



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 1 MARCH 2022

SUBJECT: LOCAL PLACE PLANS

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

1. REASON FOR REPORT

- 1.1 This report asks the Committee to note publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP) and consider the opportunities associated with supporting the preparation of LPP. Furthermore, it asks Committee to agree to further reports being referred to the Community Planning Officers Group, Community Planning Partnership, Community Engagement Group and the Moray Council regarding the engagement opportunities associated within the new Local Development Plan (LDP) process including the preparation of LPP.
- 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 publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP);**
 - (ii) note the opportunities arising from the preparation of LPP including assisting the transition to net zero carbon and supporting community wealth building;**
 - (iii) consider the opportunity for the Council to take a targeted approach in enabling hard to reach groups to prepare an LPP for their area;**
 - (iv) agree to raise awareness of LPP within the community and issue an invitation to community groups in Autumn 2022 for them to express an interest in preparing LPP with the aim of targeting harder to reach groups;**

- (v) **agree a further report on the implications for the Council arising from the preparation of LPP following the expressions of interest from community groups, this will include the benefits of a collaborative approach that will be reported to a future meeting of the Moray Council; and**
- (vi) **note reports will also be prepared for the Community Planning Officers Group, Community Planning Partnership and Community Engagement Group to raise awareness of engagement requirements in the new LDP, opportunities for LPP and to gather views on working together to support the preparation of LPP and this will inform the report to the Moray Council.**

3. BACKGROUND

- 3.1 Local Place Plans (LPP) are part of the Government's wider work on planning reform and implementation of the Planning (Scotland) Act 2019 (the 2019 Act), including steps to reduce conflict, improve community engagement and build public trust in planning matters. They offer the opportunity for a community-led, collaborative approach to creating great local places. LPP can support community aspirations on the big challenges for a future Scotland, such as responding to the global climate emergency and tackling inequalities. It is vital that local people have the opportunity to engage meaningfully and have a positive influence in the future planning of development in their areas. The aim is to significantly enhance engagement in development planning, effectively empowering communities to play a proactive role in defining the future of their places.
- 3.2 LPP form part of ongoing wider engagement required in the evidence gathering and preparation stages of the next Local Development Plan (LDP) and will continue through to delivery. All of the engagement proposed will be set out within the Participation Statement that forms part of the Development Plan Scheme. An updated Development Plan Scheme and accompanying Participation Statement will be reported to this committee in Autumn 2022. Ultimately the next plan must be place based and there is an opportunity for community visions to form part of the LDP.
- 3.3 A report was submitted to this committee on 18 May 2021 setting out Scottish Government draft proposals to support implementation of the 2019 Act relating to LPP alongside a proposed response to the consultation on LPP (para 11 of the minute refers).
- 3.4 The Town and Country Planning (LPP) (Scotland) Regulations 2021 came into force on 22 January 2022 with supporting guidance published on 21 January 2022 in the form of Planning Circular 1/2022 LPP. These regulations and guidance set out requirements for the preparation, submission and registration of LPP. An overview of requirements is set out below alongside identified opportunities arising from LPP that will help in contributing to Council priorities.

4. PROPOSALS

4.1 A summary of the process for producing LPP is set out below;

Getting ready to prepare LPP

4.2 As LPP are community led they must be prepared by a Community Body. The definition of which is a community-controlled body within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015 or a community council established in accordance with Part 4 of the Local Government (Scotland) Act 1973.

4.3 LPP are required to include a proposal for the development or use of land for example sites for housing, sites which support climate change adaptation, such as renewable energy or flood mitigation, local initiatives for the promotion of active travel or community food growing, improving/expanding open space and play provision or improvements in the town/neighbourhood centre. Matters not defined as development would include litter management and dog fouling, improvements to public transport (routes and timetables) and proposals that do not fundamentally impact on the long-term use of land.

Preparing LPP

4.4 LPP can be short, clear visual documents which set out the community body's proposals and priorities. In preparing LPP community bodies must have regard to certain other plans including the LDP, National Planning Framework and any Locality Plan/LOIP published for the area.

LPP must also include the following 3 elements.

- identifies the community body who prepared the LPP;
- a map that shows the boundary of the LPP and where applicable the location of any land and buildings the community body wishes to identify as being of particular significance to the local area.
- a statement of the community body's proposals as to the development or use of land within the LPP area.

Prior to submitting LPP to the local authority, a copy must be sent to each councillor for the LPP area and any community council/s whose area is within or adjoins, the LPP area.

Submitting LPP

4.5 For a planning authority to accept LPP as valid Community Bodies must be able to provide evidence that they have complied with the legal requirements set out above. In addition to this albeit there is no legal requirement to engage with the wider community, a statement setting out the wider community's view of the proposals must accompany this LPP and include the following;

- its view of the level and nature of support for the LPP; and
- the basis on which it has reached that view, including a description of any consultation.

