

## Effective community engagement in local development planning guidance (13<sup>th</sup> September 2023)

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

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### **1. Do you agree that the purpose and scope of the guidance is clear?**

Yes

HOPS are content with the purpose and scope of the guidance.

HOPS would wish to highlight the resource implications to planning authorities during Local Development Plan engagement especially the additional duties introduced within the Planning Act.

Clarification would be welcomed in the final guidance on the status of Planning Advice Note 3/2010 and how it relates to this guidance. Contained within this PAN are links to an outdated planning preparation process and national standards.

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### **2. Do you agree that the terms inform, consult, involve, collaborate and empower, as described in the table, are helpful terms to support understanding of different levels of engagement and the influence that results from it?**

No

While there may be benefit in setting out different levels of engagement, the levels of engagement described and associated Table 1 in its current format may lead to some confusion in stakeholder expectation. The importance of being realistic, open, and transparent about what can be expected, achieved, and influenced through engagement should be emphasised. Managing expectations is crucial to maintaining trust and participation.

On the use of the term "*consult*", clear definition is required between what is referred to in this document and the consultation requirements referred to in the Planning Act.

Table 1:

**Informing** – there may be cases where the statement "*we will not withhold relevant information*" is not possible due to data protection.

**Consulting** – No issues raised within this section of the table.

**Involving** - This section needs to take into account all concerns and aspirations may not be directly reflected in the outcome, they may not be viable due to many reasons and alternatives may not be suitable, in such cases acknowledgement of the input and clarification of the input may be the only option.

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**Collaborating** – While the definition mentions incorporating advice and recommendations to the maximum extent possible, it's noted that this could create expectations about the weight given to one community's advice compared to others. Adding a phrase like "*and taking all views into account*" is recommended to address this concern.

**Empowering** – There have been potential issues raised with how this interacts with the preparation of Local Place Plans (LPP). Clarity on the role of the planning authority in this matter will be essential. The use of implementation within this section also may create unrealistic expectations of what can be implemented from a LPP, and more generally what can be committed from local authority resources.

As always links to case studies or examples to help provide clarity on what would be expected in each of the stages would be highly beneficial.

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**3. Do you agree that the appropriate levels of engagement have been identified for the stages of local development plan preparation?**

No view

HOPS note there is differences of opinion on this question from Planning Authorities and would defer individual responses for further detail on some matters.

The staged manner in how this this is presented is useful.

Clarity on the terminology issues highlighted in question 2 will be required.

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**4. Do you agree that the appropriate levels of engagement have been identified for the impact assessments?**

Yes

Authorities have identified that advice on how to align impact assessment engagement with other engagement in the Local Development Planning process would be beneficial to avoid consultation fatigue.

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**5. Overall, is the approach set out in the guidance helpful?**

Yes

In general, the approach is helpful. It would however benefit from clarity on how this document relates to PAN 3/2010. It should also state that this document is drafted for the use of planning authorities.

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**6. Do you have any views about the initial conclusions of the impact assessments that accompany and inform this guidance?**

Yes

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Regarding to the Partial Business and Regulatory Impact Assessment, HOPS have noted concern in the past about the increased costs to deliver a local development plan. While this document provides useful supporting guidance it does not address problems arising from the additional requirements from the Planning (Scotland) Act and National Planning Framework 4.

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**7. Thinking about the potential impacts of the guidance – will these help to advance equality of opportunity, eliminate unlawful discrimination, and foster good community relations, in particular for people with protected characteristics?**

Yes

If the principles within the guidance are followed these should have a positive impact. However, clarity of terminology used (as noted in question 2) will be required to avoid any unintended consequences.

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**8. Do you have evidence that can further inform the impact assessments that accompany this guidance, in particular in relation to the impact of the guidance on people with protected characteristics, businesses and costs to businesses?**

No

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**9. Please provide any further comments on the guidance set out in this consultation.**

No further comments