

Proposals for Regulations on Local Place Plans – Heads of Planning Scotland Response

Last year, the Scottish Government invited Heads of Planning Scotland (HOPS) to provide initial views on the direction of travel and any specific comments or concerns around draft proposals for the framework of secondary legislation to support the implementation of provisions relating to Local Place Plans, as introduced by the Planning (Scotland) Act 2019.

HOPS welcome the opportunity to work collaboratively with Scottish Government on the implementation of Local Place Plans (LPP), particularly as they represent a potentially significant change to the way in which local communities engage with the planning process.

As with last year's Proposal Paper, the Proposals for Regulations on Local Place Plans have been discussed at the Development Planning sub-group of HOPS and the Local Authority LPP Benchmarking and Learning Group, with all local authorities represented on these groups invited to input. We welcome the apparent shift in the Government's thinking around consultation on Local Place Plans and comment further on how this can be achieved within the spirit of the overall approach to the regulations in our response below.

Aside from the details considered in the consultation in respect to the regulations, it remains the case that the resource implications of Local Place Plans, including to local authorities, are a substantial concern for HOPS. Improving community involvement and early and effective engagement in the planning process was a key aim of planning reform from the outset. Local Place Plans are a central part of delivering this and one of the most significant changes to the planning system. However, the desire to support local communities prepare Local Place Plans and the associated duties upon planning authorities remain – along with other duties arising from the Planning Act – unfunded.

The partial Business and Regulatory Impact Assessment undertaken by Scottish Government for the proposed regulations assumes that the average cost of preparing an LPP will be in the region of £15,000. If there is significant uptake of the right to prepare an LPP (especially in urban authorities who are home to many different communities) this could amount to a significant sum of money. Furthermore, it is important that all communities have the opportunity to prepare a Local Place Plan, not only those best placed to do so with regard to available skills and resources.

The resources implications of Local Place Plans, including financial and local authority staff resource, requires to be addressed by Scottish Government in order that planning authorities are in a position to assist communities, even in providing some guidance and direction. In addition, funding requires to be made available to communities, with consideration given as to how this could be prioritised to assist communities in high deprivation areas, for example, to access.

A related issue concerns the timing of Local Place Plans. If local communities and Local Place Plans are to inform Local Development Plans, they require to be prepared in advance of, at the latest, the Proposed Plan stage of LDP preparation. This immediately places a time pressure on the preparation of LPPs by community bodies, particularly in areas where the local planning authority would seek to commence preparation of a new Local Development Plan as soon as the relevant regulations come into force, expected to be spring/summer 2022. There is a danger the LPP – rightfully giving communities the opportunity to prepare an LPP – may delay this process and create a 'bottleneck' in the system.

In summary, in addition to our response to the specific questions posed below regarding the detail of Local Place Plans, Scottish Government must consider these crucial issues in finalising the Local Place Plan regulations and arrangements. We would welcome continued involvement in this; the development of associated guidance and how Local Place Plans can be resourced. For Local Place Plans to be successful it is imperative that revenue funding is provided to both community bodies and local planning authorities to support their preparation and implementation.

1. Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

Yes. We agree that the secondary legislation should require community bodies to have regard to published Locality Plans, where such plans are in place, when preparing an LPP. This would be in addition to the National Planning Framework and Local Development Plan, as set out in the primary legislation.

This requirement will strengthen the link between spatial and community planning at a local level, help build relationships between community bodies and other community planning partners and help avoid potentially confusing contradictions between different plans. To maximise the potential to create efficiencies, reduce duplication and prioritise resources, community planning partnerships and community bodies may wish to go further and integrate Local Place Plans and Locality Plan. We see clear benefits in the combination of Local Place Plans and Locality Plans and further consideration should be given as to how this can be encouraged and enabled in practice, including whether a provision allowing this is required in the secondary legislation.

2. Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

While we agree that the regulations should avoid being overly prescriptive and potentially onerous, it is considered that the regulations should include the requirement for community bodies to also have regard to Local Outcomes Improvement Plans (LOIP).

This recognises that not all areas have Locality Plans; that sometimes plans may be out-of-date; would help avoid contradictory plans and encourage wider alignment and buy-in to the process. The Proposals for Regulations note that in having regard to both the NPF and LDP a wide range of national and local plans, strategies and projects will be considered and reflected in LPP and, that under the Act, Local Development Plans will be required to consider any Local Outcomes Improvement Plan (LOIP) for its district going forward. However, the first generation of Local Place Plans being prepared next year will be prepared ahead of these requirements being reflected in adopted LDPs.

It is likely, for any given area, there will be other relevant policies, plans and strategies produced – or in preparation – by the local authority and community planning partners or bodies, for example community led action plans prepared by community trusts. It is acknowledged that capturing all of these within the secondary legislation would be difficult, but this shouldn't distract from the importance of encouraging Local Place Plans to fully understand the local context and to engender 'collaboration rather than conflict'.

3. Do you agree with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary?

We agree that a statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan and a map of the area covered by the Local Place Plan, annotated to provide the boundary should be required to allow for the community body to express to the wider community and the planning authority what is being proposed. Such statements – and proposals – should be clearly expressed and LPPs should be well-structured and visual, using graphics, photographs and maps. Guidance, best practice and potentially templates will be important in supporting community bodies with the form and content of LPP.

The proposals consider the potential role of 'additional information' being submitted alongside the LPP, for example to assist its registration by the planning authority. It is considered simpler, however, if a distinction is not made between the LPP and 'other information', for community bodies, the wider community, community planning partners and the planning authority. This would avoid any potential misunderstanding over what constitutes part of an LPP and what does not.

On this basis, in line with our comments in relation to engagement and consultation below, we consider the regulations on the form and content of an LPP should also extend to the inclusion of a description of the consultation activities that have been undertaken (including with local councillors) and how this consultation has informed the LPP.

Additionally, it is considered that Local Place Plans should contain a statement indicating how the proposals of an LPP will be delivered. This should, at a minimum, indicate who the lead is on the project action, supporting partners, funding and timescale for delivery.

- 4. Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?**
- 5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?**
- 6. Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?**
- 7. If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?**
- 8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?**

Responding to questions 4 to 8 together, we consider there should be a statutory basis which requires community bodies to undertake consultation on Local Place Plans.

This requirement would signal the clear intent that Local Place Plans are to be based on evidence of a community's views (not just the community body preparing the LPP) and, as stated in the Proposals for Regulations, the very nature of requiring engagement in the early

stages of preparing an LPP will provide a clear steer to community bodies of the importance of ensuring that the LPP is based on a robust evidence base of the wider community's aspirations, including those who are not generally heard or whose voices can be ignored.

The Proposals for Regulations consider engagement in the context of potential prescribed requirements as to the steps to be taken *before* preparing the Local Place Plans (Sch. 19, Para 1(4)(c)(ii)); the steps which must be taken before *submitting* a local place plan (Sch. 19, Para 2(1)(a)) and how the views of councillors for the area to which the local place plan relates are to be taken into account (Sch. 19, Para 2(1)(c)).

Rather than specifying minimum requirements for consultation and engagement, for example (as per Q.6) that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP, we propose that the minimum requirements of what an LPP contains should include a description of the engagement and consultation activities, including with the wider community and local councillors, that have been undertaken and how this consultation has informed the LPP. This would embed the requirement to undertake engagement and consultation into the LPP process, and consider the outputs from such activity, without being prescriptive as to what form this should take, allowing community bodies to adopt an approach that best suits local circumstances.

Additionally, we consider there should be a statutory requirement for community bodies to engage with local authorities in developing their LPP. This may be an inception meeting (or similar) at the start of the process – which would be the minimum requirement – or a more involved, collaborative approach to the preparation of an LPP. It is acknowledged that this would bring additional resource requirements to local authorities and may need to be dependent on Scottish Government revenue funding to planning authorities.

This approach would align with the collaborative spirit of the legislation and could have multiple functions, including: confirming the body preparing the LPP is a community body; avoiding the potential situation of two community bodies seeking to prepare an LPP for the same area; maximise the opportunities to create efficiencies, reduce duplication and prioritise resources; signposting the relevant policies, plans and strategies that the community body should have regard to, acknowledging it could be difficult for community groups to be aware of all relevant partner plans and community-led plans; and providing guidance on consultation and the potential support and resources available to prepare LPP. Such a meeting would also alert the planning authority to expect an LPP for a specific area.

There will be an important role for Local Place Plan Guidance and 'How to Guide' to promote best practice when it comes to meaningful engagement in the preparation of Local Place Plans. There is also an opportunity to make links between Local Place Planning and Digital Planning, for example in relation digital mapping and data. The provision of an optional digital template or platform may be beneficial to community bodies.

9. Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than being submitted separately. The validation of LPP should be a collaborative endeavour between the community body and the local planning authority. This collaborative

approach will hopefully avoid any potential conflict between both parties, which may put local Members in a difficult position. Rather than requiring the community body to submit a statement on how it has complied with the legal requirements, we would favour the development of a validation framework to support the evaluation of Local Place Plans by both community bodies and local planning authorities.

Guidance on the preparation and form and content of LPP, which could include a template, would further assist community bodies to ensure the plans they prepare and submit to local planning authorities complied with the legal requirements.

10. Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?

Agreed. We envisage that a register and map of registered Local Place Plans would be held on the Council's website.

11. Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

12. Please provide your views on the level and content of information to be placed on the register.

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

13. Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

LPP should be removed from the register if they have been superseded or if a community body is satisfied for them to be so, rather than the local planning authority making that decision. Even after they have been taken into account in the LDP, LPP may remain valid as an expression of a community body's proposals for the use and development of land. As it would be preferable if older, out-of-date LPP were removed from the register, it is proposed that at the start of each plan preparation cycle (i.e. when the Local Planning Authority, in accordance with Section 15A of the Act, publishes an invitation to local communities in their district to prepare local place plans), community bodies would be required to confirm whether an existing LPP should remain on the register. The planning authority could remove an LPP from the register if no confirmation that it should be retained is given.

14. Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?

Agree