

Proposals for Regulations on Local Place Plans

March 2021

Proposals for Regulations on Local Place Plans

Introduction

1. This consultation paper relates to proposals for regulations on Local Place Plans (LPPs).
2. The regulations are part of our wider work on planning reform and implementation of the Planning (Scotland) Act 2019¹ (the 2019 Act), including steps to reduce conflict, improve community engagement and build public trust in planning matters. Other measures, also introduced by changes made by the 2019 Act, include: enhancements to community engagement in local development plans; the introduction of guidance on the promotion and use of mediation; and amendments to legislation around pre-application consultation with communities on major and national planning applications.
3. The Scottish Government has already laid regulations on amendments to pre-application consultation arrangements and consulted on draft guidance on the promotion and use of mediation. We will also consult on draft effective community engagement guidance on local development plans later in 2021.
4. Local Place Plans offer the opportunity for a community led, but collaborative, approach to creating great local places. LPPs 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.
5. The National Performance Framework² includes the outcome that ‘people live in communities that are inclusive, empowered, resilient and safe’. It recognises that communities are shaped by the quality and character of the places we live in and the people we live among. The accompanying vision encourages people to volunteer, take responsibility for their community and engage with decisions about it.
6. The Place Principle³ promotes a shared understanding of place, and the need to take a more collaborative approach to a place’s services and assets to achieve better outcomes for people and communities. The principle requests that all those responsible for providing services and looking after assets in a place need to work and plan together, and with local communities, to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.

¹ Planning (Scotland) Act 2019 <https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>

² National Performance Framework <https://nationalperformance.gov.scot>

³ The Place Principle (2019) [Place Principle: introduction - gov.scot \(www.gov.scot\)](https://www.gov.scot/Place-Principle-introduction)

7. Scotland's public health priorities⁴ recognises that the places we live, work and play, the connections we have with others, and the extent to which we feel able to influence the decisions that affect us – all have a significant impact on our health and wellbeing.
8. The Social Capital in Scotland Report⁵ examined social connections within Scottish communities and what can be done to make communities stronger and more inclusive. It concluded that people, across the whole population, need to be involved more strongly in decisions about their communities. More recently the report of the Social Renewal Advisory Board⁶ published 20 Calls to Action to help create a fairer country. These Calls for Action include recommending a shift in the balance of power so individuals and communities have more control over decisions that affect their lives.
9. People are keen to shape the places that they live, work and play. A range of research and studies have shown, for example, that:
 - over three-quarters (78 per cent) of adults felt a very or fairly strong sense of belonging to their neighbourhood, with older people and women more likely to report a strong sense of belonging to their neighbourhood⁷;
 - children and young people want to be involved in decisions about the places they live⁸;
 - the majority of young people feel they should be involved in planning in their local area and that their local councils should look at ways to support children and young people to do this⁹;
 - Young Gypsy/Travellers said that there 'should be more opportunities for us to take part in decision making and have our voices heard'¹⁰;
 - many islanders expressed a desire for more considered decision-making which included them¹¹; and

⁴ Scotland's public health priorities (2018) <https://www.gov.scot/publications/scotlands-public-health-priorities/pages/4/>

⁵ Social Capital in Scotland Report (2020) <https://www.gov.scot/publications/social-capital-scotland-measuring-understanding-scotlands-social-connections/pages/8/>

⁶ If not now, when? (2021) <https://www.gov.scot/publications/not-now-social-renewal-advisory-board-report-january-2021/>

⁷ Scottish Household Survey (2020) <https://www.gov.scot/publications/scottish-household-survey-2019-key-findings/pages/6/>

⁸ Health Inequalities: Peer research into the role of communities (2020) <https://childreninscotland.org.uk/wp-content/uploads/2020/02/Health-Inequalities-Report-Chris-Ross.pdf>

⁹ YoungScot survey (2017) <https://www.gov.scot/publications/planning-review-young-scot-survey-results-june-2017/>

¹⁰ <https://evidencebank.org.uk/evidence/inclusion/young-gypsy-travellers-discuss-the-united-nations-convention-on-the-rights-of-the-child/> (2018)

¹¹ The National Plan for Scotland's Islands (2019) <https://www.gov.scot/publications/national-plan-scotlands-islands/>

- 97% of disabled people or those with a long-term illness considered that people should be involved in making decisions about how local public services are planned¹².
10. But we also understand that language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement; specifically women, minority ethnic groups, young and old people and people with disabilities¹³. And in 2019, only 18% of adults felt they could influence decisions in their local area. This had decreased significantly from 24% of adults in 2015¹⁴.

Community Led Plans

11. Communities are well placed to express their aspirations for the future of their local places. Many have already been actively involved in shaping the places where they stay through community-led design processes leading to the preparation of community-led plans. These processes can take a variety of forms from small workshops to large scale community-led design events. An evaluation¹⁵ of community-led design initiatives supported by the Scottish Government sets out the benefits and learning points on this type of community-led design work. It is very positive that people haven't waited for LPP provisions to come into force, but have continued to develop their aspirations for their communities.
12. Throughout the review of planning, many stakeholders as well as an independent review panel emphasised the importance of giving a firmer commitment to early and effective engagement in the planning process. It was considered critical that planning reflects the views and aspirations of the communities it seeks to serve. Equally, it is important that LPPs support, rather than undermine, the Local Development Plan (LDP) as a statutory decision making document.
13. Improving community involvement in the planning system was a key aim of planning reform¹⁶ from the outset. The independent planning review recommended that communities should be empowered to bring forward their own LPPs, and these should form part of the development plan¹⁷.
14. Examples of community led plans can be found across Scotland. As well as generating them for themselves, communities have received support

¹² Scottish Social Attitudes Survey 2015: Table A16

<http://www.gov.scot/Resource/0050/00504535.pdf>

¹³ Hard to reach / Easy to Ignore (2017) <http://whatworksscotland.ac.uk/publications/hard-to-reach-or-easy-to-ignore-promoting-equality-in-community-engagement-evidence-review/>

¹⁴ Scottish Household Survey (2020) <https://www.gov.scot/publications/scottish-household-survey-2019-key-findings/>

¹⁵ [Community-led design initiatives: evaluation - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/community-led-design-initiatives-evaluation-2019/) (2019)

¹⁶ Places, People and Planning (January 2017) <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/>

¹⁷ Empowering planning to deliver great places (May 2016) <https://www2.gov.scot/Resource/0050/00500946.pdf>

from a range of public and third sector organisations to produce plans in many different forms.

15. From 2011 to 2019, the Scottish Government Charrette Mainstreaming Programme¹⁸ and Making Places initiative supported 99 community-led design processes or design charrettes. A number of case studies (Foxbar, Cumnock, Buckhaven) were identified in research undertaken by Scottish Community Development Centre (SCDC) / Nick Wright¹⁹. Other communities have been supported by the Coalfields Regeneration Trust²⁰, PAS²¹, or through direct community action, with a number of planning authorities such as City of Edinburgh Council²², East Ayrshire Council²³ and Shetland Council²⁴ supporting community interest. A number have been recognised in the Scottish Awards for Quality in Planning (Craignish, Fort William, Foxbar, Newmills). ‘How to’ guides have been prepared by Renfrewshire Council²⁵ and PAS²⁶. Other linked projects include SURF (Scotland’s Regeneration Network) Alliance for Action²⁷ programme. The work of the Linlithgow Planning Forum²⁸ has also been noted, as have examples from the community development sector²⁹. West Dunbartonshire Council³⁰ has been proactive in setting out criteria for adopting ‘Locality Place Plans’ as Supplementary Guidance. This list is not exhaustive.

Legislation

16. In summer 2019 the Planning (Scotland) Act 2019 was passed by the Scottish Parliament. Section 14 of the Act amends the Town and Country Planning (Scotland) Act 1997 to introduce a new right for communities to produce Local Place Plans for their places, with scope for these plans, or parts of them, to become a part of the LDP. The aim is to significantly enhance engagement in development planning,

¹⁸ Launch of Design Charrettes 2016/17 and Activating Ideas Fund (press release) (August 2016)

<https://blogs.gov.scot/planning-architecture/2016/08/11/launch-of-design-charrettes-201617-and-activating-ideas-fund/>

¹⁹ Local Place Plans: Challenges and Opportunities (Jan 2019)

<https://www.scdc.org.uk/what/local-place-plans>

²⁰ Coalfields Community Futures (Coalfields Regeneration Trust) <https://www.coalfields-regen.org.uk/funding-and-programmes/coalfields-community-futures/>

²¹ List of PAS supported LPPs - <https://www.pas.org.uk/localplaceplans/>

²² <https://www.facebook.com/westerhaleslocalplaceplan/>

²³ <https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/East%20Ayrshire%20Council%20Structure/Safer-Communities/HousingandCommunities/VibrantCommunities.aspx>

²⁴ <https://storymaps.arcgis.com/stories/6a2652f8e4424ad5a1e229e3b58e1110>

²⁵ <http://www.renfrewshire.gov.uk/article/8667/Local-Place-Plans> (retrieved July 2020)

²⁶ <https://www.pas.org.uk/wp-content/uploads/2020/01/Local-Place-Plans-Guide-PAS-Approach.pdf> (retrieved August 2020)

²⁷ SURF: Alliance for Action (retrieved June 2020) <https://www.surf.scot/projects/alliance-for-action/>

²⁸ Linlithgow Planning Forum <https://lbcc.org.uk/planning/>

²⁹ [Isle of Rum Community Land Use Plan | 2015 Isle of Rum Community Land Use Plan](http://www.isleofrum.gov.uk/2015-Isle-of-Rum-Community-Land-Use-Plan) (<http://www.isleofrum.gov.uk>)

³⁰ Page 73 https://www.west-dunbarton.gov.uk/media/4319309/wdc_ldp2_2020_web-26.pdf

effectively empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land.

17. LPPs may be prepared by a community body. A community body is defined as either:
 - (a) a community-controlled body within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015; or
 - (b) a community council established in accordance with Part 4 of the Local Government (Scotland) Act 1973.
18. The 2019 Act introduced a specific reference that LPPs may also identify land and buildings that the community body considers to be of particular significance to the local area.
19. In developing their LPPs, community bodies will have to have regard to both the National Planning Framework (NPF) and any relevant local development plans (LDP). The term 'development' is key when considering plan content, as LPPs are proposals as to the development and use of land.
20. The changes made by the 2019 Act provide for certain requirements on community bodies and local authorities. But it did not contain provisions for the content, preparation, submission and registration of LPPs. As these requirements were to contain a considerable level of detail, it was considered appropriate that they were dealt with through secondary legislation rather than on the face of the Act.
21. These provisions provide Ministers with powers to set out further requirements, including: any additional matters that community bodies should have regard to; the form and content of LPPs; steps to be undertaken before preparing LPPs; how to take into account the views of councillors; and steps to be undertaken when submitting LPPs.
22. In addition, local authorities will be required to keep a register of these plans in a prescribed manner and take them into account when preparing their LDPs. The provisions in 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 from this consultation.

Developing regulations on Local Place Plans

23. This paper contains draft proposals for the framework of regulations to support the implementation of provisions relating to LPPs. The consultation paper is accompanied by partial impact assessments on: Business and Regulatory Impact; Equalities and Child Rights and Wellbeing Impact; and Island Communities Impact. In addition, we have considered the Fairer Scotland Duty plus Strategic Environmental

Assessment. The outcomes of our initial assessments are contained in the annexes to this paper.

24. As we develop the regulations after this consultation, we will look at what other guidance to community bodies, planning authorities and other parties is needed. Linked with the separate development of a 'How to' guide, we plan for these to be in place on the coming into force of the secondary legislation. We plan to have these provisions in place by the end of 2021.

Overall policy framework for legislation

25. In drawing up the proposals, we have considered the following matters:

- Deliver the policy objective to promote early engagement by communities in setting out a vision for the future development of the places they stay.
- Local Place Plans are community led but have the potential to be supported in their development and delivery by the public and third sectors.
- Deliver a light-touch approach in legislation, thus allowing for flexibility to suit local circumstances.
- Whilst light-touch, the legislation and associated guidance will provide an appropriate balance, providing a robust framework for the development and consideration of LPPs.
- The process for preparing LPPs to be defined largely by the capacity and preferences of the communities themselves, rather than introducing a fixed procedure.
- In full or in part, community bodies may not be statutory bodies and may be staffed or run by volunteers.
- Recognising practice which is already in place, SCDC/Nick Wright research³¹ noted that 'Existing examples of good practice include LPPs that are short, clear and visual, using graphics, photographs, maps and text to communicate ideas and priorities.'
- The manner in which legislation can be supported with effective, helpful guidance and a 'How to' Guide.

26. Though the number of stages may vary, the overall development of an LPP could follow the following process.

Stage	Activity
Getting the ball rolling	Involves the community body and others recognising that an LPP may add value to the community. This may be prompted by an invitation from the planning authority, but does not have to be.
Preparing the LPP	Involves drawing together the evidence, and includes seeking views of the community on

³¹ <https://www.scdc.org.uk/what/local-place-plans>

	the key issues for the LPP, alongside the requirement to have regard to the LDP and the NPF.
Developing proposals	Based on the evidence gathered what are the key issues which should be contained in the LPP.
Sense-checking the LPP	Engagement with stakeholders.
Submitting the LPP	Finalise the LPP and additional material. Submit to the planning authority
Registering and delivery	Planning authority validation and registering of the LPP. Taken into account when developing the LDP.

Scottish Government Proposals

Preparation of Local Place Plans

27. The Act sets out matters which the community body must do in preparing an LPP. Some of these matters are to be set out in regulations. The full requirements are:

- (a) have regard to—
 - (i) the local development plan for the land, or any part of the land, to which the local place plan relates,
 - (ii) the National Planning Framework,
 - (iii) such other matters (if any) as are prescribed
- (b) set out reasons for considering that the local development plan should be amended, and
- (c) comply with any prescribed requirements as to —
 - (i) the form and content of the plan, and
 - (ii) steps which must be taken before preparing the plan.

28. In relation to regulations, this section will therefore consider the following elements:

- Other prescribed matters;
- Form and Content of the Local Place Plan;
- Steps to be taken before preparing the Local Place Plan.

Other prescribed matters

29. The provision introduced by the 2019 Act³² require the community body to have regard to the National Planning Framework and the Local Development Plan when preparing an LPP. However, it also provides for Ministers to set out any other matters they consider community bodies should additionally be required to have regard to.

³² <https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>

Locality Plan where one is in place

30. The need to have regard to links between the LPP and relevant planning policies at both a local and a national level are set out in the Act. There is also a clear policy steer to make a tangible link between spatial and community planning at a local level. In future, for example, LPPs will be required to take into account any Local Outcome Improvement Plan (LOIP) for its district.
31. The Policy Memorandum³³ accompanying the Planning Bill noted that there is a significant opportunity to link LPPs with wider Locality Plans that have emerged in some areas as a result of the Community Empowerment (Scotland) Act 2015. It goes on to note that as with the wider provision on aligning the LPP with LOIPs, this could create efficiencies, reduce duplication and prioritise resources to areas where there could be particularly significant benefits for communities and inclusive growth.
32. Locality Plans are prepared by Community Planning Partnerships under section 10 of the Community Empowerment (Scotland) Act 2015. Section 10(3) sets out that a Locality Plan is a plan setting out for the purposes of the locality to which the plan relates:
 - (a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality,
 - (b) a description of the proposed improvement in the achievement of the outcomes, and
 - (c) the period within which the proposed improvement is to be achieved.
33. Community planning partners and community bodies should benefit from building an ongoing relationship. Such relationship building can provide an invaluable platform for parties to capture an evidence base for developing LPPs and a range of other spatial and community plans.
34. Where Locality Plans are in place, examples in Aberdeen City³⁴, Angus³⁵ and East Ayrshire³⁶ show that they cover such issues as new and affordable housing, employment opportunities, active travel, social isolation and the provision of community facilities. Given the scope for read-across, it may cause confusion should LPPs have different

³³ Paragraph 76 <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/policy-memorandum-planning-scotland-bill.pdf>

³⁴ https://communityplanningaberdeen.org.uk/wp-content/uploads/2017/09/Aberdeen-City-Locality-Plan-Cummings-Park_180917.pdf

³⁵

https://www.angus.gov.uk/community_empowerment/planning_for_the_future/planning_for_the_future_of_forfarkirriemuir/forfar_and_kirriemuir_locality_plan?item_id=699

³⁶ <https://www.east-ayrshire.gov.uk/Resources/PDF/S/Southern-Locality-Plan.pdf>

priorities to Locality Plans without at least a consideration of their content.

35. Should the area of the Local Place Plan not be covered by a Locality Plan, regulations will also need to reflect this.

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
- No
- No view

Please comment on your answer (particularly if you do not agree)

Other additional matters

36. We have considered if there are further matters which the community body should have regard to. For example, the Renfrewshire Council 'How to' Guide³⁷ suggests there may be scope to consider the plans and strategies of community planning partners. It has also been suggested that community bodies should have regard to the LOIP for the area. It could be suggested that this recognises that not all areas may have Locality Plans and that sometimes plans may be out-of-date. It has also been suggested that this would also encourage wider alignment and buy-in to the process. It has also been suggested that the community body should have regard to community action plans prepared by development or community trusts.

37. Local Outcomes Improvement Plans are prepared by the 32 Community Planning Partnerships (CPPs), one for each local authority area. Each CPP focuses on where partners' collective efforts and resources can add the most value to their local communities, with particular emphasis on reducing inequality. An example of a LOIP can be found here³⁸. A key element of the preparation of a LOIP is engagement with the community.

38. With the community body having to have regard to both the NPF and LDP in preparing the LPP, a wide range of public sector national and local plans, strategies and projects should have already been considered / reflected in the LPP. In addition, the Act will require the planning authority to take into account the LOIP when preparing its LDP.

39. Whilst there is no requirement for LPPs to be comprehensive, we expect them to focus on the community's development priorities. We are therefore not proposing to include other public sector plans, programmes or strategies other than the Locality Plan, where one is in place.

³⁷ <http://www.renfrewshire.gov.uk/article/8667/Local-Place-Plans>

³⁸ Dumfries and Galloway Local Outcomes Improvement Plan (2017)
<http://www.dumgal.gov.uk/commplan/CHttpHandler.ashx?id=19587&p=0>

However, we would be interested in consultees' views on the value of extending this to the LOIP where a Locality Plan is not in place.

40. Community trusts or development trusts can be found across the whole of Scotland covering urban, rural and island communities. Development Trust Association Scotland, an independent, member-led organisation, has in the region of 300 members³⁹. The Galson Estate Trust's plan for its area of North Lewis⁴⁰ is an example of the kind of plans that community / development trusts prepare. The Community Ownership Support Service highlights a number of examples of community action plans in Aberdeenshire⁴¹.
41. In developing the 2019 Act, the definition of a community body was designed to ensure bodies such as community / development trusts could be included alongside community councils, reflecting the potential for different perspectives about development and place existing within communities, and the importance of being inclusive. We intend that communities take a lead from the phrase 'collaboration rather than conflict' to bring their shared expertise, drive and resources together to develop the LPP.
42. As noted in Measuring development trust impact⁴² there is no regulatory framework for development trust activity. However, where such plans have been prepared they show a commitment to setting out a roadmap for a community's development, helping people to participate in setting out their aspirations in a realistic and concrete way. We would expect that, rather than formally requiring any such plans to be linked to LPPs, they would naturally be a useful point of reference or starting point for communities who are considering whether they should prepare an LPP.
43. We see the value of community bodies using the community led plans that have been prepared in their area as they are likely to give an initial steer as to the community's aspirations. However, we plan to place this in guidance rather than make it a legal requirement.

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?

- **Yes**
- **No**
- **No view**

³⁹ Development Trust Association Scotland <https://dtascot.org.uk>

⁴⁰ Galson Estate Trust Strategic Plan (2017-37)
[682f71_f94c61f241044838b29a99fcd4c44aa2.pdf \(filesusr.com\)](https://filesusr.com/682f71_f94c61f241044838b29a99fcd4c44aa2.pdf)

⁴¹ <https://dtascommunityownership.org.uk/community/community-place-plans>

⁴² Measuring development trust impact
<https://dtascot.org.uk/sites/default/files/Summary%20report%20t3.pdf>

Please comment on your answer, giving examples (particularly if you agree)

Form and Content of the Local Place Plan

44. The Act requires the community body to comply with any prescribed requirements as to the form and content of an LPP.
45. From examples we have seen, community led plans tend to be in writing but are supplemented through the use of diagrams, maps, photographs and illustrations. They illustrate the community journey, setting out the outcomes and visions that the community wishes to express, and how the community got there. Many of them also consider how the aspirations can be delivered, by whom and over what timescale.
46. In relation to the form and content of a Local Place Plan, we do not want to be overly prescriptive on community bodies. We consider that the focus should be on a clearly expressed statement combined with a spatial representation of the community's proposals for the area contained in a map which shows the community's boundary of its LPP. We are envisaging, as noted above, an LPP which is clear and visual, using graphics, photographs, and maps.
47. We therefore consider that the LPP should contain two elements:
- 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, which must be annotated to provide the boundary.
48. We consider this will be the minimum required to allow for the community body to express to the wider community and the planning authority what is being proposed. However, we also see the value of other information being submitted to support the LPP, including information to assist its registration by the planning authority. This information could set out the journey to the final LPP and how the proposals in the LPP could be delivered. We consider this may be best submitted as 'additional information' (see below under Submission of Local Place Plans).
49. We are keen to hear your views on whether we have struck the right balance of information which will form the content of an LPP. You may want to consider this answer in light of any thoughts you might have on Question 2.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

Steps to be taken before preparing the Local Place Plan

50. The Act requires the community body to comply with any prescribed requirements as to steps which must be taken before preparing the plan. The Delegated Powers Memorandum⁴³ which accompanied the Planning Bill noted that such steps may include requiring consultation before a plan is made.
51. From examples of community led plans, it is apparent that community bodies have taken engagement with their communities seriously and have taken positive steps to engage with their communities to ensure that they have evidence of their community's aspirations and views. This has already been happening without a requirement in law. It may therefore be reasonable to consider whether or not, in terms of maintaining light touch legislation, there is a need for a legal requirement to engage, and if so, in what way?
52. Enhancing community engagement in the planning system has been a key component of the planning reform programme from the outset.
53. A wide range of guidance and tools are available, or are emerging, which support community focused engagement. The National Standards for Community Engagement⁴⁴ are good-practice principles designed to support and inform the process of community engagement and improve what happens as a result. In addition, PAS has produced SP=EED⁴⁵ which is referenced in the Scottish Government's Planning Advice Note 3/2010: Community Engagement. The Scottish Government has also contracted the Scottish Community Development Centre / Nick Wright Planning to prepare a 'How to' Guide based on current practice in developing community led plans. A draft version is currently being developed, and will be updated in light of the legislation this paper is consulting on.
54. The Place Standard tool⁴⁶ provides a simple framework for local people to assess the quality of a place and to help structure conversations about future improvement. It allows people to think about the physical

⁴³ <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/delegated-powers-memorandum-planning-scotland-bill.pdf>

⁴⁴ www.voicescotland.org.uk

⁴⁵ <https://www.pas.org.uk/speed/>

⁴⁶ www.placestandard.scot

elements of a place (for example its buildings, spaces, and transport links) as well as the social aspects (for example whether people feel they have a say in decision making). Architecture & Design Scotland has produced a series of case studies which show use of the Place Standard at a range of geographical levels and show engagement with a range of societal groups⁴⁷. New versions of the Place Standard tool are in development. A 'Design' version will support the integration of Place Standard assessments within a design process and new versions of the tool for children and young people are also in development and will be published in summer 2021. The Young Placechangers Toolkit⁴⁸, developed by greenspace scotland and Youth Scotland, aims to inspire young people to take the lead in their local community, to voice their opinions and help make positive change happen. The toolkit gives examples of place activities and sets out ways to work with children and young people to evaluate places, map the community and influence local decision making.

55. The current COVID-19 pandemic has shown there is a need for flexibility in the way that engagement is undertaken. Restrictions on public meetings and social distancing rules put in place as a result of the pandemic make some traditional ways of consulting impractical. We have published some case studies highlighting engagement through online technology and systems on our Transforming Planning website.⁴⁹
56. For communities developing their LPPs, we want to ensure that more people are able to contribute to the conversation about place, and to channel their views meaningfully to planning authorities. To support this, the Scottish Government has sponsored the development of the PlaceBuilder product. PlaceBuilder is a flexible digital tool focused at early-stage citizen participation and data-driven actionable solutions, helping communities engage on issues relating to Local Place Plans. It also facilitates data and information from community-level engagement to channel to planning authorities as part of the LDP process.
57. Consultation would ideally include those who are impacted / affected by the proposals, we are therefore considering how public authorities, developers, businesses, and landowners can be actively and collaboratively engaged. We are already aware of examples such as in Alloa where the local Business Improvement District body played an active part in a Place Standard analysis of the town centre⁵⁰.
58. Drawing on experience so far and with the range of different tools and options available, there is therefore an argument that introducing a prescriptive legal requirement to engage isn't currently necessary. If not,

⁴⁷ [Case Study: Place Standard in Planning – Neighbourhood Scale – A&DS](#)

⁴⁸ [Young Placechangers Toolkit | Greenspace Scotland
www.greenspacescotland.org.uk/youngplacechangers-toolkit](http://www.greenspacescotland.org.uk/youngplacechangers-toolkit)

⁴⁹ <https://www.transformingplanning.scot/digital-planning/informing-the-strategy/case-studies/>

⁵⁰ [Case Study: Place Standard and its use in Alloa by Clackmannanshire Council – A&DS](#)

good practice and options could be explained in guidance, including the 'How to' Guide.

59. Provisions within the Act provide for a review of LPPs and for Ministers to prepare a report on the review and lay it in Parliament. The provisions also require Ministers to undertake the review as soon as practicable 7 years after Royal Assent, namely July 2026. This review would provide another opportunity to consider whether a statutory provision was necessary based on practical experience.
60. However, there is also an argument that it is counter-intuitive not to place a basic requirement on the community body to undertake some form of engagement. 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.
61. Evidence shows that people are keen to be involved in decisions about their local places. Inserting a requirement to engage provides an opportunity to capture that aspiration. Additionally, not providing a statutory link could provoke concerns that the community body may not be acting in a transparent or representative manner.
62. We therefore want to seek your views on whether we 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. Should a legal requirement be put in place, we are also keen to hear your thoughts as to what the minimum requirements should be.

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?

- **Yes**
- **No**
- **No view**

Please comment on your answer

63. As noted above there are a wide range of guidance and tools available, or are emerging, which support community focused engagement in planning. We see the value in the community body itself using the tools which fit best for the circumstances of its place, and community. However, following the 2019 Planning Act new duties are to be placed on planning authorities to engage with the public at large and particular societal groups such as children and young people, disabled people, Gypsies and Travellers but also including community councils. A key element of these provisions is for the planning authority to set out how it has taken onboard people's views.

64. These new duties do not extend to suggesting a particular method for engagement though work will begin on the development of effective community engagement guidance for LDPs in due course. We would be interested in your thoughts as to any minimum requirement on engagement or reporting.

5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?

Submission of Local Place Plans

65. Paragraph 2 of Schedule 19 requires that the community body must comply with some actions in submitting a final version of its LPP to the planning authority. The precise requirements would need to be set out in regulations, as to:

- (a) steps which must be taken before submitting a local place plan;
- (b) 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 local place plan, and
- (c) information which must be submitted alongside a local place plan.

66. A potential range of actions that the community body might need to take was described in the Planning Bill Delegated Powers Memorandum.⁵¹ It noted that steps to be taken may include further consultation on, or publicity about, the LPP after it has been drafted. Additional information may include supporting information on the form of the community body's consultation activity in preparing the plan and how it has considered responses, including those on environmental matters too. Additionally, it may also include a statement as to how the community body has taken into account the statutory requirements in preparing the plan.

Steps which must be taken before submitting a completed Local Place Plan

67. This step in the development of the LPP is an opportunity for the community body to publicise to the wider community what proposals it has developed to form the LPP based on the evidence gathered. This could also include an element of consultation and sense-checking by the community. A clear endorsement from across the community and different interests should add weight to the proposals when they are being taken into account by the planning authority.

68. In line with our thoughts on prescribing engagement activity, we are minded to keep this requirement light-touch. We currently consider that community bodies are well placed to decide how an LPP is to be

⁵¹ Planning (Scotland) Bill Delegated Powers Memorandum (2017)
<https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/delegated-powers-memorandum-planning-scotland-bill.pdf>

prepared. However as this is a key stage in the LPPs development, we are considering whether some form of consultation on the proposals that have been worked up into the LPP should be included at this stage, and therefore are considering the form of any such requirement.

69. We already plan to provide guidance, with a 'How to' Guide linking best practice examples of developing community led plans. However, we are keen to hear your thoughts on this suggestion.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

70. It should be remembered that at this point in the process, the community body will have prepared its proposals. It should be able to provide evidence of the wider community's views and aspirations plus how it has considered representations and evidence, including how it has had regard to the NPF, LDP and any other prescribed matters.

71. It may be difficult to set out in legislation exactly how any consultation should be undertaken on the ground in a way that can account for the circumstances and contexts of different communities. We would want to retain flexibility for community bodies. However, we are keen to hear your thoughts on what might be a minimum requirement.

72. Responses to this question will help us frame any legal requirement plus associated guidance on consultation.

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?

Taking the views of councillors into account

73. A community body must comply with any prescribed requirements as to '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 local place plan'.

74. Each council is made up of councillors who are directly elected by the residents of the area they represent. There are 1,227 elected councillors in Scotland, who are normally elected every five years. Councillors have an important role in the planning system, their roles can include:

- a key role in establishing planning policies for their area / agreeing the local development plan;
- becoming involved in local cases as a ward representative;
- decision making as a member of the planning committee; and
- acting as a member of the Local Review Body.

75. Local councillors might be able to draw on their experiences of representing people in the area, or act as important intermediaries for community bodies as they seek to prepare or garner support for their local place plans. They may also be residents within a community.
76. Whilst we are not currently proposing a wider requirement to consult in advance of preparing the LPP, we can see the value in a community body specifically seeking the views of the ward councillors for the area of the LPP. It would be for the parties to build on that relationship as the LPP is being developed. We would however be interested in your views as to how the community body should take such views into account when developing or preparing the LPP – for example how they can subsequently be set out?
77. A consultation on a possible revision of the Councillors' Code of Conduct⁵² was completed in February 2021. In drawing up any provisions, we will be mindful of the outcomes of this consultation.

8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?

- Yes
- No
- No view

Please comment on your answer - particularly if you do not agree or have a view as to how ward councillors' views should be taken into account or reported?

Information to submit alongside a local place plan

78. With regard to additional information that should be submitted alongside an LPP, a minimum requirement could be that the Community Body provides evidence that it has complied with the statutory requirements for preparing the plan. This would assist the planning authority in registering the LPP as being 'valid'. It would therefore contain evidence that:
- the body preparing the LPP is a Community Body
 - there has been compliance with the specific requirements to be set out in the regulations.

⁵² <https://www.gov.scot/publications/councillors-code-conduct-consultation-2020/>

79. Under the proposals described in this consultation paper above, these requirements would be:
- how the community body has had regard to the NPF, LDP and, if one is in place, the relevant Locality Plan;
 - set out the reasons for considering that the local development plan should be amended;
 - in preparing the LPP, it has sought the views of local ward councillors for the area;
 - evidence that it has complied with any prescribed requirements as to the form and content of the LPP; and
 - evidence that the community body has complied with any legal requirement to consult the community after preparing the LPP.
80. We have considered whether there are other matters which could be included. For example, as to providing a description of the Community Body's evidence base gathered in preparing the plan and how it has reflected on it, including environmental matters. The Community Body may also want to set out how its proposals are to be delivered, by whom and what timeframe. Delivery may be linked to a particular development or decision and by setting out this information, the community body will be able to express to the wider community the value of the LPP.
81. Whilst we are not proposing that these additional matters should be included in the legislation, we will however, consider through guidance how this information can help provide a compelling context to the LPP in order to secure wider support for its delivery.
82. We would be interested in your thoughts as to whether the information (in all, or in part) summarised in paragraph 80 above should form a part of the additional information required in legislation to be submitted to the planning authority.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

83. It has been suggested that planning authorities would benefit from a validation framework to support their evaluation of Local Place Plans. Such a framework would act as a guide to what planning authorities look for in terms of supporting documentation as part of the LPP submission. We will therefore work with planning authorities and communities to investigate the value for such a framework for LPPs.

Register and map of Local Place Plans

84. Planning authorities are required to maintain a register of LPPs. When a valid LPP (that is, one in relation to which all statutory requirements have been complied with) is submitted to them, a planning authority must include it in their register and inform the community body that it has been registered. Under paragraph 3(3), if the planning authority consider the LPP is not valid and therefore decide not to register it, they must give their reasons to the community body.
85. Providing a register of LPPs for a local authority area, with a map of the areas the plans cover, may assist community bodies in defining the boundaries of their LPPs so they don't overlap, and provide potential developers with a source of information on the community's aspirations for its future development.
86. Scottish Ministers may by regulations make provision about:
- (a) the manner in which a register must be—
 - (i) kept, and
 - (ii) made available to the public,
 - (b) the information about a local place plan that must be included in a register,
 - (c) when a planning authority may, or must, remove a local place plan from their register, causing it to cease to be a registered local place plan.
87. The Act also requires that every planning authority must make publicly available, in the manner prescribed, a map of their district that shows the land to which the local place plans in their register relate.
88. Transforming Places Together: digital strategy for planning⁵³ sets out the Government's intention to develop an online central register of Local Place Plans, as part of the end to end planning system. We want to seek views as to how that work can be shaped.

The manner a register must be kept and made available

89. Planning authorities currently have experience of maintaining a planning register for development management purposes. The schedule to the Development Management Regulations⁵⁴, includes at paragraphs 6 and 7 provisions applicable to registers generally. It sets out that the register for a planning authority's district is to be kept at the office of the planning authority. Where the register kept by a planning authority is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that

⁵³ [Transforming Places Together: digital strategy for planning - gov.scot \(www.gov.scot\)](http://www.gov.scot)

⁵⁴ [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)

purpose. We are interested in views as to whether similar provisions would be suitable for the register of LPPs.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

Information about an LPP to include on the register

90. The planning authority must place a valid LPP on its register. In order to provide a more complete picture of the development of the LPP, we consider this could be supplemented by any additional information submitted by the Community Body alongside the LPP. There is a question as to whether this should include all additional information being maintained on the register, or only the additional information which is required by law. We would be interested in consultees' views on this matter.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

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

Removal of the LPP from the register

91. Over a period of time, the register will contain LPPs which have been: submitted ready for the next LDP cycle; already taken into account through the LDP process; or potentially partly taken into account through an amendment of the LDP. The Act provides that Ministers may set out in regulations when a planning authority may, or must, remove a local place plan from their register, causing it to cease to be a registered local place plan.

92. There may be value in a planning authority being able to remove LPPs after a particular point in the cycle of LDP preparation. We can see the potential value of LPPs being removed from the register in a range of circumstances:

- once the LPP has been taken into account in the LDP, and the final 'adopted' LDP has been published;
- where there has been an amendment to the LDP to which the LPP relates, and the whole of the LPP has been taken into account;
- where the Community Body which prepared the LPP requests its removal, or the LPP is superseded; and
- in preparation for a new LDP being prepared by the planning authority.

93. We do not wish to be overly prescriptive and wish to retain some flexibility for planning authorities and communities. We therefore propose that a planning authority may remove a LPP from the register once it has been taken into account, or when requested to do so by the community body.

94. The planning authority will have the opportunity to retain any LPP should it wish to and could consider this in light of further engagement with the community body. For the community body, it may wish to prepare a new LPP in light of changing local circumstances, and so we consider there may be scope in giving the community an opportunity to have the LPP removed from the register.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

Making the Local Place Plan map available

95. The Act also requires that every planning authority must make publicly available, as to be set out in regulations, a map of registered local place plans in its area. The map of LPPs should be of value to community bodies as they will be able to access information on LPPs which are currently registered for (or adjacent to) their local area, including the boundaries of such LPPs.

96. The Schedule to the Development Management Regulations notes that every register must include an index, which must be in the form of a map. We are interested in views as to whether similar provisions would be suitable for the map of LPPs.

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?

- Yes
- No
- No view

Please comment on your answer (particularly if you do not agree)

Impact Assessments

97. Included with this consultation paper are partial versions of the following assessments:

- Business and Regulatory Impact Assessment (Annex A);
- Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) (Annex B);
- Island Communities Impact Assessment (Annex C).

15. Please give us any views you have on the content of these partial assessments.

16. Do you have or can you direct us to any information that would assist in finalising these assessments?

98. We have also included initial assessments screening out requirements to undertake assessments on the Fairer Scotland Duty (Annex D) and Strategic Environmental Assessment (Annex E). Based on the information we have identified, we do not consider there is a requirement to undertake full assessments in these cases.

17. Please give us your views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents and our conclusion that full assessments are not required.

18. If you consider that full assessments are required, please suggest any information sources that could help inform these assessments?

Responding to this Consultation

We are inviting responses to this consultation by 25 June 2021.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/local-government-and-communities/local-place-plan-regulations/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 25 June 2021.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Planning and Architecture Division
Scottish Government
Area 2F South
Victoria Quay
Edinburgh EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at LPPRegs@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Respondent Information Form

The Respondent Information Form is available in the supporting documents of this publication.

Annex A: Partial Business and Regulatory Impact Assessment

Title of Proposal

Proposals for Regulations on Local Place Plans

Purpose and Intended Effect

Background

1. Section 14 of the Planning (Scotland) Act 2019⁵⁵ (the Act) amends the Town and Country Planning (Scotland) Act 1997 to introduce a new right for communities to produce Local Place Plans (LPPs). This is a new right for communities, should they wish, to produce plans setting out proposals for the development and use of land, with scope for these to form a part of the statutory development plan. They form part of a wider package of measures on improving community engagement in planning matters and building public trust arising from the Act.
2. Whilst there are already examples of community led plans, there has been no statutory link between such plans and the development plan for an area. Provisions in the Act make that link.
3. The Act did not contain provisions for the development, preparation, submission and registration of LPPs. It was considered appropriate that they were dealt with through secondary legislation rather than on the face of the Bill^{56 57}.

Objective

4. The aim of the provisions is to significantly enhance engagement in development planning, effectively empowering communities to play a proactive role in defining the future of their places.
5. Recognising that community bodies are likely to be staffed wholly, or in part by volunteers, the provisions seek to provide a robust framework of legislation without imposing unnecessary financial and administrative burdens on them.

Rationale for Government Intervention

6. The independent planning review panel's report⁵⁸ recommended the introduction of LPPs. Its view was that communities should be empowered to bring forward their own plans, and those plans should

⁵⁵ <https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>

⁵⁶ <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/delegated-powers-memorandum-planning-scotland-bill.pdf>

⁵⁷ https://external.parliament.scot/S5_Delegated_Powers/SPBill23ADPMS052018.pdf

⁵⁸ Recommendation 44 <https://www.gov.scot/publications/empowering-planning-to-deliver-great-places/> (May 2016)

form part of the statutory development plan. The recommendation was based on evidence gathered by the panel that suggested that more can and should be done to involve people in planning. In its response⁵⁹ to the report, the Scottish Government stated that it would focus on more effective methods of engaging people at an earlier stage in the planning process.

7. These measures contribute to the following performance indicators contained in the National Performance Framework:
 - We live in communities that are inclusive, empowered, resilient, and safe.
 - We value enjoy and protect and enhance our environment.

Consultation

Within Government

8. As procedural matters, responsibility for these issues lies mainly with the Government's Planning and Architecture Division. However, with regard to measures pertaining to the relationship with community planning, officials discussed the proposals with colleagues within the Government's Public Service Reform, Public Bodies & Third Sector Team.

Public Consultation

9. LPPs formed part of the wider review of the Scottish Planning System undertaken by an independent panel. This involved evidence gathering sessions and a general call for information. Since the panel reported in 2016, there have been two public consultations on the way ahead^{60 61}, before a Bill was introduced to Parliament in 2017 which became the Planning (Scotland) Act 2019. Communities responded throughout the Parliament's scrutiny of the Bill.
10. As part of the arrangements for developing proposals, the Government created a community engagement working group. The proposals were shared with this group in advance of the formal consultation.
11. There will be a further public consultation between March and June 2021 on the regulations required for detailed implementation.

59

<https://www.gov.scot/binaries/content/documents/govscot/publications/correspondence/2016/07/planning-review-sg-response/documents/review-planning-scottish-government-response-pdf/review-planning-scottish-government-response-pdf/govscot%3Adocument/review%2Bof%2Bplanning%2Bscottish%2Bgovernment%2Bresponse.pdf> (July 2016)

⁶⁰ <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/> (January 2017)

⁶¹ <https://www.gov.scot/publications/places-people-planning-position-statement/> (June 2017)

Business

12. There may be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities in preparing an LPP. Businesses may also have an interest in the proposals contained in an LPP.
13. Further discussions with a number of specific communities, planning authorities and community engagement practitioners will be conducted during the public consultation in order to obtain a firmer idea of the impacts on communities, the public sector and business of the proposed changes.

Options

14. This section looks at each measure and the options for each proposal.

Introduction of requirements on community bodies to have regard to any locality plan which may be in place within an area

Option 1: Do nothing

15. In this option, regulations would remain silent about the inclusion of additional matters which the community body would have to have regard to. Requirements would remain as they are in primary legislation. However, we have received a clear policy steer that as well as spatial planning documents, community bodies should also have regard to community planning documents.

Option 2: Require community bodies to have regard to the Locality Plan

16. We have received a clear policy steer that as well as spatial planning documents, community bodies should also have regard to community planning documents. We consider that the minimum requirement should be for the community body to have regard to any Locality Plan which is in place covering the area of the LPP. This was set out in the Policy Memorandum⁶² which was published alongside the Planning Bill.
17. Locality Plans are prepared by Community Planning Partnerships and set out local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality.

Option 3: Extend the requirement to a wider range of documents

18. We have additionally considered if there are further matters which the community body should have regard to. This has included: scope to

⁶² Paragraph 76 <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/policy-memorandum-planning-scotland-bill.pdf>

consider the plans and strategies of community planning partners; having regard to the Local Outcome Improvement Plan (LOIP) for the area; and having regard to community action plans prepared by development or community trusts.

19. With the community body having to have regard to both the National Planning Framework (NPF) and LDP in preparing the LPP, a wide range of public sector national and local plans, strategies and projects should have already been considered / reflected in the LPP. In addition, the 2019 Act will require the planning authority to take into account the LOIP when preparing its LDP.
20. We see the value of community bodies using the community action plans that have been prepared in their area as they are likely to give an initial steer as to the community's aspirations. However, we plan to place this in guidance rather than make it a legal requirement.
21. We are therefore not proposing to include other plans, programmes or strategies other than the Locality Plan, where one is in place and so proposing Option Two.

Requirements on the form and content of an LPP

Option 1: Do nothing

22. In this option, regulations would remain silent about the form and content of the LPP. Community led plans tend to be in writing but are supplemented through the use of diagrams, maps, photographs and illustrations. Any matters pertaining to this option would be provided in guidance.

Option 2: Place requirements on the form and content of LPPs

23. As noted above, community action plans tend to be in writing but are supplemented through the use of diagrams, maps, photographs and illustrations. Whilst we would not want to stifle the creative preparation of LPPs, we consider that there is scope for the form and content to be prescribed to ensure that the proposals contained within LPPs can be readily communicated to the wider community and to the planning authority. We therefore propose that the focus should be on a clearly expressed statement combined with a spatial representation of the community's proposals for the area contained in a map which shows the community's boundary of its LPP. We are envisaging, as noted above, an LPP which is clear and visual, using graphics, photographs, and maps. We are proposing to take forward Option 2.

Steps to be taken before preparing the Local Place Plan

Option 1: Do nothing

24. In this option, regulations would remain silent about the steps to be taken before preparing the LPP. Our main consideration has been on community engagement. Community bodies take engagement with their communities seriously and take positive steps to engage with their communities to ensure that they have evidence of their community's aspirations and views. This is already taking place without a requirement in law.

Option 2: Require community bodies to engage

25. Evidence shows that people are keen to be involved in decisions about their local places. The consultation paper notes a number of examples across a range of societal groups. Inserting a requirement to engage provides an opportunity to capture that aspiration. Additionally, not providing a statutory link could provoke concerns that the community body may not be acting in a representative or transparent manner.

26. We are proposing not to include any requirements on community bodies in preparing their LPP (Option 1). We will consider further if such a requirement is needed in light of responses to the consultation.

Taking on board the views of councillors

Option 1: Do nothing

27. In this option, regulations would remain silent about how community bodies take on board the views of councillors.

Option 2: Community bodies to seek the views of councillors

28. Local councillors have a key role in establishing planning policies for their area. They might also be able to draw on their experiences of representing people in the area, or act as important intermediaries for community bodies as they seek to prepare or garner support for their local place plans. They may also be residents within a community. Whilst we are not currently proposing a wider requirement to consult in advance of preparing the LPP, we can see the value in a community body seeking the views of the ward councillors for the area of the LPP and are therefore proposing Option 2. We are inviting consultees to respond to how this could be taken into account.

Submission of Local Place Plans

Option 1: Do nothing

29. In this option, regulations would remain silent about information which must be submitted alongside an LPP. We consider that a minimum of information should be provided which would allow the community to understand the context of the LPP and for the planning authority to have sufficient information to validate that the document provided by the community body is an LPP.

Option 2: Provision of evidence on LPPs

30. We consider that requiring community bodies to submit information alongside their proposals, which provides evidence that they form a valid LPP, will assist both the community body and the planning authority. We recognise that the community body may want to provide additional information, such as how the proposals are to be delivered. We are therefore proposing Option 2.

Registration of Local Place Plans and the establishment and maintenance of a Register

Option 1: Do nothing

31. In this option, regulations would remain silent about the establishment and maintenance of the register of LPPs. We do not consider that the primary legislation provides sufficient detail for planning authorities to establish and maintain such registers.

Option 2: Provisions to support the register of LPPs

32. The planning authority must place a valid LPP on its register. We are looking to build upon the requirements that planning authorities already have for their planning registers for planning applications. We therefore propose that the LPP register is to be kept and publicised in a similar manner. We are however seeking views on the additional information which is to be kept on the register and when it should be removed.

Sectors and groups affected

Communities

33. LPPs offer the opportunity for a community led but collaborative approach to creating great local places. LPPs can support community aspirations on the big challenges for a future Scotland such as responding to the global climate emergency and tackling inequalities. Local people will have the opportunity to engage meaningfully and have

a positive influence in the future planning of development in their areas. And this opportunity will be followed through into the LDP.

Planning authorities

34. Planning authorities will be a key supporting partner for communities as they develop their LPPs, including as partners in community planning partnerships. While the regulations focus primarily on requirements for community bodies, the planning authority will play a key role in registering LPPs onto their registers.
35. Councillors will also have an opportunity to share their views in the preparation of LPPs. Local councillors might be able to draw on their experiences of representing people in the area, or act as important intermediaries for community bodies as they seek to prepare or garner support for their local place plans. They may also be residents within a community.

Business

36. Business will have some interest in the development of LPPs as the proposals contained within an LPP will influence the development plan for an area, and therefore decisions made by the planning authority on planning applications.
37. There may be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities in preparing an LPP.

Benefits

Introduction of requirements on community bodies to have regard to any locality plan which may be in place within an area

38. There is a significant opportunity to link LPPs with wider Locality Plans that have emerged in some areas as a result of the Community Empowerment (Scotland) Act 2015. As with the wider provision on aligning the LDP with LOIPs, this could create efficiencies, reduce duplication and prioritise resources to areas where there could be particularly significant benefits for communities and inclusive growth.

Requirements on the form and content of a Local Place Plan

39. We are envisaging an LPP which is clear and visual, using graphics, photographs, and maps. The requirement to prescribe the form and content of an LPP should ensure that the proposals contained within LPPs can be readily communicated to the wider community and to the planning authority when it is taking the proposals into account.

Steps to be taken before preparing the Local Place Plan

40. Evidence shows that people are keen to be involved in decisions about their local places. It also shows that community bodies take engagement with their communities seriously and take positive steps to engage. By recognising this in guidance rather than legislation, we consider that this will provide for creative engagement with the wider community.

Taking on board the views of councillors

41. With their key role in establishing policies for their area, local councillors can provide an invaluable bridge between the local authority and the community body. By seeking to engage them at the preparation stage of an LPP, councillors will be able to use their skills and experience to advise and garner support for the development of the LPP.

Submission of Local Place Plans

42. Requiring community bodies to submit information alongside their proposals will provide evidence that they form a valid LPP. This will benefit the community body as it should reduce the chances that the planning authority will not validate the LPP. It will assist the planning authority in its assessment of the proposals.

Registration of Local Place Plans and the establishment and maintenance of a Register

43. The 2019 Act requires that the planning authority must have a register and place any valid LPP on such register. We are looking to build upon the requirements that planning authorities already have for their planning registers for planning applications. This will benefit the development of the registers and also provide for transparency for community bodies.

Costs

Preparing and submitting a Local Place Plan

44. There is limited information in the public domain on the costs of individual elements of developing an LPP. Defining the costs is made more challenging as it will be for the community body to develop the LPP within a light-touch regulatory framework. And LPPs are likely to vary in costs depending on the complexity and size of the proposal.

45. In support of the Scottish Parliament's scrutiny of the 2017 Planning Bill the Scottish Government prepared an accompanying Financial Memorandum⁶³. This was updated following the Stage 2 scrutiny⁶⁴.
46. In terms of estimating the cost of preparing LPPs, the nearest equivalent is neighbourhood planning in England, under the Localism Act 2011. Locality published a number of case studies of neighbourhood planning which found the average cost to be around £13,000⁶⁵ ⁶⁶. This is a monetised cost of all the effort required, some of which will be covered by volunteering or support from public or third sector bodies. This figure appears to match well with the level of grant understood to have been received by communities supported by the Coalfields Regeneration Trust, of between £10,000 and £15,000.
47. Evaluation of Community-led Design Initiatives: impacts and outcomes of the Charrettes and Making Places funds⁶⁷ noted that the total cost of projects ranged from just over £8,000 to under £75,000. The variance in total costs was due to a wide range of factors, including the number of design events being run through each project (ranging from one to many), geography, facilitation costs, and the focus of the projects.
48. More recently the Scottish Communities Alliance published a report on community action planning⁶⁸. In coming to an estimated cost of around £17,000 for plan preparation, it noted that 'there are significant variables depending on approach, nature of community, size of the site and purpose for the plan....' The primary costs associated with this estimate could be attributed to consultants' fees.
49. It is, therefore, assumed that the average cost of preparing an LPP will be in the region of £15,000, though many of these costs are intrinsic in the 2019 Act. Estimating three LPPs per year within each local authority area, this results in a total cost of around £1.4-1.5m per year for communities.
50. The costs set out below are estimates of the additional costs which can be attributed to the regulations. Some of these costs will form part of the overall estimated cost of preparing an LPP which have been prepared previously.

⁶³ <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/financial-memorandum-planning-scotland-bill.pdf> (December 2017)

⁶⁴ [https://www.parliament.scot/S5_Bills/Planning%20\(Scotland\)%20Bill/SPBill23AFMS052019.pdf](https://www.parliament.scot/S5_Bills/Planning%20(Scotland)%20Bill/SPBill23AFMS052019.pdf) (May 2019)

⁶⁵ <https://mycommunity.org.uk/neighbourhood-planning>

⁶⁶ An update provided in the linked FAQ document suggested case studies ranged from £4,000 - £20,000 (May 2020)

⁶⁷ [People, Communities and Places: Evaluation of Community-led Design Initiatives: impacts and outcomes of the Charrettes and Making Places funds \(www.gov.scot\)](https://www.gov.scot/People_Communities_and_Places_Evaluation_of_Community-led_Design_Initiatives_impacts_and_outcomes_of_the_Charrettes_and_Making_Places_funds) (December 2019)

⁶⁸ <https://scottishcommunityalliance.org.uk/wp-content/uploads/2020/10/Community-Action-Planning-a-process-CE-0920.pdf> (September 2020)

Introduction of requirements on community bodies to have regard to any locality plan which may be in place within an area

51. We would not envisage that an additional requirement to have regard to the Locality Plan would have a significant cost to the community body within the context of what is already required within the 2019 Act.

Requirements on the form and content of a Local Place Plan

52. We are envisaging an LPP which is clear and visual, using graphics, photographs, and maps. This may require the costs of a designer and for the access to photographs and mapping facilities. We would envisage this could cost up to £2,500. Though these costs could be reduced through access to resources within the community.

Steps to be taken before preparing the Local Place Plan

53. Communities take engagement seriously and will take positive steps to engage. Even without a legal requirement, there will be an expectation from the wider community that they will be engaged in the development of the LPP. Costs are likely to be accrued through venue hire and catering, support for attendees (including translators, childcare etc), plus materials and facilitators. We would envisage this could cost in the region of £3,500 depending on support from the community / public sector or received in kind.

Taking on board the views of councillors

54. We would not envisage that an additional requirement to seek the views of local ward councillors would have a significant cost to the community body within the context of what is already required within the 2019 Act.

Submission of Local Place Plans

55. Requiring community bodies to submit information alongside their proposals will provide evidence that they form a valid LPP. The development of a How to Guide and guidance should assist Community Bodies by providing a clear steer as to the requirements for submitting the LPP. However, information will need to be collated / presented and potentially consulted upon. Including potential costs additional to any consultation such as printing of documents or setting up a webpage should be added to the costs of preparing the additional information. We would envisage this could cost in the region of £4,000.

Registration of Local Place Plans and the establishment and maintenance of a Register

56. The requirement to establish a register and map of LPPs will have some costs, which may fall to planning authorities or to the Scottish Government. In line with other registers of information the updated

Financial Memorandum to the Planning Bill considered that it would cost around £10,000 for each authority to set up such a register, and £5,000 per year to maintain it, costing up to £2,040,000 over a 10 year period.

57. Transforming Places Together: digital strategy for planning⁶⁹ sets out the Government's intention to develop an online central register of Local Place Plans, as part of the end to end planning system. This figure would be reduced to around £40,000 for the Scottish Government, for set-up and technical maintenance, and £680,000 for planning authorities for maintaining the information.

Scottish Firms Impact Test

58. This legislation should not affect significantly the overall costs for individual businesses of engaging in the planning system. Local businesses may see value in engaging in the development of an LPP in addition to the LDP.

Competition Assessment

59. There are no obvious impacts on competition of these proposals. The proposals would not favour one such business over another per se.

- Will the measure directly or indirectly limit the number or range of suppliers?

60. No. It does not involve significant additional costs in the overall context of the planning system.

- Will the measure limit the ability of suppliers to compete?

61. No. As above.

- Will the measure limit suppliers' incentives to compete vigorously?

62. No. As above

- Will the measure limit the choices and information available to consumers?

63. No. As above.

Consumer Assessment

64. The costs involved seem to have limited effect on the purchasers of goods and services. To the extent that the public are consumers of planning services, then the proposed regulations should improve their opportunities for engagement.

⁶⁹ [Transforming Places Together: digital strategy for planning - gov.scot \(www.gov.scot\)](http://www.gov.scot)

- Does the policy affect the quality, availability or price of any goods or services in a market?

65. No.

- Does the policy affect the essential services market, such as energy or water?

66. No.

- Does the policy involve storage or increased use of consumer data?

67. No.

- Does the policy increase opportunities for unscrupulous suppliers to target consumers?

68. No.

- Does the policy impact the information available to consumers on either goods or services, or their rights in relation to these?

69. Yes. In so far as the planning system is a service and the public are its consumers. The regulations on the LPP register will provide a framework for the information available to the general public.

- Does the policy affect routes for consumers to seek advice or raise complaints on consumer issues?

70. No.

Test run of business forms

71. No new forms.

Digital Impact Test

72. The use of on/off line models of engagement are not prescribed in the regulations. Which method is used will be for parties to decide in the circumstances of the case.

- Does the measure take account of changing digital technologies and markets?

73. Yes. The use of on/off line models of engagement are not prescribed in the regulations. Which method is used will be for parties to decide in the circumstances of the case.

74. In developing the proposals on access to the register, we have sought to ensure it is available both on and offline.

- Will the measure be applicable in a digital/online context?

75. Yes.

- Is there a possibility the measures could be circumvented by digital / online transactions?

76. No.

- Alternatively will the measure **only** be applicable in a digital context and therefore may have an adverse impact on traditional or offline businesses?

77. No.

- If the measure can be applied in an offline **and** online environment will this in itself have any adverse impact on incumbent operators?

78. No.

Legal Aid Impact Test

79. These changes would seem unlikely to affect claims for legal aid.

Enforcement, sanctions and monitoring

80. There is no requirement on a community body to prepare an LPP. However, where a community body seeks to prepare an LPP the Act sets out the framework of requirements that the community body must comply with. There is the potential that should a community body fail to comply with the requirements, then the planning authority is required to decline to register the LPP.

81. The intention is that the regulations will come into force around the end of 2021. Stakeholders will receive notice of the publication through the Government's media channels such as its website, e-mail alerts and other social media channels.

Post-implementation review

82. Provisions within the 2019 Act insert section 15B into the amended Town and Country Planning (Scotland) Act 1997 and provide for a review of LPPs. Scottish Ministers are to prepare a report on the review and lay it in Parliament. The provisions also require Ministers to undertake the review as soon as practicable 7 years after Royal Assent, namely July 2026. This review would provide an opportunity to consider any changes to these provisions.

Summary and recommendation

83. These regulations have emerged to provide administrative legislative requirements for LPPs as set out in the Planning (Scotland) Act 2019. This followed an extensive review of the planning system.

84. Whilst this partial BRIA has identified extra financial costs to all parties, the benefits of using a collaborative approach to placemaking has the potential to improve trust in the planning system and support collaboration over conflict.

Summary Costs and Benefits Table

Summary and recommendation

The Scottish Government proposes to lay regulations on the preparation, submission and registration of LPPs to help improve engagement in the Scottish planning system.

It is a challenge to estimate the costs of the development of LPPs accurately as the regulations seek to provide a light touch leaving much to the discretion of the community body. Based on the figures estimated thus far, the costs to communities of preparing LPPs is in the region of £1.4M per annum.

Based on support from the Scottish Government to develop a centralised register, costs to all planning authorities would be in the region of £70,000 per annum for maintaining the register.

Subject to the views received in the forthcoming public consultation, the proposals, as a package, would appear to represent a proportionate response.

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1. Additional requirement on the community body having regard to the Locality Plan	Improved alignment of the LPP with community planning aspirations for the area	Minimal additional costs to community bodies
2. Prescribed Form and Content of the LPP	Improved accessibility of proposals through a concise statement and associated map	Total cost across the community sector estimated at £230,000
3. Steps to be taken before preparing the Local Place Plan	Community Bodies will have the scope to consider the consultation activities appropriate to their circumstances.	Total cost across the community sector estimated at in the region of £325,000

4. Taking on board the views of councillors	Improved opportunities for engagement for the community body with local councillors	Minimal additional costs for community bodies. Minimal additional costs for planning authorities
5. Submission of Local Place Plans	Assist the community body in submitting an LPP which is accepted by the planning authority as legally sound.	Total cost across the community sector estimated at in the region of £370,000
6. Maintenance of a register of LPPs	A register available to the public will provide for transparency and accountability.	Increased costs for planning authorities in the region of £70,000.
7. Total cost of preparing an LPP to communities	LPPs will provide communities with an opportunity for their proposals to form an integral part of the statutory planning system.	Costs in the region of £1.4 – 1.5m for communities.

Declaration and publication

I have read the business and regulatory impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been/will be assessed with the support of businesses in Scotland.

Signed: Kevin Stewart

Date: 23 February 2021

Kevin Stewart, Minister for Local Government, Housing and Planning
Scottish Government Contact point: Graham Robinson
w w w . g o v . s c o t

©

Annex B: Partial Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment)

Proposals for Regulations on Local Place Plans

Background

1. The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Equality legislation covers the characteristics of: age, disability, gender reassignment, sex including pregnancy and maternity, race, religion and belief, and sexual orientation.
2. An equality impact assessment (EQIA) aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.
3. In addition, the Scottish Government has undertaken an initial impact assessment considering issues relating to Child Rights and Wellbeing. The Child Rights and Wellbeing Impact Assessment (CRWIA) is used to identify, research, analyse and record the impact of a proposed law or policy on children's human rights and wellbeing. It should be used on **all** new legislation and policy which impacts children, not just children's services.

Proposals for Secondary Legislation on Local Place Plans

4. The introduction of Local Place Plans (LPPs) is part of a wider programme of improving community engagement in planning, deriving largely from provisions contained within the Planning (Scotland) Act 2019⁷⁰ (the 2019 Act).
5. The aim of this particular strand is to introduce secondary legislation on matters relating to the introduction of LPPs.
6. Further details are available in the consultation paper to which this assessment is attached.

⁷⁰ <https://www.legislation.gov.uk/asp/2019/13/contents/enacted>

Who will it affect?

7. We envisage that these provisions have the potential to affect those who seek to engage in the planning system, particularly either as part of a community body, or through engagement with such bodies on the development of an LPP. LPPs will be taken into account in local development plans (LDPs) and will therefore influence how an area develops.
8. We recognise that the impacts of the regulations may fall differentially on different groups in society. Our initial evidence would suggest that people with disabilities, children, women and Black and Minority Ethnic groups for example, experience a variety of challenges in engaging with the planning system. These may relate to physical mobility and access, the impact of additional caring responsibilities or language and communication issues.

What might prevent the desired outcomes being achieved?

9. We have not identified any factors which might prevent the desired outcomes.

Framing

Results of the EQIA Framing Exercise

10. It is clear from the engagement during and since the Independent Panel's review that there is a need to improve public engagement measures. It is also clear that people wish to engage in shaping the places they stay and that such engagement can lead to better outcomes for people. But also, that different groups in society have different levels of engagement with the planning system.
11. Parliamentary scrutiny through the passage of the 2019 Planning Act provides a clear steer that enhanced engagement of the public at large, and societal groups in particular, should be addressed in development planning.
12. Community councils will potentially play an important role in the development of Local Place Plans. The Community Council Framework notes that community councils should

represent a full cross-section of the community and encourage the involvement of people regardless of gender, race, age, disability, nationality or sexual orientation. We would wish to encourage such wide engagement in the development of LPPs by all groups constituting themselves as community bodies.

13. From the evidence gathered so far, these regulations are likely to enhance the opportunities for engagement in shaping the places that people work and stay.
14. Whilst we believe they will generally have a positive effect, we see value in gathering further evidence particularly in ensuring LPPs are based on a robust evidence base of the wider community's views.

Extent/Level of EQIA required

15. The potential impact on each of the protected groups has been considered using information in the Scottish Government's Evidence Finder⁷¹ plus additional information identified below.
16. Further information is required on the impact on each of the protected characteristics. It is proposed to carry out consultation on the proposed regulations required to implement the policy intention and this will inform further development of the regulations, and where necessary, associated guidance.

Results of CRWIA framing exercise

17. Evidence gathered so far would indicate that children and young people are keen to be involved in the shaping of the places they stay. This is extended not only to contributing to the discussion on how places develop, but also to taking part in decision making and having their voices heard.
18. The Articles of the United Nations Convention on the Rights of the Child (UNCRC) and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to

⁷¹ <http://www.equalityevidence.scot/>

all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

19. Our work on this to date indicates that a CRWIA is required to support the development of this policy. We note that guidance suggests that a CRWIA should be undertaken where the policy will be subject to extensive consultation, including with the Scottish Parliament.
20. The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.
21. The policy will specifically support Article 12 of the UNCRC. This relates to every child having a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.
22. Other Articles of the UNCRC may indirectly be relevant such as: Article 3 - Every decision and action taken relating to a child must be in their best interests; Article 15 – a right to gather and use public space, providing no laws are broken; and Article 31 – a right to play, rest, leisure and access cultural life appropriate to their age.
23. The Scottish Government introduced Getting It Right For Every Child, a national approach which is relevant to each and every child in Scotland and affects every practitioner working in children and family services in the public and voluntary sectors. Inherent within this approach is the assessment of every child's wellbeing against 8 particular "SHANARRI" Indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.
24. This policy links primarily to the Respected and Responsible welfare indicators.

Respected: Having the opportunity, along with carers, to be heard and involved in decisions that affect them.

Responsible: Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision, and being involved in decisions that affect them.

25. We envisage that the policy will potentially impact upon the opportunity of all children and young people to become more actively engaged in the planning system. However, there is the potential for intersectional issues to affect the perception of certain groups of children and young people of engagement. Research relating to out of school groups and activities suggests this may particularly be an issue for both disabled children and older children.
26. We would want to gather further evidence on the potential impacts on how the policy affects or could affect children and young people in practice.

Stage 2: Data and evidence gathering, involvement and consultation

Characteristic ⁷²	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<p>Age</p>	<p>Scotland's population is ageing. In mid-2019, 19% of the population were aged 65 and over compared with 17% a decade earlier in mid-2009. Over the same period, the population aged 65 and over increased in all council areas.</p> <p>Nearly 9 in 10 adults (88 per cent) in Scotland use the internet either for work or personal use, a steady increase over time from 65 per cent in 2007. Notably, there has been a significant increase in internet use amongst older adults aged 60+ (from 29 per cent to 66 per cent). There are lower rates of internet use among older adults than among younger adults. In 2019, almost all (99 per cent) adults aged 16-24 reported using the internet compared to 43 per cent of those aged 75+.</p>	<p>Mid-2019 Population Estimates Scotland (2020)⁷³</p> <p>Scottish Household Survey: Annual Report 2019 (2020)⁷⁴</p>	<p>Evidence would suggest that people wish to engage in planning though they are not always able to do so.</p> <p>As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups on the practical elements of supporting engagement.</p>

⁷² Refer to Definitions of Protected Characteristics document for information on the characteristics

⁷³ <https://www.nrscotland.gov.uk/files/statistics/population-estimates/mid-19/mid-year-pop-est-19-report.pdf>

⁷⁴ <https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/>

	<p>Older people were less likely to have travelled the previous day. Only 51 per cent of those aged 80 and over had travelled the previous day and 65 per cent of those aged 70 to 79.</p> <p>Almost nine in 10 adults (87 per cent) aged 75 and above said they felt a very strong or fairly strong sense of belonging to their community, compared to just over seven in ten (73 per cent) of those aged between 16 and 24.</p> <p>The Sparsely Populated Area as a whole is projected to lose approximately 28% of its population by 2046. When the projected trend for the SPA is disaggregated by age group, it appears that the largest decline will be in the working age population. Across the SPA as a whole this economically active age group is predicted to decline by approximately one third by 2046, whilst the numbers of children and pensioners are projected to decline by 19% and 18% respectively.</p>	<p>Travel and Transport in Scotland 2018 (2019)⁷⁵</p> <p>Scottish Household Survey: Annual Report 2018 (2019)⁷⁶</p> <p>Demographic Projections for the Scottish Sparsely Populated Area (SPA) 2011-2046 (2018)⁷⁷</p>	
--	---	---	--

⁷⁵ <https://www.transport.gov.scot/publication/transport-and-travel-in-scotland-2018-pdf-version/>

⁷⁶ <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

⁷⁷ https://www.hutton.ac.uk/sites/default/files/files/RD%203_4_1%20Working%20Paper%203%20O1_2ii%20260218%20-%20published.pdf

	<p>Na h-Eileanan Siar is one of only two councils projected to have more people leaving than arriving.</p> <p>The majority of young people feel they should be involved in planning in their local area and that their local councils should look at ways to support children and young people to do this.</p> <p>Respected indicator Children and young people want their views to be heard and to make a meaningful contribution to making things better. Involving young people in decision-making requires supporting them to take meaningful, responsible, age-appropriate roles working in co-operation with professionals and parents/carers. Participation in civic engagement groups has been found to be associated with increased confidence and mental wellbeing as well as positive health and wellbeing outcomes for children and adolescents. Involving people in decision</p>	<p>Population Projections for Scottish Areas 2018-based (2020)⁷⁸</p> <p>YoungScot survey (2017)⁷⁹</p> <p>Child and adolescent health and wellbeing: evidence review (2018)⁸⁰</p>	
--	---	---	--

⁷⁸ <https://www.nrscotland.gov.uk/files//statistics/population-projections/sub-national-pp-18/pop-proj-principal-2018-report.pdf>

⁷⁹ <https://www.gov.scot/publications/planning-review-young-scot-survey-results-june-2017/>

⁸⁰ [Child and adolescent health and wellbeing: evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/child-and-adolescent-health-and-wellbeing-evidence-review-2018/) (2018)

	<p>making can further improve service and policy design to meet the needs of young people, leading to longer term positive impacts</p> <p>Responsible indicator Participation in positive activities has been shown to improve psychological wellbeing; self-perception and self-esteem; and skills development. Volunteering in particular also has wider benefits, strengthening community cohesion and public services, which in turn act as protective factors for young people's health and wellbeing.</p> <p>Around six in ten of young people surveyed (58 per cent) agreed that adults were good at taking their views into account when making decisions that affect them. This was an increase from 2017, when 53 per cent agreed.</p> <ul style="list-style-type: none"> • Boys were more positive on both questions. • Older children, for example pupils in S6, were more negative. • Respondents with a mental or physical health condition were less positive. 	<p>Young people's participation in decision making: attitudes and perceptions (2020)⁸¹</p>	
--	---	---	--

⁸¹ <https://www.gov.scot/publications/young-peoples-participation-decision-making-scotland-attitudes-perceptions-2/>

	Democracy Matters to Children (2019) noted that ‘children’s paths to meaningful involvement in decision-making are currently limited and many children have limited or no experience of participation in democratic processes’. A number of local issues were identified as ones which children wanted to have a say in – this included planning and the built environment.	Democracy Matters to Children (2019) ⁸²	
Disability	<p>In 2011, the proportion of people in Scotland with a long-term activity-limiting health problem or disability was 20%, the same as reported in the 2001 Census.</p> <p>Contains a range of recommendations (primarily aimed at England) including: - preparation of guidance on how and when to engage disabled people; - dedicated section in policy on access and inclusive design - plans not to be considered as ‘sound’ without evidence address disabled access; - permission granted only where sufficient provision for accessibility and inclusion - remove any requirement to prove immediate need for accessible housing.</p>	<p>Scotland's 2011 Census (Release 2A, Table 8)⁸³</p> <p>Building for Equality: Disability and the Built Environment⁸⁴</p>	<p>Evidence would suggest that people wish to engage in planning though they are not always able to do so.</p> <p>As part of the consultation on the Scottish Government’s proposals, we will be proactive in engaging with societal groups on the practical elements of supporting engagement.</p>

⁸² <https://www.childrensparliament.org.uk/wp-content/uploads/Democracy-Matters-Magazine-Final.pdf>

⁸³ <https://www.scotlandscensus.gov.uk/news/census-2011-release-2a>

⁸⁴ <https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/631/631.pdf#:~:text=Building%20for%20Equality%3A%20Disability%20and%20the%20Built%20Environment,use%20of%20public%20money%2015%20Fiscal%20incentives%2017>

	<p>97% of disabled people or those with a long-term illness considered that people should be involved in making decisions about how local public services are planned.</p> <p>Through inclusive digital and offline engagement and capacity building, raise disabled people’s aspirations and opportunities to fulfil their potential, and strengthen participation and democracy.</p> <p>Seventy-one per cent of adults who have some form of limiting long-term physical or mental health condition or illness reported using the internet, lower than for those who have some form of non-limiting condition or illness (90 per cent) and those who have none (94 per cent)</p>	<p>Scottish Social Attitudes Survey 2015: Table A16⁸⁵</p> <p>Supercharged: A human catastrophe (2020)⁸⁶</p> <p>Scottish Household Survey: Annual Report 2019 (2020)</p>	
Sex	<p>Scotland had a relatively even split between genders in 2018, with 51% females and 49% males, although this varied amongst age groups.</p> <p>Women are slightly more likely than men to become involved in the planning process. This was focussed on development management.</p>	<p>Mid-2018 Population Estimates Scotland (2019)</p> <p>Planning and Community</p>	<p>Evidence would suggest that people wish to engage in planning though they are not always able to do so.</p> <p>As part of the consultation on the Scottish Government’s proposals, we will be proactive in engaging</p>

⁸⁵ <https://www.gov.scot/publications/scottish-social-attitudes-survey-2015-attitudes-social-networks-civic-participation/>

⁸⁶ <http://gda.scot/content/publications/GDA%E2%80%93Supercharged-Covid-19Report.pdf>

	<p>Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement specifically women, minority ethnic groups, young and old people and people with disabilities.</p> <p>Overall there was no significant difference in use of internet between genders.</p> <p>Men were more likely to have travelled than women (74% vs 72%).</p> <p>Most journeys were for the purpose of commuting (24%), shopping (23%) or visiting friends or relatives (10%).</p>	<p>Involvement in Scotland (2004)⁸⁷</p> <p>Hard to reach, easy to ignore (2017)⁸⁸</p> <p>Scotland's People Annual Report: Results from 2015 Scottish Household Survey (2016) (section 8.2.2)⁸⁹</p> <p>Travel and Transport in Scotland 2018 (2019)</p>	<p>with societal groups on the practical elements of supporting engagement.</p>
--	---	---	---

⁸⁷ <https://www.webarchive.org.uk/wayback/archive/20180515204336/http://www.gov.scot/Publications/2004/07/19657/40295>

⁸⁸ <http://whatworksscotland.ac.uk/publications/hard-to-reach-or-easy-to-ignore-promoting-equality-in-community-engagement-evidence-review/>

⁸⁹ <https://www.gov.scot/publications/scotlands-people-annual-report-results-2016-scottish-household-survey/pages/8/>

	<p>In 2018 women were more likely than men to walk or catch the bus to work. Men were more likely to cycle to work.</p> <p>Gender-based violence against women occurs in all spaces and spheres of human interaction, including in the context of public spaces.</p> <p>Do you feel able to influence planning decisions which affect your local area and how it is being developed? Findings on no influence / some influence were similar for male (61%, 35%) and female (59%, 36%)</p> <p>Although the report and recommendations do not make a direct link with planning and the built environment, note should be taken of the references to:</p>	<p>General recommendation No. 35 -- sixty-seventh session on gender-based violence against women, updating general recommendation No. 19⁹⁰ (2017)</p> <p>The National Trust for Scotland Heritage Observatory briefing note (2017)</p> <p>First Minister's National Advisory Council on Women and Girls 2019 Report and</p>	
--	--	--	--

⁹⁰ [Treaty bodies Download \(ohchr.org\)](https://www.ohchr.org/) (2017)

	<ul style="list-style-type: none"> - Women have better cultural participation and sense of community belonging. Women are somewhat more likely than men to say that they have a very strong feeling of belonging to their community (38% vs 34%). - More women (28%) than men (25%) volunteer for groups or organisations. - Women do less physical activity. Women are significantly less likely than men to meet physical activity guidelines; just 62% of women do the recommended amount of activity per week, compared to 70% of men. - Women are much less likely to feel safe walking alone in their neighbourhood after dark (66% vs 89% of men). <p>In 2017 COSLA noted that 29% of Scotland’s 1227 councillors are women. It also notes that other key parts of our communities are underrepresented.</p>	<p>Recommendations (2020)⁹¹</p> <p>Referenced in the Stage 2 EQIA accompanying the Planning Bill⁹² (2019)</p>	
<p>Pregnancy and Maternity</p>	<p>Pregnant women may also find standing difficult and need facilities to sit down.</p>	<p>Health Impact Scoping of Public Places Guidance (2020)⁹³</p>	

⁹¹ [NACWG-2019-Report-and-Recommendations.pdf \(onescotland.org\)](#)

⁹² [Planning+Bill+-+post+stage+2+equality+impact+assessment.pdf \(www.gov.scot\)](#)

⁹³ <https://www.scotphn.net/wp-content/uploads/2015/11/Health-Impact-Scoping-of-Public-Places-Guidance-v2.pdf>

Gender Reassignment	We have not been able to gather any information regarding this characteristic		
Sexual Orientation	As a whole, this group had no special needs or requirements when it came to planning. Their views were representative of the general population.	Consultation on the Modernisation of the Planning System with 'seldom heard' Groups (2009) ⁹⁴	
Race	<p>Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement specifically women, minority ethnic groups, young and old people and people with disabilities.</p> <p>Some people from specific communities of interest and identity described finding it difficult to get involved in decisions, or having no experience of involvement at all. For example, some asylum seekers, EU citizens, foreign language groups, and some people from different ethnic minority groups described experiences of being detached from the wider community and formal decision-making organisations and forums.</p>	<p>Hard to Reach, Easy to Ignore (2017)</p> <p>Local Governance Review: analysis of responses to Democracy Matters (2019)⁹⁵</p>	<p>Evidence would suggest that people wish to engage in planning though they are not always able to do so.</p> <p>As part of the consultation on the Scottish Government's proposals, we will be proactive in engaging with societal groups on the practical elements of supporting engagement.</p>

⁹⁴ <https://www.webarchive.org.uk/wayback/archive/20180516025616/http://www.gov.scot/Publications/2009/02/09150350/0>

⁹⁵ <https://www.gov.scot/publications/local-governance-review-analysis-responses-democracy-matters/>

	<p>They did not know about local groups or understand whether and how they could get involved.</p> <p>Seventy-eight per cent of those whose ethnicity was recorded as White expressed a very or fairly strong feeling of belonging compared to 71 per cent of those whose ethnicity was recorded as minority ethnic.</p> <p>In 2011 Gypsy/Travellers in Scotland, compared to the population as a whole, were more likely to report a long-term health problem or disability and were more likely to report bad or very bad general health.</p> <p>This report contains the recommendations of young people with regards to the Concluding Observations published in 2016, and the issues which they feel continue to impact upon their lives, and those of their families, friends and communities. The recommendations included: “We should be consulted about where sites should be”;</p>	<p>Scottish Household Survey: Annual Report (2019)</p> <p>Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census (2015)⁹⁶</p> <p>Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People’s Evidence Bank (2018)⁹⁷</p>	
--	--	---	--

⁹⁶ <https://www.gov.scot/publications/gypsy-travellers-scotland-comprehensive-analysis-2011-census/>

⁹⁷ <https://evidencebank.org.uk/evidence/inclusion/young-gypsy-travellers-discuss-the-united-nations-convention-on-the-rights-of-the-child/>

	<p>“We should be part of the planning process to allow us to say what type of sites and facilities we want”;</p> <p>“There should be more opportunities for us to take part in decision making and have our voices heard”.</p>		
Religion or Belief	<p>Some people from specific communities of interest and identity described finding it difficult to get involved in decisions, or having no experience of involvement at all. For example, some asylum seekers, EU citizens, foreign language groups, and some people from different ethnic minority groups described experiences of being detached from the wider community and formal decision-making organisations and forums. They did not know about local groups or understand whether and how they could get involved</p>	<p>Local Governance Review: analysis of responses to Democracy Matters (2019)</p>	<p>Evidence would suggest that people wish to engage in planning though they are not always able to do so.</p> <p>As part of the consultation on the Scottish Government’s proposals, we will be proactive in engaging with societal groups on the practical elements of supporting engagement.</p>
Marriage and Civil Partnership	<p>Not applicable</p>		

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence gathered, this section requires us to consider the potential impacts – negative and positive – that the policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			<p>The aim is to have increased engagement for all sectors of society with Local Place Plans acting as one way available to communities to set out proposals for how their community can develop.</p> <p>However, evidence would suggest that, particularly for children and young people, their voices may not be captured and reflected in decision making. It is recognised that in order for this positive impact, that people’s views are gathered and reflected upon irrespective of their age. A negative impact could be caused should the views of people not be sought and reflected in the LPP.</p>
Advancing equality of opportunity	X			<p>As above. We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances. This acknowledges that older people, amongst others, are slightly less</p>

				likely to use online technologies whereas an online approach may work better with younger people.
Promoting good relations among and between different age groups	X			LPPs offers an opportunity to hear and reflect views across communities. We will encourage community bodies to reflect wider community views including those of older people plus children and young people.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			<p>The aim is to have increased engagement for all sectors of society with Local Place Plans acting as one method available to communities to set out proposals for how their community can develop.</p> <p>However, it is recognised that in order for the positive impact, the barriers which disabled people encounter should be challenged, so that disabled people's views are gathered and reflected upon.</p>
Advancing equality of opportunity	X			As above. LPPs offer an opportunity for disabled people's aspirations for a place to be reflected in the development plan for the place they stay. We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular

				circumstances. This acknowledges that disabled people, amongst others, are less likely to use online technologies.
Promoting good relations among and between disabled and non-disabled people	X			LPPs will provide an opportunity to hear and reflect wide community views across communities. There is an opportunity for proposals which come out of the development of the LPP to reflect those wider views.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			<p>Evidence from Hard to Reach, Easier to Ignore would suggest that women can find engagement with Planning more challenging. The aim is to have increased engagement with Local Place Plans acting as one of the ways available to both men and women to contribute to setting out proposals for how their community can develop.</p> <p>However, it is recognised that in order for the potential positive impact to be fulfilled, there should be a consideration of how people use public places and spaces differently, irrespective of their gender.</p>
Advancing equality of opportunity	X			As above.
Promoting good relations between men and women	X			LPPs offers an opportunity to hear and reflect views across communities. Community Bodies should reflect wider community views. There is an opportunity for proposals which come out of the development of the LPP to reflect those wider views.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	No relevant information available
Advancing equality of opportunity			X	No relevant information available
Promoting good relations			X	No relevant information available

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	No relevant information available
Advancing equality of opportunity			X	No relevant information available
Promoting good relations			X	No relevant information available

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	No relevant information available

Advancing equality of opportunity	X			We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances.
Promoting good relations			X	No relevant information available

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			<p>The aim is to have increased engagement for all sectors of society with Local Place Plans acting as one methodology available to communities to set out proposals for how their community can develop.</p> <p>However, it is recognised that in order for the positive impact, the potential barriers, some of which are set out in the above evidence, should be challenged, so that people's views are gathered and reflected upon.</p>
Advancing equality of opportunity	X			We will not be prescriptive about the use of specific consultation methods and will suggest that the method chosen is appropriate to the particular circumstances.
Promoting good race relations	X			LPPs offers an opportunity to hear and reflect views across communities. Community Bodies should reflect wider community views.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			Evidence from the work to support Democracy Matters would suggest that people may wish to engage in planning though they are not always able to do so. The barriers may be language but also of being detached from the wider community and formal decision-making organisations and forums. The aim is to have increased engagement for all sectors of society with Local Place Plans acting as one way available to communities to set out proposals for how their community can develop.
Advancing equality of opportunity	X			As above.
Promoting good relations	X			LPPs offers an opportunity to hear and reflect views across both established and newer communities. Community Bodies should reflect wider community views.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership⁹⁸	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination				Not assessed

⁹⁸ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Improving the opportunities for a more collaborative approach to the planning for an area has the opportunity to support people in their aspirations for their local place. There is also the opportunity for people to engage in the planning system, and benefit in positive outcomes for health and wellbeing.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁹⁹ ?	Potentially indirectly discriminatory in terms of those groups who would find it more difficult to engage including those highlighted in the Hard to Reach, Easy to Ignore research. Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement specifically women, minority ethnic groups, young and old people and people with disabilities.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	We will ask in the consultation about views on how community engagement in legislation or any associated guidance can be drafted to mitigate against any such barriers.

⁹⁹ See EQIA – Setting the Scene for further information on the legislation.

Describe how Equality Impact analysis has shaped the policy making process

27. The EQIA has helped highlight the potential issues which may disproportionately impact those with particular protected characteristics particularly in ensuring that their voices are heard and reflected upon.
28. We will seek views in the forthcoming consultation as to how the secondary legislation and associated guidance can mitigate any potential barriers. We will also ask how such guidance may assist in addressing the challenges people have in engaging in the planning system.

Monitoring and Review

29. Provisions exist within the Planning (Scotland) Act 2019 for Ministers to review the operation of LPPs. The Scottish Ministers must, as soon as practicable after the end of the 7 year period from Royal Assent, carry out a review of local place plans, setting out the conclusions in a report laid before the Scottish Parliament.

Annex C: Partial Island Communities Impact Assessment

Proposals for Regulations on Local Place Plans

Introduction

1. This assessment relates to draft regulations relating to the introduction of Local Place Plans (LPPs) into the Scottish planning system. Provisions relating to LPPs were introduced in the Planning (Scotland) Act 2019.
2. This document seeks to identify whether there are issues which merit further exploration through an Island Communities Impact Assessment (ICIA). If significant issues are identified, a full ICIA will be carried out.
3. The background to LPPs and what has led to those proposals is set out in the accompanying consultation paper.

The Islands (Scotland) Act 2018 (the 2018 Act)

4. Section 7 of the Islands (Scotland) Act 2018 provides for a duty on the Scottish Ministers that they must have regard to island communities in exercising their functions and in the development of legislation.
5. Section 8 states that Scottish Ministers must prepare an ICIA in relation to a policy, strategy, or service, which, in the authority's opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. These provisions came into force on 23 December 2020.
6. In December 2020 the Scottish Government published guidance and a toolkit for the preparation of ICIA¹⁰⁰.
7. The 2018 Act lists the following areas that are relevant considerations for islands and islands communities:
 - Depopulation
 - Economic development
 - Environmental protection
 - Health and wellbeing
 - Community empowerment
 - Transport
 - Digital connectivity
 - Fuel poverty
 - Land management
 - Biodiversity

¹⁰⁰ <https://www.gov.scot/publications/island-communities-impact-assessments-guidance-toolkit/>

8. The planning system has a role to play in the development and use of land in the long term public interest, including the future development of communities, and so may have a relevance to each of the considerations listed above.

Step One - Developing a clear understanding of policy objectives

9. Improving community involvement in the planning system was a key aim of planning reform¹⁰¹ from the outset. 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 independent planning review recommended that communities should be empowered to bring forward their own LPPs, and these should form part of the development plan.¹⁰²
10. Island communities are well placed to express their aspirations for the future of their local places. Many have already been actively involved in shaping where they stay through charrettes or by preparing community action plans. Examples of island communities being involved in developing locally based plans can be found in:
- Argyll and Bute: SURF Alliance for Action: Rothesay¹⁰³
 - Highland: Isle of Rum Community Land Use Plan¹⁰⁴
 - North Ayrshire: Millport Charrette, Cumbrae¹⁰⁵
 - Orkney: Stromness Local Place Plan¹⁰⁶
 - Shetland: Scalloway Local Place Plan¹⁰⁷
 - Western Isles: Galson Estate Trust Strategic Plan 2017-37¹⁰⁸
11. These proposed regulations will cover all Scotland. However, they are permissive in nature. The regulations provide the administrative framework for LPPs. But it will be for local communities themselves to consider whether LPPs are appropriate in their local circumstances.
12. In developing the secondary legislation, our policy objectives have included:
- deliver the policy objective to promote early engagement by communities in setting out a vision for the future development of the places they stay;
 - deliver a light-touch approach to secondary legislation, thus allowing for some flexibility to suit local circumstances;
 - whilst light-touch, the legislation and associated guidance will provide for a robust framework for the development and consideration of LPPs; and

¹⁰¹ Places, People and Planning (January 2017) <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/>

¹⁰² Empowering planning to deliver great places (May 2016) <https://www2.gov.scot/Resource/0050/00500946.pdf>

¹⁰³ <https://www.surf.scot/projects/alliance-for-action/rothesay/>

¹⁰⁴ [Isle of Rum Community Land Use Plan | \(highland.gov.uk\)](https://www.highland.gov.uk/leisure-and-heritage/visiting-the-isle-of-rum/isle-of-rum-community-land-use-plan)

¹⁰⁵ <http://northayrshire.community/wp-content/uploads/2018/05/tourism-and-economy-final-boards.pdf>

¹⁰⁶ <https://www.pas.org.uk/wp-content/uploads/2020/06/20.05.26-Whats-Next-for-Stromness-Local-Place-Plan.pdf>

¹⁰⁷ [Scalloway Local Place Plan \(arcgis.com\)](https://www.arcgis.com/home/webpage/view?id=3d8e61f241044838b29a99fcd4c44aa2)

¹⁰⁸ https://af53f456-f8ff-4269-8f0d-9f9ef9f6820e.filesusr.com/ugd/682f71_f94c61f241044838b29a99fcd4c44aa2.pdf

- recognising practice which is already in place.

Step Two - Gathering data and identifying stakeholders

Consultation

13. Following ongoing engagement throughout the course of the planning review, an intensive island proofing exercise was undertaken through a collaborative workshop, held in September 2017 and in advance of publication of the Planning Bill. The results of this workshop are set out below.

14. Specific to this consultation, the following primary stakeholders have been identified:

- Community bodies, including community councils, development trusts, and other individuals and organisations with an interest in shaping the development of local communities;
- Relevant local authorities; and
- Other public sector bodies, particularly those with an involvement in community planning.

Framing

15. Desk top analysis was undertaken of the evidence gathered for the development of the Planning Bill, including the equality impact assessment¹⁰⁹ and ICIA¹¹⁰, plus the integrated impact assessment accompanying the early engagement¹¹¹ on National Planning Framework 4.

16. Key data from the analysis included:

National Plan for Scotland's Islands¹¹²: was published in December 2019. It noted the following:

- island communities face many different transport challenges when carrying out their daily lives compared to those living in less rural areas of the mainland and urban areas.
- the importance of community was a key theme from the consultation and respondents provided a range of examples that highlighted the uniqueness of the islands and the strengths they provide for cultivating innovative initiatives and projects on a small scale.
- many of the islanders said that they felt remote from where decisions were taken and expressed a desire for more considered decision-making which included them.

¹⁰⁹ <https://www.gov.scot/publications/planning-bill---post-stage-2-equality-impact-assessment/>

¹¹⁰ <https://www.gov.scot/publications/planning-bill---post-stage-2-island-communities-impact-assessment/>

¹¹¹ <https://www.transformingplanning.scot/national-planning-framework/resources/> (under impact assessment tab)

¹¹² [The National Plan for Scotland's Islands - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-plan-for-scotland-s-islands/) (2019)

- island communities indicated that although the progress with broadband connectivity was a positive, further advancement was needed given the variation of both mobile and broadband connection between, and within, the islands of Scotland.
- islanders feel strongly about preserving built heritage and the natural environment, not just for their economic value through tourism, but for the quality of life they support and as a legacy for future generations.

Planning Bill Island Communities Impact Assessment: was published in June 2019. The main theme that emerged through all the discussions was the need to allow flexibility for the islands.

- It also noted that there were mixed views on the proposal for LPPs. Whilst the principle was understood, the group shared some concerns about delivery. Challenges included resourcing to support communities who want to bring forward plans, putting pressure on small teams. It was expected that many communities on the islands would be interested but that expectations would need to be managed in light of resourcing constraints. It recommended that flexibility would be helpful, and any powers should avoid being prescriptive / introducing a new system of plans, to allow wider plans (e.g. locality plans) to become LPPs.

Population demographics: National Records of Scotland Mid-Year Population Estimates Scotland, Mid-2019 (2020)¹¹³: indicate that Na h-Eileanan Siar and the Orkney Islands are among the local authority areas with an older population in Scotland, with Shetland closer to the overall figures for Scotland.

Transport and Travel in Scotland Results from the Scottish Household Survey 2018 (2019)¹¹⁴ indicates in turn that older people were less likely to have travelled the previous day. Only 51 per cent of those aged 80 and over had travelled the previous day and 65 per cent of those aged 70 to 79. That survey also identified a variation in mode of travel by age. The older age group were more likely to catch a bus than younger children (33% compared to 9%), which may indicate older populations are more reliant on public transport.

Settlements data: National Records of Scotland - Population Estimates for Settlements and Localities in Scotland, Mid-2016 (2018)¹¹⁵: states that:

“The council areas with the lowest proportion of people living in a settlement¹¹⁶ are Na h-Eileanan Siar (30%) and Shetland Islands (38%). Many communities in these islands are sparser than those in the rest of Scotland, due to crofting and

¹¹³ <https://www.nrscotland.gov.uk/files//statistics/population-estimates/mid-19/mid-year-pop-est-19-report.pdf> - Figure 13, page 26

¹¹⁴ <https://www.transport.gov.scot/publication/transport-and-travel-in-scotland-results-from-the-scottish-household-survey-1/>

¹¹⁵ <https://www.nrscotland.gov.uk/files//statistics/settlements-localities/set-loc-16/set-loc-2016-publication-updated.pdf>

¹¹⁶ A settlement is defined to be a group of high density postcodes whose combined population rounds to 500 people or more. They are separated by low density postcodes

other factors, and so do not fulfil the density requirements needed to be counted as a settlement.”

Internet use: Figures indicate that island communities have older populations and that internet use is less in older age groups than younger ones. There is a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland¹¹⁷.

17. The following section considers the potential for differential impacts on island communities of each element of the draft regulations.

Spatial and community planning

18. The National Planning Framework covers the whole of Scotland and will therefore be relevant to all island communities. In addition, all of the relevant local authorities (Comhairle nan Eilean Siar, Highland Council, Shetland Islands Council, Orkney Islands Council, Argyll & Bute Council and North Ayrshire Council) are covered by local development plans prepared under the provisions contained in the amended Town and Country Planning (Scotland) Act 1997. Locality Plans are prepared by Community Planning Partnerships under section 10 of the Community Empowerment (Scotland) Act 2015. Locality plans can be found in each of the six local authority areas covered by the 2018 Act.

19. Proposals for the additional requirement for community bodies to have regard to locality plans, where they are in place, should provide for the same policy framework for island communities.

Form and content of the Local Place Plan

20. Proposals would require community bodies to provide 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 plus a map of the area covered by the Local Place Plan, which must be annotated to provide the LPP boundary. These requirements for community bodies should provide for the same policy framework for island communities.

Steps to be taken before preparing the Local Place Plan

21. The 2019 Act requires the community body to comply with any prescribed requirements as to steps which must be taken before preparing the plan. In order to provide for flexibility and reflect local circumstances, we are not proposing to include any requirements, though through the use of appropriate guidance we will provide a steer as to the range of requirements for the preparation of a successful LPP.

¹¹⁷ [Connected Nations 2019 Scotland report \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/scotland2019/scotland2019.pdf) (2019)

Submission of Local Place Plans

22. The 2019 Act sets out that a community body must comply with a range of prescribed requirements in advance of submitting the LPP to the planning authority. We have not identified any differences for island communities. The requirements for island communities should provide for the same policy framework for island communities.

Taking on board the views of councillors

23. A community body must comply with any prescribed requirements as to '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 local place plan'.

24. We note that the 2018 Act inserts section 2A into section 1 of the Local Governance (Scotland) Act 2004 providing an exception to the usual three or four member rule for electoral wards in relation to wards which consist either wholly or partly of one or more inhabited islands. In these circumstances the Local Government Boundary Commission for Scotland will have the flexibility to propose wards of one or two members.

25. We are proposing that the community body seeks the views of local ward councillors. These requirements for community bodies should provide for the same policy framework for island communities irrespective of the number of councillors.

Register of Local Place Plans and associated maps

26. Primary legislation provides that every planning authority must keep a register of LPPs. Planning authorities already have experience of maintaining registers for development management purposes and we therefore don't envisage that there are specific issues pertaining to island communities.

Potential issues and mitigation

27. The main potential issue for communities is how they can become involved in the development of the LPP.

28. There is the potential that in locations with more scattered and / or older communities, there may be difficulties in interested members of the public getting involved.

29. Given a more scattered and older population and the availability of, and reliance upon, public transport, may mean island populations may be less able to attend events linked to the preparation of an LPP, or that it is more difficult and costly to do so. However, it is hard to make any conclusion as to the significance of any such challenges compared to other more remote parts of mainland Scotland, where populations may also be more scattered, older and where access to public transport at least may be more difficult compared to larger urban areas.

30. During the COVID-19 emergency, the requirement for a physical public event as part of Pre-Application Consultation with communities has been suspended. Guidance indicates online measures for engagement should be used instead. This may provide some opportunity for more scattered and older populations to engage.
31. This would not necessarily be a total solution for island communities. Whilst setting out the way to try to close the gap in digital connectivity, The Ofcom Connected Nations 2019 Scotland Report does indicate a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland. Also, in their response to the ‘Call for Ideas’ on the Scottish Government’s National Planning Framework 4 (NPF4), Orkney Islands Council indicated “the islands still experience some of the poorest broadband and mobile phone connectivity speeds in the UK. Improved digital connectivity and investment in digital infrastructure to ensure equal coverage across Scotland should remain as a key objective in NPF4”¹¹⁸.
32. In addition, as we indicated above Na h-Eileanan Siar and the Orkney Islands have a higher proportion of older people in their population, and that older people are less likely or able to travel. The Scottish Household Survey 2020¹¹⁹ refers to a clear relationship between age and use of internet, with lower rates of internet use among older adults. In 2019, nearly 100 per cent of adults aged 16 to 24 reported using the internet compared to 43 per cent of those aged 75 and over. This gap is, however, narrowing.
33. There also remains opportunities for more traditional methods such as local media and posters in community spaces to be used as would fit local circumstances.

Step Three – Consultation

34. This partial ICIA will form part of a package of assessments accompanying this consultation paper. We will invite stakeholders to comment on its contents, including on any omissions in the evidence, and initial conclusion set out below.

Initial Conclusion

35. It is likely that island communities would welcome the opportunities provided by LPPs. There may be some issues around ability to attend public events, given the specific nature of island communities. But the proposals offer some flexibility for individual circumstances relating to island communities. With the information we have identified at this stage, the significance of these issues, as distinct from those in other remote parts of mainland Scotland, is difficult to gauge.
36. Our conclusion at this stage is that there does not seem to be significant implications from the proposed legislation for island communities specifically. However, as the scope of the engagement undertaken to date is relatively small,

¹¹⁸ <https://www.transformingplanning.scot/media/1692/305-orkney-islands-council.pdf> - paragraph 1.20

¹¹⁹ <https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/pages/8/>

we are keen to carry out further engagement to ensure any issues are fully addressed, and any necessary mitigating measures can be considered. Therefore, the consultation paper seeks views on this screening assessment and conclusions and for any additional data or information.

Annex D: Fairer Scotland Duty assessment

Proposals for Regulations on Local Place Plans

Assessment not required Declaration

Policy title	Proposals for regulations on Local Place Plans
Directorate: Division: team	Directorate for Local Government and Communities Planning and Architecture Division
Policy lead responsible for taking the decision	Graham Robinson

Rationale for decision
<p>The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the Scottish Government makes. The duty normally applies to new strategies, action plans, strategic delivery decisions about setting priorities and/or allocating resources, major new policy proposals, and preparing new legislation.</p> <p>Having considered the Fairer Scotland Duty Interim Guidance, I confirm that the secondary legislation on local place plans does not constitute a strategic decision and therefore an assessment is not required.</p>

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
John McNairney, Chief Planner	11 February 2021

Annex E: Strategic Environmental Assessment – Pre-Screening Notification

Proposals for Regulations on Local Place Plans

SEA Pre-Screening Document	
Responsible Authority:	Scottish Government
Title of the plan:	Proposals for Regulations on Local Place Plans
What prompted the plan: (e.g. a legislative, regulatory or administrative provision)	<p>Provisions in Section 14 of The Planning (Scotland) Act 2019 introduce Schedule 19 into the Town and Country Planning (Scotland) Act 1997 setting out the legislative framework for Local Place Plans (LPPs). An LPP is prepared by a community body and is a proposal as to the development or use of land.</p> <p>The Act did not contain provisions for the development, preparation, submission and registration of LPPs. As these requirements were to contain a considerable level of administrative detail, it was considered appropriate that they were dealt with through secondary legislation rather than on the face of the Act.</p>
Plan subject: (e.g. transport)	Town and Country Planning
Brief summary of the plan: (including the area or location to which the plan related)	<p>The regulations will cover requirements on the preparation and submission of LPPs prepared across all Scotland.</p> <p>However LPPs are not required to be prepared by community bodies. It is for the community bodies themselves to consider whether they wish to prepare an LPP. They will be taken into account when the relevant Local Development Plan is being prepared. LPPs are developed by all Scottish planning authorities.</p>
Brief summary of the likely environmental consequences: (including whether it has been determined that the plan is likely to have no or minimum	<p>The intention of the legislation is to support one of the overarching themes within the review of planning – collaboration over conflict. The focus of the regulations is to provide the administrative provisions for the development of LPPs.</p> <p>In response to the criteria in Schedule 2 of the Environmental Assessment (Scotland) Act 2005, the aim of the regulations is to provide an administrative framework for LPPs so that, once taken into account in the development of an LDP, they provide the basis for decision-making processes in the planning system. LPPs have</p>

<p>effects, either directly or indirectly)</p>	<p>the potential to influence decision-making through their influence on the LDP. It is the overall LDP which will be subject to Strategic Environmental Assessment (SEA), with the final decision resting with the planning authority.</p> <p>If any changes to the plan or any mitigation was required in order to resolve potential points of conflict these would be subject to their own SEA requirements, as part of the planning process. It is therefore our view that the legislation would have no or minimal environmental effects once implemented.</p> <p>We have also considered whether any of the 'guiding principles' set out in section 9 of the UK Withdrawal from the European Union (Continuity) Scotland Act ('the Continuity Act') are relevant to the regulations, and concluded that they are not. This is because the proposals concern the introduction of new procedural requirements on the preparation and submission of Local Place Plans. As discussed above, LPPs have the potential to influence decision making through their influence on the LDP, which will itself be subject to all relevant requirements for consideration under the Continuity Act.</p>
<p>Contact details:</p>	<p>Graham Robinson Planning and Architecture Division, Scottish Government e-mail: Graham.Robinson@gov.scot</p>
<p>Date of opinion:</p>	<p>12 February 2021</p>
<p>When completed send to: SEA.gateway@scotland.gsi.gov.uk or to SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ</p>	



Proposals for Regulations on Local Place Plans

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Publish response only (without name)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-741-9 (web only)

Published by The Scottish Government, March 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS828666 (03/21)

W W W . g o v . s c o t