

# **Local Development Planning Regulations & Guidance Consultation**

## **Part D**

### **Interim Impact Assessments**

Local Development Planning Regulations & Guidance Consultation  
**Part D – Interim Impact Assessments**

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# Local Development Planning Regulations & Guidance Consultation

## Part D – Interim Impact Assessments

### Introduction

1. The Local Development Planning Regulations and Guidance consultation seeks views on proposed secondary legislative requirements and draft guidance to stakeholders on implementing the future local development plan system. In preparing the consultation, consideration has been given to the impacts of the proposals. The Interim Impact Assessments below have been prepared. Due to the differing reporting requirements, we are presenting the assessments separately.
  - Business and Regulatory Impact Assessment
  - Equalities Impact Assessment, covering human rights
  - Child Rights and Wellbeing Impact Assessment
  - Island Communities Impact Assessment
  - Fairer Scotland Duty
  - Strategic Environmental Assessment
2. Part A of the consultation, the 'Introduction', indicates that this, Part D, contains the outcome of the initial assessments and asks the following questions:

#### Question 2

i) Do you have any views on the content of the interim assessments?

Yes / No

Please explain your views

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

Yes / No

Please provide or direct us to the information

#### Question 3

i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?

Yes / No

Please explain your views

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

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**What are the Impact Assessments?**

What is a Business and Regulatory Impact Assessment?

3. A Business and Regulatory Impact Assessment (BRIA) looks at the likely costs, benefits and risks of any proposed primary or secondary legislation. It also covers voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.
4. The BRIA explains:
  - the reason why the Scottish Government is proposing to intervene;
  - options the Scottish Government is considering, and which one is preferred;
  - how and to what extent new policies may impact on Scottish Government, business and on Scotland's competitiveness;
  - the estimated costs and benefits of proposed measures.

What is an Equalities Impact Assessment?

5. The public sector equality duty requires the Scottish Government to assess the impact of applying proposed new legislation. Equality legislation covers the characteristics of: age, disability, gender reassignment, sex including pregnancy and maternity, race, religion and belief, and sexual orientation.
6. An Equalities Impact Assessment (EQIA) aims to consider how a policy may impact, either positively or negatively, on different sectors of the population in different ways. A policy can cover: activities, functions, strategies, programmes, and services or processes.
7. The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:
  - Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
  - Advance equality of opportunity; and
  - Foster good relations between different groups – by tackling prejudice and promoting understanding.
8. Whilst there is not currently a specific Human Rights Impact Assessment, human rights considerations should be embedded throughout the policy making process. These considerations are set out within the EQIA.

What is a Child Rights and Wellbeing Impact Assessment?

9. The Child Rights and Wellbeing Impact Assessment (CRWIA) is used to identify, research, analyse and record the impact of a proposed policy on children's human rights and wellbeing. CRWIA helps the Scottish Government

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consider whether it is: advancing the rights of children in Scotland; and protecting and promoting the wellbeing of children and young people.

10. CRWIA is a Ministerial duty under the Children and Young People (Scotland) Act 2014 and in relation to the United Nations Convention on the Rights of the Child (UNCRC).

What is an Island Communities Impact Assessment?

11. An Island Community Impact Assessment (ICIA) tests any new policy, strategy or service which is likely to have an effect on an island community which is significantly different from the effect on other communities. This became a legal duty in December 2020 under the Islands (Scotland) Act 2018.

What is the Fairer Scotland Duty Assessment?

12. The Fairer Scotland Duty (FSD) is set out in legislation as Part 1 of the Equality Act 2010, and came into force in Scotland from April 2018. The aim of the duty is to help the public sector to make better policy decisions and deliver fairer outcomes. The duty focuses on socio-economic inequality issues such as low income, low wealth, and area deprivation. The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the public sector makes.

What is Strategic Environmental Assessment?

13. In Scotland, public bodies and private companies operating in a public character, such as utility companies, are required to assess, consult on, and monitor the likely impacts their plans, programmes and strategies will have on the environment. This process is known as Strategic Environmental Assessment (SEA).
14. SEA helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making. It ensures that expert views are sought at various points in the preparation process from the public and the consultation authorities, who are:
  - Scottish Natural Heritage
  - Scottish Environmental Protection Agency
  - Historic Environment Scotland.

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**Interim Business & Regulatory  
Impact Assessment (BRIA)**

# Local Development Planning Regulations & Guidance Consultation

## Interim Business and Regulatory Impact Assessment (BRIA)

### Introduction

15. This Interim Business and Regulatory Impact Assessment considers the likely impacts of proposed secondary legislation and guidance that it is intended to introduce to reflect changes made to local development planning in the Planning (Scotland) Act 2019, which amended the Town and Country Planning (Scotland) Act 1997. It covers both proposals for regulations and draft advice on implementing legislative requirements and policy expectations.
16. Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and shouldn't happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'development plan' and will, alongside the National Planning Framework, be the basis for all decisions on planning applications.
17. Further background is set out in the consultation paper.

### What is a Business and Regulatory Impact Assessment?

18. A Business and Regulatory Impact Assessment (BRIA) looks at the likely costs, benefits and risks of any proposed primary or secondary legislation. It also covers voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.
19. The BRIA explains:
  - the reason why the Scottish Government is proposing to intervene;
  - options the Scottish Government is considering, and which one is preferred;
  - how and to what extent new policies may impact on Scottish Government, business and on Scotland's competitiveness;
  - the estimated costs and benefits of proposed measures.
20. This BRIA focusses on the proposals for new regulations and guidance on Local Development Plans in the Scottish planning system. The proposed regulations and guidance are part of our wider work on planning reform and implementing the [Planning \(Scotland\) Act 2019](#) (the 2019 Act) for which a [BRIA](#) was previously undertaken. The proposals for regulations and guidance on LDPs should be viewed within the context of the overarching provisions on LDPs as set out in the Planning Act.

### Objective

21. There is strong support for a plan-led planning system in Scotland. The Scottish Government's ongoing programme of planning reform seeks to strengthen and simplify LDPs. We want to refocus plans on the outcomes that they deliver for people and places, rather than the preparation process. We want plans to be

## Local Development Planning Regulations & Guidance Consultation **Interim Business and Regulatory Impact Assessment (BRIA)**

informed by consultation and collaboration so that they are relevant, and accessible and interest people. We want this new approach to LDPs to result in new style plans which support the management and use of land in the long term public interest.

22. The preparation of the consultation documents has been informed through engaging with a range of stakeholders. The Development Planning Working Group was one of 4 groups convened to support implementation of the 2019 Act. It was a cross-sector group comprising over 30 individuals. At the first meeting, in December 2019, members proposed that subgroups should be formed to explore specific areas of implementation in more detail. Three subgroups were set up to consider: scope and content of future LDPs; procedures for preparing LDPs; and details of the Evidence Report & Gate Check.
23. The sub-groups convened online during the pandemic, at the end of 2020 and start of 2021. They were provided with written material, including work briefs and discussion papers, and a library of relevant information was made available online to support their conversations. The sub-groups discussed their relevant topics and provided written input to inform the preparation of the consultation documents.

### Regulations

24. Primary legislation, substantially amended by the 2019 Act, provides the framework for LDPs and includes detail on many of the procedures to be followed in preparing plans. It also delegates powers to prepare secondary legislation on a range of detailed requirements. Given the amount of change, the Scottish Government has worked on the basis of keeping regulations to the minimum necessary. This view was also reflected by the Procedures Subgroup, who noted there are already many procedures set out in primary legislation.
25. The regulations consultation sets out proposals for secondary legislation and includes Draft Regulations. It is structured to reflect the provisions of the primary legislation and proposes the following:
  - new regulations relating to the Evidence Report and its assessment: These are new parts of the LDP process and it is proposed to mirror the requirements already in place for the Examination of LDPs. This will enable consistency for those implementing the requirements and assist stakeholders understanding of the processes.
  - new regulations relating to the Development Plan Scheme (DPS): These add to existing regulations to require planning authorities to specify the month a plan is expected to be adopted and to identify any changes to the timetable from the previous DPS, along with an explanation for that change.



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- removing references to aspects of the LDP process that will no longer be part of the system: For example Monitoring Statements, Main Issues Reports and Strategic Development Plans.
- updating references to ensure accuracy: For example to primary legislation and Delivery Programmes (re-named from Action Programmes).
- updating the definition of Key Agencies: This is to reflect changes to the following organisations since 2008 - NatureScot, Historic Environment Scotland and the emergence of South of Scotland Enterprise.
- consolidation of the requirements of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, already in place.

#### Guidance

26. At present, information on implementing the current development planning legislation is set out in Circular 6/2013. The approach at the time was to allow authorities to meet the requirements as they saw appropriate rather than provide detailed information on Ministers expectations. A consequence of the previous approach was that aspects of the system were not implemented as initially intended, for example supplementary guidance and Main Issues Reports. These parts of the process have now been removed from the system through the 2019 Act.
27. Given the extent of the legislative changes, the Scottish Government consider that the detail of Scottish Ministers' expectations for implementation of the 2019 Act should be set out in guidance. This will enable us to be clearer on Ministers intentions and expectations for new style plans. It will also provide maximum flexibility and resilience, allowing experience from implementing the new system to be incorporated into updated guidance as it emerges.
28. The Draft Guidance is structured in three sections, each fulfilling a different purpose:
  - Section 1 sets out the overall **aims and expectations** for new style plans. It provides key messages of what they should be like in the future, emphasising they should be delivery-focused, place-based and people-centred.
  - Section 2 sets out the **process** of how to achieve a new style plan. It covers the legislative requirements, how these are met and responsibilities of different stakeholders. It provides detail on the expectations for new Evidence Reports, emphasises 'delivery' throughout the stages of plan preparation and provides guidance on integrating LDP and Strategic Environmental Assessment (SEA) processes.
  - Section 3 sets out detailed **thematic** guidance on how new style plans are expected to implement the draft National Planning Framework 4 (NPF4)

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policies for the development and use of land. The content of this section would previously have been in Scottish Planning Policy (SPP), however with the change in status of NPF and its incorporation of policy, this document is an appropriate document for this guidance.

29. The above structure enables the guidance to be a live document: it has the potential to be reviewed in parts and offers access to the different types of information as needed by different stakeholders. It also provides flexibility to adapt as lessons are learned from how the new system is implemented.

#### **Rationale for Government Intervention**

30. The 2019 Act amended the Town and Country Planning (Scotland) Act 1997, including on the provisions for local development plans (LDPs) and on the detail of many of the procedures to be followed in preparing plans. It also gives the Scottish Ministers powers to prepare secondary legislation - regulations - concerning a range of related matters. The changes that are being proposed are necessary to ensure that the new legislative requirements operate effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.

#### **Sectors and Groups Affected**

31. This is an Interim BRIA and is not intended to be a definitive statement or a full assessment of impacts. It does however, present preliminary and indicative impacts that will require further consideration by the Scottish Government to inform the decision making process on the regulations and guidance for local development plans after the consultation has taken place and prior to them being finalised.
32. The proposed regulations and guidance look to implement the provisions of the amended 1997 Act and to deliver on the national planning priorities that will be set out in NPF4. The impacts of the changes in the Act have already been subject to assessment and the proposals in Draft NPF4 are the subject of a separate assessment. This Interim BRIA is not intended to cover the costs and benefits of either the Planning Act or draft NPF4.

#### **Business**

33. The contents of local development plans will be relevant to all business sectors across Scotland who are likely, in the future, to engage with the planning system through the submission of planning applications. LDPs will influence how decisions on such applications are made. The most significant impacts will be on those businesses that are dependent on the planning system for identifying new sites for their ongoing operations. This will, in particular, include housebuilders, business, retail and commercial property developers, the renewable energy sector, digital network providers, tourism and culture, and the minerals and aquaculture sectors.

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### Local authorities

34. The new processes will have significant impacts on local authority teams involved in the LDP process and how they take this work forward. The proposals stem from recent legislative changes that were intended to strengthen LDPs, reducing the time spent on producing plans and giving them a greater focus on place and delivery. The proposed regulations and guidance is necessary to provide additional detail to the requirements set out in primary legislation and are intended to recognise the benefit in working to the principle that regulations are kept to the minimum necessary and that much of the detail of Scottish Ministers' expectations for implementation of the 2019 Act should be set out in guidance.

### Communities and the third sector

35. NPF4 will impact on communities and the third sector as they focus on the future of the places where people live, work, learn and play. The preparation process involves opportunity for public involvement so the extent that the proposals will impact on these groups will be dependent on their willingness and need to become involved in these processes.

### Public bodies

36. Key agencies are involved at all stages of the plan-making process, providing information to inform environmental reports and the development of the policies in the plan. Plans will allocate land for new development and infrastructure so will have the potential to impact on the decisions, plans and strategies made by infrastructure providers in the areas of flood management, housing, transport and education, as examples.

## **Consultation**

### Within Government

37. The responsibility for these issues lies with Planning and Architecture Division (PAD) and the proposals have been developed by a core team with assistance from colleagues across the Division, particularly in relation to the thematic guidance in Part C. Additionally, PAD has engaged with the Directorate for Planning and Environmental Appeals, Directorate for Housing and Social Justice and Transport Scotland, as well as wider government portfolios as relevant including on economic development, energy, environment, marine, tourism and culture sectors.

### Public Consultation

38. Collaboration has informed the preparation of the consultation on the proposals for regulations and draft guidance. It follows on from the extensive engagement undertaken prior to the Planning (Scotland) Bill being considered by the Scottish Parliament.

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39. Following the passage of the 2019 Act, four working groups were convened to support the Transforming Planning in Practice programme, with one group focussing on Development Planning. It comprised over 30 individuals from across sectors: the public sector, including Heads of Planning Scotland and other national agencies; the private sector, including Homes for Scotland, Scottish Property Federation, Scottish Renewables and Scottish Planning Consultants Forum; the community and environmental sectors, including PAS, a community council and Scottish Environment LINK; professional institutes, including the Royal Town Planning Institute, Institute of Civil Engineers and the Royal Institution of Chartered Surveyors; and other relevant organisations.
40. The larger group divided into three subgroups to explore the following areas in more detail:
- scope and content of future LDPs,
  - procedures for preparing LDPS, and
  - the detail of the Evidence Report & Gate Check.
41. Extensive public consultation has also taken place to inform the preparation of Draft NPF4. This has involved workshops, a call for ideas and public consultation on a Position Statement. Comments relevant to the role of LDPs in delivering spatial and planning policies that were received via these processes were taken into account when developing proposals for development planning regulation and guidance.

## **Options**

42. This section looks at the proposed changes and the options considered.

Consequential amendments and updates to regulations:

43. **Option 1:** Amendments are proposed to existing provisions to broadly update and align these with wider changes to circumstances including changes introduced through the 2019 Act: These include:
- preparation and monitoring of local development plans: matters to be taken into account / had regard to in preparing LDPs
  - examination of LDP: costs, procedures and assessment
  - examination of LDP – grounds for declining to follow recommendations
  - delivery programmes – form, content and procedures and on seeking views
  - meaning of Key Agency
  - preparation and publication of proposed LDPs

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44. Further information on the proposed changes is provided in Annex A of Part B of the consultation paper.
45. **Option 1a:** As above but with additional substantive changes to provisions on the publication of proposed LDPs. Currently, existing provisions include requirements to publish a note in a local newspaper and on the internet; sending notice to identified stakeholders; making a copy of the Plan available for inspection at the planning authority offices and libraries; and, publishing it on the internet.
46. **Option 2 - 'Do Nothing.'** This is not considered to be an option – this would leave regulations out of date. Views are however invited on all of the proposed changes through the consultation process.
47. **Benefits:** Under Option 1 the proposed changes can help to ensure clarity for all concerned and to align the new LDP process with wider changes. Under Option 1a we do not consider there are any benefits from any additional substantive changes to publication arrangements for LDPs and consider the current arrangements strike an appropriate balance in ensuring those who wish to comment are made aware of the opportunity to do so.
48. There are no benefits associated with a 'Do Nothing' option.
49. **Costs:** Under Option 1, planning authorities will need to familiarise themselves with the changes to regulations. These are however taking place in the context of implementing wider structural changes to the development planning process, potential savings for which were estimated at the time of the Planning Bill to be between £21.42m to £31.5m over 10 years for planning authorities.
50. Under Option 1a, a reduction in publication requirements could reduce upfront costs, e.g. of publication fees. It follows that any substantive additional publication requirements could introduce new administrative requirements for authorities from implementing the new procedures as well as new up-front costs.
51. The costs of the proposals on business will depend on the level of involvement in the local development plan and the approach taken by each organisation. Representatives of groups with business interests were members of the sub-groups, including house-builders, consultants and property developers. The views of business and industry interests will be invited as part of the public consultation process.
52. There are no costs arising from a 'do nothing' option.

Matters to be addressed in regulations:

53. **Option 1:** New regulations are proposed on the following matters relating to the preparation of Evidence Reports. The proposed provisions will:

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- require the Scottish Ministers to notify the planning authority when a person has been appointed to assess the Evidence Report and their name.
  - provide that the appointed person is able to request further representations or further information be provided in connection with the assessment of the Evidence Report.
  - require that the general costs of assessing the Evidence Report incurred by the Scottish Ministers or appointed person are to be met by the planning authority.
  - require the planning authority to provide to the appointed person, electronic copies of any documents referred to in the Evidence Report.
54. A separate consultation will follow to inform the meaning of Gypsies and Travellers in relation to the requirements for the Evidence Report.
55. **Option 2 - 'Do Nothing.'** 'This is not considered to be an option - the evidence report is a new early stage of plan preparation. Section 16B(13) of the Act provides for Scottish Ministers to make regulations relating to the assessment of the evidence report, the 'gate-check stage', including costs, procedures and what is to be assessed.
56. **Benefits:** Under Option 1 the new regulations will give effect to the relevant section of the Planning Act and will support the implementation in practice of wider structural changes to the planning system which, when taken together, are intended to significantly strengthen LDPs to give a greater focus on place and delivery.
57. There are no benefits associated with a 'Do Nothing' option.
58. **Costs:** Under Option 1, planning authorities will need to familiarise themselves with the new regulations. These are however taking place in the context of implementing wider structural changes to the development planning process, potential savings for which were estimated at the time of the Planning Bill to be between £21.42m to £31.5m over 10 years for planning authorities.
59. The costs of the proposals on business will depend on the level of involvement in the local development plan and the approach taken by each organisation. Representatives of groups with business interests were members of the sub-groups, including house-builders, consultants and property developers. The views of business and industry interests will be invited as part of the public consultation process.

Matters to be addressed in guidance:

60. **Option 1:** It is proposed that the following matters are addressed in guidance rather than through regulations:

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- Evidence Report for preparation of local development plans: consultation and engagement
  - Evidence Report for preparation of local development plans: matters to be set out in the evidence report
  - Evidence Report: format
  - Evidence Report: minimum evidence requirements
  - Consultations on the proposed plan / prior to examination
61. Additionally, Section 3 sets out detailed thematic guidance on how plans are expected to implement NPF4 policies in the development plan. Previously, plans included planning policies specific to the development plan area. However, NPF4 will replace most local policies with national planning policies that apply across Scotland. This is intended to free up time and resources for local authorities to focus on spatial elements in their development plans.
62. **Option 2 - 'Do Nothing.'** This option could lead to uncertainty as to how the changes to the planning system should be implemented locally, and could lead to duplication of effort between different authorities.
63. **Option 3 – New provisions in regulations:** This option could limit opportunity for Planning Authorities to take into account local circumstances, and frustrate opportunities for best practice to evolve as the new system beds in and could add unnecessary regulatory burden. Views are however invited on all of the proposed changes through the consultation process.
64. **Benefits:** Option 1 will give flexibility to planning authorities to take account of local circumstances and will better allow for new processes to evolve and for lessons from practice to inform continuous improvement. Conversely, Option 3 is considered to offer increased certainty but could reduce flexibility at the local level.
65. There are no benefits considered to arise under Option 2.

#### Costs

66. As previously indicated, the changes made to development planning in the Planning Bill were estimated to deliver potential saving to planning authorities of between £21.42m to £31.5m over a ten year period. The changes were not expected to have any overall impact on costs for developers, landowners, communities and individuals. Costs would, however, be dependent on the level of involvement in the local development plan and the approach taken by each organisation. The proposals in the draft guidance will need to be considered in this context whilst acknowledging and assessing any addition burdens that will be placed on stakeholders by new requirements in the guidance.

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67. Comprehensive guidance is being proposed which is intended to allow Scottish Ministers to set out clearly their intentions and expectations for the new system for preparing LDPs. This guidance builds on that already included in Scottish Planning Policy, Scottish Government Planning Circulars and good practice at both the national and local level.
68. Part C of the guidance will, in particular, include advice that is intended to ensure that LDPs take account of the spatial and national policies that will be set out in NPF4. Public consultation is currently taking place on these policies.
69. An Interim BRIA was prepared to consider the likely costs and benefits associated with the proposals in draft NPF4 and a questionnaire is to be issued to stakeholders so that more detailed consideration can be given to the range of policy proposals. The intention is for this process to also consider the likely costs and benefits associated with the proposals in Part C of the guidance to gain a better understanding of whether additional costs will be associated with, for example, information requirements required to inform the Evidence Report (these are included at Annex A) or issues that LDPs will need to identify as part of the plan making process (Annex B).
70. The questionnaire will be sent to the representative bodies of those industries who most directly engage with the planning system for onward transmission to their member organisations. The questionnaire will also be sent to key agencies, local authorities and third sector bodies. It will ask for information on the current costs of engaging with the planning system and views on the possible impacts of the proposals (both individually and cumulatively) in the consultation paper and draft NPF4 on those costs. Responses to the questionnaire will be reflected in the final BRIA.
71. The questionnaire will be issued shortly. Stakeholders wishing to ensure that they receive a copy of the questionnaire directly should confirm the necessary contact details by e-mailing [scotplan@gov.scot](mailto:scotplan@gov.scot).

#### **Scottish Firms Impact Test**

72. The proposed changes are not expected to have any overall impact on Scottish Firms. Costs arising from engagement with the development plan process will depend on the level of involvement and the approach taken by each organisation. Views from business and industry interests are however invited as part of the public consultation process.

#### **Competition Assessment**

73. There are no obvious impacts on competition from the proposed regulations or guidance, though views are being sought on this Interim BRIA as part of our consultation process.



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### **Consumer Assessment**

74. The Scottish Government definition of a consumer is "anyone who buys goods or digital content, or uses goods or services either in the private or public sector, now or in the future". It is not anticipated that the proposed regulations or guidance will have any impact on consumers though views are being sought on this Interim BRIA as part of our consultation process.

### **Test run of business forms**

75. The proposed regulations and guidance would not introduce any new forms for business etc. to complete.

### **Digital Impact Test**

76. Publicity arrangements for LDPs are set out in the amended Town and Country Planning (Scotland) Act 1997. The proposed Regulations include additional requirements relating to publishing material on the internet. However, such measures are in addition to other publicity requirements (newspapers, etc.) so it is not considered that the proposed Regulations will have any impact on digital technologies or on traditional or offline businesses.

### **Legal Aid Impact Test**

77. These changes would not affect claims for legal aid.

### **Enforcement, Sanctions and Monitoring**

78. LDPs are subject to review under the provisions set out in the amended Town and Country Planning (Scotland) Act 1997.

### **Post-implementation Review**

79. Evidence gathered during the consultation will help inform the full BRIA which will be completed when we finalise work on the regulations and guidance.
80. The introduction to the consultation indicates that the draft guidance is intended to be a live document, and that it is structured in parts to offer access to the different types of information as needed by different audiences. This also enables the parts to be reviewed individually so that it can adapt and evolve as we learn how the new LDP system is implemented in practice.

### **Summary and Recommendation**

81. The above proposals for new regulations and guidance have emerged from legislative requirements set out in the Planning (Scotland) Act 2019 and following an extensive review of the planning system.
82. The above proposals aim to strike a balance between the need for transparency and clarity on one hand to support the implementation in practice

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of the new system, whilst allowing a degree of flexibility to allow for best practice to evolve as the new system beds in.

**Declaration and Publication**

83. 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:

A handwritten signature in black ink, appearing to read 'Tom Arthur', is positioned below the 'Signed:' text.

Date: 16 December 2021

Tom Arthur MSP

Minister for Public Finance, Planning and Community Wealth

Scottish Government Contact point

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ANNEX A

**Indicative Lists of sources / types of information to inform the Evidence Report**

<p><b>Sustainable Places</b></p> <ul style="list-style-type: none"> <li>• National developments identified in the NPF within the plan area, or any other spatial implications of development contributing to a wider national development</li> <li>• Strategic land use tensions</li> <li>• Sources and scale of climate change emissions</li> <li>• Heat related climate risks</li> <li>• Local Biodiversity Action Plan</li> <li>• Socio-economic performance and wellbeing</li> <li>• Regional Spatial Strategy (for plan area or adjoining area)</li> <li>• Any LDP, or LDP for an area adjoining the LDP area</li> </ul>	<p><b>Liveable Places</b></p> <ul style="list-style-type: none"> <li>• Details of existing 20 minute neighbourhoods, and areas not currently well-served as 20 minute communities</li> <li>• Community Facilities</li> <li>• Baseline infrastructure information and data</li> <li>• Audit of Infrastructure             <ul style="list-style-type: none"> <li>– Communications digital + telecoms</li> <li>– Transport</li> <li>– Water management</li> <li>– Energy supplies</li> <li>– Health &amp; social care services</li> <li>– Education</li> <li>– Natural infrastructure</li> <li>– Play</li> </ul> </li> <li>• Existing and programmed infrastructure provision</li> <li>• Audit of the transport infrastructure and capacity of the area</li> <li>• Regional Transport Strategy</li> <li>• Local Transport Strategy</li> <li>• Baseline transport information and data</li> <li>• HNDA completed in full, and confirmed as robust and credible to inform the Housing Land Requirement</li> <li>• Housing Land Audit</li> <li>• Local Housing Strategy and Strategic Housing Investment Plan</li> <li>• The list of people seeking to acquire land for self-build</li> <li>• Heat mapping</li> </ul>
<p><b>Productive Places</b></p> <ul style="list-style-type: none"> <li>• Business Land Audits</li> <li>• Employment Land Requirements</li> <li>• Analysis of employment need, local poverty, disadvantage and inequality</li> <li>• Areas of constraint for Green energy</li> <li>• National waste management plan</li> <li>• Local waste data</li> <li>• Data on permitted minerals reserves</li> <li>• Data on areas affected by coal mining and Development high risk areas</li> <li>• Gaps in digital coverage &amp; details of programmed investment in digital</li> </ul>	

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ANNEX A

<p><b>Distinctive Places</b></p> <ul style="list-style-type: none"><li>• Town Centre Audits &amp; Strategies</li><li>• Strategies and action plans relating to the historic environment and assets</li><li>• Population stats and projections</li><li>• Vacant &amp; Derelict Land</li><li>• Empty Buildings At Risk</li><li>• Rural types, population distribution and demographic profile</li><li>• Local Biodiversity Action Plan</li><li>• Data on peat and carbon rich soils</li><li>• Forestry &amp; Woodland Strategy. Native Woodland Survey of Scotland and Ancient woodland Inventory, TPOs</li><li>• Review of areas designated for their local landscape value and nature conservation interests</li><li>• Coastal evidence and information</li></ul>	<ul style="list-style-type: none"><li>• Blue Green Infrastructure<ul style="list-style-type: none"><li>– Open Space Strategy</li><li>– Play Sufficiency Assessment</li><li>– Core Paths / Access Rights</li></ul></li><li>• Strategic Flood Risk Assessment</li><li>• River basin management plan</li><li>• Significant Health Issue</li><li>• Poor Air Quality</li></ul>
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ANNEX B

**Sustainable Places**

<b>Spatial Strategies: Sustainable Places</b>
<p><b>Approach</b></p> <ul style="list-style-type: none"><li>• based on draft NPF4's six overarching spatial principles (compact growth, local living, balanced development conserving and recycling assets, urban and rural synergy and just transition) and action area priorities</li><li>• based on an understanding of the emissions likely to be generated by the plan's proposals</li><li>• takes into account long term future climate risks</li><li>• must seek to minimise GHG emissions and maximise emissions reduction</li><li>• address risks to investment proposals and infrastructure, as well as people who are most likely to be disadvantaged by climate change</li><li>• designed to manage heat related climate risks through development, and retrofit solutions in existing areas for individual buildings and public spaces.</li><li>• founded on the Place Principle, Creating Places and six qualities</li><li>• responds to strategic land use tensions, recognising the need for significant difficult decisions - take account of tackling the twin climate and nature crises and the fundamental role of Scotland's natural and historic environment in supporting our economy, health, wellbeing and resilience to climate change</li><li>• takes a design led approach - using new development to improve existing places should be considered as a first priority, ensuring this aligns with goals for net zero and biodiversity</li><li>• address community wealth building priorities by reflecting a people-centred approach to local economic development</li></ul>
<p><b>Identify</b></p> <ul style="list-style-type: none"><li>• areas where development is unlikely to be supported due to the predicted effects of climate change</li><li>• the potential for negative emissions technologies in the area, including emissions capture, storage and carbon utilisation and the Spatial Strategy should support their deployment through safeguarding land and enabling links between parts of the system</li><li>• areas for co-locating developments with a high heat demand, large scale thermal storage opportunities and sources of low and zero emission heat supply</li><li>• requirements for ancillary infrastructure to support renewable heat solutions (energy centres, grid infrastructure)</li></ul>

ANNEX B

- development that can improve existing places
- where more detailed design briefs, masterplans and design codes are to be prepared to provide most benefit, in accordance with the six qualities, [Place Standard](#) considerations and [Designing Streets](#)

## Liveable Places

### Spatial Strategies: Liveable Places

#### Approach

- promotes potential for creating and enhancing 20 minute neighbourhoods
- public convenience provision aligns with wider policies relating to 20 minute neighbourhoods and town centres
- follows an Infrastructure First approach
- includes land for homes in locations that shape existing and create new great places for people to live
- aims to reduce the need to travel by prioritising accessible locations for future development
- follows the sustainable travel and investment hierarchies
- allocations chosen in locations that can best contribute to enhancing and delivering key green networks and priorities
- takes account of the need to tackle geographical disparities in wealth and health, and reduce inequalities
- prioritises investment in communities experiencing deprivation
- informed by land use emissions modelling where appropriate
- informed by heat mapping to inform the potential for co-locating developments with a high heat demand together with or alongside sources of heat supply
- reflects Local Heat and Energy Efficiency Strategy
- aims to create vibrant, healthy and safe places and seeks to tackle health inequalities particularly in places experiencing the most disadvantage

#### Identify

- identify infrastructure requirements to deliver the Spatial Strategy
- identify opportunities for community facilities in areas where there is no, limited or inaccessible provision
- allocate land to meet the Housing Land Requirement in sustainable locations that create quality places for people to live

ANNEX B

<ul style="list-style-type: none"> <li>• identify land to meet established needs for specialist and accessible homes, as well as accommodation for Gypsy Travellers and Travelling Show-people</li> <li>• identify and designate appropriate areas for infrastructure to support zero emission heating</li> <li>• identify areas for co-locating developments with a high heat demand, large scale thermal storage opportunities and sources of low and zero emission heat supply</li> <li>• identify and protect existing blue and green infrastructure (including access rights and core paths, and areas with an important role in flood water storage or conveyance)</li> <li>• identify and protect land with the potential to contribute to managing flood risk</li> <li>• identify land that could be used for localised, temporary greening and / or community food production, especially in urban areas</li> <li>• identify opportunities for play in the community / neighbourhood</li> </ul>
<p><b>Designate</b></p> <ul style="list-style-type: none"> <li>• may designate heat network zones</li> <li>• identify and designate appropriate areas for infrastructure to support zero emission heating</li> </ul>
<p><b>Enhance</b></p> <ul style="list-style-type: none"> <li>• enhance and expand natural (green and blue) infrastructure (strategic +local scales)</li> <li>• maximise the opportunities for play in the community / neighbourhood</li> </ul>

**Productive Places**

<p><b>Spatial Strategies: Productive Places</b></p>
<p><b>Approach</b></p> <ul style="list-style-type: none"> <li>• supports a green economic recovery</li> <li>• supports the ability of businesses and industry to be flexible to respond to rapid or significant economic change</li> <li>• support the sustainable growth of the tourism sector</li> <li>• maximises the sustainable and inclusive growth of regional and local visitor economies</li> </ul>

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ANNEX B

- recognises and supports opportunities for jobs and investment in the creative sector, culture, heritage and the arts
- seeks to ensure that an area's full potential for electricity and heat from renewable sources is achieved
- supports the circular economy
- guides new aquaculture development to locations that reflect industry needs and takes into account wider marine planning. / in accordance with relevant national and regional marine plans and take into account SEPA guidance in its Finfish Aquaculture Sector Plan
- takes into account current and future improvements to digital connectivity

**Identify**

- identify proposals to meet requirements for employment land, infrastructure and investment
- identify and safeguard sites for any nationally important clusters of industries handling hazardous substances
- identify appropriate locations for significant business clusters (Enterprise Areas, business parks, science parks, large and medium-sized industrial sites and high amenity sites)
- identify land for new business and industrial development (range of sites)
- identify opportunities for sustainable tourism development
- identify areas viewed as potentially suitable for wind energy development
- identify appropriate locations for new infrastructure to support the circular economy and meet identified needs
- identify and safeguard existing waste management sites
- identify a landbank of permitted reserves for construction aggregates of at least 10 years at all times in relevant market areas through the identification of areas of search (criteria based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available)
- identify requirements for additional digital infrastructure

**Encourage**

- opportunities for home-working, live-work units, micro-businesses and community hubs
- additional onshore wind energy development



## **Distinctive Places**

### **Spatial Strategies: Distinctive Places**

#### **Approach**

- supports sustainable futures for city, town and local centres /provides a sustainable network of settlements
- seeks to provide a proportion of housing land requirements in city and town centres
- protects and enhances locally, regionally, nationally and internationally valued historic assets and places
- encourages the re-use and adaptation of existing historic environment assets and places, through active regeneration
- any changes to the boundary of the green belt should be considered during plan preparation, whether land releases to accommodate planned growth, or to extend, or change the area covered as green belt
- redirects development pressure to the most appropriate sustainable locations, making effective use of land and supporting regeneration (prioritising the re-use or re-development of brownfield land first, before new development takes place on greenfield sites
- seeks to re-use vacant and derelict land and redundant buildings as a priority
- supports the sustainability and growth of rural communities and economies
- actively promotes sustainable working and living in rural Scotland and the islands (where relevant)
- seeks to manage rural development in accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside
- supports new development in remote rural and island areas, where it can help support community resilience and sustain fragile populations
- supports a strategic approach to nature - in which wildlife sites, corridors, and stepping stones, landscape features, watercourses, and green and blue spaces come together to form integrated nature networks, supporting ecological connectivity
- in allocating land for future development, planning authorities should consider opportunities to safeguard and restore biodiversity and natural assets, and to use nature based solutions to support health and wellbeing
- protects locally, regionally, nationally and internationally valued soils
- considers how to adapt our coastline to the impacts of climate change

ANNEX B

**Identify**

- identify network of centres (city centres, town centres, local centres, commercial centres, emerging or new centres)
- identify opportunities to support new housing in city and town centres
- identify sites for, or requirements for, retail provision where a need is identified
- identify all historic environment designations at the appropriate scale together with key issues/historic environment/cultural heritage projects such as Conservation Area Regeneration Schemes (CARS)
- identify where appropriate, the detailed boundary of any green belt
- identify how vacant and derelict land, together with existing properties that are not in use, can be used for future development
- identify where site briefs or design guides can be prioritised and produced to proactively promote the development of vacant and derelict land
- make provision for housing in rural areas (rural approach to 20 min neighbourhoods)
- identify suitable sites for at a range of scales for the purposes of rural resettlement (small-scale housing, including crofts and woodland crofts, and other development which supports sustainable economic growth)
- identify and protect locally, regionally, nationally and internationally valued natural assets, landscapes, species and habitats
- safeguard land which is highly suitable for particular uses such as food production or flood management
- identify and protect key ecological features, including priority species and habitats
- identify existing woodland and potential for its protection, enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity
- identify areas of largely developed coast that are a major focus of economic or recreational activity; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development

**Enhance**

- identify opportunities or proposals to enhance town centres
- set out proposals and actions to protect, restore and enhance biodiversity, including through the promotion of wildlife corridors to support improved ecological connectivity, the creation of new, improved or extended habitats, and through other measures to increase and safeguard populations of priority species and habitats
- identify and set out proposals as to the development of forestry and woodlands

## **Local Development Planning Regulations & Guidance Consultation**

**Interim Equalities Impact Assessment,  
covering human rights (EQIA)**

Local Development Planning Regulations & Guidance Consultation  
**Interim Equalities Impact Assessment (EQIA)**

**Description of Policy**

<b>Title of Policy / Strategy / Legislation</b>	Consultation on proposed regulations and draft guidance relating to the changes made to local development planning through the Planning (Scotland) Act 2019, which amended the Town and Country Planning (Scotland) Act 1997.
<b>Minister</b>	Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth
<b>Lead Official</b>	Fiona Simpson, Chief Planner, Planning & Architecture Division
<b>SG Officials Involved in EQIA</b>	Andy Kinnaird, Team Lead – Spatial Planning Policy & Environment Carrie Thomson, Principal Planner – Development Planning
<b>Directorate</b>	Local Government and Communities
<b>New policy and/or legislation</b>	Following consultation and consideration of views, Scottish Government will lay regulations before the Scottish Parliament to provide further detail on the legislative framework for the preparation of local development plans. It will also publish guidance to provide advice to stakeholders on implementing the legislative requirements.

## Local Development Planning Regulations & Guidance Consultation

### Interim Equalities Impact Assessment (EQIA)

#### Introduction

84. 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 protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (gender) and sexual orientation. An equality impact assessment (EQIA) aims to consider how a policy may impact, either positively or negatively, on different sectors of the population in different ways.
85. Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and shouldn't happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'development plan' and will, alongside the National Planning Framework, be the basis for all decisions on planning applications.
86. The Local Development Planning Regulations and Guidance consultation seeks views on the secondary legislative requirements and the guidance to stakeholders on implementing the future local development plan system. Further background is set out in the accompanying consultation documents.

#### Screening

##### Policy aim

87. The proposed Local Development Planning Regulations and Draft Guidance are part of our wider work on planning reform and implementing the [Planning \(Scotland\) Act 2019](#) (the 2019 Act). They should be viewed within the context of the overarching provisions on LDPs as set out in the Town and Country Planning (Scotland) Act, 1997, as amended by the 2019 Act.
88. There is strong support for a plan-led planning system in Scotland. Our ongoing programme of planning reform seeks to strengthen and simplify LDPs. We want to refocus plans on the outcomes that they deliver for people and places, rather than the preparation process. We want plans to be informed by consultation and collaboration so that they are relevant, and accessible and interest people. We want this new approach to LDPs to result in new style plans which support the management and use of land in the long term public interest.
89. These aims support the 'purpose of planning' that was introduced by the 2019 Act and relates to development planning, of which LDPs are a part. The Act defines the purpose as: 'planning is to manage the development and use of land in the long term public interest'.
90. Our aims for LDPs contribute to the following national outcomes contained in the [National Performance Framework](#):

## Local Development Planning Regulations & Guidance Consultation

### Interim Equalities Impact Assessment (EQIA)

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We value, enjoy, protect and enhance our environment.
- We are healthy and active.

Who will it affect?

91. Primary legislation requires that development planning, which includes LDPs, manage the development and use of land in the long-term public interest. LDPs focus on the future of the places where we all live, work, learn and play. How LDPs are prepared and what they then contain affects everyone and how we experience the places around us. The regulations and guidance that instruct and guide preparation therefore also have the potential to affect everyone.
92. In providing advice on the implementation of legislative requirements, the draft guidance refers to a range of societal groups including children and young people (particularly school pupils, youth councillors and youth parliament representatives), older people, disabled people, Gypsy/Travellers, plus community bodies and community councils as well as the public at large. The guidance also highlights the Public Sector Equality Duty and the requirements for authorities.
93. The public consultation will seek views on the proposed regulations and guidance, and will seek views on this interim EQIA and any information that would assist in finalising the assessment. An interim Island Communities Impact Assessment (ICIA), Child Rights and Wellbeing Impact Assessment (CRWIA) and Fairer Scotland Duty Assessment have also been undertaken and will be consulted on. Whilst there is no formal assessment process for the consideration of Human Rights, these have been included in this Interim EQIA.

What might prevent the desired outcomes being achieved?

94. The proposed regulations and guidance look to implement the provisions of the primary legislation. As many procedures are already set out in the Act, we have worked to the principle that regulations be kept to the minimum necessary. This should reduce further requirements and complexity, which could prevent outcomes being achieved.
95. We have instead set out the detail of Ministers' expectations for the implementation of the 2019 Act in guidance. Being clear on expectations will support the intended outcomes being achieved, rather than leaving key aspects open to variation in interpretation and resulting in outcomes not being achieved.
96. During the progress of planning reform, a key issue raised has been around resources for implementation. Whilst the reform work stream on fees and performance was paused during the pandemic lockdown, this has now recommenced. As noted above, we have proposed keeping regulations to the

## Local Development Planning Regulations & Guidance Consultation

### Interim Equalities Impact Assessment (EQIA)

minimum needed, preventing unnecessary requirements and while regulations will apply consistently across Scotland, the guidance will provide for flexibility to local circumstances to determine what is appropriate for particular areas and communities. This will enable priorities to be identified in order for outcomes to be achieved.

#### Stage 1: Framing

97. The Scottish Government's Planning and Architecture Division has led on the preparation of the regulations and guidance. A collaborative approach was adopted in developing them and a broad range of stakeholders have provided input to their preparation.

#### Human Rights

98. The European Convention on Human Rights (ECHR) is a binding international agreement which sets out basic human rights. Key rights relevant to the proposed regulations and draft guidance relate to a right to free expression, a right to free association, and a right not to be discriminated against. The Human Rights Act (HRA) incorporates the ECHR rights into UK law.
99. Scotland's National Performance Framework includes the human rights outcome – 'We respect, protect and fulfil human rights and live free from discrimination'. One of the indicators of this relates to 'influence over local decisions' and is measured as the percentage of people who agree with the statement "I can influence decisions affecting my local area". The Scottish Household Survey provides data for this: it shows that in 2019, 17.8% of people agreed with the statement, down from 20.1% in 2018.
100. Participation is an important underlying principle in applying a human rights based approach. The consultation documents seek to implement the provisions of the 2019 Act, which require views of the public at large and particular groups to be sought and reported on. There are provisions for regulations to identify others who are to be consulted or who's views are to be sought in relation to the Evidence Report, the Proposed Plan, the Development Plan Scheme and the Delivery Programme. The proposals do not look to prescribe any other persons in regulations. The 2019 Act strengthened requirements for preparing Development Plan Schemes, in that the planning authority must seek the views of the public at large on the content of the Participation Statement. We expect this will include seeking views on who should be engaged at different stages, and on the best approach to involving people. This provides an locally tailored approach to participation in matters affecting local decisions.
101. The 2019 Act provides for a meaning of 'Gypsies and Travellers' to be specified in regulations. The consultation indicates that we propose to hold a separate consultation on this matter. This will enable the targeted involvement of the Gypsy/Traveller community and the explanation of the specific matters associated with this requirement.

## Local Development Planning Regulations & Guidance Consultation **Interim Equalities Impact Assessment (EQIA)**

102. In providing advice on implementing the 2019 Act, the draft guidance outlines those who should participate in preparing LDPs. Given the range of matters the LDP covers the breadth of interest can be substantial. Providing advice in guidance therefore enables a more comprehensive approach that covers the minimum legislative requirements and identifies others that can be involved as appropriate to local issues and circumstances. The guidance refers that authorities should take into account who may be directly, or indirectly impacted by proposals, and provide opportunities for a diverse range of people to express their views (Draft Guidance, paragraph 23).

### Engagement

103. Collaboration has informed the preparation of the consultation on the proposals for regulations and draft guidance. It follows on from the extensive engagement undertaken prior to the Planning (Scotland) Bill being considered by the Scottish Parliament.

104. Following the passage of the 2019 Act, four working groups were convened to support the Transforming Planning in Practice programme, with one group focussing on Development Planning. It comprised over 30 individuals from across sectors: the public sector, including Heads of Planning Scotland and other national agencies; the private sector, including Homes for Scotland, Scottish Property Federation, Scottish Renewables and Scottish Planning Consultants Forum; the community and environmental sectors, including PAS, a community council and Scottish Environment LINK; professional institutes, including the Royal Town Planning Institute, Institute of Civil Engineers and the Royal Institution of Chartered Surveyors; and other relevant organisations.

105. The larger group divided into three subgroups to explore the following areas in more detail:

- Scope and content of future LDPs,
- Procedures for preparing LDPS, and
- The detail of the Evidence Report & Gate Check.

106. The engagement took place during the period of restrictions due to the pandemic. As such discussions were held digitally via online platforms.

### **Initial Findings Summary**

107. This is an interim EQIA and is not intended to be a definitive statement or a full assessment of impacts. It does however, present preliminary and indicative impacts that will require further consideration by the Scottish Government to inform the decision making process on the regulations and guidance for local development plans after the consultation has taken place and prior to them being finalised.

108. In this interim EQIA we look at published evidence available and gathered so far under the protected characteristics as listed within the Equality Act 2010. It



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is important to note that the protected characteristics listed are not independent of each other and some people may have to deal with complex and interconnected issues related to disadvantage at any one time.

109. Initial reflections indicate that the proposals may potentially have an impact on some people and/or communities, directly or indirectly, and in different ways. This includes people with protected characteristics and the reflection has identified a range of potential impacts.
110. The evidence relating to age provides an initial indication that older people have stronger feelings of belonging to their community and they want action to ensure that they have access to opportunities to remain actively engaged with and involved in, their communities. Whilst there has been a significant increase in internet use amongst older adults aged 60+ (from 29% to 66%) there are lower rates of internet use among older adults than among younger adults. It was noted that the strongest desire to participate in local decision making was shown by those aged 25 to 34 and that many children have limited or no experience of participation in democratic processes.
111. The evidence relating to disability provides an initial indication that there is an equal proportion (30%) of adults with long term illness or disability living in rural areas compared to urban areas. It also highlights that use of the internet is lower for adults who have some form of limiting long-term physical or mental health condition or illness (71%) than for those who have some form of non-limiting condition or illness (90%) and those who have none (94%).
112. The evidence relating to sex / gender provides an initial indication that whilst women can find it more difficult to engage in planning processes, they are slightly more likely than men to become involved, particularly in development management. Evidence also highlighted that there was no significant difference in use of internet between genders. More recent evidence shows that women have better cultural participation and sense of community belonging and they are somewhat more likely than men to say that they have a very strong feeling of belonging to their community.
113. The evidence relating to sexual orientation provides an initial indication that as a whole, this group had no special needs or requirements when it came to planning: that their views were representative of the general population. However, more recent research and guidance suggests that our understanding of the needs of marginalised groups is developing.
114. The evidence relating to race provides an initial indication that a larger percentage (78%) of those whose ethnicity was recorded as white expressed a very or fairly strong feeling of belonging compared to those whose ethnicity was recorded as minority ethnic (71%). It highlighted that for minority ethnic groups, language barriers, lack of confidence and dominant characters can have a negative impact on their engagement. Evidence relating specifically to Gypsy/Travellers indicated that they want to be consulted about where sites should be, that they should be part of the planning process to allow a say on

## Local Development Planning Regulations & Guidance Consultation **Interim Equalities Impact Assessment (EQIA)**

what type of sites and facilities are wanted, and there should be more opportunities to take part in decision making and for voices to be heard.

115. The evidence relating to religion / belief provides an initial indication that the percentage of adults who agreed that they could influence decisions affecting their local area was similar for all religious groups – Other Religion (25%), Christians (20%) and No Religion (21%).
116. The process for preparing LDPs influences what they then contain. The 2019 Act placed greater emphasis on the evidence to support plan making and the involvement of the public at large and specific groups in order to strengthen plans. Decisions on planning applications are made based on the content of the plans, and this then affects how the places we experience change into the future.

### **Extent / Level of EQIA Required**

117. The potential impact on each of the protected groups has been considered using the information in the Scottish Government's [Equality Evidence Finder](#) and other relevant sources.
118. Views on the interim EQIA and a request for additional information will be sought through the public consultation. This will inform further development of the regulations and guidance and support continued regard to eliminating discrimination, promoting equality of opportunity and fostering good relations.

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**Data and Evidence Gathering**

119. This section outlines the evidence gathered to date.

Characteristic <sup>1</sup>	Evidence gathered and strength/quality of evidence	Source	Data gaps identified and action taken
<p><b>Age</b></p>	<p>Household Projections for Scotland (2018-based) noted that over the entire 25-year projection period, the number of households is projected to increase by 10% to 2.71 million by 2043. It also notes that Scotland's population is ageing. The number of people aged 65 and over is increasing much faster than the number of children and younger adults.</p> <p>Older people have stronger feelings of belonging to their community: In 2019, almost 9 in 10 adults (86%) aged 60 and above said they felt a very or fairly strong sense of belonging to their community, compared to 7 in 10 (70%) of those aged between 16 and 39.</p> <p>A Fairer Scotland for Older People: Framework for action noted that older people want action to ensure that they have access to opportunities to remain actively engaged with and involved in, their communities.</p> <p>The strongest desire to participate in local decision making was shown by those aged 25 to 34, with 41% saying they would like to have greater</p>	<p><a href="#">Household Projections for Scotland (2018-based) (2020)</a></p> <p><a href="#">Scottish Household Survey 2019</a></p> <p><a href="#">A Fairer Scotland for Older People 2019</a></p> <p><a href="#">Scottish Household Survey 2019</a></p>	

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

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	<p>involvement with decisions affecting their local area compared to 29% for those aged 60-74 and 16% for those 75 and above.</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>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% agreed.</p> <ul style="list-style-type: none"> <li>• Boys were more positive on both questions.</li> <li>• Older children, for example pupils in S6, were more negative.</li> <li>• Respondents with a mental or physical health condition were less positive.</li> </ul> <p>Democracy Matters to Children (2020) 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.</p> <p>Nearly 9 in 10 adults (88%) in Scotland use the internet either for work or personal use, a steady increase over time from 65% in 2007. Notably, there</p>	<p><a href="#">YoungScot survey (2017)</a></p> <p><a href="#">Young people's participation in decision making: attitudes and perceptions (2020)</a></p> <p><a href="#">Democracy Matters to Children (2020)</a></p> <p><a href="#">Scottish Household Survey: Annual Report 2019 (2020)</a></p>	
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	<p>has been a significant increase in internet use amongst older adults aged 60+ (from 29% to 66%). There are lower rates of internet use among older adults than among younger adults. In 2019, almost all (99%) adults aged 16-24 reported using the internet compared to 43 per cent of those aged 75+.</p> <p>Older people are less likely to use the internet (especially those 75+).</p>	<p><a href="#">Inequalities by age in the context of Covid-19 (2020)</a></p>	
<p><b>Disability</b></p>	<p>In 2019, there was a roughly equal proportion (30%) of adults with long term illness or disability living in rural areas compared to urban areas. This proportion is despite the fact there is a higher proportion of older people living in rural areas and the prevalence of disability and long term limiting increased with age.</p> <p>7.7% of the adult population had a long standing illness, health problem or disability that means they found walking for at least 10 minutes difficult to manage on their own. The percentage was 4.7% for using a bus, and 3.6% for using a train.</p> <p>Disabled people are more likely to live in a household in poverty, more likely to live in social rented housing, and are less likely to have access to green and blue spaces.</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</p>	<p><a href="#">Scottish Household Survey 2018</a></p> <p><a href="#">Transport and Travel in Scotland 2011</a></p> <p><a href="#">Inequalities by disability in the context of Covid-19 (2020)</a></p>	

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	<p>than for those who have some form of non-limiting condition or illness (90%) and those who have none (94%)</p>	<p><a href="#">Scottish Household Survey: Annual Report 2019 (2020)</a></p>	
<p><b>Sex / Gender</b></p>	<p>Women are slightly more likely than men to become involved in the planning process. This was focussed on development management.</p> <p>Women can find it more difficult to engage in planning processes since they are more likely to provide unpaid care and the timing and places of consultation may not recognise caring responsibilities.</p> <p>Women from some minority ethnic groups may not wish to attend mixed gender consultation meetings.</p> <p>Studies by the Women’s Design Service show an under-representation of disabled women in consultation processes.</p> <p>Inequalities associated with women’s movement through, and enjoyment of, the built environment can stem from society’s care dependency – linked to safety concerns with public transport, lack of public surveillance in town centres and inadequate street lighting.</p> <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><a href="#">Planning and Community Involvement in Scotland (2004)</a></p> <p><a href="#">Royal Town Planning Institute, Good Practice Note 7: Gender and Spatial Planning (2007)</a></p> <p><a href="#">Royal Town Planning Institute, Women in Planning (Part II) (2021)</a></p> <p><a href="#">Referenced in the Stage 2 EQIA accompanying the Planning Bill (2019)</a></p>	

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	<p>Although the report and recommendations do not make a direct link with planning and the built environment, note should be taken of the following:</p> <ul style="list-style-type: none"> <li>• 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%).</li> <li>• More women (28%) than men (25%) volunteer for groups or organisations.</li> </ul> <p>Men and women were almost equally likely to have travelled the previous day in 2019. 74% of men travelled the previous day compared to 73% of women.</p> <p>A slightly higher proportion of men walk almost every day. 24% of men walked as a means of transport on 6-7 days in the last week in 2019, compared to 20% of women. A higher proportion of men cycle. 7% of men had cycled at least once as a means of transport in the last week compared to 3% of women.</p> <p>There was no difference in internet use between genders for young age groups, although there is some variation in use amongst older age groups. For example, men aged 75 and over were 11 percentage points more likely to use the internet than women.</p>	<p><a href="#">First Minister's National Advisory Council on Women and Girls 2019 Report and Recommendations (2020)</a></p> <p><a href="#">Transport and Travel in Scotland 2019</a></p> <p><a href="#">Transport and Travel in Scotland 2019</a></p> <p><a href="#">Scottish Household Survey (2016)</a></p>	
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<b>Pregnancy and Maternity</b>	We have not been able to gather any information regarding this characteristic.		
<b>Gender Reassignment</b>	We have not been able to gather any information regarding this characteristic.		
<b>Sexual Orientation</b>	As a whole, this group had no special needs or requirements when it came to planning. Their views were representative of the general population. However, more recent research and guidance including in the World Bank's Handbook for Gender-Inclusive Urban Planning and Design (2020) suggests that our understanding of the needs of marginalised groups is developing.	<a href="#">Consultation on the Modernisation of the Planning System with 'seldom heard' Groups (2009)</a>  <a href="#">World Bank Handbook for Gender Inclusive Urban Planning and Design (2020)</a>	
<b>Race</b>	<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>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</p>	<a href="#">Scottish Household Survey: Annual Report 2019 (2020)</a>  <a href="#">Local Governance Review: analysis of responses to Democracy Matters (2019)</a>	



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	<p>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>Language barriers, lack of confidence and dominant characters can discriminate against some people during community engagement. Minority ethnic groups were noted as particularly experiencing these issues along with several other protected characteristic groups.</p> <p>The 2011 Census showed that households where the Household Reference Person (HRP) was from a minority ethnic group were more likely to be in urban areas in Scotland.</p> <p>In 2011, Gypsy/Travellers in Scotland, compared to the population as a whole, were less likely to own their own home, more likely to live in a caravan, and more likely to live in overcrowded accommodation.</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', 'We should be part of the planning process to allow us to say what type of sites and facilities we want', and 'There should be more opportunities for</p>	<p><a href="#">Hard to reach, easy to ignore (2017)</a></p> <p><a href="#">Analysis of Equality Results from the 2011 Census: Part 1</a></p> <p><a href="#">Gypsy/Travellers in Scotland: A Comprehensive Analysis of the 2011 Census</a></p> <p><a href="#">Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank (2018)</a></p>	
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	<p>us to take part in decision making and have our voices heard’.</p> <p>Accessible, affordable legal representation and or mediation should be made available for members of the Gypsy/Traveller community so that they may gain equal access to decision making within planning processes/appeals.</p> <p>Women from some minority ethnic groups may not wish to attend mixed gender consultation meetings.</p>	<p><a href="#">Planning processes in Scotland: a Gypsy/Traveller perspective (2016)</a></p> <p><a href="#">Royal Town Planning Institute, Good Practice Note 7: Gender and Spatial Planning (2007)</a></p>	
<p><b>Religion or Belief</b></p>	<p>In 2018, the percentage of adults who agreed that they could influence decisions affecting their local area was similar for all religious groups – Other Religion (25%), Christians (20%) and No Religion (21%).</p>	<p><a href="#">Scottish Household Survey 2019</a></p>	

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

120. This section considers the potential impacts – negative, positive and neutral – that the proposed regulations and draft guidance might have on each of the protected characteristics. It has been undertaken using the evidence gathered to date. This is indicative of the potential impacts and will be subject to review following the consultation.

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			<p>There is a spatial dimension with the population ageing at differing rates across the country and so there is a need for some discretion for planning authorities to plan for future housing in their areas, based on a robust evidence base.</p> <p>Older people want action to ensure they have access to adequate housing that continues to meet their needs as they age. And in terms of removing or minimising disadvantages suffered by people due to the age protected characteristic, older people want action to ensure they have access to opportunities to remain actively engaged with, and involved in, their communities.</p> <p>The proposed regulations and draft guidance reinforce the requirements of the 2019 Act, including aspects requiring engagement with children and younger people, and matters relating to housing for older people. This includes matters relating to the Development Plan Scheme and Participation Statement, and advice that authorities take into account those who may be directly, or indirectly</p>
Advancing equality of opportunity	X			
Promoting good relations among and between different age groups	X			

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				impacted by proposals, and provide opportunities for a diverse range of people to express their views.
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**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			<p>The regulations and guidance have the opportunity to support the needs and aspirations of disabled people so they can:</p> <ul style="list-style-type: none"> <li>• participate as active citizens in all aspects of daily and public life.</li> <li>• benefit from increased availability of affordable and accessible housing to support people to continue to life independent lives.</li> <li>• access increased availability of accessible and inclusive transport and services.</li> </ul> <p>In taking steps to meet the needs of disabled people where these are different from the needs of other people, the Scottish Government has noted that disabled people want action to ensure they have access to adequate housing to meet their needs.</p> <p>The proposed regulations and draft guidance reinforce the requirements of the 2019 Act, including aspects requiring engagement with disabled people and housing for disabled people.</p>
Advancing equality of opportunity	X			
Promoting good relations among and between disabled and non-disabled people	X			

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

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	<p>Evidence would suggest that measures included should enable women and men's participation in the planning system and for the decisions taken to reflect a diversity of perspectives. There is an opportunity to link with the forthcoming guidance on effective community engagement in Local Development Plans.</p> <p>In taking steps to meet the needs of women and men where these are different, the Scottish Government has noted particular issues around the way that women and men use public places. Key to this will be issues reflecting access to local employment and community facilities and the safety of users of public spaces.</p> <p>The proposed regulations and draft guidance reinforce the requirements of the 2019 Act, including matters relating to the Development Plan Scheme and Participation Statement, and advise that authorities take into account those who may be directly, or indirectly impacted by proposals, and provide opportunities for a diverse range of people to express their views.</p>
Advancing equality of opportunity			X	
Promoting good relations between men and women			X	

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				Not assessed.
Advancing equality of opportunity				
Promoting good relations				

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				Not assessed.
Advancing equality of opportunity				
Promoting good relations				

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Whilst we don't have specific evidence that participation in planning is disproportionately low for people with this protected characteristic, we would suggest that there may be value in ensuring that participation forms part of a collaborative approach to community engagement.  Evidence indicated that as a whole, this group had no special needs or requirements when it came to planning.
Advancing equality of opportunity			X	
Promoting good relations			X	

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**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>Evidence would suggest measures be taken which enable people's participation in the planning system and for the decisions taken to reflect a diversity of perspectives. There is an opportunity to link with the forthcoming guidance on effective community engagement in Local Development Plans.</p> <p>In taking steps to meet the needs of people where these are different, the Scottish Government has noted particular issues around housing and accommodation needs.</p> <p>The regulations and guidance reinforce the requirements of the 2019 Act, including aspects requiring engagement with Gypsy/Travellers and consideration of their accommodation needs. A separate consultation is to be held on specific Gypsy/Traveller matters.</p>
Advancing equality of opportunity	X			
Promoting good race relations			X	

**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	<p>Whilst we don't have specific evidence that participation in planning is disproportionately low for people with this protected characteristic, we would suggest that there may be value in ensuring that participation forms part of a collaborative approach to community engagement.</p> <p>The proposed regulations and draft guidance reinforce the requirements of the 2019 Act, including matters relating to the Development Plan Scheme and Participation</p>
Advancing equality of opportunity			X	
Promoting good relations			X	

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				Statement, and advise that authorities take into account who may be directly, or indirectly impacted by proposals, and provide opportunities for a diverse range of people to express their views.
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**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>2</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				Not required.

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<sup>2</sup> 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.



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**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?	The interim review has identified at this stage a range of potential positive impacts. This is an indicative assessment and will subject to review following consultation.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>3</sup> ?	No.
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?	N/A

Describing how Equality Impact analysis has shaped the policy making process

121. The proposed regulations and draft guidance seek to implement the provisions of the 2019 Act. The overall approach has been to balance the consistency required of secondary legislation with enabling flexibility in the guidance to different local circumstances across Scotland.
122. In considering the proposed regulations we have worked to the principle of keeping to the minimum necessary, given there is much process already outline in primary legislation. However, a new aspect to the LDP process has been introduced which requires new regulations – the Evidence Report. Primary legislation defines the meaning of a number of terms relating to this but provides for regulations to specify the meaning of ‘Gypsies and Travellers’. Having considered this with colleagues in the Equalities Unit we propose to hold a separate consultation on this matter. This will enable the targeted involvement of the Gypsy/Traveller community and explanation of the specific matters associated with this requirement.
123. With regard to the regulation relating to the publication of the Proposed Plan, we propose to maintain the manner of publication as it has been to date. This includes publishing a notice in a local newspaper circulating in the area and on the internet, sending notice to identified stakeholders, making a copy available for inspection at planning authority offices, and publishing it on the internet.
124. Our reasoning for retaining the hard copy elements of publication explains that whilst we have seen increased digital access over time, and particularly in the last 18 months, local newspapers have remained a normal route to raise

<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

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awareness. Social media notices are increasingly used in the publication of LDPs and supplement the minimum requirement of internet publication. However, we also note that there are groups in society who use the internet less, including older people and disabled people.

125. In providing advice on implementing the 2019 Act, the draft guidance outlines those who should participate in preparing LDPs. It identifies those who must be involved and also refers that authorities should take into account those who may be directly, or indirectly impacted by proposals, and provide opportunities for a diverse range of people to express their views.
126. In carrying out the interim EQIA and using the evidence to inform the consultation documents we have aimed to develop better outcomes for people and communities.

### Monitoring and Review

127. Evidence gathered during the consultation will help inform the full EQIA which will be completed when we finalise work on the regulations and guidance.
128. The introduction to the consultation indicates that the draft guidance is intended to be a live document, and that it is structured in parts to offer access to the different types of information as needed by different audiences. This also enables the parts to be reviewed individually so that it can adapt and evolve as we learn how the new LDP system is implemented in practice.

### Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

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- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

**Declaration**

I am satisfied with the equality impact assessment that has been undertaken for the Local Development Planning Regulations and Guidance Consultation and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Dr Fiona Simpson

Position: Chief Planner

Authorisation date: 8 December 2021

**Local Development Planning  
Regulations & Guidance Consultation**

**Child Rights & Wellbeing  
Impact Assessment (CRWIA)**

Local Development Planning Regulations & Guidance Consultation  
**Interim Child Rights & Wellbeing Impact Assessment (EQIA)**

<p><b>CRWIA Title</b></p> <p>Consultation on proposed regulations and draft guidance relating to the changes made to local development planning through the Planning (Scotland) Act 2019, which amended the Town and Country Planning (Scotland) Act 1997.</p> <p><b>Date of publication: 17 December 2021</b></p>	
<p><b>Summary of Aims and Desired Outcomes</b></p>	<p>Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and shouldn't happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'Development Plan' and will, alongside the National Planning Framework, be the basis for all decisions on planning applications.</p> <p>The Local Development Planning Regulations and Guidance consultation seeks views on the secondary legislative requirements and the guidance to stakeholders on implementing the future local development plan system. Further background is set out in the accompanying consultation documents.</p> <p>The proposed regulations and draft Guidance are part of our wider work on planning reform and implementing the <a href="#">Planning Scotland Act 2019</a> (the 2019 Act). They provide advice on the implementation of the 2019 Act and the draft National Planning Framework 4, and should be viewed within the context of the overarching provisions on LDPs as set out in the 2019 Act.</p> <p>There is strong support for a plan-led planning system in Scotland. Our ongoing programme of planning reform seeks to strengthen and simplify LDPs. We want to refocus plans on the outcomes that they deliver for people and places, rather than the preparation process. We want plans to be informed by consultation and collaboration so that they are relevant, and accessible and interest people. We want this new approach to LDPs to result in new style plans which support the management and use of land in the long term public interest.</p> <p>The 2019 Act introduces a purpose of planning which is the overall aim of the planning system in Scotland to “manage the development and use of land in the long term public interest” (section 3ZA(1)).</p> <p>Our aims for LDPs contribute to the following national outcomes contained in the <a href="#">National Performance Framework</a>:</p> <ul style="list-style-type: none"> <li>• We live in communities that are inclusive, empowered, resilient and safe.</li> <li>• We have a globally competitive, entrepreneurial, inclusive and sustainable economy.</li> </ul>

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	<ul style="list-style-type: none"> <li>• We value, enjoy, protect and enhance our environment.</li> <li>• We are healthy and active.</li> </ul>
<p><b>Executive Summary</b></p>	<p>This interim impact assessment relates to the proposals for secondary legislation on development planning.</p> <p>This interim impact assessment considers how the proposals for regulations relate to the relevant <a href="#">Articles of the UNCRC</a>, in particular in relation to Articles 3, 12, 24, 27 and 28.</p> <p>It considers</p> <ul style="list-style-type: none"> <li>• any impacts the proposals may have on children in general and / or on any specific group or groups of children;</li> <li>• how the proposal may contribute to the wellbeing of children and young people based on the relevant SHANARRI indicators;</li> <li>• if the proposals better or further effect the implementation of the UNCRC in Scotland; and</li> <li>• the evidence base used to inform the assessment.</li> </ul> <p>We consider that of the eight wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (known by the acronym SHANARRI)), the legislation relates to:</p> <ul style="list-style-type: none"> <li>• Included: Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn.</li> <li>• Respected: Given a voice and involved in the decisions that affect their wellbeing.</li> <li>• Responsible: Taking an active role in their schools and community.</li> </ul> <p>The results of this assessment demonstrate that there are likely to be no potentially negative impacts of the proposed regulations and draft guidance. There are specific sections within the 2019 Act, and reiterated within the draft guidance, which require children and young people to be actively engaged in the LDP preparation process and for their views to be listened to. We do acknowledge that further guidance on effective engagement will be helpful, and that this is expected to be prepared in due course.</p>
<p><b>Background</b></p>	<p>The Child’s Rights and Wellbeing Impact Assessment (CRWIA) is used to identify, research, analyse and record the impact of proposed legislation on children's human rights and wellbeing. The impacts can be direct or indirect; short, medium or long-term; and positive, negative or neutral.</p>

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	<p>The 2019 Act requires that development planning, which includes LDPs manages the development and use of land in the long-term public interest. LDPs focus on the future of the places where we all live, work, learn and play. How LDPs are prepared and what they contain affects everyone, and how we experience the places around us. The regulations and guidance that instruct and guide preparation therefore also have the potential to affect everyone.</p> <p>In providing advice on the implementation of legislative requirements, the draft guidance refers to a range of societal groups, including children and young people (particularly school pupils, youth councillors and youth parliament representatives).</p> <p>The public consultation will seek views on the proposed regulations and draft guidance and will seek views on this interim CRWIA. An interim Equalities Impact Assessment (EQIA), Island Communities Impact Assessment (ICIA) and Fairer Scotland Duty Assessment have also been undertaken and will be consulted on.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The likely effects of the proposed Local Development Planning Regulations and Draft Guidance were informed by a range of evidence including professional working groups and the examination of evidence from a range of studies, reports and surveys including:</p> <p><a href="#">Beyond4Walls</a> (2016)  <a href="#">Planning Places Survey Report</a> (2017)  <a href="#">Hard to Reach, Easy to Ignore</a> (2017)  <a href="#">Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank</a> (2018)  <a href="#">Girls in Scotland 2018</a> (2018)  <a href="#">Young People and the Highlands and Islands: Maximising Opportunities</a> (2018)  <a href="#">Poverty in Scotland</a> (2019)  <a href="#">Scottish Household Survey: Annual Report 2018</a> (2019)  <a href="#">National Transport Strategy Review Young Scot</a> (2019)  <a href="#">Children and parents: media use and attitudes report</a> (2019)  <a href="#">Young people's participation in decision making: attitudes and perceptions</a> (2020)  <a href="#">Population Projections for Scottish Areas 2018-based</a> (2020)  <a href="#">Health Inequalities: Peer research into the role of communities</a> (2020)  <a href="#">Democracy Matters to Children</a> (2020)  <a href="#">Travel and Transport in Scotland 2019</a> (2020)  <a href="#">Social Attitudes Survey 2019: Attitudes to Young People</a> (2020)  <a href="#">NPF4 Call for ideas: Analysis of responses</a> (2020)  <a href="#">If not now, when? - Social Renewal Advisory Board report</a> (2021)  <a href="#">Progress Review of Scotland's Play Strategy</a> (2021)  <a href="#">The National Islands Plan Survey Final Report</a> (2021)</p>

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	<p><a href="#">National Performance Framework: disability perspective analysis</a> (2021)  <a href="#">NPF4: Position Statement: Youth Engagement Report</a> (2021)  <a href="#">NPF4: Position Statement: Responses</a> (2021)</p> <p>The proposed Local Development Planning Regulations and Draft Guidance have the potential to have a positive impact on the rights of all children by helping to deliver a healthier, safer, fairer and more inclusive Scotland where every child and young person has the opportunity to fulfil their potential. The process of the preparation of the new style LDPs is set out in the 2019 Act and advice on the implementation of these legislative requirements is provided in the proposed regulations and draft guidance. We envisage that LDPs will potentially provide an additional opportunity for children and young people to become more actively engaged in the planning system.</p>
<p><b>Children and Young People's Views and Experiences</b></p>	<p>The Planning Places Survey Report concluded that 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>Whilst prepared for the development of NPF4, the results of the NPF4 Youth Engagement report provided an insight into key issues as identified by young people. The most frequently mentioned issue was housing and the community provision linked with it (doctors, schools, community and leisure centres) but also affordability. Young people also want more encouragement for communities on smaller projects (gardening, art, social activities) which could possibly lead to a stronger sense of belonging to an area.</p> <p>Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank (2018) included recommendations that there should be more opportunities for young Gypsy / Travellers to take part in decision making and have their voices heard.</p> <p>This is also reflected in Health Inequalities: Peer research into the role of communities (2020) which noted that <b>children and young people want to be</b> involved in decisions about the places they live.</p> <p>Democracy Matters to Children (2020) also 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'. It identified a number of local issues as ones which children wanted to have a say in – this included planning and the built environment.</p> <p>Responses to the NPF4 Position Statement (2021) called for action to address inequality of opportunity to participate, with specific calls for a</p>



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	<p>greater voice for children and young people and groups such as Gypsy/Travellers.</p> <p>The National Islands Plan Survey Final Report (2021): Island residents generally perceive that they have little influence over decisions made by local and national organisations, and more influence over community organisations and community councils, particularly in the Outer Isles of Orkney and Shetland, where around half of residents feel they can influence decisions made by their community council. 42% of younger people (aged 18 to 35) compared to 30% of older people (aged 66 and over) report that they can influence decisions made by community organisations such as Development Trusts and community groups.</p> <p>Young People and the Highlands and Islands (2018): levels of community participation varied by geography, with the highest levels reported by young people in Orkney (81%), Shetland (72%) and the Outer Hebrides (70%).</p> <p>The Young People's Participation in Decision Making: Attitudes and Perceptions research (2020) found that around six in ten of young people surveyed (58%) 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 % agreed. Boys were more positive on both questions. Older children, for example pupils in S6 were more negative.</p>
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>The views of children and young people and associated evidence on a number of key themes within the 2019 Act and, as a result, the proposed regulations and guidance are set out below:</p> <p>Participation</p> <p>Children and young people have been clear that they should be involved in the shaping of the places that they stay in. This view is supported by evidence provided by Young Gypsy / Travellers. Responses to the NPF4 Position Statement called for action to address inequality of opportunity to participate, with specific calls for a greater voice for children and young people and groups such as Gypsy/Travellers.</p> <p>Reponses to the consultation suggested that community bodies should be required to engage with children and young people, but also that, without support for engagement, children and young people are likely to struggle to engage in the development of LPPs.</p> <p>It should be noted that revisions arising from the Planning (Scotland) Act 2019 will enhance the opportunities for children and young people's voices to be heard at the local development plan stage. Evidence would also suggest that there may be barriers to children and young people's engagement.</p>

The 2019 Social Attitudes Survey highlighted that a majority of adults felt that young people aged 16 to 18 should have 'a great deal' or 'quite a lot' of say in decisions that affect their lives. The proportion believing this for those aged 11 to 15 was much smaller.

And the 2021 National Performance Framework - disability perspective: analysis found that fewer disabled young people agreed that adults were good at taking their views into account than non-disabled young people in 2019 (54% vs 62%).

#### Housing

Beyond4Walls (2016) reported that the need for good quality housing was regarded as essential, with many of the young people believing that housing must be affordably heated, have space for them to study, have Wi-Fi and be a place they feel safe. Young people also identified the importance of having a voice in their own community and good transport links.

The PAS NPF4 Youth Engagement Report (2021) found that issues around housing are important, including its affordability and associated infrastructure.

The NPF4 Position Statement analysis noted that the issue of affordable housing was highlighted in the context of rural supply where it was suggested that the lack of affordable housing is a major contributory factor in young people and families relocating away from rural areas, and that addressing this issue will be key to reversing rural depopulation.

#### Spaces and Places

Children want a return to play, more play and better play. This was children and young people's overwhelming response to a consultation on play undertaken by Play Scotland in early 2021. It went on to note that children wish to play in parks and natural environments such as the beach and woods, and participate in a wide range of physical activities such as football, swimming, dancing and cycling.

Health Inequalities: Peer research into the role of communities (2020) reported that children wanted to:

- Improve the quality of green spaces;
- Deal with vandalism and regenerate abandoned spaces; and
- Use planning processes to get support for healthier shops and restaurants to set up in communities.

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	<p>Democracy Matters for Children (2020) noted the following:</p> <ul style="list-style-type: none"><li>• one of the most prominent themes was the importance of the physical environment for children. Children frequently want ‘lots of green spaces’ and ‘more places to play’ ‘protected wildlife’ and provisions in place around personal safety.</li><li>• on leisure and socialising, children were keen for spaces for people to spend time socialising.</li><li>• the children valued places to be physically activity both in and outdoors.</li></ul> <p>The Girls in Scotland (2018) survey, undertaken by Girl Guides Scotland, showed that 23% of girls said there area had few, or no community facilities.</p> <p>Responses to consultations on the development of NPF4 noted that planning should consider young people, including through providing youth clubs and other facilities for teenagers.</p> <p>The NSPCC Report Challenges from the Frontline – Revisited (2020) noted that intensive family support should be Community Based: support must be explicitly connected to, or even housed in, locations that work for local families and the community, such as schools, health centres, village halls and sports centres. Communities must have a say in where support is located.</p> <p>Transport and Connectivity</p> <p>Engagement reported in 2019 with Young Scot to inform the National Transport Strategy revealed that key issues for young people include the availability and cost of public transport, particularly to further and higher education, and personal safety when using services.</p> <p>This would appear to confirm the Girls in Scotland (2018) survey, undertaken by Girl Guides Scotland, which showed that 55% of girls said public transport could be better.</p> <p>Public Health Scotland. The impact of COVID-19 on children and young people in Scotland: 10 to 17-years-olds (2021) suggests that for some young people, limited access to digital resources, digital connection – both hardware and software (e.g. broadband access) was a barrier to social engagement and to their educational development, potentially exacerbating existing inequalities.</p> <p>The Understanding Society COVID-19 (2020) study noted that across all age groups (primary, secondary and post-secondary), 9% of students whose parents/carers were unemployed did not have access to an electronic device, compared with 3% of students whose parents/carers were employed or employed and furloughed.</p>
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### Inequalities

Every Child, Every Chance (2018) recognises that to tackle poverty overall it is necessary to focus on 'priority families' at high risk of poverty: lone parents, families with a disabled adult or child, young mothers, minority ethnic families, families with a child under 1, and larger families (with three or more children).

The Joseph Rowntree Foundation report Poverty in Scotland (2019) noted that the largest falls in poverty rates seen in the past 20 years have been among pensioners and children. But despite improvements over time, children remain the most at-risk group in terms of poverty, with rates far above average, followed by working-age adults with children.

However, it is estimated that 24% of children (240,000 children each year) were living in relative poverty after housing costs in 2017-20. Before housing costs, it is estimated that 21% of children (210,000 children each year) were in relative poverty.

After a long fall between the late nineties and 2010-13, which slowed briefly just before the recession, child poverty rates have been gradually rising again.

- The drivers of child poverty include: income from employment, costs of living and income from social security and benefits in kind. Planning has a particular role to play in the provision of: good quality work
- housing (including energy and food) costs are minimised
- accessible childcare
- accessible and affordable public transport
- access to the internet

### Health and Wellbeing

In 2019, the proportion of children (aged 2–15) who met the recommended physical activity level over the last seven days, was the lowest in the time series.

- 71% in 2008
- 76% in 2016
- 69% in 2019

Increasing active travel can subsequently increase the level of physical activity in both children and adults. It could mean less use of the car, which would reduce air and noise pollution and the number of incidents and accidents involving cars. Vulnerable people in the population such as children can be the most affected by poorer air quality.

### **Wellbeing Indicators**

We consider that of the eight wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (known by the acronym SHANARRI)), the policy relates to:

- Included: Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn.
- Respected: Given a voice and involved in the decisions that affect their wellbeing.
- Responsible: Taking an active role in their schools and community.

### **Articles of the UNCRC**

We consider that the following articles of the United Nation Convention on the Rights of the Child (UNCRC) are relevant:

Article 12 – where every child has 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.

Article 3 – every decision and action taken relating to a child must be in their best interest.

In addition, there are other articles which may be of relevance including, Article 24 – health and health services, Article 27 - adequate standard of living, and Article 28 – right to education.

The proposed regulations and draft guidance provide clarity on the 2019 Act in relation to the preparation of an LDP. Each LDP must provide for the location of new housing, schools and other education facilities and health services. As detailed below, the statutory requirements to engage children and young people in the plan making process will ensure that children's views on these key issues will be sought, and heard.

There are a number of specific requirements within the 2019 Act to engage children and young people in the development plan preparation process, and to listen to their views. These are set out in the draft guidance with detail on how to implement the requirements as follows:

The planning authority is required to seek the views of particular groups of people, including children and young people (particularly school pupils, youth councillors and youth parliament representatives), and

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	<p>have regard to those views when preparing the Evidence Report (section 16B(2) of the 2019 Act). The Evidence Report must include a statement on how the planning authority has sought particular stakeholders' views, including children and young people, and how these views are taken into account in the report (section 16B(4) of the 2019 Act).</p> <p>Planning authorities must have regard to any guidance issued by the Scottish Ministers in relation to effective community engagement (section 16C). They must also promote and facilitate the participation of children and young people under the age of 25 in their preparation of the Proposed Plan (section 16A(1)). As a starting point, this must include schools, youth councils and youth parliament representatives within the authority area (section 16A(2)). The planning authority must publish and maintain up to date information about how children and young people have been involved in LDP preparation (section 16A(3)).</p> <p>As part of the Development Plan Scheme, the Participation Statement will outline the engagement that will take place in relation to the preparation of the Proposed Plan. The planning authority is expected to consult with children and young people, following on from the participation required in the preparation of the Proposed Plan.</p> <p>The Spatial Strategy should address the wider concept of play and playability through other relevant policy areas, to identify and maximise the opportunities for play in the community / neighbourhood. Plans should prioritise actions in disadvantaged communities, to ensure the adequate provision of publicly accessible, good quality outdoor play opportunities for formal, informal and incidental play help to tackle inequality and improve health and wellbeing outcomes for children in such areas. Plans should recognise the importance of quality greenspace for play and the range of health and wellbeing benefits this creates for children and young people.</p> <p>Based on town centre audits and strategies development plans should identify opportunities for living in city and town centres. A mix of unit types, sizes and tenures should be promoted to ensure there is variety of town centre living accommodation, catering to a range of needs. Where family housing is incorporated in the plan, provision should be made to ensure there are sufficient equitable opportunities for children to play safely, meet friends and relax.</p> <p>Section 16D of the 2019 Act requires the planning authority to assess the sufficiency of play opportunities in its area for children, to establish needs and demands to be met, and community aspirations. Draft NPF4 policy 12b states LDPs 'should identify new, enhanced provision or improved access to play opportunities for children as part of enhancing and expanding blue and green infrastructure. Blue and green infrastructure should provide opportunities for play and recognise the</p>
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	<p>need for, and provide publicly accessible, outdoor opportunities for formal, informal and incidental play. These facilities should be good quality, accessible and suitable for different ages and abilities, to satisfy current and likely future needs and demand in the community’.</p> <p>The draft guidance notes that as a matter of good practice “the planning authority is expected to engage with a range of people at all stages in the preparation of the LDP. The authority should engage with the public at large and seek the views of particular organisations and societal groups, including key agencies, children and young people, disabled persons, Gypsy/Travellers and community councils.”</p> <p>The Scottish Government has found that the proposed regulations and draft guidance do not impinge negatively upon articles of the UNCRC or the indicators of wellbeing (SHANARRI).</p> <p>However, we recognise in the need for guidance on effective community engagement to ensure that all people, including children and young people, are able to engage fully in the development plan making process, and that plan makers have regard to these views. This guidance is expected to be prepared in due course.</p>
<p><b>Monitoring and Review</b></p>	<p>Evidence gathered during the consultation will help inform the full CRWIA which will be completed when we finalise work on the regulations and guidance.</p> <p>The introduction to the consultation indicates that the draft guidance is intended to be a live document, and that it is structured in parts to offer access to the different types of information as needed by different audiences. This also enables the parts to be reviewed individually so that it can adapt and evolve as we learn how the new LDP system is implemented in practice</p>

# **Local Development Planning Regulations & Guidance Consultation**

## **Island Communities Impact Assessment (ICIA)**



## Local Development Planning Regulations & Guidance Consultation **Interim Islands Communities Impact Assessment (ICIA)**

### **Introduction**

129. This assessment relates to proposed secondary legislation and guidance relating to changes made to local development planning through the Planning (Scotland) Act 2019, which amended the Town and Country Planning (Scotland) Act 1997. It covers both proposals for regulations and draft guidance on implementing legislative requirements and policy expectations.
130. Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and shouldn't happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'development plan' and will, alongside the National Planning Framework (NPF), be the main basis for all decisions on planning applications. Further background is set out in the accompanying consultation paper.

### **The Islands (Scotland) Act 2018**

131. Scottish Ministers are required by the Islands (Scotland) Act 2018 to have regard to island communities in exercising their functions and in the development of legislation. An Island Communities Impact Assessment (ICIA) must be prepared where the policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities. [Guidance and a toolkit](#) have been published to support this requirement.
132. The [National Islands Plan](#) (December 2019) provides a framework for action in order to meaningfully improve outcomes for island communities. It is underpinned by four key values: fairness, integration, environmental protection (green) and inclusiveness. The plan contains 13 Strategic Objectives, many of which the local development planning regulations and guidance can contribute to achieving.

### **Objectives and Intended Outcomes**

133. The proposed Local Development Planning Regulations and Draft Guidance are part of our wider work on planning reform and implementing the [Planning \(Scotland\) Act, 2019](#) (the 2019 Act). They should be viewed within the context of the overarching provisions on LDPs as set out in the Town and Country Planning (Scotland) Act 1997, as amended by the 2019 Act.
134. There is strong support for a plan-led planning system in Scotland. Our ongoing programme of planning reform seeks to strengthen and simplify LDPs. We want to refocus plans on the outcomes that they deliver for people and places, rather than the preparation process. We want plans to be informed by consultation and collaboration so that they are relevant, accessible and interest people. We want this new approach to LDPs to result in new style plans which support the management and use of land in the long term public interest.
135. The regulations and guidance will apply across Scotland as a whole. The regulations will provide detail on the procedural framework for LDPs and will

## Local Development Planning Regulations & Guidance Consultation **Interim Islands Communities Impact Assessment (ICIA)**

apply consistently across Scotland. The guidance will support that consistency whilst providing for flexibility for local circumstances, including island locations.

### **Consultation & Engagement**

#### Planning Bill

136. Previous consultation and engagement on the Planning Bill included an island proofing exercise undertaken through a collaborative workshop, held on 29 September 2017. It informed the [Island Communities Impact Assessment](#), which was updated following Stage 2 of the Planning (Scotland) Bill. That assessment indicated the main theme from discussions was the need to allow flexibility for the islands – acknowledging that their needs were very different to that of towns and cities.
137. There were a number of emerging views from the Planning Bill engagement that has relevance to LDPs. Those related to ‘stronger local development plans’ are considered below.
138. Timescales for plan preparation were noted and that the logistics of site visits and the small size of island authority planning teams may have an impact. Timescales for plan preparation are expected to vary for each planning authority across Scotland and there is an appreciation it will be subject to the circumstances and resources of particular authorities. We anticipate further discussion on this through the consultation.
139. Views were set out on the role of the gatecheck process in justifying and agreeing departures from national policy. It was considered beneficial to design the gatecheck so that it could have a different approach that was tailored to island specific issues. A report to the gatecheck could outline the specific island circumstances involved. It was recommended that further consideration of the gatecheck in an island context would be useful, to ensure that an independent reporter understands the special circumstances of island authorities when considering departures from national policy.
140. The gatecheck is an assessment of whether the Evidence Report contains sufficient information to enable a planning authority to prepare a Proposed Plan. There is significant variation across Scotland of specific local circumstances, including the islands, therefore the proposals for the Evidence Report and gatecheck reflect this and provide for flexibility in approach. Whilst a template is proposed for the Evidence Report it can be tailored to the relevant matters for an area and the proposals for the gatecheck are similarly flexible, in that it will be for the appointed person to determine how the assessment is carried out appropriate to the matters being considered.
141. The engagement considered views on retaining or abolishing supplementary guidance. The current provision for statutory guidance to be part of the local development plan has been removed by the 2019 Act.

## Local Development Planning Regulations & Guidance Consultation **Interim Islands Communities Impact Assessment (ICIA)**

142. It was recommended that further consideration be given to links between marine and terrestrial planning. The guidance outlines the legislative requirements for giving regard to national and regional marine plans, the level of involvement of Marine Scotland, and the expectations for implementing policy on sustainable aquaculture through the Evidence Report and Proposed Plan.
143. Reference was made in the recommendations to island authorities defining their own triggers for plan updates, to allow them to respond to local issues and pressures. The 2019 Act introduced the ability to amend LDPs however regulations and guidance for this are not part of this consultation and will be considered once the new development planning system is in place.
144. The workshop also considered matters related to ‘making plans that deliver’ and in particular, housing sites. The different situation is noted, with regard to volume house builders, and it was recommended that the very different housing markets in island authority areas should be recognised. The guidance reflects the content of Draft National Planning Framework (NPF4), which affords flexibility in that ‘in rural and island areas, authorities are encouraged to set out tailored approaches to housing which reflect locally specific market circumstances and delivery approaches’.
145. Views were expressed in relation to proposals for ‘getting more people involved in planning’. It was noted that many island communities are already very engaged but that it can still be difficult to involve people at the development plan stage. With regards to ‘digital’ aspects, the authorities called for newspaper advertising requirements to be removed given the significant costs they generate. However, across Scotland local newspapers remain a relevant and additional route to raise awareness, particularly amongst those with limited digital access or digital skills.

### Transforming Planning Working Groups

146. Following Royal Assent of the 2019 Act, four working groups were convened to support the Transforming Planning in Practice programme. This included a group focused on Development Planning, which was that divided into subgroups to consider:
- Scope and content of future LDPs,
  - Procedures for preparing LDPS, and
  - The detail of the Evidence Report & Gate Check.
147. Members of the sub-groups generally represented organisations with a Scotland wide remit. Heads of Planning Scotland (HoPS) were asked to nominate a representative for each sub-group however none of these were from island authorities. The three subgroups met in the Autumn of 2020 and draft outputs were provided at the end of 2020. Final outputs were presented at a meeting of the subgroups in February 2021. These outputs have been used to inform the preparation of the proposals.

## Local Development Planning Regulations & Guidance Consultation **Interim Islands Communities Impact Assessment (ICIA)**

148. The proposed regulations and guidance will be subject to public consultation. It will be available on the Scottish Government website and will run for at least 12 weeks. The introduction to the consultation highlights this partial ICIA and ask for views on the content, as well as for any information that would assist in finalising the assessment. We would expect the local authorities covering the islands to respond.

### **Assessment**

149. The assessment process requires that the Scottish Government must determine whether in its opinion the policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

150. The proposed regulations are necessary to provide additional detail to the requirements set out in primary legislation. We consider there to be benefit in working to the principle that regulations are kept to the minimum necessary, and that much of the detail of Scottish Ministers' expectations for implementation of the 2019 Act should be set out in guidance. This will provide for maximum flexibility or all authorities, including the islands.

151. Areas of the guidance where there is particular flexibility for island areas include: application of the 20 minute neighbour principle; approaches to housing to reflect market circumstances and delivery approaches; network of centres; coastal impacts; and the active promotion of supporting community resilience for living and working in the islands. The guidance also highlights the need for Island Communities Impact Assessment of plans and the availability of the guidance and toolkit.

### **Initial Conclusion**

152. The proposals, as noted above, offer flexibility for local circumstances, including island communities. We do not envisage that the wider changes proposed will have significant, or different effects on island communities, though views are invited as part of the current consultation process.

Planning and Architecture Division  
Scottish Government

8 December 2021

# **Local Development Planning Regulations & Guidance Consultation**

## **Fairer Scotland Duty (FSD) Assessment**

Local Development Planning Regulations & Guidance Consultation  
**Fairer Scotland Duty (FSD) Assessment**

<p><b>Title</b></p>	<p>Development Planning Regulations and Supporting Guidance</p>
<p><b>Summary of Aims and Expected Outcomes</b></p>	<p>The draft Development Planning <b>Regulations</b> aim to provide additional detail to the requirements for local development plans (LDPs) set out in the primary legislation the <a href="#">Planning (Scotland) Act, 2019</a> (the 2019 Act). As well as setting out the process of preparing and monitoring LDPs the regulations also cover their form and content.</p> <p>The Regulations are part of the wider planning reform programme which seeks to strengthen and simplify LDPs (there is already strong support for a plan-led planning system in Scotland).</p> <p>The draft Development Planning <b>guidance</b> (the guidance) aims to explain the legal process of preparing LDPs, and to support the implementation of <a href="#">National Planning Framework 4</a> (NPF4) through LDPs.</p> <ul style="list-style-type: none"> <li>• Section 1 sets out the aims and expectations for new style plans. It provides an indication of what they should be like in the future.</li> </ul> <p>We want to refocus plans on the outcomes that they deliver for people and places. We want this new approach to LDPs to result in new style plans which support the management and use of land in the long term public interest.</p> <p>Our aim for LDPs is that they contribute to the following national outcomes contained in the <a href="#">National Performance Framework</a>:</p> <ul style="list-style-type: none"> <li>– We live in communities that are inclusive, empowered, resilient and safe.</li> <li>– We have a globally competitive, entrepreneurial, inclusive and sustainable economy.</li> <li>– We value, enjoy, protect and enhance our environment.</li> <li>– We are healthy and active.</li> </ul> <ul style="list-style-type: none"> <li>• Section 2 aims to set out the process of how to achieve a new style plan. It covers the proposed draft legislative requirements, how these are met and responsibilities.</li> </ul> <p>The planning system should apply the Place Principle which commits us to take a collaborative place based approach to future development. This must involve working with stakeholders and local communities to create liveable, healthier and sustainable places that improve lives, build economic prosperity and contribute to net zero and environmental ambitions.</p>

	<p>We want plans to be informed by consultation and collaboration so that they are relevant, and accessible and interest people.</p> <ul style="list-style-type: none"><li>• Section 3 aims to set out detailed thematic guidance on how new style plans are expected to support the implementation of draft NPF4's policies for the development and use of land.</li></ul> <p>Draft NPF4 looks to rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. A place based approach is at the heart of creating a more sustainable and fair Scotland.</p> <p>The guidance will provide further details around implementation of NPF4 through LDPs, setting out information to inform Evidence Reports, considerations for Proposed Plans (including spatial strategies and land allocations), and Delivery Programmes.</p> <p>The guidance will support delivery of NPF4's six high level outcomes which include:</p> <ul style="list-style-type: none"><li>– meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people;</li><li>– improving the health and wellbeing of people living in Scotland;</li><li>– improving equality and eliminating discrimination; and</li><li>– increasing the population of rural areas of Scotland.</li></ul> <p>The guidance also aims to support the spatial strategy principles set out in Draft NPF4, and provides guidance on how these can be applied locally.</p> <p>To provide direct read across to help support implementation of NPF4, and roll out of its land use planning policies, through the development plan system, this part of the guidance reflects the headings in Draft NPF4</p> <ul style="list-style-type: none"><li>– Sustainable places</li><li>– Liveable places</li><li>– Productive places</li><li>– Distinctive places</li></ul> <p>As these policies are currently subject to consultation, this assessment may be subject to amendment. NPF4's policies and the supporting Development Plans Guidance aim to support key issues supporting people's lives such as; tackling inequalities,</p>
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**Fairer Scotland Duty (FSD) Assessment**

	<p>engagement, local living, housing, spaces and places, work and inequalities, health and wellbeing and connectivity.</p> <p>The Development Planning regulations and guidance therefore have the potential to impact development and land use, and people and communities of all backgrounds from across Scotland.</p>
<p><b>Summary of Evidence</b></p>	<p>This Fairer Scotland Duty assessment has been developed drawing on a range of primary and other source documents. We have also considered sources in the Scottish Government’s equality evidence finder. Given the Development Planning guidance’s close links to NPF4, this Fairer Scotland Duty Assessment, uses much of the same evidence base, as that for <a href="#">NPF4</a>.</p> <p><b>Spatial Element of Inequalities</b></p> <p>Evidence suggests that to tackle inequalities it is necessary to take both a spatial and thematic approach based on communities of geography and identity.</p> <p>When considering tackling poverty, <a href="#">Building the evidence base on tackling poverty</a> (2017) set out ‘pockets’, ‘prospects’ and ‘places’ as three drivers. “Places” includes: the regions and neighbourhoods people live in - impact of pollution on health, access to green space. Ability to access services and employment. Local labour market. Social networks. Regional variations in costs.</p> <p>The main tool for identifying the places in Scotland where people are experiencing disadvantage across different aspects of their lives is the Scottish Index of Multiple Deprivation (SIMD). Its most recent iteration was published in 2020 and includes an <a href="#">interactive map</a>.</p> <p>The latest update of the Scottish Index of Multiple Deprivation (SIMD) 2020 has been published by Scotland's Chief Statistician. This shows:</p> <ul style="list-style-type: none"> <li>• the least deprived area is in Stockbridge, Edinburgh. This represents a change since SIMD 2016, when the least deprived area was in Giffnock</li> <li>• the most deprived area is in Greenock town centre. This represents a change since SIMD 2016 and 2012, when the most deprived area was identified as Ferguslie Park, Paisley</li> <li>• the area with the largest local share of deprived areas was Inverclyde, with 45% of data zones among the 20% most deprived areas in Scotland</li> <li>• Glasgow City has similar deprivation levels at 44%</li> </ul>



- other local authorities with relatively high levels of deprivation include North Ayrshire and West Dunbartonshire at 40% and Dundee City at 38%
- Na h-Eileanan an Siar, Shetland and Orkney have no areas among the 20% most deprived in Scotland, however, this does not mean there are no people experiencing deprivation living there
- over half of people on low income do not live in the 20% most deprived areas in Scotland
- levels of deprivation have fallen in Glasgow City, Renfrewshire and City of Edinburgh compared to SIMD 2016. Glasgow City showed the biggest fall, from 48% of data zones in the 20% most deprived areas in Scotland, to 44%
- levels of deprivation have increased in Aberdeen City, North Lanarkshire, Moray, East Lothian, Highland and North Ayrshire. None of these increases are greater than 2 percentage points.

It can also allow effective targeting of policies and funding where the aim is to wholly or partly tackle or take account of area concentrations of multiple deprivation.

Research also identified areas of Scotland that are expected to be most vulnerable to the consequences of EU Exit. An accompanying [interactive map](#) allows for more granular analysis of each datazone in Scotland.

Key findings were that:

- The risks presented by EU Exit are anticipated to have significant social and economic consequences for all areas of Scotland.
- Many of the areas most vulnerable to EU Exit are in rural locations, in particular on the Scottish islands.

[Public Health Scotland](#) highlight one of the important determinants of health inequalities within society is the availability and nature of employment.

#### **Differential Impact of Poverty and Protected Characteristics**

[Poverty and Income Inequality in Scotland 2017-20](#) (2021) estimated that 19% of Scotland's population (1.03 million people each year) were living in relative poverty after housing costs in 2017-20. Before housing costs, 17% of the population (910,000 people) were living in poverty. Relative poverty is a measure of whether the lowest income households are keeping pace with middle income households across the UK.

	<p>After a long decline since the beginning of the time series in the mid-nineties, absolute poverty rates have stagnated in the last decade.</p> <p>Before housing costs, 14% of the population (770,000 people each year) were in absolute poverty. The trend is similar to the after housing costs measure, although the downward trend started to stagnate a few years later.</p> <p>Households on low incomes are more likely to experience fuel poverty than those on higher incomes. Scottish House Condition Survey data (2020) indicates that around 613,000 (24.6%) households were classified as living in fuel poverty in 2019, with around 311,000 (12.4%) living in extreme fuel poverty.</p> <p>It also noted that approximately half (48%) of fuel poor households are other households (without children or older members). Around 16% of households living in fuel poverty are families with children, and 36% are older households.</p> <p><b>Age and Poverty</b></p> <p>The equality analysis of poverty showed that in the last 15 years, the youngest adults (16-24 year olds) have been consistently more likely to be in relative poverty compared to older adults.</p> <p>Child poverty figures suggest that some types of households with children are known to be at a particularly high risk of poverty. These include households with single parents, three or more children, disabled household members, of a minority ethnic background, those with a child aged under one, or with a mother aged under 25. These groups do not cover everyone at higher risk of poverty, but taken together, they cover the majority of households with children that are in poverty.</p> <p>It is estimated that 24% of children (240,000 children each year) were living in relative poverty after housing costs in 2017-20. Before housing costs, it is estimated that 21% of children (210,000 children each year) were in relative poverty.</p> <p><b>Gender and Poverty</b></p> <p>In 2017-20, the relative poverty rate after housing costs for all single adults (working-age and pensioners) was 27%, higher than for the total population (19%).</p> <p>The poverty rate was highest for single women with children (38%, 40,000 single mothers each year).</p>
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The National Transport Strategy 2: [Fairer Scotland Duty Assessment](#) (2020) noted that women in Scotland are much more likely than men to be part-time workers (44% compared to 15%) with over 75% of Scotland's part-time workforce being female. Women are also more likely to be in low-paid work, with 64% of people paid below the Living Wage being female. In particular, lone parents, the vast majority of whom are women, are more likely to be living in poverty than other single working-age adults in Scotland.

### **Marital Status and Poverty**

Relative poverty rates are highest for single, divorced & separated people, and lowest for married adults.

Poverty among widowed and divorced/separated adults largely decreased over the long term, whereas the trend for singles, cohabiting and married adults was broadly flat over time.

### **Ethnicity and Poverty**

In 2015-20, people from non-white minority ethnic groups were more likely to be in relative poverty after housing costs compared to those from the 'White - British' and 'White - Other' groups.

The poverty rate was

- 43% for 'Mixed, Black or Black British and Other' ethnic groups (no population estimate available due to the small sample)
- 41% for the 'Asian or Asian British' ethnic groups (50,000 people each year),
- 24% (80,000 people) amongst the 'White - Other' group was); and
- 18% (860,000 people) of the 'White - British' group.

### **Religion and Poverty**

In 2015-20, Muslim adults were more likely to be in relative poverty (52%, 30,000 each year) than adults overall (18%), after housing costs were taken into account.

### **Disability and Poverty**

Poverty rates remain higher for households in which somebody is disabled compared to those where no-one is disabled. In 2017-20, the poverty rate after housing costs for people in households with a disabled person was 23% (500,000 people each year). This compares with 17% (540,000 people) in a household without disabled household members.

	<p><b>Participation</b></p> <p>Evidence suggests that people are keen to be involved in shaping the places that they stay and to be involved in local decision-making. However, in the 2019 <a href="#">National Indicator Performance</a> report, 17.8% of people agreed that they can influence decisions affecting their local area, down from 20.1% in 2018. This is a decrease of 2.3 percentage points since last year, and is the lowest level since first measured in 2007.</p> <p>Perceptions of ability to influence decisions and the desire to be involved in decision-making were lower in the most deprived areas compared to the least deprived areas (<a href="#">Scotland's People Annual Report</a>, 2018).</p> <p>Over three-quarters (78%) of adults felt a very or fairly strong sense of belonging to their neighbourhood in 2019. This sense of belonging was lower for people living in deprived areas. (<a href="#">Scottish Household Survey</a>, 2019)</p> <p><b>Housing and Accommodation</b></p> <p>Living in poverty, or on a low income and with little or no wealth, restricts housing choices, presents affordability challenges and increases the likelihood of experiencing fuel poverty and the risks of homelessness.</p> <p>The <a href="#">Fairer Scotland Duty Assessment for the Heat in Buildings Strategy</a> notes housing is recognised as having an important influence on health inequalities in Scotland, with key pathways through housing quality and fuel poverty. Cold and damp homes may cause or exacerbate a number of health outcomes, primarily excess winter mortality, respiratory health conditions and mental health problems.</p> <p>From the <a href="#">Housing to 2040 Fairer Scotland Duty Assessment</a> we know that:</p> <ul style="list-style-type: none"><li>• Affordable housing helps to tackle poverty and inequality. Increasing the supply of affordable and social rented homes and tackling unreasonably high rents in the private rented sector will continue to make an impact on child poverty levels.</li><li>• Safe and warm homes and good neighbourhoods improve physical and mental health and wellbeing and build strong communities. Making sure homes add to and create great places will help to improve social cohesion, enable and contribute to community wealth building and unlock social capital across Scotland.</li></ul>
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	<ul style="list-style-type: none"><li>• Housing creates and supports jobs and drives inclusive economic growth and social benefits. Housing’s unique place at the heart of thriving communities means that investment in housing, and all the indirect effects that flow from that, can contribute to community wealth and social renewal.</li></ul> <p>The <a href="#">draft fuel poverty strategy</a> sets out an approach which considers the wider issues of social justice and the health impact of tackling fuel poverty. It has two main objectives:</p> <ul style="list-style-type: none"><li>• Removing poor energy efficiency as a driver for fuel poverty.</li><li>• Reducing greenhouse gas emissions through more energy efficient buildings and decarbonising our heat supply.</li></ul> <p>Local authority estimates, published in December 2020, showed that island and rural local authorities tended to have both higher fuel poverty rates and extreme fuel poverty rates (<a href="#">Scottish House Condition Survey</a>, 2017-2019).</p> <p><b>Spaces and Places</b></p> <p>The <a href="#">Social Capital in Scotland: Report</a> (2020) suggests that we need to ensure there are good quality, affordable and accessible places and spaces where people spend time, gather and meet. It noted it is essential to create, retain and maintain the environmental and social infrastructure that supports social interactions and participation in communities – the informal public places, spaces, and facilities where people spend time, gather and meet. Evidence shows this is most important in the areas where there is a perceived lack of these places, e.g. in areas of deprivation.</p> <p>On a range of indicators people who live in deprived areas are faring worse than those in less deprived areas, these include: a sense of belonging to their community or rating their neighbourhood as a good place; perceptions around the local crime rate; less likely to have access to greenspace; made visits to the outdoors; or living within 500 metres of vacant and derelict land and properties.</p> <p>Planning has a crucial role to play in reducing inequalities by ensuring everyone lives in good quality places that support quality of life. <a href="#">The Place Standard</a> is an effective tool for helping us all to understand the strengths and weaknesses of our places and reducing inequalities by helping to ensure everyone lives in good quality places that support quality of life.</p> <p>The data reveals area-based differences, as the proportion rating their neighbourhood as a very good place to live increased</p>
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	<p>significantly as deprivation declined. Of those living in the 20% most deprived areas of Scotland in 2019, 32% rated their neighbourhood as a very good place to live, rising to 77% for those living in the 20% least deprived areas. This is a similar trend to previous years (<a href="#">National Indicator Performance</a>, 2019).</p> <p>People in the 15% most deprived areas were less likely to think the local crime rate had stayed the same or reduced in the past two years than those living elsewhere in Scotland (65% compared to 74%) (<a href="#">National Indicator Performance</a>, 2019).</p> <p>In relation to access to greenspace at home Public Health Scotland recent analysis was <a href="#">quoted</a> as showing that there is quite a differentiation between space (private outdoor space at home e.g. gardens or balconies) depending on the tenure. Hansard reported that only 3% of homeowners do not have access to open space in the house, whereas for private sector tenants it is 23% and for local authority tenants it is 19%.</p> <p>People living in the most deprived areas are less likely to live within a 5 minute walk of their nearest greenspace than people in less deprived areas. This observation has been consistent over the time series the data has been collected.</p> <p>Respondents living in the 15% most deprived areas of Scotland were more likely to agree or agree strongly that the quality of their local greenspace has reduced in the past 5 years (50% strongly agree/agree, compared to 40% of urban Scots) or if just use 'strongly agree' 26% compared to 18% (<a href="#">Greenspace Use and Attitudes Survey</a>, 2017).</p> <p>Research found that the quality of play areas was poorer in more deprived neighbourhoods, as compared to those in the least deprived areas. The 2016 Scottish Household Survey showed that most children had access to play areas in their neighbourhood, but that availability differed according to levels of deprivation within urban areas. Households within the 20% of most deprived urban areas said they had less access to a natural environment or wooded area in their neighbourhood, compared to the rest of urban areas. Parents living in the 20% most deprived urban areas were also much less likely to think that it was safe for children to travel alone to most play areas.<sup>4</sup></p>
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<sup>4</sup> At the start of 2009, a series of questions on the opportunities for children to play in their neighbourhood were added to the Scottish Household Survey. From 2012, the set of questions were only asked if there was a child aged 6 to 12 years in the household. Data from this set of questions were collected every two years and were last presented in the Scottish household survey 2016: Annual report. Scottish Government (2017). [Scottish household survey 2016: Annual report](#).

	<p>Research published by <a href="#">Public Health Scotland</a> finds that ‘Socio-economic inequalities in use of green and open spaces existed before lockdown. Lockdown did not reduce these and may have made them worse.’ It also notes that users reported that green and open space benefited their mental health during lockdown. Individuals of higher social grade were more likely to report increases in use, and also greater benefits to their mental health.</p> <p>The <a href="#">Scottish Vacant and Derelict Land Survey 2019</a> (2020) found that 55% of people living in the most deprived decile in Scotland are estimated to live within 500 metres of derelict land, compared to 11% of people in the least deprived decile.</p> <p>The <a href="#">Scottish Household Survey Key Findings 2019</a> (2020) found that adults living in the 20 percent most deprived areas were more likely not to have made any visits to the outdoors in the past 12 months (19 percent) compared to those in the 20 percent least deprived areas (four percent).</p> <p>Although level of deprivation did not impact social isolation, as measured by the number of people meeting socially at least once a week, those living in the most deprived areas were almost twice as likely to experience feelings of loneliness as those living in the least deprived areas.</p> <p>A higher proportion of people who live in remote rural areas either feel very or fairly strongly that they belong to their immediate neighbourhood than either people in accessible rural areas or the rest of Scotland. In remote rural areas over half of people feel very strongly that they belong to their immediate neighbourhood (<a href="#">Rural Scotland Key Facts, 2015</a>).</p> <p>Data shows that only rural areas of Scotland are not within a 15 minute drive time to key services. For example 84% of people in remote rural areas and 99% of people in accessible rural areas live within a 15 minute drive time to a GP compared to 100% of the population in the rest of Scotland. In general, a lower percentage of people in rural areas find key services convenient, when compared to the rest of Scotland. This is particularly noticeable for key services such as hospitals, dentists, chemists, public transport, banking services and cash machines (<a href="#">Rural Scotland Key Facts, 2015</a>).</p> <p>In terms of economic and employment in rural areas all indicators of economic activity are highest in rural Scotland. The economic activity rate (people employed or looking for work), employment rate (the number of people employed as a percentage of the total population of working age) and the rate of working age population that is either employed, in education or training are all higher in</p>
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	<p>rural areas than in the rest of Scotland. A similar proportion of people living in accessible rural areas and in the rest of Scotland are employed in higher managerial and professional positions (12% and 10% respectively). The proportion is slightly lower at 8% in remote rural areas. A greater proportion of workers in remote rural areas (17%) are small employers or own account workers than in accessible rural areas (13%) or the rest of Scotland (7%). The lowest rate of business openings was seen in remote rural areas (9%), followed by accessible rural areas (12%) (<a href="#">Rural Scotland Key Facts, 2015</a>).</p> <p><b>Connectivity</b></p> <p>Digital Connectivity</p> <p>Adults in the most deprived areas and those with lower household income are less likely to use the internet or to have home internet access (<a href="#">Covid and Inequalities Report</a>). In the 20% most deprived areas in Scotland, 82% of households had access to the internet, compared to 96% in the 20% least deprived areas.</p> <p>Data also shows the availability of superfast broadband is much lower in rural areas than in the rest of Scotland (<a href="#">Rural Scotland Key Facts, 2015</a>).</p> <p>21% of adults in social housing did not use the internet (compared to only 5% in Private Rented Sector and 10% of owner occupiers) (<a href="#">Scottish Household Survey, 2018</a>). Being older or disabled, living in a deprived area or living in social housing were risk factors for exclusion from access to digital services (<a href="#">Is Scotland Fairer Report, 2018</a>).</p> <p>Transport Connectivity</p> <p>The <a href="#">Fairer Scotland Duty Assessment</a> accompanying the National Transport Strategy 2 noted the following key information.</p> <ul style="list-style-type: none"><li>• Research undertaken by Sustrans from 2016 stated that over one million Scots live in areas that are at risk of transport poverty, defined as those who don't have access to essential services or work due to limited affordable transport options.</li><li>• Research published by the Joseph Rowntree Foundation found that poor service coverage, reliability, and or affordability of public transport discourage people in low income to commute to employment sites, reinforcing socio-economic disparities. This is compounded by the fact that poor service coverage is more likely in deprived communities.</li></ul>
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	<p>There are links between poverty and ability to cycle. Household access to bikes increases with household income. 62% of households with an income of £50,000 or more have access to one or more bikes, compared to 20% of households with an income up to £10,000.</p> <p>Bicycle access is higher in rural areas than urban areas. There are also links between household income and people walking just for pleasure or to keep fit. For those living in households with annual income up to £10,000, 58% walk one or more days per week. For those in households with more than £50,000 annual income the figure rises to 71%.</p> <p><a href="#">Transport and Travel in Scotland 2019</a> (2020) noted that 68% of people travelled to work by car or van, 12% by walking and 10% by bus. However, this varied with income. Those in households with incomes under £15,000 were more likely to take the bus or walk than those on higher incomes. People from households with incomes over £50,000 were the most frequent car users.</p> <p><b>Health and Wellbeing</b></p> <p>Both mental and physical health are notably poorer in more deprived areas. In the most deprived areas in Scotland, 33% of adults lived with a limiting condition, while 15% of adults lived with a limiting condition in the least deprived areas. People living in the most deprived areas are also more likely to be in poor health and to have many long-term conditions. (<a href="#">Scotland's People Annual Report</a>, 2019)</p> <p><a href="#">Long-term monitoring of health inequalities</a>: January 2021 report noted that both males and females in the most deprived areas in Scotland are estimated to spend a lower proportion of their life in good health than those living in the least deprived areas.</p> <p>For adults, 26% of adults in the most deprived areas were at a healthy weight, compared to 38% of those in the least deprived areas. For children, the trend was similar, with 62% of children in the most deprived areas at a healthy weight, compared to 76% of children living in the least deprived areas.</p> <p>74% of adults in the least deprived areas met physical activity recommendations, compared with 54% of adults in the most deprived areas.</p> <p>In 2019/2020, 84% of the population lived in households with high food security. This means that 16% of people lived in households with marginal, low or very low food security. People in poverty were less likely to experience high food security: just 60% of those in</p>
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	<p>relative poverty, and 59% of those in absolute poverty lived in high food security households.</p> <p>Food insecurity has consistently been more prevalent among adults living in low income households. In 2019, 23% of adults with household incomes in the bottom quintile (less than £14,444/year) reported experiencing food insecurity compared to 3% of adults with household incomes in the top quintile (more than £49,400/year). Prevalence of food insecurity has consistently been higher among adults living in the most deprived areas compared to those living in the least deprived areas.</p>
<p><b>Summary of Assessment Findings</b></p>	<p>The Development Planning Regulations and Guidance have the potential to impact upon people across the whole of Scotland irrespective of their socio-economic status.</p> <p>They have been drafted to help ensure people have opportunities to be meaningfully involved in plan making, and to provide a fairer, more inclusive and equalities based approach to planning the future. They seek to help advance equality, tackling spatial aspects of inequalities by promoting use of place-based approaches.</p> <p><b>Regulations</b></p> <p>Participation</p> <p>As above, the evidence suggests people are keen to be involved in local decision-making and shaping their places, but that the extent to which people believed they can influence decisions were lower in the most deprived areas.</p> <p>We wish to empower more people to shape their places.</p> <p>The Scottish Government is aspiring to inspire people to pro-actively input to how their places should develop in the future and have influence in the decisions that impact on their lives.</p> <p>There are significant and meaningful opportunities for people to engage in the preparation of LDPs.</p> <p>Section 18(1)(d) of the Act requires a planning authority to consult key agencies and ‘such persons who may be prescribed’ on the Proposed Plan. This provision in the Act is not new. Proposed Plans will be of interest for a wide range of stakeholders and local authorities will have a good understanding of those relevant to their area. Statutory requirements in primary legislation for Development Plan Schemes mean they must include a</p>

	<p>Participation Statement, and that they include information on whom the planning authority will consult in preparing the plan.</p> <p>The 2019 Act strengthened this to require that in preparing the Development Plan Scheme, the planning authority seek the views of the public at large as to the content of the Participation Statement. We expect this will include seeking views on who should be engaged at different stages, and on the best approach to involving people. The Scottish Government will be preparing statutory guidance on effective community engagement in the preparation of LDPs. We therefore do not propose to prescribe, in regulations, any further persons to be consulted on the Proposed Plan, but expect to say more in guidance.</p> <p><b>Guidance</b></p> <p>Overall Approach</p> <p>The evidence shows people living in the most deprived areas and neighbourhoods are more exposed to environmental conditions and other factors that negatively affect health and access to opportunities – including those relating to transport, access to green space, pollution effects, housing quality, fuel poverty, community participation, and social isolation.</p> <p>Therefore, our future places and spaces need to contribute to improving equality and eliminating discrimination by addressing the environmental conditions and other factors that negatively affect health and access to employment opportunities – plus those relating to connectivity – both digital and transport, access to green space, pollution effects, housing quality, fuel poverty and community participation.</p> <p>The guidance highlights the Public Sector Equality Duty, which places a duty on public authorities to advance equality of opportunity. It also sets out the Fairer Scotland Duty places a legal responsibility on particular public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. It notes that evidence from impact assessments, including Equality, Fairer Scotland, and where applicable Island Communities Assessments can inform LDP Evidence Reports.</p> <p>The guidance also highlights there is an opportunity for LDPs to address community wealth building priorities by reflecting a people-centred approach to local economic development, addressing economic disadvantage and inequality, and providing added social value.</p>
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	<p>Draft NPF4’s spatial strategy sets out six overarching spatial principles for Scotland 2045, which should contribute to improving equality and eliminating discrimination. The guidance indicates these spatial principles should be used to guide the preparation of Regional Spatial Strategies, LDPs, and LPPs.</p> <p>The guidance sets out that LDP spatial strategies approach should</p> <ul style="list-style-type: none"> <li>• take account of the need to tackle geographical disparities in wealth and health, and reduce inequalities.</li> <li>• aim to create vibrant, healthy and safe places and seeks to tackle health inequalities particularly in places experiencing the most disadvantage</li> <li>• support transport options that focus on reducing inequalities and the need to travel unsustainably</li> </ul> <p>The guidance notes Local Place Plans 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.</p> <p>Draft NPF4 contains an overarching policy such that planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality. This is supported by the guidance. We have also identified below a number of the key policies in NPF4, expanded upon in the guidance which will help tackle inequalities in the broadest sense.</p> <p><b>Sustainable Places</b></p> <p>Climate Emergency</p> <p>Evidence shows income level is a strong determinant for people’s ability to respond to and recover from climate change impacts.</p> <p>To achieve a net zero, nature-positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions in the long-term public interest.</p> <p>The guidance sets out that Evidence Reports should consider existing sources and scale of climate change emissions and the likelihood and severity of climate risks to the area. The guidance also indicates Evidence Reports should identify heat related climate risks for infrastructure, places, particular land uses, communities and biodiversity.</p>
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	<p>The guidance stresses that in developing the Spatial Strategy, significant consideration should be given to the global climate emergency. It notes the aim should be to manage the risk and avoid putting people at increased risk as a result of the strategy, and avoid non-adapted and mal-adapted development and create places that are flexible for future adaptations that may be necessary.</p> <p><b>Design, Quality and Place</b></p> <p>SIMD data and mapping shows where there are concentrations of multiple deprivation, and there is also evidence of geographic differential impacts of EU exit (including vulnerability in rural and islands areas) – highlighting the need for place based approaches</p> <p>Place is where people, locations and resources combine to create a sense of identity and purpose, and it is at the heart of addressing the needs and realising the full potential of communities. The development planning system should apply the Place Principle and ensure that a design-led approach is taken for future development which involves working with stakeholders and local communities to create liveable, sustainable places that improve the lives of people, support greater equity, and inclusive and sustainable economic growth and contribute to net-zero ambitions.</p> <p>The guidance notes evidence reports should be informed by population statistics and projections, and take account of existing data on socio-economic performance, and health and wellbeing, to support the development of place-based proposals. It also notes that in developing spatial strategies using new development to improve existing places should be considered as a first priority.</p> <p><b>Liveable Places</b></p> <p><b>20 minute Neighbourhoods</b></p> <p>Evidence reveals significantly fewer people living in the 20% most deprived areas of Scotland in 2019, rated their neighbourhood as a very good place to live, compared to those living in the 20% least deprived areas. The data also shows inequalities in access to transport, greenspace and quality play opportunities, and more food deserts within more deprived communities.</p> <p>The guidance helps set out how development plans should support development that will contribute to the creation of walkable, liveable and thriving places that provide communities with local access to the wide range of local facilities and services that they need, including access to employment opportunities, health and care</p>
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	<p>facilities and services, shopping, safe streets and places, childcare and education, affordable housing plus green networks, outdoor spaces for play, community gardens, culture, sport and recreation facilities.</p> <p><b>Quality Homes</b></p> <p>The evidence shows living in poverty, or on a low income and with little or no wealth, restricts housing choices, presents affordability challenges and increases the likelihood of experiencing fuel poverty and the risks of homelessness; whilst affordable housing helps to tackle poverty and inequality.</p> <p>The guidance sets out planning authorities should have regard to the Local Housing Strategy (LHS) in preparing the Evidence Report. 'This will, in particular, provide relevant information relating to different tenures of affordable and market housing for an area. This should inform the process of setting the all-tenure HLR.'</p> <p>The guidance indicates 'A place based plan is expected to: identify which allocations are located to help contribute to meeting specific needs including for: affordable housing, further and higher education, older people, disabled people, self-build and gypsy/travellers'. The guidance provides further advice to planning authorities about provision of affordable housing.</p> <p>Evidence recognises housing's important influence on health inequalities in Scotland, with key pathways through housing quality and fuel poverty. Good quality homes should be at the heart of great places and contribute to strengthening the health and wellbeing of Scotland's communities. To help tackle climate change, we will need more energy efficient, net zero emissions homes. This can also support a greener, fairer and more inclusive wellbeing economy and has the potential to help build community wealth and reduce fuel poverty.</p> <p><b>Sustainable Transport</b></p> <p>The 2016 Sustrans research stated over one million Scots live in areas at risk of transport poverty. Research also shows poor service coverage (more likely in deprived communities), reliability, and or affordability of public transport, discourages people in low income to commute to employment sites, reinforcing socio-economic disparities.</p> <p>Scotland's transport system should contribute to the creation of great places through prioritising the need to reduce inequalities; take climate action; help deliver inclusive economic growth; and improve health and wellbeing. The planning system will support</p>
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	<p>development that minimises the need for travel and encourage active travel.</p> <p>The guidance notes an audit of the transport infrastructure, services and capacity of the area should be undertake. It notes LDPs should implement and ensure development is in line with the sustainable travel and investment hierarchies. It provides guidance on walking and cycling infrastructure, and transport interchanges, bus priority routes, and low / no car parking, and the efficient roll out of electric vehicles.</p> <p>Heat and Cooling</p> <p>The draft fuel poverty strategy considers issues of social justice and the health impact of tackling fuel poverty, it has an objective for more energy efficient buildings and decarbonising heat supply. Draft NPF4 recognises that heat networks can help contribute to Scotland’s net zero ambitions by using and storing heat from low or zero emissions sources, such as surplus or waste heat, heat from large scale heat pumps, particularly in conjunction with geothermal systems or bodies of water or clean hydrogen to provide zero emissions heat to homes. There is scope for this to reduce fuel poverty.</p> <p>The guidance indicates allocations and development opportunities should be informed by heat network zones and other strategic level zones, and take into account the area’s Local Heat &amp; Energy Efficiency Strategy and areas of heat network potential and any designated heat network zones.</p> <p>Blue and Green Infrastructure, Play &amp; Sport</p> <p>Evidence shows open spaces, greenspace and play spaces offer benefits in terms of health and wellbeing. However, people who live in deprived areas are less likely to have access to greenspace and more likely to agree that the quality of their local greenspace has reduced in the past 5 years. The evidence also reveals the quality of play areas was poorer in more deprived neighbourhoods.</p> <p>The guidance sets out that plans should prioritise actions in disadvantaged communities, to ensure the adequate provision of publicly accessible, good quality outdoor play opportunities for formal, informal and incidental play help to tackle inequality and improve health and wellbeing outcomes for children in such areas.</p>
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	<p>Lifelong Health, Wellbeing and Safety</p> <p>Evidence shows mental and physical health are notably poorer in more deprived areas. Improving the health and wellbeing of the people of Scotland is one of the six high level outcomes for NPF4.</p> <p>Places are important for physical and mental health and overall wellbeing. The places where children and young people grow up shape the opportunities that they have and influence the course of their life. The planning system should support development that reduces health inequalities and creates an environment that promotes active and healthier lifestyles.</p> <p>The guidance indicates to planning authorities that their Spatial Strategy should take account of the need to tackle geographical disparities in wealth and health, and reduce inequalities, including gender economic inequality, provide good quality paid work and fair opportunities for work. Plans should seek to distribute economic activity and development more equitably and prioritise areas locally where growth lags behind for new business and industry opportunities. Plans should aim to build on the lessons from initiatives on community wealth-building in order to boost local job creation by developing resilient people, communities and places</p> <p>The guidance makes clear that reducing inequality is a significant action in addressing health. LDPs should prioritise investment in communities experiencing deprivation to help address the socio-economic-environmental challenges faced by those communities and link that to increased adaptation and resilience to the risks from climate change faced by those communities.</p> <p>LDPs should aim to create vibrant, healthier and safe places and should seek to tackle health inequalities particularly in places which are experiencing the most disadvantage. Development proposals for, or including, space or facilities for local community food growing and allotments should be supported. The guidance sets out that plans should seek to tackle environmental health inequalities, including those associated with air pollution, impacts of climate change and access to quality greenspace.</p> <p>Data shows prevalence of food insecurity has consistently been higher among adults living in the most deprived areas.</p> <p>The guidance also sets out 'Plans should support lifelong eating well and healthy weight through supporting diversity in healthy, affordable local food and drink retail, local food growing and local food and drink manufacturing. Plans should take steps to increase food diversity and physical activity where significant issues are identified. Food deserts should be designed out and concentrations or clusters of outlets selling less nutritious foods, in</p>
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	<p>particular for take-away purposes, should be avoided and not allowed to be created where they are within walking distance of schools.’</p> <p><b>Productive Places</b></p> <p>Access to Employment Opportunities - Land and premises for business and employment</p> <p>The evidence recognises availability and nature of employment is an important determinant of health inequalities within society.</p> <p>Recognising the three drivers of poverty; ‘pockets’, ‘prospects’ and ‘places’, the NPF4 spatial strategy recognises that our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing. This will help Scotland to have a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone.</p> <p>We want to encourage development that supports the prosperity of key sectors, builds community wealth and creates fair work and good green jobs where they are most needed. This will support people’s aspirations for good quality jobs and help reduce child poverty.</p> <p>The guidance sets out that Evidence Reports should include analysis of employment need, local poverty, disadvantage and inequality, to highlight where future business and industry development would provide most benefit.</p> <p>Through the guidance Scottish Government wants to see LDPs set out proposals to meet requirements for employment land, infrastructure and investment in a way which supports a greener, fairer and more inclusive wellbeing economy.</p> <p>The guidance provides advice on land and premises for business and employment, including that plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs. It notes that in the past industrial and business areas have tended to be located at a distance from residential areas, but that as our economy continues to evolve, there may be scope for greater integration of work and living as inter-related land uses. This can help to tackle inequalities by providing more accessible, local job opportunities which reduce the need to travel. The guidance clearly sets out that spatial strategies and site allocations should factor this in.</p>
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	<p>Digital Infrastructure</p> <p>Evidence shows being older or disabled, living in a deprived area or living in social housing are risk factors for exclusion from access to digital services.</p> <p>The Scottish Government wants to ensure that no areas are left behind by closing the digital divide. The planning system should continue to support the roll-out of digital infrastructure across all of Scotland, ensuring that policies recognise the importance of future-proofing infrastructure provision whilst addressing impacts on local communities and the environment.</p> <p>Policies in LDPs should support the delivery of digital infrastructure, particularly in areas with gaps in connectivity and barriers to digital access.</p> <p>The guidance sets out that Evidence Reports could be informed by data on infrastructure capacity and planning investment including for digital and should identify where there are gaps in coverage to inform the facilitation of improvements in digital connectivity. The guidance indicates this may be informed by community group.</p> <p><b>Distinctive Places</b></p> <p>City, Town Commercial and Local Centres</p> <p>The SIMD data shows that centres across Scotland experience deprivation.</p> <p>The issues facing towns will be place specific. The guidance sets out the Evidence Report should be informed by town centre audits for each town centre to harness its strengths, support vitality and viability, tackle weaknesses and improve resilience. Local authorities should work with community planning partners, businesses and community groups as appropriate to prepare the town centre audit.</p> <p>The guidance indicates plans should set out how centres can address any significant changes in their roles and functions over time, where change is supported by a town centre strategy. LDPs should reimagine town centres and respond to challenges and opportunities arising for them to support social, economic and climate priorities. The guidance also highlights plans should identify opportunities or proposals to enhance town centres, based on the relevant strategy.</p>
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	<p><b>Vacant and Derelict Land and Empty Buildings</b></p> <p>The SVDL Survey shows people living in the most deprived areas are more likely to live close to derelict land, than those in least deprived areas. The guidance sets out LDP spatial strategies should aim to help regenerate areas blighted by vacant and derelict land and buildings by prioritising development on these sites.</p> <p>The reuse of vacant and derelict land and properties can contribute to climate change targets and support biodiversity, health and wellbeing improvements and resilient communities by providing much needed greenspace, growing spaces and other community benefits. The planning system should also prioritise the use of vacant and derelict land and properties including supporting temporary uses where proposals for permanent development are unlikely to be imminent. Reductions in the amount of vacant and derelict land can assist in the mitigation of its harmful effects on people’s health and wellbeing.</p> <p><b>Rural Places</b></p> <p>The evidence shows all indicators of economic activity are highest in rural Scotland. However remote rural areas, followed by accessible rural areas had the lowest rate of business openings.</p> <p>The guidance sets out that plans spatial strategies should support the sustainability and growth of rural communities and economies, and support new development in remote rural and island areas, where it can help support community resilience and sustain fragile populations. It sets out that spatial strategies should support growth of the rural economy, by promoting economic activity, innovation, and diversification while ensuring that the distinctive character of the rural area, the service function of small towns and natural and historic environment assets and cultural heritage are safeguarded and enhanced.</p> <p><b>Next Steps</b></p> <p>The draft Development Planning regulations and guidance cover areas highlighted in this assessment.</p> <p>To identify any potential improvements, we are undertaking a full consultation on the proposed regulations and draft guidance. At the same time we are also consulting and inviting views on this Fairer Scotland Duty Assessment and associated impact assessments (covering other societal and environmental matters) and interim Business and Regulatory Impact Assessment.</p>
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Local Development Planning Regulations & Guidance Consultation  
**Fairer Scotland Duty (FSD) Assessment**

	We will consider the comments received when finalising the regulations and guidance. We will also finalise the assessment in response to comments received and publish a revised assessment with the finalised regulations and guidance.
<b>Sign Off</b>	Name: Dr Fiona Simpson  Job title: Chief Planner

## **Local Development Planning Regulations & Guidance Consultation**

### **Strategic Environmental Assessment (SEA)**

Proposed Regulations – Pre-Screening Notification, and  
Draft Guidance – Screening Report

## SEA Pre-Screening Document

**Responsible Authority:**

Scottish Government

**Title of the plan:**

The Town and Country Planning (Development Planning) (Scotland) Regulations 2022

**What prompted the plan:**

(e.g. a legislative, regulatory or administrative provision)

The Planning (Scotland) Act 2019 sets out an integrated package of proposed improvements to the planning system.

**Plan subject:**

(e.g. transport)

Local Development Planning

**Brief summary of the plan:**

(including the area or location to which the plan related)

The Regulations provide additional procedural detail around the requirements set out in Planning (Scotland) Act 2019 for preparing local development plans across Scotland. The further detail in the Regulations is based on the broad principles that were outlined within the 2019 Act, and which was subject to Strategic Environmental Assessment (SEA). Certain aspects of existing Local Development Plan preparation procedures will be retained. There will be some updates to reflect changes in primary legislation, for example the removal of SDPs and references to Delivery Programmes. New requirements from the 2019 Act will be added, for example, the Regulations will outline procedures for the new Evidence Report and its assessment. These additions would not be expected to have environmental effects in their own right as they are more administrative in nature, covering the preparation process or what has already been outlined in the 2019 Act.

**Brief summary of the likely environmental consequences:**

(including whether it has been determined that the plan is likely to have no or minimum effects, either directly or indirectly)

As the Planning (Scotland) Act 2019 was subject to SEA and the principles of what was to be contained within the new LDP, it is our view the environmental impact of the package of proposed improvements to the planning system has already been determined. The additional level of detail contained in the new Regulations has therefore no or minimal environmental effects beyond those that were already established by the assessment of the 2019 Act. In addition, as individual LDPs continue to be subject to SEA, those environmental effects stemming directly from the plans themselves can still be captured.

**Brief summary of how environmental principles have been considered:**

(including whether any of the guiding principles, as set out in section 13 of the Continuity Act, are relevant to the plan)

The environmental principles are imbedded within SEA, ensuring relevant plans and programmes that are subject to SEA consider how best to avoid environmental damage and if damage does occur it is addressed. As the 2019 Act was subject to SEA the environmental principles would have been considered within this assessment. As the new Regulations have no or minimal environmental effects in their own right it is our view the original assessment ensures the principles are imbedded in the proposed regulations and draft guidance.

**Contact details:**

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**Date of opinion:**

7 December 2021

When completed send to: [SEA.gateway@scotland.gsi.gov.uk](mailto:SEA.gateway@scotland.gsi.gov.uk) or to SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ

SEA Screening Report  
Step 1 – Details of the Plan

Responsible Authority:

Scottish Government

Title of the plan:

Development Planning Guidance

What prompted the plan:  
(e.g. a legislative, regulatory or administrative provision)

The Town and Country Planning (Scotland) Act, 1997, as amended by the Planning (Scotland) Act, 2019, and The Town and Country Planning (Development Planning) (Scotland) Regulations.

Plan subject:  
(e.g. transport)

Local Development Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

**An SEA is required, as the environmental effects are likely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

**An SEA is not required, as the environmental effects are unlikely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

Contact details:

Carrie Thomson, Principal Planner, Planning & Architecture Division, Scottish Government. [Carrie.thomson@gov.scot](mailto:Carrie.thomson@gov.scot)

Date:

7 December 2021



## STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

### Context of the Plan:

The Town and Country Planning (Development Planning) (Scotland) Regulations, when they come into force, will outline the procedural requirements for preparing a Local Development Plan (LDP). The Development Planning Guidance is designed to support Planning Authorities by offering greater clarity on what they are expected to do within the preparation of the LDP and highlighting the relevant policy requirements.

### Description of the Plan:

The guidance will be a reflection of the statutory requirements as set out in the Planning (Scotland) Act 2019 and the new Town and Country Planning (Development Planning) (Scotland) Regulations, as well as the National Planning Framework 4 (NPF4) once approved and adopted.

### What are the key components of the plan?

The guidance is structured in three sections, each fulfilling a different purpose:

- **Section 1** sets out the overall aims and expectations for new style plans. It provides key messages of what they should be like in the future.
- **Section 2** sets out the process of how to achieve a new style plan. It covers the legislative requirements, how these are met and responsibilities of stakeholders.
- **Section 3** sets out guidance on how new style plans are expected to implement the National Planning Framework 4 (NPF4) policies for the development and use of land.

### Have any of the components of the plan been considered in previous SEA work?

The Planning (Scotland) Act 2019 was subject to SEA in 2017 and the National Planning Framework 4 (NPF4) is currently out for consultation and has been subjected to SEA.

### In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:

The principles of what is to be contained within a LDP has already been subject to SEA; the development planning guidance sets out advice for Planning Authorities on implementing current and anticipated statutory requirements as well as in implementing aspects of the future National Planning Framework. It is this advice that is the subject of this screening.

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND  
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Error! Reference source not found.)**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Development Planning Guidance	x	x	x	x	x	x	x	x	x	x	<p>The principles of what is to be contained within an LDP has already been subjected to SEA through the assessment of the 2019 Act and through the assessment of the draft NPF4 which has been laid in the Scottish Parliament for consideration. This non-statutory guidance is designed to offer consistency in the preparation process of a LDP and clarity for planning authorities around the evidence report stage and how to undertake the preparation of the proposed plan and associated documents. It is therefore our view that the guidance will not have significant environmental effects in its own right.</p>	<p>As the principles of what has to be contained within a LDP will be set out in legislation and within the finalised NPF4 once approved and adopted, the scope for environmental effects from this non-statutory guidance is in our opinion limited. The guidance offers a broad description of what is expected at each stage of LDP preparation against the full spectrum of policy areas. As the LDP preparation would also be subject to statutory SEA requirements the environmental effects from the guidance would be extremely limited and is not expected to be significant.</p>

## STEP 4 – CONSIDERATION OF ENVIRONMENTAL PRINCIPLES

### **Summary of how environmental principles have been considered:**

(including an outline of how the guiding principles, as set out in section 13 of the Continuity Act, are relevant to the plan)

As both the 2019 Act and the draft NPF4 have been subject to SEA the environmental principles are heavily embedded in planning policy already. A meaningful SEA can address the environmental principles and ensure the aims to; protect the environment; adopt the precautionary principle; seek to prevent environmental damage, prepare to address environmental damage and polluter should pay are adopted into policy.

## STEP 5 – STATEMENT OF THE FINDINGS OF THE SCREENING

### **Summary of interactions with the environment and statement of the findings of the Screening:**

(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

It is our opinion that the Development Planning Guidance will have no significant environmental effects. This opinion is based on the limited scope for the guidance, to have environmental effects in its own right, that have not already been considered within the assessment of the 2019 Act and the draft NPF4. In addition as every LDP in Scotland will be subject to SEA the environmental effects from the delivery, on the ground, of these planning policies will be captured meaningfully at a local level and steps taken to avoid, minimise or offset adverse effects or enhance positive ones can still be taken.



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The Scottish Government  
St Andrew's House  
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ISBN: 978-1-80201-853-0 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS994319 (12/21)

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