



---

**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
18 MAY 2021**

**SUBJECT: PROPOSALS FOR REGULATIONS ON LOCAL PLACE PLANS**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 This report asks the Committee to consider the proposals for regulations on Local Place Plans (LPP) and to agree the proposed response in **Appendix 1** to be submitted to the Scottish Government.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

**2. RECOMMENDATION**

- 2.1 It is recommended that the Committee;
  - (i) note the proposals for regulations on Local Place Plans published by the Scottish Government; and
  - (ii) agree the response set out in Appendix 1 be submitted to the Scottish Government.

**3. BACKGROUND**

- 3.1 In summer 2019 the Planning (Scotland) Act 2019 was passed by the Scottish Parliament. Section 14 amends the Town and Country Planning (Scotland) Act 1997 to introduce a new right for communities to produce LPP for their places, with scope for these plans, or parts of them, to become a part of the Local Development Plan (LDP). The overall aim is to significantly enhance engagement in development planning by empowering communities to play a proactive role in shaping the future of their places by setting out their proposals for the use and development of land.

- 3.2 LPP can be prepared by a community body which is defined as either;
- a) A community controlled body within the definition given in section 19 of the Community Empowerment Act 2015; or
  - b) A community council established in accordance with Part 4 of the Local Government (Scotland) Act 1973.
- 3.3 LPP may also identify land and buildings which the community considers to be of particular significance to the local area. Community bodies will have to have regard to both the National Planning Framework and the relevant LDP when preparing LPP.
- 3.4 The Act did not contain provisions for the content, preparation, submission and registration of LPP as these were considered more appropriately dealt with through secondary legislation.
- 3.5 The provisions of the 2019 Act are not yet in force and the timing of their commencement will be linked to the coming into force of the regulations following on this from consultation. The consultation paper sets out draft proposals to support implementation of the Act relating to LPP.
- 3.6 Responses to the consultation have been requested by 25 June 2021.

#### **4. PROPOSALS**

- 4.1 The following matters have been considered by the Scottish Government in preparing the draft;
- The policy objective to promote early engagement by communities in setting out a vision for the future development of the places they live.
  - LPP are community led but have the potential to be supported in their development and delivery by the public and third sectors.
  - The process for preparing LPP to be defined largely by the capacity and preferences of the communities themselves, rather than introducing a fixed procedure

- 4.2 The draft proposals set out the following steps for preparing LPP, recognising this may vary;

Stage	Activity
Getting the ball rolling	Community body and others recognise that a LPP may add value to the community, which may be prompted by an invitation from the planning authority.
Preparing the LPP	Drawing together the evidence and seeking views of the community on the key issues for the LPP, having regard to the NPF and the LDP.
Developing proposals	Identify what the key issues are to be contained in the LPP.
Sense checking the LPP	Engaging with stakeholders
Submitting the LPP	Finalise the LPP and additional material and submit to the planning authority

Registering and delivery	Planning authority validation and registering of the LPP which is taken account of when developing the LDP.
--------------------------	---

- 4.3 The Act requires the LPP to have regard to “such other matters (if any) as are prescribed”. The proposals clarify that this should include the need to have regard to links between the LPP and relevant planning policies and to make links between spatial and community planning at a local level. LDP’s in future will be required to take account of any Local Outcome Improvement Plans (LOIPs) and it is proposed that LPP should also take account of any Locality Plans in place, as existing examples show that these can cover land use planning issues including affordable housing, active travel and community facilities.
- 4.4 In relation to the form and content of LPP, the Scottish Government propose that LPP should contain the following elements;
- A statement setting out the community’s proposals for the future development or use of land within the area covered by the LPP; and
  - A map of the area covered by the LPP, which must be annotated to provide the boundary.
  - Additional information to aide registration, including the journey to prepare the LPP and how the proposals in the LPP could be delivered, which could be submitted as additional information.
- 4.5 The Scottish Government is seeking views on whether the regulations should set out statutory requirements on community bodies to engage with their local communities in preparing the LPP, or if engagement options could be better explained in guidance instead.
- 4.6 Regulations will need to set out the requirements for submission of LPP, including;
- Steps which must be taken before submitting a LPP
  - How the views of councillors for the area to which the local place plan relates are to be taken into account in the preparation of the LPP; and
  - Information which must be submitted alongside a LPP.
- 4.7 The Scottish Government proposes to provide guidance with a “How to Guide” linking best practice examples of developing community led plans. The consultation paper proposes that the additional information to be submitted alongside the LPP should be sufficient to allow the planning authority to validate and register the Plan. This would include;
- Evidence that the body preparing the LPP is a Community Body
  - Evidence there has been compliance with the specific requirements to be set out in the regulations, including regard to NPF, LDP, Locality Plan; reasons for considering the LDP should be amended; evidence that the views of local ward councillors have been sought; evidence that the prescribed requirements on form and content have been complied with and evidence of compliance with community consultation requirements.
- 4.8 A validation framework for planning authorities to use will be considered by the Scottish Government. Planning authorities are required to maintain a

register of LPP. If the planning authority decide not to register the LPP, they must give their reasons to the community body.

- 4.9 Over a period of time, the register will contain LPP which have been submitted for consideration in the next LDP. As well as LPP which have been taken account of or partially taken account of. Views are invited on the merits of being able to remove LPP after a particular point in the LDP preparation cycle.
- 4.10 The proposed Council response to the questions set by the Scottish Government are included in **Appendix 1**.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key objectives including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment.

LPP can help articulate community aspirations for the use of land and buildings to support the LOIP and LDP.

### **(b) Policy and Legal**

Preparation of the LDP and the requirements regarding LPP are statutory responsibilities in the Council's role as Planning Authority.

### **(c) Financial implications**

None at this stage.

### **(d) Risk Implications**

None at this stage.

### **(e) Staffing Implications**

The requirements for LPP will have resource implications for services including Strategic Planning and Development and the Community Support Unit, both in terms of regulatory processes such as validation and maintaining a register, but also in supporting communities to develop LPP. Some communities will be better resourced to prepare LPP than others and further consideration will need to be given to how to resource and support communities in this process.

The full staffing implications of the new Planning (Scotland) Act 2019 will not be known until all regulations and guidance has been published and when these are reported to this Committee the staffing implications for services will be fully assessed.

### **(f) Property**

None at this stage.

**(g) Equalities/Socio Economic Impact**

None at this stage.

**(h) Consultations**

Consultation has taken place with the Depute Chief Executive Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Education Resources and Communities, the acting Community Support Manager, the Legal Services Manager, the Equal Opportunities Officer, Lissa Rowan (Committee Services Officer) and Paul Connor (Principal Accountant) and their comments incorporated into the report.

**6. CONCLUSION**

- 6.1 The Planning (Scotland) Act 2019 introduces a right for communities to produce LPP for their places with scope for parts of them to be integrated into the LDP.**
- 6.2 The Scottish Government has issued a consultation paper setting out proposals for the scope and content of LPP and seeking views on whether details should be included within regulations or guidance.**

Author of Report: Gary Templeton, Strategic Planning and Development Manager

Background Papers:

Ref: