. This is required to reflect regulations that have been introduced or amended through the publication of new legislation since the 2008 Regulations were introduced. This, in effect, is a tidying up exercise to ensure the new draft regulations reflect all changes in primary and secondary legislation since the current regulations were introduced.
- 2.3 Given the amount of change, the Scottish Government considers there is benefit in working to the principle that regulations are kept to the minimum necessary. This view was also reflected by the Development Planning working group (see paragraph 1.5 above) who noted there are already many procedures set out in the 2019 Act. The Scottish Government considers that much of the detail of Scottish Ministers' expectations for implementation of the 2019 Act should be set out in guidance rather than regulations. The Scottish Government highlights that this will provide for maximum flexibility and resilience, allowing experience from implementing the new system to be incorporated into updated guidance as it emerges. This approach is broadly supported by Fife Council as it will allow more flexibility and create a more agile process which can respond quicker to change.
- 2.4 However, there are some instances where there is a need for certain subjects and criteria to be reflected within the regulations (and so have statutory weight) rather than in the guidance. One such example refers to the need for a statutory requirement within the regulations for LDPs to consider climate change, community planning, and health matters. The proposed Fife Council comments in Appendix 1 state these areas must be specified within the regulations rather than being left to individual authority's discretion through the development plan guidance. The Council response also proposes that consideration should also be given to Local Output Improvement Plans (LOIPs) and any local authority/national park authority strategies relating to climate change also being statutory considerations. Whilst it is acknowledged that LOIPs are identified within the guidance, this requirement should be given statutory weight within the regulations. Putting this into a local Fife context, Fife Council's next LDP will be the spatial expression of both the Council's LOIP and *Climate Fife – Fife's Sustainable Energy and Climate Action Plan*. These will be two key inputs into the next Fife LDP and such documents should be a statutory requirement for all planning authorities to consider within the preparation of their LDPs.

- 2.5 The Scottish Government proposes minimum consultation and data requirements for the Evidence Report should both be outlined in the local development planning guidance. However, the proposed Fife Council response does not support this instead, it is proposed that minimum requirements should be reflected within the proposed regulations rather than the proposed guidance. This reflects the view of the Evidence Report and Gatecheck Sub-group that that fed into the preparation of the draft regulations which Fife Council officers supported because it would allow for a clear and transparent assessment of the Evidence Report at the Gatecheck stage and should make it easier for planning authorities to move beyond the Gatecheck stage. This is an important element that should be backed by the weight of statute and not be left to interpretation of the guidance to address; further detail is in the response to question 7 in Appendix 1.

### **Proposed guidance**

- 2.6 The Scottish Government Planning Circular 6/2013 currently provides guidance on the legislative requirements relating to development planning to implement the Town and Country Planning (Scotland) Act, 1997, as amended by the Planning etc. (Scotland) Act, 2006. However, the Scottish Government does not intend to prepare a circular for the changes to be introduced by the 2019 Act; instead, they consider that providing guidance is preferable which will allow the Scottish Government to be clear on Scottish Ministers' intentions and expectations for the new system.
- 2.7 The draft guidance can be found within Part C of the consultation. The Scottish Government states that the guidance is intended to assist and support planning authorities and others with an interest in LDPs, rather than to create additional requirements. Planning authorities are expected to consider how the guidance can be applied in a proportionate and place-based way and to use their discretion in determining the components of the advice which are relevant to their plan preparation. This proportionate and place-based approach is welcomed. However, as highlighted within the proposed response to the draft regulations, it is important to get the balance right between what should fall within the statutory provisions of the regulations (legal duties a planning authority must undertake) and what should sit within the guidance (advice that authorities can apply using their discretion).
- 2.8 The guidance is structured in three sections, each serving a different purpose. **Section 1** sets out the overall aims and expectations for new style plans and it provides key messages of what they should be like in the future. **Section 2** sets out the process of how to achieve a new style plan. It covers the legislative requirements, how these are met and responsibilities of stakeholders. **Section 3** sets out detailed thematic guidance on how new style plans are expected to implement the NPF4 policies for the development and use of land. This section will be revised by the Scottish Government as appropriate following the consultation both on the regulations and guidance (this report) and on NPF4 (subject of a separate report to this Committee).
- 2.9 Overall, the guidance is to be welcomed and will assist with the preparation of Fife's new LDP. Most of the responses are suggestions as to how the guidance can be improved by highlighting minor omissions, or points of clarification. However, there are four matters which are of greater significance, and these are summarised below.

#### 1. LDP timescales

- 2.10 The general guidance on preparing an LDP suggests that it should take between 3 and 4 years to prepare an LDP. This is an unrealistic timetable for preparing an LDP considering the steps required by 2019 Act, the draft regulations and the draft guidance. It is estimated that it will take around 4½ years to prepare a new LDP for Fife.

#### 2. Evidence Report structure

- 2.11 The guidance for the Proposed Plan (and by default the final adopted LDP) says it should be structured around places rather than thematically (meaning that it should set out a series of plans for individual places). However, the guidance on preparing the Evidence

Report says it should be structured thematically. It would aid understanding of the Evidence Report and how it relates to the Proposed Plan, particularly how it affects Fife's communities, if the Evidence Report and the Proposed Plan were structured in the same way, around individual places.

### 3. Community wealth building

- 2.12 Community wealth building is embedded in the draft NPF4, but it is a new area for development planning. It was hoped that the draft guidance would contain detail of how the Scottish Government expects to see community wealth building reflected in LDPs. However, the draft guidance does not provide any guidance on the topic and further guidance would be welcomed given the concept is included in draft NPF4 policies to be used in determining development proposals.

### 4. 20-minute neighbourhoods in rural settings

- 2.13 Twenty-minute neighbourhoods are also embedded in the draft NPF4 and is another new area for development planning. Whilst the concept of a 20-minute neighbourhood in an urban setting is understood, it was hoped that the draft guidance would provide further information as to how the Scottish Government envisages 20-minute neighbourhoods in rural settings such as those found across Fife (particularly in North-East Fife and West Fife).
- 2.14 Appendix 1 sets out the full response to the consultation on the draft guidance. Questions 15 to 32 relate to the draft guidance.

## **3.0 Conclusions**

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- 3.1 The Scottish Government has outlined in this consultation how the further detail required to implement the 2019 Act for development planning is published and the weight that should be attached to it. Whilst it is proposed that many elements of the 2008 Regulations (the current regulations) additional detail on the new requirements from the 2019 Act is being introduced.
- 3.4 Given the amount of change, the Scottish Government consider the regulations should be kept to the minimum necessary. This approach is broadly supported by Fife Council. However, there are some instances outlined in Appendix 1 where it is considered that there is a need for key subjects and criteria to be reflected within the regulations.
- 3.5 This report enables Members to consider the Scottish Government's draft regulations and guidance on local development planning. Submissions should be with the Scottish Government by 31st March 2022. The outcomes of the overall Scottish Government consultation will be circulated to members when published later in 2022 and any policy implications will be considered at that time.

### **List of Appendices**

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1. Appendix 1: Fife Council's Response to Scottish Government Consultation on Draft Local Development Planning Regulations & Guidance

### **Background Papers**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:-

Planning (Scotland Act) 2019 - <https://www.legislation.gov.uk/asp/2019/13>

Town & Country Planning (Scotland) Act 1997 - [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1997/10)

The Town & Country Planning (Development Planning)(Scotland) Regulations 2008 -  
<https://www.legislation.gov.uk/ssi/2008/426/contents/made>

Plan 4 Fife – Fife’s Local Outcome Improvement Plan 2017 – 2027 -  
[https://www.fife.gov.uk/\\_data/assets/pdf\\_file/0027/164574/Plan-for-Fife-2017-2027.pdf](https://www.fife.gov.uk/_data/assets/pdf_file/0027/164574/Plan-for-Fife-2017-2027.pdf)

Climate Fife – Fife’s Sustainable Energy and Climate Action Plan -  
[https://www.fife.gov.uk/\\_data/assets/pdf\\_file/0017/193121/ClimateActionPlan2020\\_summary.pdf](https://www.fife.gov.uk/_data/assets/pdf_file/0017/193121/ClimateActionPlan2020_summary.pdf)

Local Development Planning – Draft Regulations & Guidance Consultation:

Part A – Introduction - <https://www.gov.scot/isbn/9781802018295>

Part B – Regulations - <https://www.gov.scot/isbn/9781802018288>

Part C – Guidance - <https://www.gov.scot/isbn/9781802018271>

Part D – Interim Impact Assessments - <https://www.gov.scot/isbn/9781802018530>

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## APPENDIX 1

### Fife Council's Response to Scottish Government Consultation on Draft Local Development Planning Regulations & Guidance

#### Part A – Introduction

**Q1: Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?**

**Yes – with caveats**

Fife Council supports the stance taken by the Scottish Government. Keeping the regulations to a minimum and including additional content in the guidance was supported by the Procedures Subgroup who fed into preparation of the regulations. Fife Council fed into this subgroup through Heads of Planning Scotland and, at an officer level, supported this approach.

Many procedures are already set out in the 2019 Act. Providing much of the detail in the guidance rather than the regulations will allow more flexibility and create a more agile process. This will allow the opportunity for more frequent updates to respond quickly to change and new unforeseen challenges. This flexibility will also allow experience from implementing the new system to be incorporated into future updated guidance.

However, whilst Fife Council broadly supports this approach, there are some instances (reflected in comments below) where there is a need for certain subjects and criteria to be reflected within the Regulations (and so have statutory weight) rather than in the guidance.

**Q2: i) Do you have any views on the content of the interim assessments?**

**ii) Do you have or can you direct us to any information that would assist in finalising these assessments?**

(i) The interim assessments cover the issues the Council would expect to be assessed.

(ii) The assessments are comprehensive. Fife Council is not aware of any additional information that would assist finalising these assessments.

**Q3: i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?**

**ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.**

(i) The Fairer Scotland Duty and the Strategic Environmental Assessment screening documents cover the issues the Council would expect to be identified and assessed.

(ii) Fife Council is not aware of any additional information that would assist in informing these assessments.

#### Part B – Proposals for Development Planning Regulations

**Q4: Do you agree with the proposals for regulations relating to the form and content of LDPs?**

**Yes – with caveats**

The Scottish Government has highlighted many elements of the 2008 Regulations which are still appropriate and are proposed to be unchanged in the replacement regulations. This approach is supported by Fife Council and will focus resources to sections of the 2008 Regulations which require

**Q4: Do you agree with the proposals for regulations relating to the form and content of LDPs?**

change as a result of experience from implementing the 2008 Regulations or where changes/new duties and requirements have been introduced through the 2019 Act.

Fife Council welcomes the proposals for regulations that prescribe the form and content of LDPs. This will help achieve consistency of content throughout Scotland's LDPs, especially in relation to the new matters and duties introduced for planning authorities through the 2019 Act. These include the provision of water refill stations (15(2B)) and public conveniences (15(2A)) and especially targets for meeting housing needs (15(1A)). However, it is also acknowledged that whilst there is an additional substantial list of matters listed at section 15(5) of the Act which planning authorities should take into account for its spatial strategy, there is a recognition that not all the matters listed will necessarily be appropriate for inclusion by every planning authority. This approach is welcomed by Fife Council and this flexibility will ensure that LDPs are responsive to the local issues and circumstances found within each individual planning authority.

The 2008 Regulations prescribe at regulation 8 the requirements of an LDP Proposals Map. Fife Council welcomes the Scottish Government expectation that LDPs should be more map based. Whilst it is acknowledged that the Scottish Government does not want to be prescriptive as to what further mapping should be included to enable content to reflect the planning authority's local area and specific characteristics, it would be helpful if the Scottish Government could outline any additional mapping requirements which are required irrespective of geography and local circumstances. This would help maintain consistency throughout Scotland's LDPs and assist how LDPs can be read and interpreted across planning authority boundaries.

**Q5: Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?**

**Yes**

As also identified in other sections of the draft regulations, the Scottish Government has highlighted elements of the 2008 Regulations which are still appropriate and are proposed to be unchanged in the replacement regulations. This approach is supported by Fife Council and will focus resources to sections of the 2008 Regulations which require change as a result of experience from implementing the 2008 Regulations or where changes/new duties and requirements have been introduced through the 2019 Act. Fife Council also supports the consolidation of requirements in the replacement regulations to reflect regulations have been introduced or amended through the publication of new legislation since the 2008 Regulations changes came into force. The amendments to update the regulations to reflect updated references in the 2019 Act are also welcomed such as changing Strategic Development Plans (SDPs) to Regional Spatial Strategies.

**Q6: Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?**

Fife Council agrees with the list of considerations included within regulation 8, however the list requires to be expanded. Whilst the list should not be exhaustive, and there is a role for the guidance to supplement and expand on the content of the regulations. The clear links that land use planning has to influence climate change, community planning, and health must be reflected with explicit references within the regulations.

Whilst it is acknowledged that these areas have become increasingly prominent since the publication of the 2008 Regulations, the important role planning can, and should, play in these areas must be highlighted as considerations for the preparation of an LDP. Including these within the regulations will ensure there is a statutory requirement to consider these issues. Whilst river basin management plans are already highlighted, consideration should also be given to wider flood data produced by Scottish Environment Protection Agency (SEPA) and the respective individual planning authorities within the regulations. Consideration should also be given to Local Output Improvement Plans (LOIPs) and any planning authority strategies relating to climate change. Whilst it is acknowledged that LOIPs are identified within the guidance, this requirement should be given statutory weight in the regulations.

**Q6: Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?**

Putting this into a local context, Fife Council's next Local Development Plan will be the spatial expression of both the Council's LOIP and *Climate Fife – Fife's Sustainable Energy and Climate Action Plan* (Fife's response to the climate emergency).

**Q7: Do you agree with the proposals for regulations relating to the Evidence Report?**

**Yes – with caveats**

Fife Council generally supports the proposals for regulations relating to the Evidence Report but makes the following comments on specific proposals.

Fife Council supported the Evidence Report and Gatecheck Subgroup through Heads of Planning Scotland that fed into the preparation of the draft regulations. The subgroup considered that regulations should specify the stakeholders with whom consultation should take place as a minimum. Whilst Section 16B(2) of the Act sets out at a very high level those whose views a planning authority should seek in preparing an Evidence Report, it is the view of Fife Council that the regulations should set out the minimum consultation requirement expected as per the subgroup's recommendations.

Fife Council does not support the Scottish Government proposition that this should be addressed in guidance to allow greater flexibility to reflect local situations. The identification of minimum consultation requirements within the regulations would not prohibit wider consultation with stakeholders in the preparation of the Evidence Report to reflect local issues and situations. Containing minimum consultation requirements would help inform the new Gatecheck process, give consistency to the responsible persons appointed to conduct the Gatechecks, and allow for a clear and transparent assessment at the Gatecheck stage using the specified consultation criteria contained within the regulations.

Fife Council supports the position of the Evidence Report and Gatecheck Subgroup which indicated the need for the regulations to set out the minimum data requirements for the Evidence Report. The subgroup considered this should make it easier for planning authorities to move beyond the gate-check stage. This is an important element that should not be left to the guidance to address. Providing a clear and transparent position on the minimum evidence base required would give all planning authorities (and the appointed person(s) undertaking the Gatecheck) a clear direction on what minimum evidence is expected to meet the requirements of the new Gatecheck. This would not hamper planning authorities having the flexibility to provide additional appropriate evidence for their own geographical area. There is a risk that a lack of clear guidance on the expected evidence base is likely to result in inconsistencies in Evidence Reports throughout Scotland, delays to the Gatecheck process and therefore additional costs as planning authorities are requested to provide additional information once the Gatecheck process has commenced.

Fife Council's view is that setting out minimum data requirements would not create a 'tick-box' exercise as the Scottish Government fears. A minimum evidence base would help establish an efficient Gatecheck process for all parties involved - where there is a clear and transparent process where everyone understands the minimum requirements. Individual planning authorities can supplement this minimum evidence base with additional evidence which is relevant to their local geography and local circumstances. This approach would support the emphasis of 'place' within the regulations and other national planning guidance.

Fife Council supports the new regulations for the Gatecheck stage being, where possible, consistent with the equivalent regulations found within Part 4 of the 2008 Regulations. The requirement to submit documents referred to in the Evidence Report electronically to the appointed person is welcomed. However, this requirement for electronic submission of documentation should be extended to Part 4 of the regulations which concern the examination process. Fife Council has through previous local plan and local development plan examinations encouraged the greater use of digital submissions but has previously met some resistance to this approach from the Planning and Environmental Appeals Division (DPEA). Further electronic submissions would cut down on waste and is a more efficient use of resources. Fife Council will continue to work digitally.

**Q7: Do you agree with the proposals for regulations relating to the Evidence Report?**

Lastly, Fife Council welcomes the proposed targeted consultation with the gypsies and travellers community to inform a gypsies and travellers definition within the regulations as no such definition exists in Scots law.

**Q8: Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?**

**Yes**

As identified in other sections of the draft regulations, the Scottish Government has highlighted elements of the 2008 Regulations which are still appropriate and are proposed to be unchanged in the replacement regulations. This approach is supported by Fife Council and will focus resources to sections of the 2008 Regulations which require change as a result of experience from implementing the 2008 Regulations or where changes/new duties and requirements have been introduced through the 2019 Act.

Fife Council is aware of the ongoing consultation on the new requirement to undertake Play Sufficiency Assessments (PSAs). The Council's comments on these assessments are not repeated here and will be provided through a separate response to the PSA consultation.

Fife Council supports the changes proposed to update the content of the 2008 Regulations to reflect changes to the primary legislation and the role for the guidance to provide further detail on the consultation requirements for the Proposed Plan.

**Q9: Do you agree with the proposals for regulations relating to the examination of the LDP?**

**Yes – with caveats**

Fife Council supports the continuation of the requirements within Part 4 of the 2008 Regulations relating to the examination with updates to remove references to Strategic Development Plans (SDPs). The continuation of the requirements that relate to the publication of the Proposed Plan and any proposed modifications as a result of the appointed person's recommendations are also supported, whilst again acknowledging the need to remove references to SDPs from within the reasoning for declining to follow an examination recommendation, deleting references to monitoring statements and referring to delivery programmes.

As identified within the answer to question 7, the requirement for electronic submission of documentation should be extended to Part 4 of the regulations which concern the examination process.

The proposed regulations state the general administrative costs, staff costs (including any remuneration due to the appointed person), and overheads (including the costs of provision of a venue for the examination) incurred by the Scottish Ministers or the appointed person in relation to an examination held under section 19(3) or (4) of the Act are to be met by the authority. In the absence of any tariff on those costs, or experience of the length the Gatecheck stage will take and how – or if – it will reduce the duration of the examination stage, planning authorities can only estimate the impact on their plan making budget. These costs can be significant.

**Q10: Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?**

**Yes**

Fife Council supports the proposed modifications on the publicity and consultation of a Local Development Plan (LDP) and these mirror practices previously undertaken within Fife.



**Q10: Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?**

Whilst the Scottish Government acknowledges the provisions that the 2019 Act introduces to amend an LDP, it is unclear why this be addressed at a later date once the new development planning system is in place and not as part of this consultation.

**Q11: Do you agree with the proposals for regulations relating to Development Plan Schemes?**

**Yes – with caveats**

Fife Council supports the proposed changes to the regulations to reflect changes in primary legislation and removing references to Strategic Development Plans and Strategic Development Planning Authorities, and replacing references to Main Issue Reports with Evidence Reports.

The proposed regulations will introduce a requirement to timetable when an LDP is expected to be adopted, or the tracking of any changes to the original timescales and for an explanation to be provided for any changes. These new requirements are generally welcomed and mirror the process already undertaken in Fife. However, the level of detail required is questioned. Key dates are requested through regulation 21 down to a specific month. This is requesting an unreasonable level of accuracy. It will be challenging for planning authorities at the beginning of the LDP process to give certainty to the exact month certain milestones will be met over a process lasting approximately 4-5 years during which council's schemes of administration may change. Setting out key milestones by quarter would be more appropriate. This would not prevent more detail being provided as planning authorities move closer to key milestones where additional information can be provided through other communication channels.

**Q12: Do you agree with the proposals for regulations relating to Delivery Programmes?**

**Yes**

Fife Council supports the proposal to replace references to Action Programmes with Delivery Programmes and remove references to Strategic Development Planning Authorities. Beyond these changes, the Council agrees with the Scottish Government that the provisions of regulations 25 and 26 of the 2008 Regulations satisfy the requirements of the Act.

**Q13: Do you agree with the proposals for regulations relating to the meaning of 'key agency'?**

**Yes**

Fife Council agrees with the meaning of 'key agency' considering the proposed changes to update this meaning resulting from agency name changes and agencies being dissolved and formed since the 2008 regulations were prepared.

**Q14: Do you agree with the proposals for regulations relating to transitional provisions?**

**Yes**

Fife Council acknowledges that for LDPs to progress to adoption under the existing provisions and procedures in the 1997 Act (introduced by the 2006 Act), the Proposed Plan shall have to be published before June 2022. Fife's new LDP will not be published by then and will progress under the new 2019 Act and its related provisions.

## **Part C – Proposals for Development Planning Guidance**

**Q15: Do you agree with the general guidance on Local Development Plans?****Yes – with caveats**

Fife Council broadly agrees with the general guidance on Local Development Plans. Specific comments/areas of disagreement are set out below.

**Paragraph 5** – How is long-term interest defined, and how is it balanced with competing demands from present issues?

**Paragraph 8** – Reference should be made here to regional economic strategies and related progression alongside that of existing reference to RSSs. These can inform the LDP strategy but also its Delivery Programme. Similarly, reference should be given to the forthcoming *National Economic Transformation Strategy*.

**Paragraph 11** – The Council expects there will be some discretion on how new LDPs are prepared according to circumstances in their areas. In Fife’s case, for example, the LDP should support community wealth building projects where these have a spatial or land use element.

**Paragraph 21** is missing a reference to the Historic Environment in the bulleted list of interests. Representatives from the Historic Environment sector will be integral to the creation of Place-based LDPs as so much of a Place’s identity and future revolves around its past history.

The timeframe for preparing an LDP in **paragraph 42** is unrealistic. Fife Council’s own outline project plan for preparing our new LDP estimates that it will take an estimated 4½ years from inception to adoption. This considers committee cycles, the need for formal consultation on the Evidence Report, and for the time taken for a Gatecheck and Examination. As a guide Fife Council’s outline project plan identifies that it would take 46 months just to prepare our new LDP excluding committee lead in-times (see table below). Adding lead in times for committees adds additional time to the programme.

<b>Stage</b>	<b>Time</b>
Drafting Evidence Report including evidence gathering	11 months
Consulting on Evidence Report, collating responses and finalising Evidence Report	5 months
Gatecheck	4 months
Prepare Proposed Plan/Delivery Programme	10 months
Consult on Proposed Plan, collate responses and prepare for submission to Scottish Ministers	5 months
Examination	9 months
Prepare for adoption	2 months
Total committee lead in times across the project	7 months

**Q16: Do you agree with the guidance on Development Plan Schemes?****Yes**

Fife Council agrees with the guidance on Development Plan Schemes and has no further comments to make.

**Q17: Do you agree with the guidance on the Delivery Programme?****Yes**

**Q17: Do you agree with the guidance on the Delivery Programme?**

Fife Council agrees with the guidance on the Delivery Programme and has no further comments to make.

**Q18: Do you agree with the guidance on Local Place Plans?**

Fife Council has no comments on the guidance on Local Place Plans.

**Q19: Do you agree with the guidance on the Evidence Report?**

**Yes – with caveats**

Fife Council broadly agrees with the guidance on the Evidence Report. Specific comments are set out below.

There is an inconsistency between the guidance and the primary legislation. **Paragraphs 104, 106, and 116** refer to the Evidence Report not containing site specific matters. Whilst this is welcomed in principle there is an apparent inconsistency with s15(5)(cb) of the Act as the Evidence Report cannot set out a position on the availability of land in the district for housing, including for older people and disabled people if there is no reference to the availability of sites in the Evidence Report.

**Paragraphs 112 and 113** and **Figure 5** set out a suggested structure for the Evidence Report that differs in approach to that proposed for the Proposed Plan. It would make more sense and be easier for communities to understand if the Evidence Report and the Proposed Plan are structured in similar ways. If the Proposed Plan is to be set out by place as a place-based plan, then so should the Evidence Report.

**Paragraph 123** says that there is a statutory requirement to seek particular views in preparing the Evidence Report but not a requirement to consult on the Evidence Report. In practice the only way to highlight where stakeholders are in agreement or in dispute (as set out in paragraph 125) would be to consult on a draft Evidence Report. Ongoing engagement in the preparation of the draft Evidence Report, whilst important, will not identify all the areas of agreement or dispute. This needs to be clarified.

**Q20: Do you agree with the guidance on the Gate Check?**

Fife Council agrees with the guidance on the Gatecheck and has no further comments to make.

**Q21: Do you agree with the guidance on the Proposed Plan?**

**Yes – with caveats**

Fife Council broadly agrees with the guidance on the Proposed Plan. Specific comments are set out below.

Section 16(2) of the Act also sets out matters which are to be taken into account and had regard to when preparing LDPs. This includes the National Planning Framework. Draft NPF4 includes policies which will become part of Fife's development plan once they are adopted by the Scottish Parliament. **Paragraph 153** states that policy wording included in the local development plan should focus on adding value by providing any necessary detail not provided by the NPF or where national policy does not reflect local circumstances and local variation is therefore considered appropriate. Fife Council welcomes this and believes it is important that the Scottish Government works closely with the Planning and Environmental Appeals Division (DPEA) in finalising the guidance so that all decision makers have an agreed understanding of what is expected from the LDP.

**Q21: Do you agree with the guidance on the Proposed Plan?**

The guidance in **paragraph 160** that says where stakeholders are promoting alternatives to the content of the Proposed Plan, they should provide information on environmental impact as well as community opinion as part of their representation is welcomed.

The Council supports the responsibility for ongoing close collaboration onwards into delivery (**paragraph 165**).

The clarification in **paragraph 168** that says it is unnecessary to make up alternatives if none exist and responsible authorities should take care to avoid constructing less preferred alternatives to justify their approach is welcomed.

**Q22: Do you agree with the guidance on the Local Development Plan Examinations?**

**Yes**

Fife Council agrees with the guidance on the Local Development Plan Examinations and has no further comments to make.

**Q23: Do you agree with the guidance on the Adoption and Delivery?**

**Yes**

Fife Council agrees with the guidance on the Adoption and Delivery and has no further comments to make.

**Q24: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places. Specific comments/areas of disagreement are set out below.

It is unclear how the Evidence Report can cover details on the implications of national developments (**paragraph 240**) and strategic land use tensions (**paragraph 242**). if they are not to cover site specific matters.

**Paragraph 243** – It would be helpful to also have some understanding of targets and requirements for reducing emissions (linked to the scope and role of LDPs) rather than just considering the existing sources of emissions. It would also be useful to have a list of emissions sources that need to be considered in the guidance.

**Paragraph 244** – Risks should include all risks linked to unavoidable climate change (potentially considering scenarios where global targets are not met). It is unclear why heat-related climate risks appear to be highlighted specifically but not other kinds of climate risks. It would be better to provide a short list of all relevant areas of climate risk that need to be addressed.

While it is helpful to understand existing natural assets and networks (**paragraphs 245 and 246**), the Evidence Report could usefully include understanding of issues and threats facing existing natural assets and networks, including those arising from the impacts of forecast climate change.

There is no specific community wealth building section, but as a general comment, given the weight given to community wealth building objectives in the draft NPF4, further guidance from the Scottish Government would be welcome.

The guidance (in **paragraph 247**) does not mention consideration of the character or understanding of the urban form of the place, or consideration of the relationship between the physical attributes and qualities of the place and the health and wellbeing, or socio-economic status of those who live and

**Q24: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)?**

work there. The six qualities of successful places list distinctiveness as a key quality, there needs to be an acknowledgement that distinctiveness comes from more than the historic environment and local architectural styles, it should encompass layout, the particular quality of the spaces and the relationship of the buildings to the spaces around them.

**Q25: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Evidence Report in relation to the section on Liveable Places. Specific comments are set out below.

NPF4 states that 20-minute neighbourhoods are a method of achieving connected and compact neighbourhoods designed in such a way that all people can meet the majority of their daily needs within a reasonable walk, wheel, or cycle (within approx. 800m) of their home', and that this will apply differently in different parts of the country and at different geographic scales. It would be useful for the guidance to include a diagram/explanation to demonstrate how the principle might be applied in different environments. In particular information on how the principles are intended to be applied to rural communities would be helpful given the number of rural communities in east and west Fife. This would help reach a common understanding at the Gatecheck and Examination stages of LDP preparation.

The guidance (**paragraph 250**) states that Evidence Report should not just look at the existence of features (services, facilities, assets) but consider the quality of those features, how the community experiences these features and the communities wants and needs. Whilst some of this information is available (such as in the open space quality audit), the quality of other features will be more difficult and could be very time consuming to determine.

**Paragraph 252** – Agree that this is the best approach to inform the baseline for the Evidence Report and early engagement with service providers and other partners will bring potential benefits for all involved.

**Paragraph 269** – Transport stakeholders should include energy network providers. These are mentioned elsewhere but it is worth highlighting specifically with respect to transport.

**Paragraph 270** – As well as infrastructure capacity, the infrastructure audit could usefully consider associated carbon emissions.

Heat mapping (**paragraph 274**) will be useful as evidence to inform co-location of development. However, this could be more about ensuring opportunities for utilising available heat. Something that says: siting of developments should consider opportunities for available low- and high-grade heat. For example, this might use bodies of water including tidal. Then the co-locating of high heat demand with high heat supply. Heat mapping will also support others in energy supply management choices, that will in turn impact development options.

**Paragraphs 275-276** – Community food growing is mentioned in the health section but there is also scope to include this (allotments) in blue & green infrastructure. Sport is used in the heading, but there is not referenced in the text.

In **paragraph 277** there is no reference to the Local Flood Risk Management Plans, which follow the creation of the SEPA produced Flood Risk Management Plans. The lack of reference to Local Flood Risk Management Plans is a conspicuous omission and one which could have serious consequences within the second 6-year cycle. The Council assumes that the text on the Strategic Flood Risk Assessment (SFRA) is actually referring to the National Flood Risk Assessment (NFRA), in which case the terminology should be updated. NFRA2 does not give an indication of hazard, but does present risk. If, on the other hand, the SFRA is supposed to mean the SEPA hazard maps (that is, the flood maps) then the text should refer the reader to the more detailed Flood Studies and outputs planning authorities have.

**Q25: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)?**

**Paragraph 278** – River basin management plans are predominantly concerned with water quality and river status under the Water Framework Directive rather than consider flood risk which comes under the Floods Directive, so it is not clear if the paragraph is complete.

The issues highlighted in **paragraph 279** are considered to reflect planning issues around health issues. Data requirements highlighted elsewhere in this section seem appropriate and will be available but not necessarily in a manner that can readily be used for the purposes described without significant time and resource spent on collating it. This is another example of additional unfunded work.

**Q26: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Evidence Report in relation to the section on Productive Places. Specific comments are set out below.

The reference to Business Land Audits in **paragraphs 284 and 285** suggests a narrow use class definition. Reference should be made more generically to employment or commercial requirements to reflect the broad economic sector activity likely to apply.

**Paragraph 288** – It is not clear what is an appropriate number and range of cultural venues and facilities.

**Paragraph 289** – It would be useful to know what information could be gathered at the Evidence Report stage in relation to considering potential within LDP plan areas for new green energy provision.

Whilst Fife is not reliant on other authorities for minerals reserves of any type, Fife does have reserves of silica sand, which is a rare commodity in UK terms. The importance of such commodities should be recognised in **paragraph 293** and identified in the Evidence Report to ensure that existing reserves are protected and that future expansions of existing quarries can be planned for.

Fife Council disagrees with **paragraph 294**. Much of the private sector information is commercially confidential so it may not be possible to produce these gaps in the Evidence Report. Ofcom produce publicly available information in the Connected Nations reports and updated on an annual basis. The evidence is not static but continually changing as the commercial and public sector investment is delivered.

Fife Council agrees with the proposal to establish the methodology that will be used for site assessment for new digital infrastructure (**paragraph 296**). However, a national approach, jointly developed with digital infrastructure owners and operators, would assist with simplifying this, and also identify areas where Permitted Development could be used.

**Q27: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places. Specific comments are set out below.

The discussion of town centre audits at **paragraph 297** notes that they should be updated every two years. This is an onerous commitment, and Fife Council would instead prefer a 5-year review, which would correspond with the halfway point of the LDP cycle.

More generally, in **paragraph 299**, it needs to be ensured that the diminishing importance of retail in town centres is recognised so that planning policy can pivot to allow an expansion of uses which support resident populations such as leisure, entertainment, and health and wellbeing.

**Q27: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)?**

With regard to the historic environment (**paragraph 300**), the guidance has a very out-dated, site-specific approach to the interpretation of heritage. The historic environment is exactly that, an environment, a seamlessly integrated landscape of historic cultural significance and not just a series of sites that exist in isolation. This point needs to be better made throughout the document to recognise that the historic environment is often much more than simply the sum of its parts. Scotland's medieval towns need to be singled out as sensitive historic urban landscapes, not simply modern towns with a sprinkling of historic buildings within them.

**Paragraph 300** should also make reference to Scottish Burgh Surveys and Local and National Historic Environment Records. Consideration should also be given to intangible historic assets including such things as historically significant placenames, vistas, views, skylines, and traditions dependent on the historic built environment – for example, pilgrimage or the St Andrews student pier walk. The paragraph should also make reference to how local Historic Environment Record data could be expanded or improved.

In the context of Vacant and Derelict (**paragraph 302**), it will often be the case that such buildings will not feature on a local authority's *Vacant and Derelict Land Register* which feeds into the national register published on an annual basis by the Scottish Government. This will most often be due to a building falling below the minimum size threshold for inclusion (i.e. the site will be less than 0.1 hectares) and this particularly applies in city, town, and neighbourhood centre settings. This means that such sites are not then eligible for investment from relevant funding streams such as the Vacant and Derelict Land Fund. Such small sites in built-up areas can have a significant impact on the overall aesthetic and amenity of the area.

Cost is a key issue as this is often increased due to restrictions applied to the refurbishment or redevelopment of such sites/buildings if, as is often the case, they are listed or sit within a Conservation Area. The issue can have a particular impact on the viability of sites in city/town/neighbourhood centres earmarked for conversion to residential. This will be a key element of the repurposing and re-imagining of these areas and pragmatism will be required to ensure that built heritage is not seen simply as a 'blocker' to development which should sets the template for the future but respects the past through sensitive design. In addition to those sources already listed, the Evidence Report should also be informed by Scottish Burgh Survey, and local and national Historic Environment Record data. Further, Historic Environment Records as well as the Buildings at Risk Register also include properties which are not necessarily in poor condition, but which may simply be standing empty with no clear future use or be threatened with demolition. The reference to buildings which are simply empty is welcome, as buildings do not have to be empty for long before their condition deteriorates.

It would be useful for more guidance to highlight in **paragraph 307** in terms of what information will be useful in forming an evidence base for LDPs.

**Paragraph 309** should be linked back to other priorities such as potential for sequestration. The paragraph should also refer to historically and culturally significant trees, considered to be 'green monuments'.

It is not clear in **paragraph 310** if Evidence Reports should identify areas of risk and consideration for protection or managed retreat. The Evidence Report could also link to the coast as an area of potential low-grade heat from tidal waters.

**Q28: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places. Specific comments are set out below.

**Q28: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?**

Consideration should be given to changing the use of the word 'should' to 'must' throughout the section on the Climate Emergency to reflect requirements of climate legislation.

**Paragraph 320** raises the question which many planning authorities are likely to be grappling with: how to measure the emissions that are likely to be generated by the proposals of the plan and any reasonable alternatives the Council would want to consider this against? It would be helpful to have some guidance or tool that allows a consistent way to achieve this. The guidance could usefully refer to how LDPs should address energy efficiency (including if relevant in relation to retrofitting existing buildings). This paragraph could also refer to the possible need to consider any managed retreat issues in relation to sea level changes. Fife Council agrees that LDPs need to consider long term future climate risks, identifying areas where development is unlikely to be supported. However, it also needs to be taken into consideration that estimates of things like sea-level change are likely to be updated more regularly than LDP timescales, so even current long-term climate change predictions could be exceeded.

**Paragraph 321** – The Council agrees it will be beneficial for LDP Spatial Strategies to set out the potential for negative emissions technologies and support their deployment through safeguarding land. However, it does raise questions around who is best placed to assess the potential for negative emissions technologies as planning authorities may not be resourced or have the skills to identify opportunities without assistance.

**Paragraph 322** – The Council agrees that heat mapping should be used to inform the spatial strategy; however, it may be difficult to ensure take-up of district heating in new development in such locations unless national policies and guidance provide a strong enough framework to make it more enforceable when relevant proposals are considered through development management decisions. The Council is unsure that heat networks should be prioritised to 'areas not on the mains gas grid or where the electricity transmission and or distribution network is weak'. The majority of Scotland where heat density might allow a heat network, is likely to be on mains gas. It might be better to link to heat demand. Not all developments might need high demand sources (for example, potential for low grade heat from bodies of water). Reference to medium to large scale heat stores and their potential role in LDP preparation might be worth considering in the guidance.

**Paragraph 323** – It is unclear why heat-related climate risks appear to be highlighted specifically but not other kinds of climate risks. In terms of weather alone, extremes of heat, cold, increased, or decreased rainfall, and wind all need to be taken into consideration.

**Paragraph 324** – The guidance could say something specifically about integrating habitats as part of new green infrastructure within new development. It will be more difficult for an LDP to deliver biodiversity enhancements outside proposed development areas, as there is less likely to be a delivery mechanism.

**Paragraph 325** – states "*Buffer Zones should not be established around areas designated for their natural heritage importance.*" Should this be Buffer Zones should be established...? It would be useful for the guidance to highlight or link to advice on appropriate buffer zone distances for different natural heritage designations.

Basing a spatial strategy on the Place Principle as described in **paragraph 326** may require a finer grain spatial strategy than the Council describes in the current LDP.

**Paragraph 327** – Setting out that new development should be used to improve existing places as a first priority ensuring it aligns to goals for net zero and biodiversity, and the promotion of creativity and innovation is welcomed. The creativity and innovation principle should help in a move away from the uniformity of the suburban environment. Developers should be required to think about places creatively and raise the bar on development quality and design. The emphasis placed on the beauty and essential services provided by the natural environment, and the identity and character of places in the guidance is welcomed.

**Paragraph 328** – Design frameworks should be mentioned as well as design briefs and design codes. These are not referred to in the guidance but they have an important role setting out the key concepts and design principles for a place. LDPs should also allow for the possibility of more detailed design input to be produced beyond the LDP process, for areas which may be subject to unanticipated change in the future.



**Q29: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places. Specific comments are set out below.

**Paragraph 329** – There should be an understanding that planning can only encourage and create a policy framework for the creation of 20-minute neighbourhoods but it has limited power to deliver them outwith large scale development proposals. Planning can often plan and provide space and buildings for community facilities as part of new development, but there is little appetite by the local authority to adopt and run these given budgetary constraints. Alternative models of delivery/management need to be considered.

**Paragraph 331** – There is no mention of the need to prevent the degradation of existing 20-minute neighbourhoods – such as ensuring that key areas of open space and valuable community facilities (including shops and pubs) are not lost where there may be alternatives to how they are managed.

**Paragraph 333** states that LDPs will need to address the need for public conveniences and will have to include a statement of the planning authorities' policies and proposals re the provision of public conveniences. The guidance should acknowledge that the LDP can only reflect the Council's policies and proposals regarding public conveniences.

**Paragraph 334** – The Evidence Report baseline data will be a good platform to inform the Proposed Plan's infrastructure requirements for site allocations. Gauging capacity of networks will be an additional unfunded resource commitment and is likely to require consultancy work to inform that work.

**Paragraph 338** – If infrastructure costs and contributions are to be included in the proposed plan how do local authorities address windfall site contributions and indeed determine level of impact on infrastructure that is proportionate?

**Paragraph 348** – This refers to the need for site briefs or masterplans on medium or longer-term housing land allocations. The guidance could usefully explain if the expectation is that these can be prepared other than by the planning authority given this is another example of an additional resource commitment.

**Paragraph 369** – As well as electric bikes, this paragraph should include other future e-mobility technologies such as electric scooters.

**Paragraph 377** – The guidance should advise if LDPs will have regard for on-street electric vehicle charging as well as hubs? This will assist in understanding how the LDP will be assessed at Gatecheck and Examination stages.

**Paragraph 378** is not clear about whether the LDP is likely to be the most appropriate way to identify potential heat networks. It would be useful for the guidance to explore the relationship and roles between the Local Heat and Energy Efficiency Strategy (LHEES) and the LDP, thinking about timescales for each of those documents, which may not be prepared concurrently. Fife Council's understanding is the LHEES identifies, but LDP determines. The guidance should consider how this might work if they are not developed concurrently. Clarification is also required if it is intended that Scottish Ministers can also determine heat networks.

**Paragraph 379** – It would be useful to understand what "take into account" means in planning terminology.

**Paragraph 381** could provide clearer guidance on how LDP allocations should be informed by heat network zones. It could also be stronger by saying "must" rather than "should".

**Paragraph 384** – Whilst inferred in the guidance, it would be beneficial to include that blue and green infrastructure (where appropriate) can be multi-functional spaces that achieve a variety of objectives such as climate change mitigation and informal play.

**Paragraph 387** – "Incidental play" is a term that has never been used before and should be explained.

**Paragraph 389** – Care is needed when stating "all sources" of flooding. Reference needs to be made to the Flood Risk Management (Scotland) Act 2009 which defines the sources Fife Council will

**Q29: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?**

consider. Fluvial, coastal, and surface water are likely to be considered, but not groundwater. “Should” has to be replaced with “must” in the context of flood risk. Also, “*a cautious approach...*”, should be replaced with “*a precautionary approach...*” to align with Flood Risk Management terminology. It is no longer the case that flooding “may” be an issue in future years; it is an issue now and will be increasingly so in the future. The Council welcomes the reference to community resilience in the context of current and future impacts of climate change.

**Paragraph 391** – The statement referring to Draft NPF4 Policy 14a could be supported further in terms of the Regulations Guidance (addressing the provision or funding of health infrastructure). In this section of the guidance, it will be important to consider the following issues, many of which will overlap with other parts of the guidance:

- climate emergency issues which could/will have impacts on mental and physical health;
- potential outcomes on mental health wellbeing from well designed, safe, inclusive places;
- personal and community safety will have an impact on health and wellbeing;
- 20-minute neighbourhoods in terms of the benefits to local communities of social inclusion; contact with neighbours; better local democracy and accountability which can also have an impact on physical and mental health;
- protection of existing community assets, including natural and heritage assets;
- health benefits from access to blue/green infrastructure including tree-planting, and how this should be new such infrastructure should be sought in new development;
- how matters of equality related to accessing and using the physical environment could be addressed by planning (including through design);
- the role for Health Impact Assessments in relation to LDPs.

**Q30: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Proposed Plan in relation to the section on Productive Places. Specific comments are set out below.

There is a reference to the Covid-19 Tourism Recovery Programme in **paragraph 408**. Although that programme still exists, the Scottish Government has not allocated any budget to it this year, so there may not be much progress. It may be better to just refer to *Scotland Outlook 2030*.

A Town Centres First approach to locating the creative sector, culture, heritage, and the arts should there be included in **paragraph 410**.

**Paragraph 412** – It may be helpful within the guidance to highlight examples of how an area’s full potential for electricity and heat from renewable sources could be achieved, taking into account energy storage availability and potential. It is noted that there will be competing land use demands for a limited land resource, and it would be useful to have a steer on how LDPs can contribute to wider coordinated land planning or be informed by other land use strategies in this regard.

**Paragraph 422** – The focus on gaps is too narrow and not in keeping with the requirement for Fibre to the Premises and flexible, forward-looking connectivity and technology convergence. Gaps focus on the areas left behind because the cost of deployment is too high for the return on investment. Reducing the cost of deployment would also facilitate improvements in connectivity in those areas. Fife Council is working with Scottish Futures Trust, partners in the Tay Cities region, and mobile network operators to pilot approaches to simplifying and streamlining the processes to deployment, to reduce costs, and speed up deployment, particularly in rural areas. In rural areas, with low population density, mobile or wireless connectivity may be a more cost-effective way of providing ultrafast

**Q30: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?**

connectivity to homes and businesses as well as visitors. The Evidence Report also needs to include visitor information, using different modes of travel as this can help make the case for mobile investment.

**Q31: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?**

**Question 31**

**Yes – with caveats**

Fife Council broadly agrees with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places. Specific comments are set out below.

**Figure 14** – “Designations” should be changed to “assets”. Because the existing wording could be interpreted as a requirement to identify only statutorily designated sites, which would result in no consideration being given to 90% of Scotland’s historic sites. The suggested change is in line with Draft NPF4 Policy 28a which states LDPs “*and their spatial strategies should identify, protect and enhance locally, regionally, nationally and internationally valued historic assets and places.*” Traditional but undesignated buildings are at risk particularly from ill-considered climate change adaptations, some are of historical importance and many are of some value to their local area. The figure should also refer to Scottish Burgh Surveys.

**Paragraph 425** – 20-minute neighbourhoods will be difficult to achieve in many areas of Fife and reference is made to the Council’s response to questions 25 and 29.

**Paragraph 434** – Plans should also take into account Historic Environment Scotland’s *Scottish Burgh Survey* series and a full understanding of the historic dimension of Scotland’s urban landscapes. Many town centres are deeply sensitive historic urban landscapes, some of them being medieval master-planned urban landscapes. This point is suggested in **paragraph 441**: “*Historic environment assets and cultural heritage assets are a vital contributor to placemaking. LDPs should take account of the capacity of settlements, their surrounding areas and landscapes to accommodate development without significant impact to their cultural significance. This includes both direct impacts on historic environment assets or places, their setting and the character of existing settlements as well as identifying, where appropriate, opportunities to enhance all elements of the historic environment and contribute to place making objectives.*”

**Paragraph 439** – The guidance states that historic environment designations need to be identified at an appropriate scale along with key issues – it is unclear what is meant by key issues here. Conservation Area Regeneration Schemes (CARS) projects are to be identified in the plan and this is assumed to include successor schemes to CARS.

**Paragraph 440** – There is no mention of contaminated land in the guidance but there should be. Any LDP guidance on Contaminated Land needs to stress that contaminated land, almost always has a degree of historic/cultural/archaeological significance to it insofar as it is almost always past human activity that has caused the contamination. In terms of cultural resource management, the key is understanding the age and significance of the activities that caused the contamination and what physical traces of past industrial activities exist as archaeological deposits. The emphasis on taking Buildings at Risk into account and encouraging their reuse which is welcomed.

**Paragraph 441** – The Draft Guidance has an outdated, site-specific approach to the interpretation of heritage. The historic environment is exactly that, an environment, a seamlessly integrated landscape of historic cultural significance and not just a series of sites that exist in isolation. This point needs to be better made throughout the document to recognise that the historic environment is often much more than simply the sum of its parts. Scotland’s medieval towns need to be singled out as sensitive historic urban landscapes, not simply modern towns with a sprinkling of historic buildings within them.

**Paragraph 442** – The guidance is confusing insofar as it states that greenbelts will not be necessary for most settlements, yet the guidance highlights numerous opportunities where greenbelts can be beneficial – particularly in achieving climate action objectives such as tree planting for carbon capture.

**Q31: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?**

Climate change mitigation is welcome – however, if the application of greenbelts should be more widely applied, this should be made clear in the guidance.

**Paragraph 449** – There may be a case to consider that buildings at risk are given certain exemptions (for example, on minimum size thresholds) to ensure that they are included in a local authority Vacant and Derelict Land Register and can therefore more easily access related funding streams such as the Vacant and Derelict Land Fund. The additional cost, particularly in city, town, and neighbourhood centre settings, to sensitively deal with buildings of heritage significance (for example, listed buildings or those in a conservation area) should be recognised with additional funding made available to support the so-called 'heritage-deficit' which can, on occasion, result in the non-viability of a development programme.

The re-use of vacant and derelict land can tie well to the key objectives of the *Climate Change (Emissions Reduction Targets) (Scotland) Act 2019* and the *Scottish Energy Strategy (2017)* which provided a framework and targets for a local and whole energy system approach alongside a range of local climate emergency strategies. Energy demand in Scotland is made up of approximately a quarter electricity, a quarter transport, and the remaining half as heat. Local energy solutions will be increasingly important in delivering against these priorities. This might include enabling heat through heat pumps, geothermal energy, and heat storage; and generating energy such as solar photovoltaic. In areas, like Fife, this can be particularly pertinent in light of its previous history of deep and opencast mining. A focussed approach to the detailed feasibility of such options on vacant and derelict land could be undertaken. This could involve The Coal Authority, British Geological Survey, and SEPA particularly with regard to the potential of geothermal opportunities from sites in and across West and Mid-Fife which are underlain by disused mine shafts.

There is an opportunity to closely link demand opportunities with vacant and derelict land sites on a Fife-wide basis. Using energy as an example, this would include sites close to known heat demand and also where sites have potential for solar generation or other energy system infrastructure as outlined above. *Scotland's Heat Map* (<http://heatmap.scotland.gov.uk/>) is a useful interactive resource in this context. The potential for battery storage on vacant and derelict land is also a key opportunity that should be assessed particularly where they have good access to current electricity grid infrastructure. vacant and derelict land should also be actively considered, where appropriate, for the planting of trees both at micro-community and large-scale commercial levels particularly to positively impact on carbon sequestration.

**Paragraph 450** – The reference to spatial strategy decisions avoiding creating future redundancies such as out of town shopping centres leading to vacancies in town centres is supported.

**Paragraph 452** – The proposed plan needs to identify accessible, intermediate, and remote areas, guidance is required as to what is meant by these classifications. The Scottish Government Urban Rural Classification divides rural Scotland into the three classes of Accessible, Remote, and Very Remote. The guidance should explain how these relate.

**Paragraph 453** – There is very little mention of protecting the rural character, landscape assets, and prime agricultural land in the guidance the focus is much more on accommodating development and supporting repopulation. It feels like there is a conflict between the approach between development in rural areas and the 20-minute neighbourhood principle. The relationship should be more clearly defined. The need for rural repopulation is not an issue in many areas of Scotland– the balance to be taken between support for repopulation and countering more long-distance commuting and the suburbanisation of rural areas needs to be more carefully addressed in the guidance.

**Paragraph 463** – It would be useful for some guidance of how to use information gathered at the Evidence Report stage to inform Proposed Plan preparation; for example, in relation to potential to assess sequestration opportunities from soils, and anything else that LDPs might be able address in relation to managing land-use sustainably, such as in relation to flood-risk or renewable energy generation).

**Paragraph 464** – Guidance on trees, woodland, and forestry should be linked back to other priorities such as potential for carbon sequestration.

**Q31: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?**

**Paragraph 465** – It is not clear if the guidance on coasts should identify communities and areas at risk of coastal flooding and include consideration for protection or managed retreat.

**Paragraph 466** – It would be helpful to understand what could substantiate appropriate development in largely unspoiled coastal areas.

**Q32: Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)?**

**Yes – with caveats**

Fife Council broadly agrees with the proposed thematic guidance on the Delivery Programme in relation to the section on Distinctive Places. Specific comments are set out below.

There should be a facility for additional detailed design briefs and design codes to be added into the delivery programme where they have been identified as desirable outwith the LDP process (based on an LDP policy supporting their development). **Paragraph 468** should also refer to design frameworks and masterplans.

**Paragraph 470** – The guidance and understanding of how it will be applied should recognise development viability expertise is often an area of weakness within local authorities and so there may be some training, recruitment, or consultancy required. There will need to be a robust and transparent planning obligations and infrastructure process and resource within councils.

**Paragraph 481** – Fife Council suggests the language should be stronger. Every effort must be made to provide an appropriate level of public transport, even if not commercially viable. The public transport network should be designed around the integration of demand responsive transport, mobility hubs and e-mobility.

**Paragraph 482** – Fife Council suggests the language on public transport requirements and obligations should be stronger. Every effort must be made to provide an appropriate level of public transport, even if not commercially viable. The public transport network should be designed around the integration of demand responsive transport, mobility hubs, and e-mobility.

# Equality Impact Assessment Summary Report

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**Which Committee report does this IA relate to (specify meeting date)?**

Local Development Planning – Draft Regulations and Guidance Consultation  
ETSP&T sub-committee – 17/03/2022

**What are the main impacts on equality?**

None as this report does not propose any policy change.

**What are the main recommendations to enhance or mitigate the impacts identified?**

Not applicable

**If there are no equality impacts on any of the protected characteristics, please explain.**

No plans, programmes or strategies are being developed at this time and the Scottish Government has undertaken impact assessments in the preparation of draft guidance and regulations.

**Further information is available from: Name / position / contact details:**

Bill Lindsay, Service Manager (Policy & Place)

[bill.lindsay@fife.gov.uk](mailto:bill.lindsay@fife.gov.uk)

17 March 2022

Agenda Item No.09

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## Enforcement Charter

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Report by: Pam Ewen, Head of Planning, Planning Services

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Wards Affected: All

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### Purpose

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The purpose of this report is to seek Sub-Committee approval of the attached updated Enforcement Charter confirming the approach to planning enforcement to be adopted by Fife Council Planning Service for the next 2 years.

### Recommendation(s)

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It is recommended that the Sub-Committee:

- 1) Approve the Proposed Enforcement Charter 2022; and
- 2) Delegate to the Head of Planning to finalise and publish the Charter.

### Resource Implications

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There are no resource implications, though the adoption of this Enforcement Charter will provide clarity and certainty for those raising enforcement issues with the Planning Service. In addition, it provides a source of guidance and advice for elected members receiving complaints relating to Planning issues from their constituents. It will therefore provide an opportunity to streamline the planning enforcement process through improved availability of information and provide greater certainty to those raising enforcement related enquiries.

### Legal & Risk Implications

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This refresh of the existing Enforcement Charter does not change policy or impact on any individuals or groups, there is therefore no legal or risk implications. The risk of not providing this guidance is that the Scottish

government requires local planning authorities to have formal Enforcement Charters in place and for these to be reviewed at least every 2 years; and that not having clear information and guidance available for customers will result in enforcement enquiries taking longer to process and respond to customers.

## **Impact Assessment**

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An Equalities Impact Assessment is not required because the report does not propose a change or revision to existing policies and practices.

A Fife Environmental Assessment Tool (FEAT) assessment is not required as this report does not propose any policy change.

The Fairer Scotland Duty, which came into force on 1 April 2018, requires the Council to consider how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. There are not considered to be any implications from the content of this report under the Fairer Scotland Duty for Fife Council.

## **Consultation**

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Financial Services, and Legal Services have been consulted during the preparation of this report and have no comments. Elected Members have also had the opportunity to review and consider the existing Charter at a Planning Training event on Tuesday 27<sup>th</sup> October 2020. The existing Charter was approved by the Economy Tourism Strategic Planning and Transportation Sub Committee at its meeting on the 10<sup>th</sup> December 2020. There have been no significant changes to the new Charter in terms of how the planning service investigates and assesses enforcement cases.

## **1.0 Background**

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- 1.1 All Planning Services across Scotland are required to publish an Enforcement Charter and review and update it every 2 years, the status of planning authorities' Enforcement Charters are reported to Scottish Ministers in the annual Planning Performance Framework.
- 1.2 The latest version of Fife Council's Enforcement Charter updates the previous document dated December 2020, embedding some changes principally relating to how we communicate with our customers more effectively. The report incorporates outcomes from a LEAN event undertaken in January 2022. LEAN is a business process review system which is one of the tools used by the Service to critically review and reflect on how services are delivered and to implement change and improvements to the processes and systems which are used to deliver those services to our customers. It is considered that the formal Sub-Committee endorsement of the approaches



and processes set out within the Enforcement Charter (2022) will confirm Fife Council's commitment to the Charter and how the Service will deliver the planning enforcement service to the people of Fife.

- 1.3 The following table sets out the number of formally logged enforcement enquiries received in the last 6 financial years:

Financial Year	Enforcement Cases
2016/17	756
2017/18	593
2018/19	594
2019/20	575
2020/21	541
2021/22 (to February 2022)	443

It is evident that there has been a downward trend in the number of enquiries which have been logged as formal investigations over the past 5 years. It is possible that this reflects the clearer guidance contained in recent versions of the Charter which requires enforcement enquiries to be made through the online form accompanied with supporting information to enable the case to be progressed. Prior to this change enforcement officers often spent a great deal of time trying to establish details and context for enquiries before establishing whether these were actually enforcement issues. This would suggest that the greater clarity in the Charter has assisted to manage and provide a more targeted enforcement service focussing on planning issues as opposed to generic customer enquiries and other complaints, reducing the number of such non planning enquiries.

- 1.4 The current version of the Enforcement Charter (2020) was presented to elected members at a Planning Training event held on the 27<sup>th</sup> of October 2020, all Members were invited to the event and The Charter was issued digitally to all Members in advance. The event provided the opportunity for Members to discuss the proposed charter and to ask questions both about the content of the charter but also more general comments and queries about the enforcement process.
- 1.5 The latest review of the Charter has been informed by and updated to reflect the outcomes both from the recent LEAN event as noted in paragraph 1.2 above as well as drawing on the experience of managing the enforcement process during the measures put in place to deal with the outbreak of Covid-19. As it was not possible to undertake site visits in the spring and early summer of 2020 and latterly in 2020 due to the emergence of covid variants and associated restrictions, the enforcement process primarily focussed on contacting individuals allegedly responsible for breaches and seeking to resolve issues where possible over the phone or by email. Other cases were initially investigated but held over to enable site visits to be undertaken to

provide corroboration of development or activities where that was considered appropriate. Enforcement enquiries are followed up and addressed on a priority and risk basis as set out in the Enforcement Charter (2022). Where it is possible to consider and progress enforcement investigations without a site visit, we will continue to apply that approach. Where it is appropriate to do so this also assists with fulfilling the service obligations to address the climate emergency by reducing mileage. In all cases however the legal requirements associated with pursuing an enforcement enquiry will be complied with, such as the corroboration of evidence by undertaking site visits and witnessing specific events or activities in order to build a case against an organisation or individual.

- 1.6 The LEAN review of the enforcement process considered how the Planning Service delivers the enforcement service to the people of Fife and to shape the system to identify what new working practices and processes could be put in place to make the enforcement process effective but also responsive to customer needs. Overall, the Enforcement Charter (2022) attached as Appendix 1 to this report. remains largely the same as the current version published in December 2020
- 1.7 The main changes to the enforcement process arising from the LEAN relate to how the Service records cases and process these to reflect the existing objectives and service standards set out in the Charter to enable the delivery of a more efficient and responsive service. However, there are additional changes which customers may notice, and these are listed below:
  - 1) Only one letter will be issued to an alleged perpetrator after 28 days. Thereafter a decision will be taken to close or proceed with the case.
  - 2) The individual subject to the enforcement investigation will be notified if a case is closed and also advise them that in circumstances where an application should have been sought but no formal action will be taken through enforcement that the work is unauthorised and a technical breach has occurred. Currently we only update the enquirer as to the outcome of a case.
  - 3) The existing online form and guidance will be reviewed and updated through the Customer Communications project to ensure that guidance is clear and user friendly.
  - 4) Subject to the limitations relating to the legal process which prevents live cases being discussed with any party, further work will be undertaken to provide email notifications to customers who have submitted enforcement enquiries to update them on progress of the investigation at key stages.

The Enforcement Charter for 2022 has been updated to incorporate these changes where these will change the service that the customer experiences.

## 2.0 Issues and Options

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2.1 The Planning Enforcement process is by its nature complex and the resolution of some cases may be prolonged and the rationale as to why certain action is or is not taken is not always clear to those looking in on the process. The main objective of the Charter is to provide greater clarity to these processes and provide explanations as to why particular options to resolve cases are taken and to manage expectations of what the process is for and what it can and cannot do. It is also critical that we tailor the service we provide to the areas of greatest priority.

The main changes in approach set out in detail in the revised charter relate to:

- **Setting out how customers are updated throughout the enforcement process.**

2.2 The planning enforcement process is important in providing credibility and confidence in the planning system but is also very complex and operates against a background of case law and practice in relation to the options open in pursuing formal enforcement action. This can often lead to confusion and misunderstanding in relation to the planning enforcement process. The Charter sets out clearly the complexity of the process and the considerations that have to be taken into account in determining whether formal action should be taken and if so, what enforcement action might best address the impact of the proposal. This provides greater clarity, transparency and certainty for customers engaging with the planning service through the enforcement team.

2.3 In addressing any alleged breach of planning law the Enforcement Charter sets out the fact that the enforcement process is not a punitive process but is there to address the planning harm which may arise from the alleged breach or failure to comply with the terms of specific conditions. The Charter seeks to explain this concept and clarifies that in addressing the harm arising from a breach a different option may be used to address the issue. The fact that taking any action is entirely discretionary is also discussed and the fact that the Planning Authority may elect to not take any action at all if it is considered to do so would not be in the wider public interest.

2.4 The Enforcement Charter (2022) also sets out those areas which planning enforcement cannot address such as private legal issues; neighbour disputes etc and also makes it clear that other legislative processes may provide options to address harm. Again, setting out these issues provides greater certainty to customers and clearly sets out the parameters of what planning enforcement can address.

2.5 The emphasis on reporting issues through the online form approved by Economy, Tourism, Strategic Planning & Transportation Sub-Committee in

December 2020 is also directly related to providing an efficient and responsive service which can react to issues and events with as much information available from the start of the process. Often enforcement enquiries are received with little information, and this may involve a great deal of initial research to find out the exact details relating to a case including, in some cases, the location itself. The online system provides a streamlined service with a formal acknowledgement of the enforcement enquiry with an email providing detailed advice on the process and hyperlinks to the Enforcement Charter and an explanation of response time. The more information available to the investigating officer at the start of the process the quicker the investigation can proceed.

- 2.6 An important consideration in the approval of the Enforcement Charter (2022) is that in setting out how and what can and cannot be investigated, what is prioritised and pursued manages the expectations of complainants so that staff resources are used as efficiently as possible and can focus on the areas of greatest potential risk and harm.

## 3.0 Conclusions

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- 3.1 It is considered that the adoption of the Enforcement Charter (2022) will provide greater clarity and certainty for customers who raise concerns regarding unauthorised development and works in Fife, and clearly sets out the level of service which can be provided and scope of issues which planning enforcement can and cannot address. The formal adoption of the Enforcement Charter (2022) will improve the efficiency in the processing and handling of enforcement complaints received by the Planning Service and also improved communications with those submitting enforcement enquiries as well as greater certainty for those subject to investigations.

### List of Appendices

1. Appendix 1- Fife Council Planning Service Enforcement Charter March 2022

### Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

None

### Report Contact

Alastair Hamilton  
Service Manager, Development Management  
Fife House  
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# Planning Enforcement Charter



A guide to planning enforcement in Fife

Updated March 2022



## **Foreword**

**Pam Ewen**  
**Head of Planning**  
**Services**

The Fife Enforcement Charter sets out the Council's standards in considering planning enforcement matters. The Charter explains what we can do to best ensure that any complaints in respect of the potential unauthorised use of land and buildings and the discharge of conditions on a planning permission are investigated. Unlike a Building Warrant, a developer does not require to obtain a planning completion certificate. Therefore, the Council is often only aware of a potential enforcement issue when a complaint is received. We want the public to have confidence in the planning system.

The Planning etc. (Scotland) Act 2006 requires Councils to publish an enforcement charter every 2 years. This Charter explains what planning enforcement is, what the Council can and can't do, sets out our service standards, and the stages involved if enforcement action is to be taken. Enforcement is a discretionary power; even if there is a breach of planning control the Council is not bound to act. The role of planning enforcement is not to punish individuals or stop businesses operating. The Council will investigate and consider what is proportionate to the level of harm evidenced. The Council will take action where it is reasonable, expedient, and proportionate where there is a high level of harm caused.

If you need further information on enforcement matters or you wish to check on a particular site or building then please contact us using our [Enquiry form](#).

Pam Ewen  
Head of Planning  
Planning Services  
Fife Council  
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## The Planning Enforcement Charter contains the following information:

- Overview
- A guide to planning enforcement
- Key points on planning enforcement
- Identifying possible breaches of planning control
- Investigating possible breaches of planning control
- Acting on alleged breaches of planning control
- Making a customer suggestion or customer complaint
- Enforcement powers
- Types of Notices
- Other enforcement powers
- Enforcement and advertising
- Useful contacts

This Charter sets out the current powers available to Fife Council as planning authority. These powers are set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.





## Overview

Planning permission is required for all development that takes place in Fife. However, some developers, householders, or landowners undertake work without planning permission, fail to keep to the permission they have been given, or do not comply with the conditions imposed by Fife Council.

Fife Council has powers to enforce planning controls in such cases, if it considers that there is sufficient harm and if it is reasonable, expedient, proportionate, and in the public interest to do so. There is a crucial role for the public in alerting the Council to any problems they become aware of.

This Charter explains how the enforcement process works, the role of the Council and the service standards it sets itself. It also explains what happens at each stage of what can, in some cases, be a lengthy and complicated process.

Enforcement is one of the most complex parts of the planning system. The aim of this Charter is to ensure that adopted procedures are fair and reasonable, and that interested parties are kept informed and are made aware of what is required.

Enforcement is an issue that concerns many members of the public. It is hoped you will find this Charter useful and will let the Planning Service know if you think there further improvements which could be made to the enforcement service in Fife.

### SERVICE STANDARD

The Enforcement Charter is available to view and download from the Council's website

## A guide to planning enforcement

The Council will consider all alleged breaches of planning control which can include:

- work being carried out without planning permission
- an unauthorised change of use to a piece of land or to a building
- non-compliance with conditions imposed by

a planning approval

- non-compliance with plans approved by the council.

### SERVICE STANDARD

In providing planning enforcement the Council aims to carry out its duties in accordance with the following key values:

**Independence** - Making decisions based on a fair, impartial and objective assessment of what is in the public interest and what level of harm has been able to be established.

**Integrity** - Being open in its dealings with the public and other interested parties while preserving the confidentiality of complainants.

**Sensitivity** - Recognising that the needs of the public, councillors, community councils etc can be different.

**Professionalism** - Investigating, recording and presenting cases thoroughly, critically and accurately.

The public can, and do, play a vital role in reporting such incidents. When you contact the Council you will need to provide the following details;

- the address of the property concerned
- details of the suspected breach of planning control, (with times and dates)
- Any photographs you have of said breach
- What harm the alleged breach is causing you
- your contact details

**\* Please note that anonymous enquiries will not be investigated.**

Full details about the investigation process can be found on page 8. The primary purpose of planning enforcement is to resolve the problem, rather than to punish the mistake. Fife Council will always take effective and proportionate action against owners and developers where it is considered necessary. Appropriate action can involve negotiating a solution, asking for a retrospective planning application to be made (see page 10), or taking



more formal action such as the issuing of an Enforcement Notice, a Breach of Condition Notice or a Stop Notice.

Enforcement officers have delegated powers to take enforcement action in most circumstances (See Fife Council [List of Officer Powers](#)). On occasion a planning committee may direct the enforcement team to take enforcement action; this may occur where an application recommended for approval may be refused at committee. The subsequent action may include serving an Enforcement Notice on the relevant people spelling out clearly the action they are required to take.

This Notice can be challenged through an appeal to the Department of Planning & Environmental Appeals. If so, enforcement action is suspended until a decision is issued.

Failure to comply with an Enforcement Notice can result in prosecution.

In some cases, the Council may be time-barred from taking action. Generally, physical work carried out more than four years ago or a change of use that took place more than 10 years ago is considered lawful and immune from action.

It is not always possible to anticipate how a particular case will develop, nor how long it will take. The Council will endeavour to keep interested parties informed of progress. Fife Council has set down the procedures, its service standards, and contact details in this Planning Enforcement Charter.

Additional copies are available online at [www.fifedirect.org.uk/planning](http://www.fifedirect.org.uk/planning)

## Key points on planning enforcement

**A breach of planning control is not a criminal offence (the courts decide this, not the Council) except in cases where there are unauthorised alterations to or demolition of a listed building or unauthorised works/felling of a tree/s subject to a Tree Preservation Order. The purpose of planning enforcement however remains the resolution of the problem rather than to punish the mistake. In addition, any action taken must be appropriate and proportionate to the scale of the breach.**

Fife Council has statutory powers to investigate breaches of planning control and the

conditions attached to planning permissions, and to take formal action where a satisfactory outcome cannot be achieved by negotiation.

However, enforcement is a discretionary power and this means that, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. The Council is not required to take any

particular action on a specific breach of planning control and can decide that no action is the most appropriate outcome in the public interest having assessed all the relevant circumstances of a specific case.

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More detailed information on the use of the enforcement powers can be found in the Scottish Government's Planning Circular 10/2009: Planning Enforcement

[www.scotland.gov.uk/publications](http://www.scotland.gov.uk/publications)

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Planning enforcement also covers the physical display of advertisements such as signs and advertisement hoardings, although slightly different procedures apply. These are set out in a separate section at the end of the document. (see Page 16) The actual content of an advertisement is not covered by planning control. Any complaints about the content of a particular sign should be made to the Advertising Standards Authority.

## Identifying possible breaches of planning control

Possible breaches of planning control can include:

- work being carried out without planning permission or consent
- an unauthorised change of use
- failure to comply with conditions attached to a permission or consent
- departures from approved plans or a decision notice.

Members of the public and local organisations such as community councils and local councillors have a vital role to play in reporting breaches of control and any concerns should be raised with the Council for investigation. You can make preliminary enquiries by telephone but these **must** be followed up by completing an [online enquiry form](#).

When you report a suspected breach of planning control the following information is essential:

- the address of the property concerned
- details of the suspected breach of planning control, with times and dates if relevant
- your name, telephone number and address
- an e-mail address if you have one
- information on the level of harm caused by the breach to you
- whether the enquiry is to be treated confidentially.
- Any photographic or statistical evidence you have with dates and times, including the names and addresses of any additional witnesses.

### SERVICE STANDARD

By publishing our standards, the Council aims to improve our enforcement service and make it responsive to the needs of our customers.

While the Council will do its best to honour requests for confidentiality, it is subject to the requirements of the Freedom of Information (Scotland) Act 2002). A degree of confidentiality will be given to the complainant until such time as formal proceedings reach an appeal process. Requests for total confidentiality may limit the ability of the Council to take formal action and cannot be guaranteed if the case leads to court proceedings.

Information may also be withheld from publication if doing so would prejudice future legal action.

Fife Council reserves the right to remove any inappropriate or defamatory statements contained in any report prior to its publication.