Registering LPP

- 4.6 The planning authority will check that all the required information has been provided and that the organisation qualifies as a Community Body. If the organisation is a Community Body and has complied with the legal requirements, then the planning authority must accept the LPP and proceed to register it. Importantly, the Council must take into account any registered LPP when they are preparing the LDP.

Implications and Opportunities

- 4.7 LPP offer the opportunity for communities to create their own vision for their area and contribute to addressing Council priorities in relation to reducing inequality, enabling community wealth building and taking action to address the climate change and nature emergency. The recently published Draft Guidance on Local Development Planning states that before preparing an LDP, a planning authority must invite local communities to prepare LPP. There are also requirements to publish information about how LPP are to be prepared and by when, so that they can be taken into account in the preparation of the LDP. Information about the assistance available to local communities to help them prepare LPP should also be published.
- 4.8 In addition to this the Evidence Report required to support the preparation of the LDP must set out how communities have been invited to prepare LPP and the assistance provided to them. Taking a focussed approach would allow the Council to ensure these requirements are met, to capitalise on the identified opportunities in terms of inequality, community wealth building and the climate emergency and form a much better plan. There are clear advantages to a collaborative approach in terms of meeting the requirements of the recently published Local Development Planning Guidance, delivering on the place standard, exploring implementation of 20 minute neighbourhoods, working more closely with community planning partners to deliver better services more effectively to avoid duplication as well as gathering the evidence base to support the next LDP. To meet the requirements above it is proposed to raise community groups awareness of LPP and follow this up with an invitation to express an interest in preparing LPP for their areas.
- 4.9 Taking account of the above it is recommended that reports are submitted to the Community Planning Officers Group (CPOG), Community Planning Partnership (CPP) and Community Engagement Group (CEG) to consider how the Council and its Community Planning Partners wish to support the preparation of LPP and report those discussions back to Moray Council.

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

The financial implications arising from LPP is currently an unknown and will be dependent upon the level of interest from community groups and the outcomes of discussions with other council services and community planning partners in terms of a collaborative approach.

(d) Risk Implications

There is a reputational risk associated with failing to adequately support the preparation of LPP. As part of the LDP process there is a requirement to evidence community engagement and as identified the need to invite Community Bodies to prepare LPP which will be embedded within the Council's Participation Statement. If the Scottish Government, consider the Council has failed to undertake the level of engagement set out within this statement it can direct the planning authority to carry out further consultation or public involvement and the LDP will fail to proceed to Examination. This could cause significant delays and impact on the delivery of affordable housing and infrastructure.

(e) Staffing Implications

The requirements for LPP will have resource implications for services including Strategic Planning and Development and the Community Support Unit in terms of regulatory processes such as validation and maintaining a register of LPP.

The resource implications may increase if a targeted approach is taken to supporting the hardest to reach communities where an interest has been expressed 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 to ensure disadvantaged communities with an interest in developing a LPP are not excluded from this opportunity.

Once an understanding of the level of interest in preparing LPP has been established a further report will be prepared for Moray Council setting out a recommended approach and implications.

(f) Property

None at this stage.

(g) Equalities/Socio Economic Impact

LPP could have a role in delivering Scottish Government objectives in relation to community empowerment, especially around community wealth building. LPP also align with the Fairer Scotland Duty and helping to reduce inequality. In terms of climate change LPP offers the

opportunity for community groups to set out their aspirations in terms of nature based, renewable energy and active travel solutions that promote health and wellbeing and can also contribute to reducing the impact to those in our communities most affected by climate change.

(h) Climate Change and Biodiversity Impacts

LPP have the potential to allow communities to prepare plans that contribute to reducing greenhouse gas emissions and help to restore biodiversity. For example, this could be in the form of local energy production or habitat creation such as community woodlands and wildflower meadows.

(i) Consultations

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Communities Service Manager, the Legal Services Manager, the Equal Opportunities Officer, Principal Climate Change Officer, Lissa Rowan (Committee Services Officer) and their comments incorporated into the report.

6. CONCLUSION

- 6.1 Regulations setting out the requirements for the preparation of LPP in Scotland came into force on 22 January 2022. A Planning Circular on LPP was published on 21 January 2022 to accompany these regulations setting out guidance to community bodies and planning authorities on the legislative requirements for the preparation, submission and registration of LPP.**
- 6.2 There are opportunities for the Council to take a supporting role in enabling harder to reach groups within our communities to prepare LPP for their area and for LPP to contribute to meeting Council priorities in relation to inequality, community wealth building and addressing the climate change and nature emergency.**
- 6.3 Awareness raising of the LPP process will be undertaken and in Autumn 2022 community groups will be invited to express an interest in preparing LPP for their area.**
- 6.4 Following this invitation reports will be presented and considered at the CPP, CPOG, and CEG. Thereafter a report will be submitted to a future meeting of the Moray Council setting out the implications of LPP.**

Author of Report: Emma Gordon, Planning Officer
Background Papers:
Ref: