

Preparing the ground for NPF4: a comparison of UK planning policies, November 2021

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Introduction

The Scottish Government are consulting on their Fourth National Planning Framework (NPF4), which sets out a long-term plan for what Scotland, as a place, should look like by 2050. The new framework will need to tackle both the climate change crisis and the biodiversity emergency.

Ahead of the draft NPF4 being finalised, this paper offers a comparison of current planning policies across the UK nations. We have scored each nation on key features of the built and natural environment, identifying leading practice. In unpacking the scores given to each nation, we have included an ask or recommendation for where Scotland can improve its planning system.

The planning system is only one element in ensuring we have a healthy natural and built environment. Design, delivery, repair and maintenance all play a part. However, the planning system is the first filter for developments, and the opportunity to reconcile potentially contending public and private objectives.

Scorecard

The following scores represent our interpretation of planning policies currently in place and it should be noted even where a country has been awarded the

Key findings

- Our research finds that Scotland currently falls short of our UK neighbours in protecting the beauty and scenic value of our iconic landscapes, with battlefields and National Scenic Areas in particular need of better management and protection.
- Scotland is currently a leader in preserving Scheduled Monuments and protecting the features of internationally designated sites from inappropriate development.
- Ensuring management plans are in place for all National Scenic Areas and other key heritage sites will help Scotland meet important climate and biodiversity targets, including the commitment to protect 30% of land for nature by 2030.
- Frameworks and policies are only the beginning of this process, and it is crucial that deployment matches the principles set out in national strategies.

maximum five stars this does not mean that there is no room for further improvement as policies are reviewed and updated.

Topic	Scotland	England	Northern Ireland	Wales
Battlefields	★★★★☆	★★★★★	★☆☆☆☆	★★☆☆☆
Conservation Areas	★★★★★	★★★★☆	★★★★★	★★★★☆
Gardens & Designed Landscapes	★★★★☆	★★★★★	★★★★☆	★★★★☆
Listed buildings	★★★★☆	★★★★★	★★★★☆	★★★★☆
National Parks	★★★★☆	★★★★★	N/A ¹	★★★★★
Scenic landscapes	★★★☆☆	★★★★★	★★★★☆	★★★★★
Scheduled Monuments	★★★★★	★★★★★	★★★★★	★★★★★
Sites of Special Scientific Interest	★★★★☆	★★★★☆	★★★★☆	★★★★★
Special Protection Areas/Special Areas of Conservation	★★★★☆	★★★★☆	★★★★☆	★★★★☆
World Heritage Sites	★★★★★	★★★★☆	★★★★★	★★★★☆

¹ Northern Ireland currently has no National Parks and was not scored on this feature.

Comparison of policies

Having provided an overview of how each country performs, we will now offer context on how these scores were reached, alongside our asks for these topics to be addressed within NPF4.

Battlefields

England is judged to have the best battlefield protections of the four home nations, where the [NPPF](#) states that substantial harm to, or loss of, registered battlefields should only be permitted in “wholly exceptional” circumstances. England also has conservation management plans in place for designated battlefields, identifying threats and constraints, and providing a framework for sympathetic future land management of the site. Scotland scores second to England on protection for battlefields with planning authorities expected to “seek to protect, conserve, and where appropriate, enhance” landscape and special qualities of sites included in the Inventory of Historic Battlefields. Unfortunately,



Culloden Battlefield (National Trust for Scotland)

planning decisions have sometimes run counter to this ambition, for example the [Viewhill development](#) on Culloden battlefield. NPF4 offers an opportunity for Scotland to strengthen the management of these assets of national significance and ensure their protection from inappropriate development.

Despite the existence of a non-statutory inventory of historic battlefields in Wales, their planning policy does not make direct mention of any measures in place to protect them from inappropriate development. Similarly, Northern Ireland has no register or statutory protection for historic battlefields. It is assumed that limited protections will exist for battlefield sites which contain Scheduled Monuments or listed buildings.

Ask: Enhanced protections for battlefields are included in NPF4 to prevent development occurring which has an adverse effect on the sites of historic battles or the landscapes in which they are situated.

Conservation Areas

We considered there was a generally consistent approach across all four nations in regards to Conservation Areas, where developments are expected to preserve and enhance the character and appearance of the area. We have scored Scotland particularly well as current policy is that developments outwith a Conservation Area, but which would have an impact on it, should also preserve and enhance the character and appearance of the Conservation Area. Similarly, Northern Ireland’s policy notes that development in proximity to designated Conservation Area needs to be carefully managed to ensure it respects its overall character and appearance.

Where Wales and Northern Ireland focus on presumptions against inappropriate development, England appears to encourage local authorities to look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

Northern Ireland and Wales are explicit in their protection against the demolition of unlisted buildings, though Scotland is not far off this position in setting out a presumption to retain unlisted buildings where they make a positive contribution to the character and appearance of the Conservation Area.

Policies in Northern Ireland and Scotland make reference to the protection of trees which contribute to the character and appearance of the area, with [SPP](#) noting the use of Tree Preservation Orders to increase the protection given to such trees.

Scotland and Wales both refer to the use of Conservation Area Appraisals to inform development management decisions, further adding to the protections already highlighted.

Ask: NPF4 ensure the continued protections for Conservation Areas.

Gardens & Designed Landscapes

Although designated Gardens and Designed Landscapes do not benefit from the same statutory protections that listed buildings and Scheduled Monuments have, they are recognised for their importance to Scotland’s heritage. In doing so, the SPP directs local planning authorities to protect and seek to enhance sites listed on the Inventory of Gardens and Designed Landscapes

covering designed landscapes of regional and local importance. Likewise, Planning Policy Wales states that their own register should be taken into account in planning authority decision making and goes further by suggesting the use of Green Infrastructure Assessments to better understand the role historic parks, gardens and landscapes play in an area, and ensure their qualities are protected and enhanced.

The policy in Northern Ireland states that planning permission should not be granted where this would lead to the loss of, or cause harm to, historic parks, gardens or demesnes.

It is notable that in England a grading is applied to nationally designated Gardens and Designed Landscapes (Grade I of exceptional interest; Grade II* of more than special interest; and Grade II of special interest). This contrasts with Scotland's current approach which makes no distinction between the degree of significance of the site.

Again, much like we will see for listed buildings and Scheduled Monuments, England is more explicit in stating that substantial harm to, or loss of: Grade II registered parks or gardens should be exceptional; and for grade I and Grade II* registered parks and gardens should be wholly exceptional.

Ask: NPF4 should, at the very least, maintain existing protection for Gardens and Designed Landscapes and ensure the use of up-to-date information (such as that gathered by Green Infrastructure Assessments) to protect and enhance their special qualities.

Listed buildings

Approaches to the protection of listed buildings are broadly consistent across the UK.

Wales employ a general presumption in favour of the preservation or enhancement of a listed building and its setting, a protection which is mirrored in SPP where "*special regard must be given to the importance of preserving and enhancing the building, its setting, and any features of special architectural or historic interest*", resulting in both policies scoring well. Similarly, Northern Ireland notes that any development should respect the essential character and architectural or historic interest of the building, ensuring that any features of special interest remain intact and unimpaired.

Scotland also scores highly on protections for listed buildings in seeking to ensure that the layout, design, materials, scale, siting and use of any development are appropriate to the character and appearance of the

affected listed building and its setting. England places weight on understanding the significance of the building, using the historic environment record and appropriate expertise where necessary, and using this to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Where we felt there was room for enhancement within Scotland's approach was in recognising the significance of particular buildings. In England, great weight should be given to the conservation of a designated heritage asset, and the more important the asset, the greater the weight should be. As a guide, NPPF states that substantial harm to or loss of grade II listed buildings should be *exceptional*, whereas for grade I and grade II* listed buildings this should be *wholly exceptional*. A similar consideration in Scotland would assist in the conservation of the buildings most important to our cultural heritage, and could be easily achieved through use of existing A, B, C categories of listed buildings.



Culzean Castle (National Trust for Scotland)

While there is a general protection against the demolition of listed buildings, NPF4 could enhance this protection by mirroring the policies elsewhere in the UK and explicitly stating that demolition should only be permitted in exceptional circumstances requiring the strongest justification. Where demolition consent is granted, Northern Ireland note this should normally be conditional on prior agreement for redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.

Ask: NPF4 should strengthen existing protections in ensuring that the cultural and historical significance of our most important listed buildings are given greater consideration when determining proposals for development impacting them.

National Parks

Existing planning policy provides a good level of protection to National Parks in Scotland, with greatest weight given to the aim of conserving and enhancing the natural and cultural heritage of the area. Planning decisions are expected to reflect this weighting, and development plans for National Parks should be consistent with the National Park Plan. Although this provides a firm basis of protection, development affecting a National Park may be permitted where “*any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance*”, which leaves the door ajar to development which could potentially harm the natural and cultural heritage of the National Park.



Glen Coe (National Trust for Scotland)

While the level of protection afforded to National Parks in Scotland closely resembles those in both England and Wales, their policies explicitly state that National Parks should be afforded the “*highest status of protection*” with a presumption to refuse major development in all but exceptional circumstances. This led to us scoring them marginally ahead of Scotland.

Ask: NPF4 should recognise the value of our National Parks (as important cultural assets and the basis of our visitor economy). This could be achieved by introducing a presumption against inappropriate or major development in all but the most exceptional circumstances.

Scenic landscapes

Scottish legislation² defines a National Scenic Area (NSA) as an “*area of outstanding scenic value in a national context*”, and the planning system is tasked with ensuring

its protection from inappropriate development. Under the current SPP, development in NSAs should only be permitted where:

- the objectives of designation and overall integrity of the area will not be compromised;
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

This is the same caveat to development which applies to National Parks. Beyond SPP, the General Permitted Development Order 1992 (as amended) places limits on some Permitted Development Rights within NSAs, which would otherwise be permitted.

As with National Parks, England³ has led the way on safeguarding scenic landscapes. Areas of Outstanding Natural Beauty (AONB), are found in England, Wales and Northern Ireland, and are broadly equivalent to NSAs. Planning policy in England and Wales ensures AONB have equal status with National Parks in terms of landscape and scenic beauty, and are thus also afforded the highest status of protection from inappropriate development. In recognition of this status, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs.

The high level of protection allows these areas to contribute towards the goal of protecting 30% of land for nature by 2030⁴. However, with NSAs having no statutory purpose to protect and restore nature, they do not count towards Scotland’s efforts to meet this target.

Unlike National Parks, National Scenic Areas (NSAs) do not have their own individual planning authority. In England, the local authorities can request that the Secretary of State establish a conservation board with delegated powers to manage the AONB on their behalf. As a result of The Countryside and Rights of Way (CROW) Act, which applies to both England and Wales, a conservation board or relevant local authority has a statutory responsibility to prepare, publish and review a management plan for the AONB every 5 years. In Northern Ireland, development proposals in AONB “*must be sensitive to the distinctive special character of the area*”, with AONB management plans taken into account when assessing development proposals. Despite having 40 NSAs designated in Scotland, to date only the three

² Planning etc. (Scotland) Act 2006, <https://www.legislation.gov.uk/asp/2006/17/section/50>

³ The first National Park in England, the Peak District, was established in 1951, with the first National Park in Scotland, Loch Lomond and the Trossachs coming in 2002. The first Area of Outstanding Natural Beauty in England, the Quantock

Hills, was designated in 1956, compared to 1981 for National Scenic Areas in Scotland.

⁴ <https://www.gov.scot/news/30-per-cent-of-scotlands-land-to-be-protected-for-nature/>

NSAs in Dumfries and Galloway have active management strategies in place.

Ask: NPF4 should, at the very least, ensure NSAs have equal status with National Parks in Scotland, and institute the preparation and publication of management plans to manage landscape change within these important landscapes. These plans can help combine public appreciation of landscapes with realising national targets for carbon sequestration and for recovery of biodiversity.

If Scotland is to meet the '30x30' target, the network of existing NSAs will need to be expanded and new areas added. With England already considering the addition of two new AONBs and extensions to two existing AONBs⁵ for the first time in 26 years, the time has come for Scotland to expand upon designations made over 40 years ago.

Scheduled Monuments

Scotland scores well on Scheduled Monuments as SPP allows permission for development only in 'exceptional' circumstances; a position mirrored in both Wales and Northern Ireland. This protection is further strengthened by the need for written consent from Scottish Ministers for any proposal that would have a direct impact on a Scheduled Monument.

With Scheduled Monuments considered as "assets of the highest significance" in England, development should only be permitted in "wholly exceptional" circumstances. Given their significance to our national history, Scotland should consider adopting a similar approach and further limiting the circumstances under which development affecting Scheduled Monuments would be granted consent.

Ask: NPF4 should maintain the requirement for separate Ministerial consent, only granting permission for development in wholly exceptional circumstances.

Sites of Special Scientific Interest

SSSIs are recognised for their national importance, with all four nations sharing a general presumption against development that would damage or adversely affect the special features of the site. In Scotland, SSSIs share the same caveat from development as previously noted for National Parks and NSAs.

Wales and Northern Ireland make mention within their planning policies of a duty to further the conservation and enhancement of the features by which site is of special interest, which appears similar to the obligation

on NatureScot to provide a management statement setting out guidance for the conservation and enhancement of the special features relating to SSSIs.

In considering proposed developments, it may be worth noting that Wales recognise damage to SSSIs can be caused by developments some distance away, and as such notification of proposed operations to must be made to Natural Resource Wales. While consent must be sought from NatureScot to carry out certain operations on land within an SSSI, this provision could be strengthened by taking account of the impact development outwith an SSSI may have on its special features.



Blanket bog (National Trust for Scotland)

Ask: Improving management and regulation of land use in and around SSSIs will be critical to ensuring species and habitats adapt to changes in climate, contributing to ecological restoration.

NPF4 should further enhance the protection of SSSIs by giving greater recognition to the impacts developments in surrounding areas can have on their special features.

Special Protection Areas/Special Areas of Conservation

SPP offers good protection to SPAs and SACs as part of the Natura 2000 network. It is welcome that any development plan or proposal not connected to conservation management must be subject to "appropriate assessment", with proposals only approved if the competent authority ascertains there will be no adverse effect on the integrity of the site. Derogation is permitted if there are no alternative solutions and there are imperative reasons of overriding public interest, but this must be notified to Scottish Ministers and compensatory measures would need to be provided to ensure the overall coherence of the Natura network is protected.

⁵ <https://www.gov.uk/government/news/natural-england-announces-landmark-new-programme-for-protected-landscapes>

Protections are consistent with policies across rest of the UK, where all four nations afford same level of protection to proposed SPAs/SACs.

Ask: With SPAs/SACs given strict protection under European Law, it would be helpful for NPF4 to emphasise their continued protection in line with the Scottish Government's commitment to keep pace or improve upon existing EU environmental standards following Brexit.

World Heritage Sites

World Heritage Sites (WHS) are well protected in existing planning policy due to the obligation to protect and preserve their Outstanding Universal Value (OUV). Given the international status of this designation, the general principles of protecting World Heritage Sites are consistent across the UK.



St Kilda (the National Trust for Scotland)

Beyond protecting WHS from development that would adversely affect its OUV, planning policy in England encourages local planning authorities to seek out opportunities for new developments within WHS which would enhance or better reveal its significance. This approach presents an opportunity to better understand the contribution these sites make to our cultural identity and sense of place.

Ask: Maintain existing protections and give consideration to how development could be sensitively encouraged to enhance significance and enjoyment of World Heritage sites.

Historic environment

Each nation recognises the historic environment as an irreplaceable resource which should be protected, conserved or enhanced, with Scottish Planning Policy noting that it is a key cultural and economic asset which should be seen as integral to creating successful places.

Building upon this, NPF4 must reflect that the conservation and enjoyment of the historic environment and the heritage assets it includes can bring environmental benefits. This is a point which is already acknowledged in policies for both England and Northern Ireland, and can be viewed as an important part of the green recovery.

We welcome recognition in the SPP that the historic environment is not just made up of designated heritage assets but also, importantly, undesignated heritage assets, their setting and the wider cultural landscape. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset; in doing so strategic development plans should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

Additionally, NPF4 could learn from the English example of setting out a 'positive' and so proactive approach to the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In protecting the historic significance of assets, it is welcome to see England's policy advise that where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. By adopting a similar approach within NPF4, the historic environment would be afforded an additional layer of protection. This would help ensure historically significant assets will be carefully managed for the enjoyment of current and future generations, while deterring owners and developers from deliberately allowing sites to fall into a state of disrepair.

Ask: NPF4 should enhance existing protections for the historic environment by encouraging a more proactive approach to its conservation, as well as giving recognition to the environmental benefits this would bring.

Room for further improvement?

The above comparison provides an overview of where planning stands now, but it is our hope NPF4 will offer an ambitious new framework that protects our natural and cultural heritage. With this in mind, the following areas stood out in our consideration of policies across England, Wales and Northern Ireland and could be better incorporated into Scotland's planning framework and policy.

Beauty

Scotland's landscapes are among our most important natural and cultural assets but despite being the basis of our visitor economy, the need to preserve the beauty of our landscapes is given little recognition within the existing planning policy. This contrasts with the policy in England where planning policies and decisions should contribute to, and enhance, the natural and local environment by "recognising the intrinsic character and beauty of the countryside". NPPF strengthens this position by outlining that National Parks and AONBs should be afforded the highest level of protection from inappropriate development; in doing so, great weight is expected to be given to the conservation and enhancement of both landscape and scenic beauty.

As mentioned previously, NTS would like to see the greater recognition given to the value of our National Parks and National Scenic Areas. This includes the positive contribution beauty provides to our sense of wellbeing, as well as its economic value in attracting visitors from around the world.

Recent polling carried out on behalf of NTS found 87% of people consider beauty to be important in their surroundings, with many respondents saying it contributes to their wellbeing (64%) and enhances their quality of life (60%). Our poll also found 90% of the public in agreement that beautiful places, buildings and objects should be protected and conserved.

Following England's lead, NPF4 should recognise the role beauty can play in achieving its four key outcomes, most notably the contribution natural beauty can make to both the wellbeing economy and better, greener places.

Wellbeing

As we begin to emerge from the coronavirus pandemic, it is welcome to see increasing recognition of the role the planning system can play in ensuring the wellbeing and resilience of our communities.

During our comparison, it was clear that wellbeing is central to planning policy in Wales. Guided by the Wellbeing of Future Generations Act, planning authorities should ensure that social, economic, environmental, and cultural benefits are considered in the decision-making process, with each of these given equal consideration for a proposal to be deemed a sustainable development. This helps ensure, for example, that the economic benefits of a proposal cannot be used to justify development which may be against the wishes of the

local community or indeed have an adverse impact on the environment.

Inspired by the Welsh approach, NPF4 should take this opportunity to deliver on commitments for plan-led development and ensure balanced development where social, environmental, cultural, and economic assets in an area support each other. This not only contributes to the overall health and wellbeing of the people who live and work there but will be helpful in ensuring the Scottish Government meets its commitments to UN Sustainable Development Goals.

Coastal development

An area we felt Northern Ireland performed well, and could provide inspiration for NPF4, was in recognition of the effects of coastal development. Northern Ireland consider this unique part of their natural heritage important in terms of scientific interest and nature conservation, as well as for the strategic economic links it provides to the UK and Europe. With these factors in mind, it is the aim of planning policy to protect the undeveloped coast from inappropriate development, with support for the sensitive enhancement and regeneration of the developed coast.



Ardrossan Coast (Wikicommons)

There is a recognition within Northern Ireland's planning policy that "undeveloped coastal areas will rarely be the most appropriate location for development", with new developments being directed into existing coastal settlements.

We consider there is scope to strengthen Scotland's protection of our coastline in NPF4, and follow the example set by Northern Ireland in preventing "coastal squeeze" and recognising the irreplaceable nature of some coastal habitats. Following on from NPF3, an integrated approach to coastal planning would better recognise the impact terrestrial developments have on

marine life along our coasts, an area which will be of great importance in addressing both the climate and biodiversity crises.

Wild Land

One area where Scotland does stand out is in its recognition of Wild Land, areas of remoter upland, mountain or coastal areas that are sensitive to intrusive human activity. First formally identified in 2014, Wild Land areas are important both as reservoirs of biodiversity and for human enjoyment of nature. Forthcoming research for NTS found that Scotland's Wild Land areas were important to 88% of citizens. The next iteration of the National Planning Framework should maintain and improve the management of these areas.

Natural capital and ecosystems services

One area that is underdeveloped in all current planning policies is the treatment of natural capital, the recognition that human life depends on the functions provided by natural processes, including clean air, water and food. There is now growing recognition that our natural capital, and the essential ecosystems services it provides, can be enhanced or degraded through human decisions. NPF4 could enhance our natural capital by supporting the development of nature networks, recognised already in English and Welsh policy.

The United Nations Sustainable Development Goals include the target that by 2020, national governments should “integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts.” The NPF4 is the best opportunity for Scotland to meet this UN Sustainable Development Goal target.

Conclusions

The new National Planning Framework will determine what kind of Scotland we live in. Under the existing planning system, Scotland performs well on protections for the historic and natural environment, but as this brief comparison of our UK neighbours demonstrates there is room for improvement, particularly in the management of landscapes. NTS would like to see a framework that not only maintains existing protections but takes an ambitious approach to safeguarding these features for the enjoyment of current and future generations.

We are concerned at the possibility of existing protections being side-lined or opportunities to better protect key cultural and natural assets being overlooked

in a framework which will be balancing the spatial and thematic planning policies for the first time in a single document.

At a minimum, NPF4 should maintain existing protections against developments in and around key natural and heritage assets. In responding to both the biodiversity and climate crises, it is not enough to simply maintain the status quo, which is why we are also calling for the following measures to be included in the next National Planning Framework:

- Improved protections to prevent developments on or adjacent to battlefields;
- Recognition of the value of our National Parks and the prevention of inappropriate or major development in all but the most exceptional circumstances;
- Enhance the status of National Scenic Areas, with the use of management plans to protect their special features, and encouraging the establishment of new NSAs;
- Give greater recognition to the adverse impacts developments can have on SSSIs, and use nature networks to help secure protection of their special features;
- Encourage a proactive approach to the conservation of the historic environment, recognising the environmental benefits this brings.

References

[Scottish Planning Policy](#)

[National Planning Policy Framework - England](#)

[Strategic Planning Policy Statement for Northern Ireland](#)

[Planning Policy Wales](#)

[United Nations Sustainable Development Goals: Goal 15](#)



Kintail (National Trust for Scotland)