Members of the public and local groups also have an important role in monitoring the conditions placed on certain planning permissions. Details of the conditions are included within the decision notice attached to the permission. Monitoring is undertaken by the Council's enforcement and planning officers supported by colleagues where appropriate, for example in Public Protection. However, there are a large number of permissions granted each year and it is not practical, nor is it expected, that the Council monitor all conditions at all times. **The responsibility for complying with conditions and carrying out the development in accordance with the approved plans lies with the owner/developer.**

Your involvement is invaluable in providing information where it is believed that conditions attached to the permission are not being complied with or have not been implemented in a satisfactory way. Breaches of conditions are investigated in the same way as breaches of planning control.

Information received by the Council's Enforcement Officers about alleged breaches is checked to ensure that it involves a possible breach of control and includes all the detail required for a possible investigation.

Some enquiries, such as neighbour disputes over boundaries, relate to matters over which Fife Council has no control and cannot therefore be investigated. Some letters we receive may refer to legislation administered by another Service and these will be forwarded for a response, e.g. noise, nuisance and vandalism.



## Investigating possible breaches of planning control

A priority system is used for investigating possible breaches based on matters such as the effect/harm of the breach, the significance of the site and if it is in the public interest to do so. The Council will prioritise responses and address complaints and deal with queries based on the following examples set out in Table 1 below. This table does not cover all types of cases but seeks to give an indication as to how the Council as Planning Authority prioritises cases. As part of the enforcement process the Council will identify which category a case is considered to be in.

In prioritising alleged breaches the Council will consider the potential harm caused the unauthorised works. The following selected breaches have been categorized into Significant, Medium and Low harm to give **examples** of how the Council would prioritise breaches.

**Significant harm-** Full or partial demolition or significant alteration of a listed building, unauthorised works to a Scheduled Ancient Monument, unauthorised works in statutory designations (SSSI's), unauthorised large scale engineering operations, unauthorised felling/works to trees subject to a Tree Protection Order.

**Medium harm** – Any unauthorised development/activity which causes clear, immediate and continuous harm to the locality including the living conditions of adjoining residents and including a serious breach of conditions, new buildings of medium scale.

**Low harm** - Minor or small scale developments and breaches of condition that result in a non serious harm to the amenity of a neighbourhood or property.

**Table 1**

Type of Case	High Priority	Medium Priority	Low Priority
Advertisements			
Satellite Dishes			
Fences/trellis fencing			
Unauthorised works to listed buildings/scheduled ancient monuments or statutory designation (SSSI for example)			
Non compliance with approved plans/conditions			
Minor unauthorised works in conservation areas			
Minor works out with conservation areas			
Unauthorised felling/lopping to a tree covered by a TPO			
Unauthorised change of use of building			
Large scale engineering operations			

Once the Council has investigated the enquiry, the enquirer will be informed of what action, if any, is proposed. In some cases, additional investigations may be needed. When required the Council will also issue a letter to the individual or organisation alleged to have breached planning legislation giving 28 days to respond to the allegation of the breach.

#### SERVICE STANDARD

The Council will provide a formal response or update to your enquiry within 60 working days of receipt. You will also be advised of the proposed action to be taken. This may include the need for additional investigation prior to deciding on a course of action. You will be advised if no action is to be taken and the reason for the decision. The detail of information the Council releases will also need to take into consideration whether doing so would prejudice any future enforcement or legal action.



The length of time required to resolve a case or take action can be affected by a number of factors. Progress can be delayed due to the need to gather further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay resolution of the case.

The Council recognises that delays can be a source of considerable frustration to those submitting information, particularly if they consider their amenity is affected.

### Acting on breaches of planning control

In some cases, action may not be appropriate, even though planning controls have been breached. As stated previously, the purpose of planning enforcement is to resolve problems, not punish mistakes. The planning authority has to consider each case on its merits and decide on the best solution. The Council is unlikely to take formal action, for example, over developments which, in planning terms, are seen as acceptable. It may be more appropriate, in some cases, to seek the submission of a retrospective planning application.

Only a relatively small number of cases require formal enforcement action. This may be either a Notice requiring a retrospective planning application to be made, an Enforcement Notice or a Breach of Condition Notice (see definitions on page 12) being served on those involved in the development. Enforcement and Breaches of Conditions Notices include the following information:

- a description of the breach of control which has taken place
- the steps that should be taken to remedy the breach
- the timescale for taking these steps
- the consequences of failure to comply with the Notice
- where appropriate, any rights of appeal the recipient has and how to lodge an appeal.

Appeals against Enforcement Notices are considered by Scottish Ministers and dealt with, in most cases, by Reporters from the Directorate for Planning and Environmental Appeals (DPEA).

Anyone who has submitted information on a breach of planning control is advised of the appeal.

There is no right of appeal against a Breach of Condition Notice.



## SERVICE STANDARD

Where a planning breach cannot be resolved and action is justified, a formal Notice will be served. This will be either, a Notice requiring a retrospective planning application, an Enforcement Notice or a Breach of Condition Notice. The Council will write to the recipient of the Notice to explain what is required, the timescales involved and the available options to resolve the issue.

Failure to comply with a Notice may result in the planning authority taking further action. This can include a range of possible options including:

- referring the case to the Procurator Fiscal for possible prosecution;
- carrying out any work required by an Enforcement Notice and charging the person for the costs involved;
- seeking a Court interdict to stop or prevent a breach of planning controls.

For more detail, see the Enforcement Powers section in this Charter.

## SERVICE STANDARD

Where the terms of any formal Notice are not complied with, every effort will be made to resolve the case to the satisfaction of the Council. Options include:

- In the case of an Enforcement Notice, direct action by the Planning Authority
- For either an Enforcement Notice or a Breach of Condition Notice, the matter being referred to the Procurator Fiscal for possible prosecution, or alternatively offering the opportunity to pay a fixed penalty (issue of a fixed penalty notice).

Details of Notices requiring retrospective planning permission, Enforcement Notices, Breach of Condition Notices, Temporary Stop Notices and Stop Notices are entered into an Enforcement Register. You can inspect these documents online at [www.fifedirect.org.uk/planning](http://www.fifedirect.org.uk/planning).

The Planning Authority has powers to enter land to:

- establish if there has been a breach of planning control
- check if there has been compliance with a formal notice
- check if a breach has been satisfactorily resolved.
- Take direct action.

This power applies to any land and may involve officials entering land adjacent to the site of the breach or alleged breach.

Enforcement action has to be taken within strict time limits.

- A four year limit - this applies to “unauthorised operational development” (the carrying out of building, engineering, mining or other operations in, on, over or under land) and change of use to a single dwellinghouse. After four years following the breach of planning control, the development becomes lawful and no enforcement action can be taken.
- A ten year limit - this applies to all other development including change of use (other than to a single dwellinghouse) and breaches of condition. After ten years, the development becomes lawful if no enforcement action has begun. There is no limit with regard to enforcement action being taken against unauthorised works on a listed building.

## Making a customer suggestion or customer complaint

Fife Council hopes you will be satisfied with the planning enforcement service provided across Fife. However, if you have any suggestions, concerns or difficulties, the Council wants to hear from you. The Council is committed to improving our service and dealing promptly with any failures.

The Council will consider all complaints made about the way an enforcement enquiry was dealt with. Some people may disagree with the outcome of an investigation but that is not a ground for complaint. As noted above there is a separate appeals procedure for a recipient of an Enforcement Notice.

Information on how we deal with enquiries can be found [here](#). Enquiries can be made online at Fife Direct at <https://www.fifedirect.org.uk/fccomplaints/index.cfm>



## Enforcement Powers

The Planning Enforcement powers available to the Council are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, and for Listed Buildings, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Planning Acts can be viewed online at Public Sector Information (OPSI) website [www.opsi.gov.uk](http://www.opsi.gov.uk)

Government policy on planning enforcement is set out in Planning Circular 10/2009, "Planning Enforcement" and can be viewed [electronically](#)



## Types of Notices

**Breach of Condition Notice** - this is used to enforce the conditions applied to any planning permission. It comes into effect 28 days after being served. It may be used as an alternative to an Enforcement Notice and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal. Contravening a Breach of Condition Notice can result in the Council deciding to prosecute, with a fine of up to £1,000.

**Enforcement Notice** - this is generally used to deal with unauthorised development, but can also apply to a breach of planning conditions. There are similar Notices and powers to deal with listed buildings, and advertisements. An Enforcement Notice will specify:

- a notification period before it comes into effect (a minimum of 28 days)
- the steps that must be taken to remedy the breach, and
- a further period (known as the compliance period) which is set by Fife Council and gives the recipient time to carry out any work required to comply with the notice. There is no minimum or maximum period, so long as the amount of time allowed is reasonable and reflects the amount of work that may need to be undertaken

There are limited rights of appeal against an Enforcement Notice and, if an appeal is made the terms of the Notice are suspended until a decision is reached. Failure to comply with an Enforcement Notice within the time specified is an offence, and may lead to a fine of up to £20,000 in the Sheriff Court. Failure to comply may also result in the Council taking Direct Action to correct the breach (see other powers on page 14).



**Listed Building Enforcement Notice** - this must be served on the current owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined above. The Notice must specify the steps to be taken to remedy the breach and a final date for compliance. Failure to meet the terms of the Notice by the date specified is an offence. There is a right of appeal to Scottish Ministers against the Notice. Breaches of listed building control are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter, or extend a listed building. In certain circumstances, this can lead either to an unlimited fine or imprisonment.

**Stop Notice** - this is used in urgent or serious cases where unauthorised activity must be stopped, usually on grounds of public safety. When a Stop Notice is served, the Council must also issue an Enforcement Notice. There is no right of appeal against a Stop Notice and failure to comply is an offence. An appeal can be made against the accompanying Enforcement Notice. If a Stop Notice is served without due cause, or an appeal against the Enforcement Notice is successful, the Stop Notice may be quashed and the Council may face claims for compensation. Therefore, the use of Stop Notices needs to be carefully assessed by the Council.

**Temporary Stop Notices (TSN)** – this is used to require the immediate halt of an activity which breaches planning control. The provisions make an exception in that a TSN cannot prohibit use of a building or a caravan as a dwellinghouse. TSNs are enforceable for 28 days, after which time they expire. They may be followed by further enforcement action such as an Enforcement Notice and Stop Notice. There is no provision to appeal against a TSN.

**Fixed Penalty Notice (FPN)** – this provides planning authorities with an alternative process, in addition to the option to seek prosecution, to address situations where a person has failed to comply with the requirements of an enforcement notice (EN) or a breach of condition notice (BCN). By paying the penalty imposed by the FPN, the person will discharge any liability for prosecution for the offence. They will not discharge the obligation to comply with the terms of the EN or BCN and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person. The planning authority is not required to offer the option of paying a fixed penalty. Any decision to do so would be dependent on considerations such as the scale of the breach and its impact on local amenity.

**Notice Requiring Application for Planning Permission for Development Already Carried out** – Where the planning authority considers that a development which does not have planning permission may be acceptable (i.e. they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application. Issuing such a notice does not guarantee that permission will be granted; the planning authority may, on consideration of the application, decide instead to refuse permission, or to grant permission subject to conditions or alterations to make the development acceptable.

### **Notification of Initiation and Completion of Development (NID/NCD) and Display of Notices While Development is Carried Out –**

While not in themselves planning enforcement powers, these notices are intended to improve the delivery of planning enforcement by requiring positive confirmation that development has commenced and been completed, and, in the case of on-site notices, to raise community awareness of developments in the local area. Planning authorities will be made aware of active development in their areas, enabling them to prioritise resources with a view to monitoring development.

For any development for which planning permission has been granted, a NID has to be submitted to inform the planning authority of the date on which development will commence. It is to be submitted after planning permission has been granted and before development has commenced. Initiating development without submitting a NID is a breach of planning control and the planning authority may consider enforcement action. The NCD requires a developer to submit a further notice as soon as practicable after development has been completed.

Depending on the nature or scale of a development, the developer may also be required to display on-site notices while development is taking place. These notices contain basic information about the site and the development. They also provide contact details where members of the public may find out more information or report alleged breaches of planning control. It is a breach of planning control to fail to display such a notice when required to do so.

The Planning Service offers a Completion Notice service whereby we check the development and formally confirm if the development is in accordance with the approved plans and if all conditions have been complied with. There is a [charge](#) for this service. You may find this service particularly useful if you are looking to sell your property.

### **Other Notices**

These are other legal powers available if a historic building is under threat of unauthorised alteration or demolition.

These include:

#### **A Dangerous Buildings Notice under Building Standards legislation**

- Serving a Repairs Notice for urgent works for the preservation of Listed Buildings. (Scottish Ministers can issue a Direction to Fife Council for unauthorised building in a Conservation Area).
- Serving of a Building Preservation Notice (BPN) to temporarily list a building where Historic Scotland considers it should be Listed.

#### **Other enforcement powers :**

**Planning Contravention Notice** - this is used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, or a person with any other interest in the land or who is carrying out operations on the land. They are required to provide information about operations being carried out on the land and any conditions or limitations applying to any planning permission already granted. Failure to comply with the Notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

**Notice under Section 272** of the Town and Country Planning (Scotland) Act 1997 - this provides limited powers to obtain information on interests in land and the use of land. Failure to provide the information required is an offence.

**Notice under Section 179** of the Town and Country Planning (Scotland) Act 1997 - this allows planning authorities to serve a Notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. This is also known as an 'Amenity Notice' and sets out the action that needs to be taken to resolve the problem within a specified period.

**Interdict and Interim Interdict** - an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and Councils normally only seek interdicts in serious cases or where Enforcement Notices have been ignored in the past. However, the Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

**Direct Action** - failure to comply with the terms of an Enforcement Notice within the time

specified can result in the Council carrying out the specified work. The Council will look to recover any costs it incurs from the landowner.

## Enforcement and advertising

The display of advertisements is covered by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Many advertisements are displayed with what is called 'deemed consent' which means they do not require express advertisement consent if they meet the criteria and conditions set out in the regulations. One of these conditions is that the landowner has given permission for the advertisement to be displayed on their land.

Displaying an advertisement in contravention of the regulations is an offence and, if convicted in court, an offender can be fined. The court can impose further fines for each day the breach of the regulations continues.

The Council has the power to serve an Enforcement Notice. This specifies a time period (normally 28 days) for compliance with the Notice. However, this period can be reduced to 7 days if the Council believes there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required.

An Enforcement Notice can also require that a particular piece of land should not be used to display advertisements. This remains in force even if the original advertisement is removed. Any subsequent advertising on this site would amount to a breach of the Notice.

The Council also has powers to remove, destroy or obliterate placards and posters that do not have advertisement consent. If the person who put up the poster can be identified, they have to be given at least two days' notice that the Council intends to take the poster down. If they cannot be readily identified, then the advert can be removed immediately.

Council officials can enter unoccupied land, if necessary, to remove an advertisement. However, they have no powers to remove advertisements displayed within a building to which there is no public access.



## Council contacts

Should you have an enforcement, planning (including trees) or building standards enquiry, please contact:

### Economy, Planning and Employability Services

web [www.fifedirect.org.uk/planning](http://www.fifedirect.org.uk/planning)  
email [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk)

Telephone 03451 55 11 22

Fife Council  
Fife House  
North Street  
Glenrothes  
Fife  
KY7 5LT



## Other enforcement controls and related topics

This Charter focuses on the enforcement of planning legislation, development and planning conditions. There are other Fife Council Services that deal with other aspects of enforcement and monitoring. The main ones are listed below:

### **Dangerous and Dilapidated Buildings**

Building Standards and Safety. Please contact 03451 55 11 22

[www.fifedirect.org.uk/buildingstandards](http://www.fifedirect.org.uk/buildingstandards)

### **Abandoned Vehicles**

Report it on 03541 550022  
[www.fifedirect.org.uk/doitonline](http://www.fifedirect.org.uk/doitonline)

### **Graffiti and Vandalism**

To report graffiti or vandalism, please contact 03451 550022

### **Rights of Way**

To check a route is a right of way, please contact 03451 55 55 55 ext 440594

### **Illegal Dumping (fly tipping)**

03451 550022  
[www.fifedirect.org.uk/doitonline](http://www.fifedirect.org.uk/doitonline)

### **Neighbour Problems**

03451 550022  
[www.fifedirect.org.uk/communitysafety](http://www.fifedirect.org.uk/communitysafety)



## Other useful contacts

### **Local Government and Communities Directorate**

Planning and Architecture Division  
Victoria Quay Edinburgh EH6 6QQ  
tel 0131 244 7528  
[www.transformingplanning.scot](http://www.transformingplanning.scot)

### **PAS (Planning Aid for Scotland)**

125 Princes Street, Edinburgh, EH2 4AD  
Tel 0131 220 9730  
[office@pas.org.uk](mailto:office@pas.org.uk)

### **Public Services Ombudsman**

Scottish Public Services Ombudsman  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS  
tel 0800 377 7330  
[ask@spso.org.uk](mailto:ask@spso.org.uk)

### **Directorate for Planning and Environmental Appeals**

Planning and Environmental Appeals Division  
Hadrian House, Callendar Business Park,  
Callendar Road, Falkirk FK1 1XR  
tel 0300 244 6668  
[DPEA@gov.scot](mailto:DPEA@gov.scot)

### **Health and Safety Executive (Edinburgh Office)**

Queen Elizabeth House, 1 Sibbald  
Walk, Edinburgh EH8 8FT  
[www.hse.gov.uk/scotland](http://www.hse.gov.uk/scotland)

### **Advertising Standards Authority**

Mid City Place, 71 High Holborn, London  
WC1V 6QT  
tel 020 7492 2222  
[www.asa.org.uk](http://www.asa.org.uk)

*PEC. Version5. March 2022. Please check [www.fifedirect.org.uk](http://www.fifedirect.org.uk) for any updates.*



## Alternative Formats

Information about Fife Council can be made available in large print, braille, audio CD and tape on request by calling **03451 55 55 00**



### British Sign Language

please text (SMS) 07781 480 185



### BT Text Direct:

18001 01592 55 11 91

## Language lines

Arabic	خط هاتف اللغة العربية: 03451 55 55 77
Bengali	বাংলায় আলাপ করার জন্য টেলিফোন লাইন: 03451 55 55 99
Cantonese	中文語言熱線電話: 03451 55 55 88
Polish	Polskojęzyczna linia telefoniczna: 03451 55 55 44
Urdu	اُردو زبان کے لیے ٹیلیفون نمبر 03451 55 55 66

17 March 2022

Agenda Item No. 10

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## Planning Performance Framework 10 (2020-2021): Minister's Feedback

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Report by Pam Ewen, Head of Planning, Planning Services

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Wards Affected: All

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### Purpose

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The purpose of this report is to inform members on the performance of the Planning Authority as set out in Planning Performance Framework (PPF 10) over the period 2020/21 and the feedback received from the Scottish Government (Appendix 1).

### Recommendation(s)

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It is recommended that the Sub-Committee scrutinise the performance of the Planning Authority as set out within PPF10 and provide feedback.

### Resource Implications

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There are no cost implications arising from this report.

### Legal & Risk Implications

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There are not considered to be any direct legal or risk implications related to the implementation and submission of the PPF10 for Fife Council. The publication of the PPF is not a legislative requirement but this approach to performance management and measurement is agreed by Heads of Planning Scotland (HOPS), Scottish Government, COSLA and other key stakeholders.

### Impact Assessment

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An Equalities Impact Assessment Checklist is not required because the report does not propose a change or revision to existing policies and practices.

A Fife Environmental Assessment Tool (FEAT) assessment is not required as this report does not propose any policy change.

The Fairer Scotland Duty, which came into force on 1 April 2018, requires the Council to consider how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. There are not considered to be any implications from the content of this report under the Fairer Scotland Duty for Fife Council.



## Consultation

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The Head of Finance and Head of Legal Services have been consulted during the preparation of this report and have no comments.

## 1.0 Background

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- 1.1 Following submission of the Planning Performance Framework 10 (PPF10) to the Scottish Government, feedback has been received on the 15 performance markers contained therein. The PPF10 covers the period of 1st April 2020 to 31st March 2021, which was submitted to The Scottish Government in July 2021 with the feedback being received from the Scottish Government in November 2021. The PPF10 was the tenth annual submission to Scottish Ministers fulfilling the obligation placed on Fife Council to produce and submit its Planning Performance Framework aligned with the guidance and templates published by the Scottish Government and Heads of Planning Scotland.
- 1.2 The Planning Performance Framework provides a comprehensive summary of the performance achieved and provides an opportunity to contextualise the performance and services delivered by Fife Council Planning Authority as well identifying new initiatives implemented and identifies opportunities where further improvement can be made to both performance and service delivery. The PPF feedback gives Planning Authorities the context against which they can identify the opportunities for improvement and develop a program to implement process improvements.
- 1.3 Overall the Planning Service considers that the performance feedback for the period 2020/21 is good, particularly considering the context of the pandemic. Table 1 below sets out performance comparison over the years demonstrating improved performance.

## 2.0 Issues and Performance

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- 2.1 The Minister for Public Finance, Planning and Community Wealth, Tom Arthur MSP reported that considerable progress has been made since the introduction of the PPF's and key markers. He also commented in the context of the Covid pandemic that this has presented challenges for people working in planning, in the development sector and across Scotland's communities. He also acknowledged that people were doing the best they can to engage and operate, in ways and circumstances that may not be ideal. It is also recognised that in continuing to deliver services, planning authorities will have had to make difficult choices in what work is prioritised. The Minister reflected that Council's should be proud of how Planning has responded to the coronavirus pandemic.
- 2.2 He also confirmed that the Scottish Government's work programme is moving forward in implementing the outcomes of the planning performance and fees review, and the intention to commence the recruitment of the National Planning Improvement Coordinator early in 2022. He further reflects that in terms of the performance reported in 2020-21 PPF reporting year that performance has remained relatively stable which is a testament to the hard work and flexibility of planning

authorities during difficult times and that overall good progress continues to be made.

- 2.3 The High-Level Group on Performance, which is a group co-chaired by the Scottish Government and the Convention of Scottish Local Authorities with other members representing the Heads of Planning Scotland, the Society of Local Authority Chief Executives; the Society of Lawyers and Administrators in Scotland; and the Royal Town Planning Institute, considers overall performance across planning authorities in addition to the context of performance relative to the level of planning fees. The group agreed a set of performance markers based upon a Red, Amber, Green (RAG) rating and assess each authority's PPF against those markers to give an indication of priority areas for improvement action. The High-Level Group monitor and evaluate how the key markers have been reported and the value which they have added at a national level. Of 15 Areas reported in the Fife PPF10 there were 2 performance markers where a RAG marking was not applicable and of the remaining 13 performance markers 10 were allocated Green, and 3 were allocated Amber and none Red. In terms of the RAG markers this is same performance as reported in the feedback for PPF9. Compared to PPF9 marker 1 remained Amber in PPF 10 while marker 4 moved from Amber to Green and markers 6 and 8 moved from Green to Amber. The changes to the performance markers achieved since PPF 2 are set out in Table 1 below.

**Table 1.**

Overall Markings (total numbers for red, amber and green)

PPF 2-2012-13	1	7	7
PPF 3- 2013-14	0	8	5
PPF 4- 2014-15	0	6	7
PPF5- 2015-16	0	2	11
PPF 6 -2016-17	2	4	7
PPF 7 -2017-18	1	3	9
PPF 8 -2018-19	1	3	9
PPF9- 2019-20	0	3	10
PPF10 -2020-21	0	3	10

- 2.4 Performance in relation to the timescale for Major applications has significantly improved while performance in relation to householder and local applications has reduced with the average number of weeks taken to determine applications increasing. Work also continues to improve and streamline the processing of legal agreements following determination of these large-scale applications and it is pleasing to see this marker moving from Amber to Green in PPF10. This report considers this in more detail in paragraphs 2.7 to 2.13 below.
- 2.5 In 2012 -13 (PPF2) the first year that the RAG marker system was introduced the service achieved 7 Amber and 7 Green markers, with one Red. Over the next two PPFs the Service reported no Red markers with a further improvement in performance reflected in the reduction to 6 Amber and 7 Red markers for 2014/16 (PPF 4). The Service's best marking was in 2015-16 for PPF 5 where 11 Green markers and 2 Amber were achieved. While there was a reduction in Green markers in 2016-17 for PPF7, performance has been maintained over the last three reporting periods maintaining 10 Green markers with only 3 Amber, the same as reported for

PPF9. Further details on these markers are provided in the tables within the Minister's letter in Appendix 1.

- 2.6 The sustained shift to Green markers since the PPF process commenced is reflective of the importance the Planning Service gives to continuous improvements to processes and the service provided to customers. Specific improvement objectives are identified within each PPF and are targeted within the next reporting period, together with additional improvements delivered through LEAN reviews.
- 2.7 The areas which achieved Green performance markers in PPF 10 related to the following topics:

**Marker 2:** Processing agreements. The Scottish Government noted that Processing Agreements are available for all applications. Irrespective of a processing agreement, all applications are subject to project management. Processing agreement information is available on the Council's website.

**Marker 3:** Early collaboration with applicants and consultees. The Scottish Government commented that Pre-application discussions are available to applicants with clear information provided on your website this has resulted in an increase in applicants who are taking up this service. There is a clear and proportionate approach to requesting additional information which includes the validation checklist, Sustainable Urban Drainage System guidance and Heads of Planning Scotland guidance.

**Marker 4: Amber to Green.** Legal Agreements. The Scottish Government noted that Fife Council's average timescales for determining applications are faster than last year and faster than the Scottish average. The continuing joint working with Legal Services to improve processing times is noted. Marker 4 moved from Amber in PPF9 to Green in PPF10.

**Marker 5:** Enforcement Charter. The Scottish Government reflected that the Planning Enforcement Charter was 1 year old at the end of the reporting year. The Enforcement Charter was reviewed in October 2020.

**Marker 7:** Local Development Plan (LDP). The Scottish Government commented that the LDP was adopted in September 2017.

**Marker 11:** Regular and proportionate policy advice. The Scottish Government reflected that case studies 1 and 2 in PPF 10 illustrate how clear policy advice provided early in the application process led to positive planning outcomes. This is a good example of working flexibly due to the challenges presented by Covid19. Supplementary guidance was also reviewed and updated during the reporting period.

**Marker 12:** The Scottish Government highlighted that the PPF provides evidence of the authority working across service areas including property, housing, education, and economic development. This arrangement assists with the provision of pre-application advice. In addition, the Scottish Government comments that it is clear from case study 3 that such cross-service working was integral to the Council's covid response work.

**Marker 13:** Sharing good practice, skills, and knowledge between authorities. The Scottish Government noted that Fife Council actively participates in in-house and

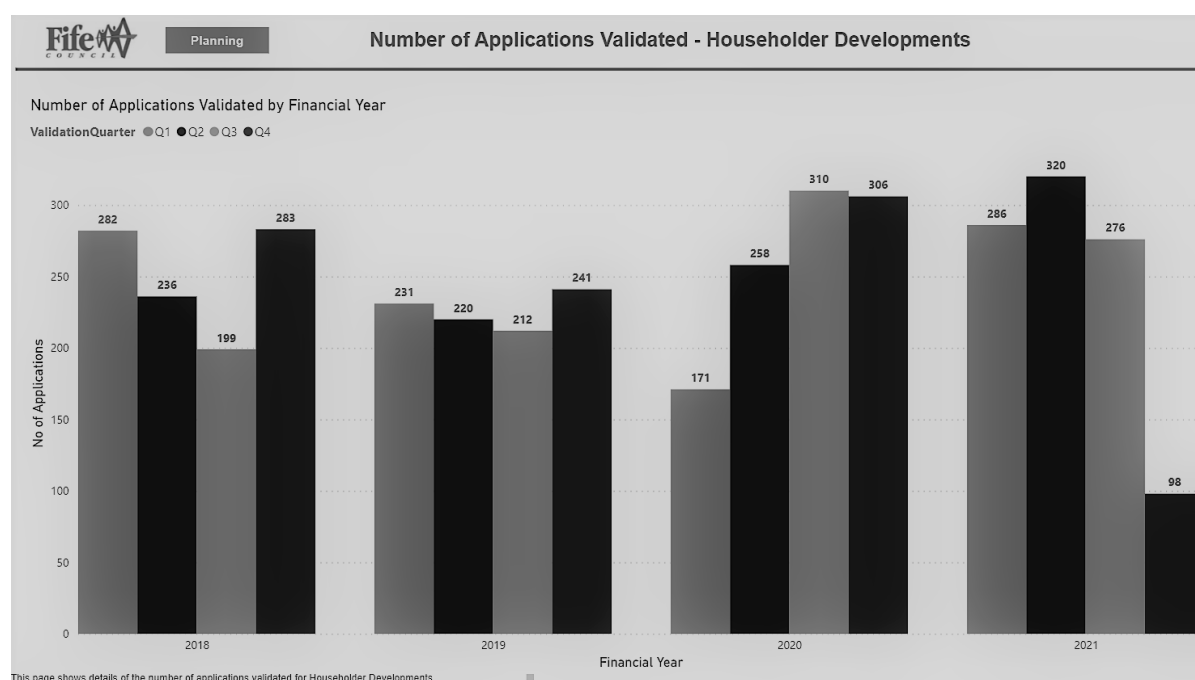
external facilitated training through the Continuous Professional Development (CPD), programme; Royal Town Planning Institute (RTPI), Heads of Planning Scotland (HoPS), Society of Local Authority Chief Executives, (SOLACE), National Association of Planning Enforcement (NAPE), and work with other planning authorities and key agencies.

**Marker 14: Amber to Green.** Stalled sites/legacy cases: The Scottish Government reflects that Fife Council cleared 39 cases during the reporting year with 14 cases still awaiting conclusion which is an increase of 1. This significant improvement reflects proactive monitoring of legacy cases and particularly reflects the monitoring of Section 75 legal cases to ensure that these are progressed and concluded as quickly as possible.

**Marker 15:** Developer contributions: clear and proportionate expectations. The Scottish Government commented that Fife Council had Supplementary Guidance in place and that pre-application guidance on developer contributions is set out to applicants wherever possible.

- 2.8 Whilst these areas have achieved a Green rating in the PPF10 positive effort will be afforded to each area to ensure the highest rating is maintained and where appropriate elements of the Performance Marker improved upon for submission of PPF11 (2021/22). As is recognised by the minister in his feedback on PPF10, PPF 11 will capture the impacts of COVID 19. This however is an opportunity to demonstrate the flexibility and agility of the planning service to meet the challenges presented by this situation and how it has assisted and supported businesses, facilitated continued investment, and ensured a continuity of service across our customer base.
- 2.9 The three Performance Marker Areas which achieved an Amber rating are areas where greater focus is required to achieve or continue positive movement towards the higher Green rating in PPF11. Marker 1 remains Amber despite the improvement to the determination period of major applications, this reflects the increased determination time for local and householder applications. The change of marker 6 Continuous Improvement to Amber in PPF 10 is reflective of the timetable for the replacement of the Local Development Plan and the slowing in determination rates for local and householder applications. Table 2 below sets out the changes in the number of householder applications received over the last 3 years analysed in quarters. It illustrates that while the overall number of applications received in each year has been broadly similar, through 2020/21 figures indicate an increase of 140 cases, the distribution of the submission of the applications within each quarter from Q3/4 of 2020 to Q1/3 of 2021/22 created a bulge in workload which was unprecedented.

**Table 2 Number of Householder applications validated 2018-21**



**(NB these figures do not include other applications such as Listed Building, Conservation Area Consent or Advert applications.)**

- 2.10 This significant increase in numbers of householder applications received from Quarter 2 2020 persisted through the remaining quarters of 2020 and the first 3 quarters of financial year 2021. Three quarters across financial years 2020 and 2021 witnessed the number of householder applications received and validated exceeding 300 applications. This was the highest numbers received in any quarter in either 2018 or 2019. This upsurge in applications over a sustained period has created pressure on officer workloads and reduced throughput and consequently performance has reduced. The sustained increase in numbers of applications going into financial year 2021-22 which equates to the PPF11 reporting period means that this will be reflected in reduced performance reported in PPF 11. Q 4 2021 represents the cases received in January/early February 2022 which suggests a similar trend as in previous quarters based on the number of applications received to date.
- 2.11 The areas where an Amber rating was achieved, and a Green rating sought are considered below with Scottish Government's comments and information on what measures have been put in place to improve performance in these areas.
- 2.12 With regards to Marker 1: Decision-making: continuous reduction of average timescales for all development categories of planning applications. We achieved a green marker in terms of our improvement for major applications which reduced from 64.9 weeks in PPF 9 to 39.7 weeks in PPF10 which the Scottish Government also noted was faster than the Scottish average of 41.3 weeks. It is disappointing that performance slipped in the determination rate for householder applications which increased from 8.1 weeks in PPF9 to 8.2 weeks in PPF 10. Notwithstanding the marginal increase this element received a red marker. The determination period for local applications also increased from the timescales reported in PPF9 (9.4) to 13 weeks in PPF10, which was also slower than the Scottish average of 12.4 weeks

and this element was marked as red. The green markers for majors and two red markers for householders and locals resulted in an overall rating of amber.

- 2.13 Considering the feedback and comments from Scottish Government on this marker the Service is pleased to report the improvement in performance relating to Major applications. The service is however under sustained pressure in terms of the number of major applications particularly arising from the development of Strategic Development Areas as well as key infrastructure investment; is anticipated this will be reflected in the PPF11 reporting period and subsequently in PPF 12. The average timescale reported for local applications is disappointing but is reflective of difficult decisions which required to be made to move resources to the areas under greatest pressure in terms of rapid increases in interest in residential sites and is also reflective of a significant upsurge in the development industry emerging from the worst impacts of the pandemic. All major applications timescales are subject to processing agreements and the applicants are aware of the anticipated determination timescales. While not complacent on the performance statistics for our householder applications it is noted the marker was based only on a change of 0.1 a week, which is an increase of on average 1 day on the determination period reported in PPF9.
- 2.14 It is anticipated that performance will reduce further in the PPF 11 reporting period due to a significant increase in the volume of householder applications over the reporting period as noted in Table 2. It is anticipated that the PPF11 reporting period performance for householder applications will reduce to in the region of 10.8 weeks on average. The upsurge in applications from Q2 2020 may be reflective of homeowners investing in their property where they were unable or unwilling to travel on holiday and instead invested in home improvements, there is also an impact arising from applications being delayed from being submitted in the early stages of the pandemic however the trend has continued beyond the period likely to have taken account of delayed submissions. From recent discussions with planning agents, they continue to report that demand for domestic development remains strong and above pre pandemic levels to the extent that consultants are turning away work as they cannot meet demand and are also actively recruiting additional staff.
- 2.15 Turning to the local performance which also reduced in PPF 10. This is again to some extent reflective of redeployment of staff to bolster capacity pressures in other planning teams principally to support the determination of major applications, but performance was also impacted by periods of long-term absence through some staff sickness during the reporting period. While all efforts are made to ensure applications are determined as quickly and efficiently as possible and applicants and agents are kept informed of progress and determination timescales it has been evident that there is more, we can do in this area in terms of how we can more effectively communicate with our customers. It is recognised that this is particularly important in periods of change and uncertainty. During the PPF11 reporting year we have consolidated our improvement approach to this area by setting out a wide range of improvements in a Customer Communications Project; In addition to continuous reviews of process and performance through LEAN it is hoped the minister's intention to enable greater investment in planning resources to facilitate economic recovery is realised.
- 2.16 Overall, the PPF 10 reporting period has reflected the greater demands placed on the planning service by the increasing complexity of the planning system as well as the ongoing service delivery challenges presented by COVID and new ways of

working. The full implications of some 49 new duties arising from changes within the Planning (Scotland) Act 2019 are becoming increasingly apparent and the implementation of the legislative changes delayed during the pandemic are now progressing apace. The PPF 11 reporting period will reflect further on these business challenges and pressures. The changes to the planning system effected through the National Planning Framework 4 will also become material considerations in the determination of planning applications as we move into the 2022/2023 reporting period: adding yet further to the complexity of the planning process both in terms of the assessment of planning applications but also the preparation work related to the new Local Development Plan for Fife.

- 2.17 Marker 6: Continuous Improvement. The Scottish Government commented that the Enforcement Charter and Local Development Plan are up to date, although the latter will not be replaced within required timescales due to a delay in Scottish Government Development Plan Regulations. Determination timescales for local applications are slower than the Scottish average, although major application performance has improved since last year. The number of legacy cases has stayed broadly the same, although the number cleared during the reporting year increased. These elements were marked as Amber. It was also noted that 2 out of 6 service commitments were completed, with the remaining ongoing. A range of additional improvement commitment for 2021-22 are set out in the PPF report. The Service was rated Green for this element.
- 2.18 Considering the feedback and comments from the Scottish Government on this marker the Service is pleased with the improved performance for major applications and improving the performance of householders and local is a clear objective for the service, but it is likely that performance in this area will reduce given ongoing capacity issues which were evident in the PPF 11 reporting period. The Service continues to implement LEAN process improvement and review and learn from complaints which are received. As noted in the commentary on Marker 8 the delays to the Local Development Plan are to ensure that it aligns with NPF4. Work continues to ensure that the Local Development Plan is positioned as a strategic Fife Council document with collaborative work across the council with partner services.
- 2.19 The final amber marker in PPF 10 is Marker 8: Development plan scheme-next Local Development Plan. The Scottish Government noted that FIFEplan 2, will not be fully replaced within the required timescale however this is to ensure that it will align with National Planning Framework 4 and the provisions of the Planning Act 2019. This element was marked as amber. The Local Development Plan review will be delayed to ensure alignment with National Planning Framework 4 however it will be project managed to ensure minimal delay.

## 3.0 Conclusions

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- 3.1 PPF 10 demonstrated the continuous improvement on performance across the Planning Service and highlighted through case studies projects, workforce development, and process improvement positive outcomes, all of which contribute to the Plan for Fife, the Local Outcome Improvement Plan.
- 3.2 In PPF10 the Service continued to strive to improve performance in most planning applications; major applications have achieved significant performance improvements. The Service continues to strive to increase the Green ratings

achieved and delivering change as set out in the Directorate Change Plan together with further continuous improvement.

- 3.3 Performance reporting will remain important in the PPF 11 but more so will be how the Planning Service has demonstrated agility and flexibility through the application of new technology; implementation of innovative approaches; and provided service continuity to meet the challenges presented by COVID 19. It will also be an opportunity to reflect on how necessity, helps to define what changes and adaptations have led to improved service delivery. This will enable the planning service to consider new ways of working which are appropriate to retain and build on for the future as we emerge from the pandemic.

### **List of Appendices**

1. Planning Performance Framework 10 and letter from The Minister for Public Finance, Planning and Community Wealth, Tom Arthur, MSP with feedback on PPF10.

### **Background Papers**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

- Planning Performance Framework 2020/21 (PPF10) – July 2021

### **Report author**

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Report agreed and signed-off by Keith Winter, Executive Director, Enterprise and Environment





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Steve Grimmond  
Fife Council

29 November 2021

Dear Steve Grimmond

I am pleased to enclose feedback on your authority's tenth Planning Performance Framework (PPF) Report, for the period April 2020 to March 2021.

This is the first time I have written to you individually in my capacity as Planning Minister since my appointment earlier this year. I am very grateful for the support and welcome I have received and look forward to working with you.

This year has continued to present challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. I appreciate that many of you will have had to make difficult choices in what work is prioritised, in much the same way the Government and Planning and Architecture Division has had to. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. I want to take this opportunity to thank you and your staff for all the work that has been done during the pandemic and to support our ongoing recovery.

When my predecessor wrote to you last year he indicated that the pandemic had required a rethink about the timing and prioritisation of our planning work programme. A number of our workstreams were paused or delayed as a result, including the review of the planning performance and fee regimes, which had been the subject of a detailed consultation that concluded in early 2020. However, in October 2021 we published a revised planning implementation programme (<https://www.gov.scot/publications/transforming-planning-practice-updated-planning->

[reform-implementation-programme/](#)). You will note that we have now recommenced our planning performance and fees review, which reflects the importance Scottish Government attaches to this work. We are currently finalising proposals and intend to lay regulations before the end of the year to introduce increased fees, providing a boost to planning authorities' resources. We also intend to commence the recruitment of the National Planning Improvement Coordinator early in 2022.

Turning to the 2020-21 PPF reporting year, although, as expected, there have been some small changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during these very difficult times and I believe that overall good progress continues to be made by Scotland's planning authorities.

If you would like to discuss any of the markings awarded below, please email [chief.planner@gov.scot](mailto:chief.planner@gov.scot) and a member of the team will be happy to discuss these with you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Arthur', written in a cursive style.

**Tom Arthur**

Minister for Public Finance, Planning and Community Wealth

**CC: Pam Ewen**

## PERFORMANCE MARKERS REPORT 2020-21

Name of planning authority: **Fife Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p><b>Major Applications</b> Your timescales of 39.7 weeks are faster than the previous year and faster than the Scottish average of 41.3 weeks. <b>RAG = Green</b></p> <p><b>Local (Non-Householder) Applications</b> Your timescales of 13.0 weeks are slower than the previous year and the Scottish average of 12.4 weeks. <b>RAG = Red</b></p> <p><b>Householder Applications</b> Your timescales of 8.2 weeks are slower than the previous year and the Scottish average of 8.1. <b>RAG = Red</b></p> <p><b>Overall RAG = Amber</b></p>
2	<p><b>Processing agreements:</b></p> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Green	<p>Processing agreements are available for all applications. 50% of applications were subject to processing agreements during the reporting period. <b>RAG = Green</b></p> <p>Processing agreement information is available on your website. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
3	<p><b>Early collaboration</b> with applicants and consultees</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Green	<p>Pre-application discussions are available to applicants with clear information provided on your website. <b>RAG = Green</b></p> <p>You have a clear and proportionate approach to requesting additional information which includes the validation checklist, SUDS guidance and HOPS guidance. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Green	Your average timescales for determining applications with legal agreements are faster than last year and the Scottish average. A further 8 applications were determined using a processing agreement with only 2 of those being determined within agreed timescales. It is noted that joint working continues with Legal Services to improve the processing time for legal agreements.

5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	Your enforcement charter was updated in March 2020
6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>• progress/improvement in relation to PPF National Headline Indicators; and</li> <li>• progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Amber	<p>Your enforcement charter and LDP are up-to-date, although the latter will not be replaced within required timescales. Determination timescales for local applications are slower than the Scottish average, although major application performance has improved since last year. The number of legacy cases has stayed broadly the same, although the number cleared during the reporting year increased.</p> <p><b>RAG = Amber</b></p> <p>You have completed 2 out of 6 service commitments, with the remaining ongoing. A range of additional improvement commitments for 2021-22 are set out in the PPF report.</p> <p><b>RAG = Green</b></p> <p><b>Overall RAG = Amber</b></p>
7	<b>Local development plan</b> less than 5 years since adoption	Green	Your LDP was adopted in September 2017.
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>• on course for adoption within 5 years of current plan(s) adoption; and</li> <li>• project planned and expected to be delivered to planned timescale</li> </ul>	Amber	<p>You state that FIFEplan 2 will not be fully replaced within the required timescale However this is to ensure that it will align with NPF4 and the provisions of the Planning Act 2019.</p> <p><b>RAG = Amber</b></p> <p>Your report states your LDP review will be delayed to ensure alignment with NPF4 however it will be project managed to ensure minimal delay.</p> <p><b>RAG = Green</b></p> <p><b>Overall RAG = Amber</b></p>
9	<b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
10	<b>Cross sector stakeholders* engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> *including industry, agencies and Scottish Government	N/A	
11	<b>Regular and proportionate policy advice</b> produced on information required to support applications.	Green	Case studies 1 and 2 both illustrate how clear policy advice provided early in the application process led to positive planning outcomes. Supplementary guidance was also reviewed/updated during the reporting period.
12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	The PPF report provides evidence of the authority working across service areas including property, housing, education and economic development. This arrangement assists with the provision of pre-application advice. It is clear from case study 3 that such cross-service working was integral to the Council's covid response work.
13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	The PPF report notes that the Council actively participates in in-house and external facilitated training through its Continuous Professional Development (CPD), programme; Royal Town Planning Institute (RTPI), Heads of Planning Scotland (HoPS), Society of Local Authority Chief

			Executives, (SOLACE), National Association of Planning Enforcement (NAPE) and work with other planning authorities and key agencies.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 39 cases during the reporting year, with 14 cases still awaiting conclusion – an increase of 1.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan); and</li> <li>• in pre-application discussions</li> </ul>	Green	LDP and supplementary guidance set out expectations <b>RAG = Green</b>  Pre-application guidance on developer contributions is set out to applicants wherever possible. <b>RAG = Green</b>  <b>Overall RAG = Green</b>

## FIFE COUNCIL

### Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
1	Decision making timescales								
2	Processing agreements								
3	Early collaboration								
4	Legal agreements								
5	Enforcement charter								
6	Continuous improvement								
7	Local development plan								
8	Development plan scheme								
9	Elected members engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11	Regular and proportionate advice to support applications								
12	Corporate working across services								
13	Sharing good practice, skills and knowledge								
14	Stalled sites/legacy cases								
15	Developer contributions								

### Overall Markings (total numbers for red, amber and green)

	Red	Amber	Green
<b>2013-14</b>	0	8	5
<b>2014-15</b>	0	6	7
<b>2015-16</b>	0	2	11
<b>2016-17</b>	2	4	7
<b>2017-18</b>	1	3	9
<b>2018-19</b>	1	3	9
<b>2019-20</b>	0	3	10
<b>2020-21</b>	0	3	10

### Decision Making Timescales (weeks)

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2020-21 Scottish Average
Major Development	49.7	45.0	28.2	38.1	31	51.2	64.9	39.7	41.3
Local (Non-Householder) Development	19.5	15.8	15.2	15.9	13.1	10.8	9.4	13.0	12.4
Householder Development	8.1	8.6	8.5	8.6	8.9	7.5	7.3	8.2	8.1

17 March 2022

Agenda Item No. 11

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## 2021/22 Revenue Monitoring Projected Outturn

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Report by: Eileen Rowand, Executive Director, Finance and Corporate Services  
Keith Winter, Executive Director, Enterprise & Environment

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Wards Affected: All

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### Purpose

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The purpose of this report is to give members an update on the projected outturn financial position for the 2021/22 financial year for the areas in scope of the Economy, Tourism, Strategic Planning & Transportation Committee.

### Recommendations

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Committee is asked to consider the current financial performance and activity as detailed in this report.

### Resource Implications

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None.

### Legal & Risk Implications

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There are no direct legal implications arising from this report.

### Impact Assessment

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An EqlA has not been completed and is not necessary as no change or revision to existing policies and practices is proposed.

### Consultation

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None.

## 1.0 Background

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1.1 The report summarises the projected outturn position for 2021/22, taking into account the actual expenditure incurred, and provides an explanation of the main budget variances at section 3.

1.2 Section 4 of the report summarises the progress on delivery of approved budget savings and provides an explanation of any variances to the delivery of savings target.

1.3 Variances occur for a number of reasons and variances in budget are not always correlated to delivery of savings targets.

## 2.0 Issues

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### 2.1 Projected Outturn

2.1.1 The projected underspend for the areas falling under the scope of this committee is £1.334m. A summary of the 2021/22 projected out-turn for the areas under the scope of this committee is detailed in Appendix 1. This shows projected expenditure against budget across the service headings within the Directorate. It should be noted that the balances are extracted from the ledger system and are shown as rounded thousands. This may mean that there are some rounding differences contained within the appendices, but these are immaterial values that do not impact on the overall financial position. The following paragraphs provide a brief explanation of the main areas where there are significant variances (+/-£0.250m) to budgets.

2.1.2 This report includes the projected ongoing cost of COVID-19 in relation to areas falling under the scope of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee, and the mitigation available to the Enterprise and Environment Directorate to absorb some of these costs. The continuing financial implications of COVID-19 in 2021-22 and the funding available, including carry forward of grant funding from 2020-21, to meet these costs will be assessed corporately and reported to the Policy & Co-ordination Committee throughout the financial year.

## 3.0 Major Variances

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3.1 Business and Employability Underspend (£0.734m) and movement of (£0.505m)  
The main reason for underspend in the Business & Employability Service is vacancies and delayed recruitment across the service.



Movement is mainly due to £0.296m of Business Gateway projects which will not be progressed this financial year due to prioritised pandemic recovery support. Other movement relates to increase in grant income of £0.189m from Employability projects.

### 3.2 Car and Lorry Parking Overspend £0.408m, movement of (£0.559m)

There is a net overspend within Car Parking of £0.408m, and a movement of £0.508m. This is due to an under recovery of income of £0.959m due to reduced levels of demand, as a result of the COVID pandemic, and is now projected to be partially mitigated by reduced expenditure in car parking management and maintenance of £0.508m.

### 3.3 Public and Accessible Transport Underspend (£0.531m), movement of (£0.282m)

The projected underspend and movement in Public & Accessible Transport is due to several continuing factors relating to the pandemic recovery in public transport use. Primarily underspends are due to the reduced level of rail concession trips and factors relating to the financial support to bus operators. Further, although the Fife Bus Operations (DRT) operations are beginning to increase, for obvious reasons they are still significantly below deliverable pre pandemic levels. However, the Fife Bus Operations are on target to begin to deliver the objectives from the approved Public Transport Reform report, subject to continuing safeguards on social distancing bus journeys.

## 4.0 Progress on Budget Savings

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4.1 Appendix 2 provides details of revenue budget savings for the areas falling under the scope of the Economy, Tourism, Strategic Planning and Transportation Committee, detailing achievement against the current year approved budget savings as at Quarter 3. The appendix details:

- the 3 year budget period for which the savings were approved
- the title of each saving
- the savings target relevant to the current financial year
- the value of saving forecast as deliverable for the financial year
- a Red/Amber/Green Status for each saving
- details of any substitute savings

4.2 All savings have been categorised using a Red/Amber/Green status and these are described as follows:

Green – No issues and saving is on track to be delivered

Amber – There are minor issues or minor reduction in the value of saving, or delivery of the saving is delayed

Red – Major issues should be addressed before any saving can be realised

4.3 Where a saving is no longer deliverable in the current year it is expected that substitute savings are identified to ensure that costs remain within budget overall. Where this is the case, the original saving will be categorised red or amber and a

substitute saving will be identified. The substitute saving will be categorised as green and identified in the tracker as a substitute.

- 4.4 The saving to be delivered in this financial year is £0.120m and the delivery is forecast in full at £0.120m.
- 4.5 The full year saving amount is detailed along with annual forecast information detailed in appendix 2. There are no variations at Service level (+/-£0.250m) between the Service savings target and the projected saving being delivered within the current financial year.

## 5.0 Conclusions

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- 5.1 The projected outturn position for the areas under the scope of the Economy, Tourism, Strategic Planning & Transportation Services Committee is a net underspend of £1.334m (3.68%).

### List of Appendices

- 1 Projected Outturn 2021/22 Summary
- 2 Approved 2021/22 Saving

### Background Papers

None

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## BUDGET MONITORING REPORT SUMMARY

2021-22

### ECONOMY, TOURISM, STRATEGIC PLANNING & TRANSPORTATION

#### SUB-COMMITTEE

Appendix 1

SERVICE	CURRENT	FORECAST	FORECAST	FORECAST	PREVIOUS REPORTED VARIANCE £m	MOVEMENT FROM PREVIOUS REPORTED VARIANCE £m
	BUDGET 2021-22 £m	FORECAST 2021-22 £m	VARIANCE £m	VARIANCE %		
<b>TOTAL COST OF SERVICE</b>	<b>58.232</b>	<b>56.897</b>	<b>(1.334)</b>	<b>-2.29%</b>	<b>0.304</b>	<b>(1.639)</b>
<b>LESS: CORPORATELY MANAGED ITEMS</b>	<b>21.984</b>	<b>21.984</b>	<b>0.000</b>	<b>0.00%</b>	<b>0.000</b>	<b>0.000</b>
<b>SERVICE MANAGED NET BUDGET</b>	<b>36.248</b>	<b>34.914</b>	<b>(1.334)</b>	<b>-3.68%</b>	<b>0.304</b>	<b>(1.639)</b>
<b>ANALYSIS OF SERVICE MANAGED BUDGET</b>						
EPES ADMIN & RESOURCES	0.555	0.576	0.020	3.68%	0.047	(0.027)
BUSINESS & EMPLOYABILITY PLANNING	5.586	4.851	(0.734)	-13.15%	(0.229)	(0.505)
ROADS ADMINISTRATION	1.405	1.301	(0.103)	-7.34%	(0.197)	0.094
BUS STATION MANAGEMENT	0.453	0.623	0.170	37.56%	(0.047)	0.217
CAR & LORRY PARKING	(0.245)	(0.256)	(0.011)	4.36%	0.049	(0.060)
PUBLIC & ACCESSIBLE TRANSPORT	(1.242)	(0.835)	0.408	-32.81%	0.967	(0.559)
SUSTAINABLE TRAVEL	8.657	8.125	(0.531)	-6.14%	(0.250)	(0.282)
BRIDGES & STRUCTURES, HARBOURS, COASTS AND FLOODS	1.075	0.870	(0.206)	-19.13%	0.036	(0.242)
NETWORK AND TRAFFIC MANAGEMENT	2.604	2.445	(0.160)	-6.13%	(0.062)	(0.098)
ROUTINE MAINTENANCE	1.726	1.541	(0.185)	-10.70%	0.002	(0.187)
ROADS STRUCTURAL MAINTENANCE	2.786	2.830	0.044	1.59%	0.000	0.044
WINTER MAINTENANCE	7.037	7.037	0.000	0.00%	0.000	0.000
ROADS OPERATIONS	3.137	3.130	(0.007)	-0.22%	0.000	(0.007)
LIGHTING, TRAFFIC LIGHTS AND LIT SIGNS	(1.982)	(1.982)	0.000	-0.01%	(0.002)	0.002
EE EXECUTIVE DIRECTOR	4.080	4.080	0.000	0.00%	0.000	0.000
	0.618	0.577	(0.041)	-6.57%	(0.010)	(0.030)
<b>TOTAL</b>	<b>36.248</b>	<b>34.914</b>	<b>(1.334)</b>	<b>-3.68%</b>	<b>0.304</b>	<b>(1.639)</b>

**FIFE COUNCIL**  
**TRACKING APPROVED 2021-22 SAVINGS**  
**ECONOMY, TOURISM, STRATEGIC PLANNING & TRANSPORTATION SUB-COMMITTEE**  
**DECEMBER 2021**

Area	Approved Budget Year	Title of Savings Proposal	Savings Target £m	Forecast £m	(Under)/Over £m	Rag Status
Assets, Transportation & Environment - Roads and Transportation Service	2021-24	Implementation of Risk Based Approach to Road Inspections	0.120	0.120	0.000	Green
<b>Grand Total</b>			<b>0.120</b>	<b>0.120</b>	<b>0.000</b>	

**Rag Status Key:-**

Green - No issues and saving is on track to be delivered

Amber - There are minor issues or minor reduction in the value of saving, or delivery of the saving is delayed

Red - Major issues should be addressed before any saving can be realised

Summary			
Rag Status	Savings Target £m	Overall Forecast £m	(Under)/Over £m
Green	0.120	0.120	0.000
Amber	0.000	0.000	0.000
Red	0.000	0.000	0.000
<b>Total</b>	<b>0.120</b>	<b>0.120</b>	<b>0.000</b>

17 March 2022

Agenda Item No. 12

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## 2021/22 Capital Monitoring Projected Outturn - Enterprise and Environment Directorate

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Report by: Eileen Rowand, Executive Director, Finance and Corporate Services

Keith Winter, Executive Director, Enterprise & Environment

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Wards Affected: All

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### Purpose

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The purpose of this report is to provide an update on the Capital Investment Plan and advise on the projected outturn for the 2021/22 financial year for areas in scope of the Economy, Tourism, Strategic Planning and Transportation Sub-Committee.

### Recommendation(s)

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Committee is asked to consider the current performance and activity across the 2021/22 Financial Monitoring as detailed in this report.

### Resource Implications

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None.

### Legal & Risk Implications

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None.

### Impact Assessment

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An EqlA has not been completed and is not necessary as no change or revision to existing policies and practices is proposed.

### Consultation

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None.

## 1.0 Background

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- 1.1 Based on current information, this report summarises the projected capital outturn for the areas falling under the scope of this Committee for 2021/22. At this stage projected expenditure is £22.156m, representing 79% of the approved capital programme for 2021/22.
- 1.2 Appendix 1 shows an analysis of specific projects in the current capital investment plan which have a budget greater than £1.000m and analyses total project cost rather than only in year spend.
- 1.3 Appendix 2 details the projected expenditure against budget for each project.

## 2.0 Issues, Achievements & Financial Performance

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### 2.1 Key Issues / Risks

- 2.1.1 Appendix 1 details the total cost forecast position for all capital projects within the areas under the scope of the Committee with an overall value of £1.000m and over. The key risks associated with the major projects are noted below.

### 2.2 Major Projects – Potential Risks and Actions

- 2.2.1 During 2020-21 Covid-19, on site construction work was on hold for a significant part of the year and also impacted on project costs and extended project delivery dates as contractors were required to make adjustments to working arrangements to accommodate the additional requirements, such as social distancing. The ongoing impact of Covid-19 on the delivery of capital projects was considered when setting the capital investment budgets for 2021-22. However, it is likely that the overall scale of any additional costs or impact on availability of material will not be fully known until the financial year progresses. It is also currently unknown if tighter restrictions will be imposed in the winter months of 2021-22 which could have a significant impact on project delivery in year.

### 2.3 Financial Performance – 2021/22 Projected Outturn

- 2.3.1 Appendix 2 provides a summary of the projected outturn for each project for the financial year 2021/22. The appendix shows a projected outturn of £22.156m against a Capital Investment plan of £28.160m, a spending level of 79%.
- 2.3.2 Appendix 2 also provides a summary of the projected outturn for each project for the financial year 2021/22 for capital income. The appendix shows a projected outturn of £5.202m against a capital income budget of £4.818m.
- 2.3.3 The reasons for significant variances (+/-£0.500m) are detailed in paragraph 2.4.
- 2.3.4 Slippage is the term used to describe projects that are expected to spend less than the budget allocation in a particular year due to a delay in timing on the delivery of

the project. This is not uncommon in the capital programme and the reasons for this can be wide and varied. Advancement is the term used to describe projects that are expected to spend more than the budget allocation in a particular year due to an acceleration of the budget from future years.

## **2.4 Significant Variances**

### **2.4.1 Roads Infrastructure - £1.000m slippage**

Carriageway Infrastructure – The projected slippage is a result of the limited availability of external contractors.

### **2.4.2 Traffic Management - £0.550m slippage**

The projected slippage is a result of programme delays relating to the pandemic. There is a backlog of 2020/21 schemes which have yet to be delivered, and this has impacted on the delivery of the 2021/22 programme.

### **2.4.3 Street Lighting £0.500m slippage**

The projected slippage is a result of the limited availability of external contractors.

### **2.4.4 Strategic Transport Intervention Programme £0.454m slippage**

The slippage relates to various schemes: - Pitreavie Roundabout Signalisation £0.269m has been delivered under budget, £0.160m is a result of the tender price being less than the design estimate and the cycleway element of this scheme of £0.108m is now being funded from the Cycling, Walking Safer Routes Grant, which will free up the Section 75 funding to deliver the other STID projects. There is further slippage of £0.187m due to delays with detailed designs/site investigations/planning applications on Bothwell Gardens Signal Replacement and Northern Link Road.

### **2.4.5 Town Centres - £0.828m slippage**

Town Centres Regeneration slippage of £0.828m relates in part to a substantial additional time delay to complete initial site investigations and professional support resource at Dunfermline Gap Site and there is £0.175m slippage as a result. Progress at the Kirkcaldy Volunteers Green project has been affected due to global supply chain issues for materials resulting in slippage of £0.303m. Tenders for the works have been issued.

Other Town Centre project slippage of £0.297m relates to the Scottish Government funded project at Inner Court, Cupar. Planning consents are now in place and delays have been due to third-party negotiations on acquisition of land and property, to be completed within this financial year. This will then unlock demolitions and final ground investigations prior to commencement of development.

### **2.4.6 Fife Industrial Innovation Investment Programme £0.897 slippage**

The Levenmouth Business Units project is delayed due to a dependency on supporting infrastructure project activity at Levenmouth Business Park resulting in £0.290m slippage. Works planned on the next phase at Queensway Industrial Estate, Glenrothes were assumed for 2021/22 but have slipped to 2022/23 due to

the delay in receiving cost plans from the third party occupying the site, resulting in slippage of £0.170m. Other slippage of £0.267m has emerged on the City Region Deal funded element of Industrial Development at The Avenue, Lochgelly relating to the availability of contractor. Further slippage of £0.193m has emerged at Fife Interchange North as site resurfacing has been pushed back until all other build has been completed. The delays to the project have resulted from supply issues of specialist equipment and landscaping works not now anticipated to be paid next financial year.

#### 2.4.7 Strategic Transport Intervention Programme Income - £0.579m under recovery

The variance relates to S75 Developer Contributions which won't be drawn down due to the lower level of spend incurred in 21-22 as explained in section 2.4.4 above.

#### 2.4.8 Fife Industrial Innovation Investment Programme Income £0.743m over recovery

Although there is slippage in the expenditure on this programme as outlined in paragraph 2.4.6, the council has received an increased grant offer which has allowed it to take advantage of slippage in other authorities' programmes within the City Region Deal. This offer allows the council to draw down a higher proportion of expenditure on the project. The original grant offer was based on 70% grant and has increased to nearly 100% of grant.

## 3.0 Conclusions

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- 3.1 The total 2021/22 approved programme for the areas in scope of the Economy, Tourism, Strategic Planning and Transportation Committee is £28.160m. The projected level of expenditure is £22.156m, which represents 79% of the total programme, resulting in a variance of £6.004m.
- 3.2 The management of capital resources require us to look across financial years, as well as within individual years. The current year performance is only a snapshot of the existing plan and the Directorate will adjust expenditure levels within future years of the plan to accommodate the advancement or slippage of projects.

### List of Appendices

1. Total Cost Monitor
2. Capital Monitoring Report by Service

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FIFE COUNCIL  
ECONOMY, TOURISM, STRATEGIC PLANNING AND TRANSPORTATION SUB COMMITTEE  
CAPITAL INVESTMENT PLAN 2021-31  
TOTAL COST MONITOR - MAJOR CAPITAL PROJECTS

Appendix 1

Project	Theme	Original Approved Budget £m	Current Project Budget £m	Total Projected Outturn £m	Variance £m	Variance %	Current Project Status	Expected Project Completion Date
Fife Interchange Business Units - Phase 1 & 2	Inclusive Growth and Jobs	8.130	11.027	11.027	-	0.00%	Current Project	2024-25
John Smith Business Park Business Units	Inclusive Growth and Jobs	3.644	5.517	5.517	-	0.00%	Future Project	2026-27
Northern Road Link East End	Thriving Places		10.950	10.950	-	0.00%	Preparatory Work	2026-27
Western Distributer Road	Thriving Places		10.326	10.326	-	0.00%	Future Project	2028-29
Northern Link Road A823	Thriving Places		8.568	8.568	-	0.00%	Preparatory Work	2025-26
Leven Railway Bridge & Bawbee Bridge	Maintaining our Assets	2.279	8.247	8.247	-	0.00%	Preparatory Work	2023-24
<b>Total Major Projects over £5.000m</b>		<b>14.053</b>	<b>54.635</b>	<b>54.635</b>	<b>-</b>	<b>0.00%</b>		
Broad Street Bridge Cowdenbeath	Maintaining our Assets	3.678	3.808	3.808	-	0.00%	Preparatory Work	2023-24
Lyne Burn	Maintaining our Assets	1.217	1.217	1.217	-	0.00%	Future Project	2024-25
Den Burn Bridge	Maintaining our Assets	2.120	2.120	2.120	-	0.00%	Preparatory Work	2025-26
Levenmouth Rail Link	Thriving Places	2.000	4.600	4.600	-	0.00%	Current Project	2025-26
Kings Road/Admiralty Road Junction	Thriving Places	1.880	1.880	1.880	-	0.00%	Future Project	2027-28
Rumblingwell Junction	Thriving Places	2.800	2.800	2.800	-	0.00%	Future Project	2030-31
William Street Upgrade	Thriving Places	3.187	3.187	3.187	-	0.00%	Future Project	2030-31
Kirkcaldy Waterfront	Thriving Places	1.000	1.000	1.000	-	0.00%	Future Project	2022-23
Levenmouth Business Units - Phase 1	Inclusive Growth and Jobs	1.602	1.736	1.736	-	0.00%	Current Project	2022-23
Queensway Development Site	Inclusive Growth and Jobs	2.113	3.356	3.373	0.017	0.50%	Current Project	2021-22
Dunnikier Business Units	Inclusive Growth and Jobs	2.140	2.362	2.317	(0.045)	-1.91%	Current Project	2021-22
Queensway Refurbishment	Inclusive Growth and Jobs	1.380	1.380	1.380	-	0.00%	Future Project	2022-23
Fife Interchange North Site Servicing	Inclusive Growth and Jobs	3.046	1.490	1.490	-	0.00%	Current Project	2022-23
Levenmouth Business Units - Phase 2	Inclusive Growth and Jobs	2.898	4.310	4.310	-	0.00%	Current Project	2024-25
Dalgety Bay Business Units - Phase 2	Inclusive Growth and Jobs	2.853	4.384	4.384	-	0.00%	Current Project	2023-24
Kirkcaldy Innovation Hub	Inclusive Growth and Jobs	1.620	1.686	1.686	-	0.00%	Future Project	2028-29
<b>Total Major Projects over £1.000m</b>		<b>35.534</b>	<b>41.315</b>	<b>41.287</b>	<b>(0.028)</b>	<b>-0.07%</b>		
<b>Total Major Projects</b>		<b>49.587</b>	<b>95.950</b>	<b>95.922</b>	<b>(0.028)</b>	<b>-0.03%</b>		

Expenditure	Current Budget £m	Actual to Date £m	Projected Outturn £m	Projected Variance £m	Projected Outturn as % of Plan
STRUCTURES INFRASTRUCTURE	2.533	0.002	2.287	(0.246)	90%
SUSTAINABLE TRANSPORT	0.703	0.929	0.327	(0.377)	46%
ROADS INFRASTRUCTURE	11.094	7.403	10.094	(1.000)	91%
TRAFFIC MANAGEMENT	1.478	0.221	0.928	(0.550)	63%
STREETLIGHTING	1.559	0.937	1.059	(0.500)	68%
STRATEGIC TRANSPORT INTERVENTION PROGRAMME	0.607	0.114	0.154	(0.454)	25%
<b>TOTAL ASSETS, TRANSPORTATION &amp; ENVIRONMENT</b>	<b>17.974</b>	<b>9.607</b>	<b>14.848</b>	<b>(3.126)</b>	<b>83%</b>
REGENERATION - TOWN CENTRES	3.321	1.920	2.493	(0.828)	75%
BUSINESS PREMISES REFURBISHMENT PROGRAMME	0.359	0.081	0.146	(0.213)	41%
GROWING THE ECONOMY	0.518	0.028	0.063	(0.455)	12%
PLACE BASED INVESTMENT PROGRAMME	0.100	0.008	0.031	(0.069)	31%
VACANT/DERELICT LAND	0.486	0.028	0.070	(0.416)	14%
INDUSTRIAL INVESTMENT PROGRAMME	5.403	2.523	4.505	(0.897)	83%
<b>TOTAL ECONOMY, PLANNING &amp; EMPLOYABILITY SERVICES</b>	<b>10.186</b>	<b>4.587</b>	<b>7.308</b>	<b>(2.878)</b>	<b>72%</b>
<b>TOTAL EXPENDITURE</b>	<b>28.160</b>	<b>14.194</b>	<b>22.156</b>	<b>(6.004)</b>	<b>79%</b>

Income	Current Budget £m	Actual to Date £m	Projected Outturn £m	Projected Variance £m	Projected Outturn as % of Plan
SUSTAINABLE TRANSPORT	(0.197)	(0.379)	(0.185)	0.013	94%
ROADS INFRASTRUCTURE	(0.038)	-	-	0.038	0%
TRAFFIC MANAGEMENT	(0.030)	0.032	-	0.030	0%
STRATEGIC TRANSPORT INTERVENTION PROGRAMME	(0.732)	-	(0.154)	0.579	21%
<b>TOTAL ASSETS, TRANSPORTATION &amp; ENVIRONMENT</b>	<b>(0.998)</b>	<b>(0.347)</b>	<b>(0.338)</b>	<b>0.660</b>	<b>34%</b>
REGENERATION - TOWN CENTRES	(0.072)	(0.542)	(0.372)	(0.300)	517%
VACANT/DERELICT LAND	-	(0.726)	-	-	0%
INDUSTRIAL INVESTMENT PROGRAMME	(3.748)	(1.347)	(4.491)	(0.743)	120%
<b>TOTAL ECONOMY, PLANNING &amp; EMPLOYABILITY SERVICES</b>	<b>(3.820)</b>	<b>(2.614)</b>	<b>(4.863)</b>	<b>(1.043)</b>	<b>127%</b>
<b>TOTAL INCOME</b>	<b>(4.818)</b>	<b>(2.961)</b>	<b>(5.202)</b>	<b>(0.383)</b>	<b>108%</b>

## Economy Tourism Strategic Planning and Transportation Sub-Committee

17 March 2022

### Agenda Item No. 13

<b>Unallocated</b>			
<b>Title</b>	<b>Service(s)</b>	<b>Contact(s)</b>	
Forth Bridges Area Tourism Strategy 2019-2029	Business and Employability	Sandra Montador-Stewart, Karen Stewart-ep, Hilary Roberts	
Connectivity Update Report	Business and Employability	Morag Millar, Gordon Mole	
Enterprise and Environment Directorate Service Performance Report	Enterprise and Environment	Anne-Marie Fleming	
Revenue Monitoring Provisional Outturn 2021-22	Finance and Corporate Services	Jackie Johnstone	
Capital Monitoring Provisional Outturn 2021-22	Finance and Corporate Services	Jackie Johnstone	
New Roads & Street Works Act Annual Performance Report 2021-22	Assets, Transportation and Environment	Martin Kingham	
Fife's Road Condition Report 2022	Assets, Transportation and Environment	John Mitchell, Neil Watson	
Business Gateway Fife Annual Performance 2021-22	Business and Employability	Gordon Mole, Pamela Stevenson	
Support for Voluntary Organisations	Business and Employability	Gordon Mole	
Fife Road Casualty Statistics 2022	Assets, Transportation and Environment	John Mitchell	
Fife Council Public Electric Vehicle Charging Network	Assets, Transportation and Environment	John Mitchell, Jane Findlay	
Leading Economic Recovery (LER) Action Plan Progress Update	Business and Employability	Gordon Mole, Peter Corbett	
Transport (Scotland) Act 2019 - Pavement Parking Ban Update	Assets, Transportation and Environment	John Mitchell, Martin Kingham	

**Economy Tourism Strategic Planning and Transportation Sub-Committee**

**17 March 2022**

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<b>Unallocated</b>			
<b>Title</b>	<b>Service(s)</b>	<b>Contact(s)</b>	
Fife Development Plan Scheme	Planning	Bill Lindsay	