
NORTH AYRSHIRE COUNCIL

16 June 2021

Planning Committee

Title:	Local Place Plans – proposals for regulations
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Purpose:	To update Members on the introduction of Local Place Plans and seek approval for a response to the consultation on proposed regulations for their implementation.
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Recommendation:	Approve the proposed response to the consultation on proposals for Local Place Plan regulations set out in Appendix 1.
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1. Executive Summary

- 1.1 The Planning (Scotland) Act 2019 introduces a new right for communities to produce Local Place Plans (LPPs). The aim of LPPs is to enhance engagement in development planning by empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land. In preparing a Local Development Plan, planning authorities must take into account registered Local Place Plans.
- 1.2 Proposals for regulations on the content, preparation, submission and registration of LPPs have been published for consultation. Following the consultation, it is expected that this secondary legislation to govern the implementation of LPPs will come into force at the end of 2021, allowing community bodies to formally begin preparation of such plans.
- 1.3 Local Place Plans will be community-led but have the potential to be supported in their development and delivery by the public and third sectors. While the consultation focuses on provisions for the detail relating to preparing LPPs, the proposed response set out in Appendix 1 outlines additional observations on the practicalities of how the preparation of Local Place Plans will be resourced and brought forward in a timeous manner to inform the next Local Development Plan.

2. Background

- 2.1 The Scottish Government is consulting on proposals for regulations on Local Place Plans (LPP) as part of an ongoing programme of planning reform and the implementation of the Planning (Scotland) Act 2019. Improving community involvement and early and effective engagement in the planning process was a key aim of planning reform from the outset. Local Place Plans are a central part of delivering this and one of the most significant changes to the planning system.

- 2.2 Local Place Plans were introduced by the Planning (Scotland) Act 2019 and are a proposal as to the development or use of land prepared by a community body. That is either a community-controlled body within the definition given in the Community Empowerment (Scotland) Act 2015 or a community council established in accordance with the Local Government (Scotland) Act 1973. Local Place Plans may also identify land and buildings that the community body considers to be of particular significance to the local area and set out reasons for considering that the LDP should be amended.
- 2.3 The proposals for regulations cover potential further requirements in relation to LPP, over and above those set out in the Planning (Scotland) Act 2019, including: any additional matters that community bodies should have regard to; the form and content of LPPs; steps to be undertaken before preparing LPPs; how to take into account the views of councillors; and steps to be undertaken when submitting LPPs. In addition, local authorities will be required to keep a register of these plans in a prescribed manner and take them into account when preparing their LDPs.
- 2.4 The proposed regulations seek to strike the balance between providing a robust framework for the development and consideration of LPPs and a light-touch approach to legislation which allows for flexibility to suit local circumstances and avoids imposing unnecessary financial and administrative burdens on community bodies, recognising that community bodies are likely to be staffed wholly, or in part by volunteers. The main proposals and questions set out in the consultation are as follows:

Other prescribed matters

- 2.5 The provisions introduced by the 2019 Act require the community body to have regard to the National Planning Framework and the Local Development Plan when preparing an LPP. However, it also provides for Ministers to set out any other matters they consider community bodies should additionally be required to have regard to.
- 2.6 It is proposed that community bodies should also have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan. This would create a link between spatial and community planning at the local level; potentially create efficiencies, reduce duplication and prioritise resources; and help avoid confusion should LPPs have different priorities to Locality Plans. The question is asked whether community bodies should also have regard to Local Outcome Improvement Plans.

Form and Content of the Local Place Plan

- 2.7 The Act requires the community body to comply with any prescribed requirements as to the form and content of an LPP. It is proposed that the LPP should include two elements:
- a statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan; and
 - a map of the area covered by the Local Place Plan, which must be annotated to provide the boundary.

- 2.8 This is considered the minimum required to allow for the community body to express to the wider community and the planning authority what is being proposed without being overly prescriptive on community bodies. Consideration is given to additional information being submitted to support the LPP, for example to assist its registration by the planning authority.

Engagement and Consultation

- 2.9 The Act requires the community body to comply with any prescribed requirements as to steps which must be taken before preparing the plan. One such potential step is requiring consultation before a plan is made and the consultation asks whether or not there is a need to impose a legal requirement to consult before preparing an LPP and, should a legal requirement be put in place, what the minimum requirements should be.
- 2.10 The regulations are also required to set out steps which must be taken by a community body before submitting a local place plan. The proposals consider whether some form of consultation on the proposals that have been worked up into the LPP should be included at this stage and the form of any such requirement.

Views of Councillors

- 2.11 A community body must comply with any prescribed requirements as to how the views of councillors for the area to which the LPP relates are to be taken into account in the preparation of the plan. Local councillors might be able to draw on their experiences of representing people in the area or act as important intermediaries for community bodies as they seek to prepare or garner support for their LPP. It is therefore proposed that the community body should seek the views of ward councillors when preparing the LPP.

Information to submit alongside a local place plan

- 2.12 With regard to additional information that should be submitted alongside an LPP, it is proposed that, in addition to the LPP itself, the community body should submit a statement on how it has complied with the legal requirements. Consideration is given to whether there are other matters which could be included, for example, a description of the community body's evidence base gathered in preparing the plan and how its proposals are to be delivered, by whom and what timeframe however it is not proposed that these additional matters should be included in the legislation.

Register and map of Local Place Plans

- 2.13 Planning authorities are required to maintain a register of LPPs. When a valid LPP (that is, one in relation to which all statutory requirements have been complied with) is submitted to them, a planning authority must include it in their register and inform the community body that it has been registered. If the planning authority consider the LPP is not valid and therefore decide not to register it, they must give their reasons to the community body. The consultation considers the manner a register must be kept and made available; information about an LPP to include in the register; the removal of LPPs from the register and making the Local Place Plan map available.
- 2.14 A full draft response to these proposals and questions is set out at Appendix 1 for the consideration and approval of Members.

3. Proposals

- 3.1 It is proposed that the Planning Committee notes the progress on the implementation of provisions for Local Place Plans and approves the proposed response to the Scottish Government's consultation on Proposals for Regulations on Local Place Plans, set out in Appendix 1.

4. Implications/Socio-economic Duty

Financial

- 4.1 The financial implications to the Council of the introduction of Local Place Plans will largely be determined by the assistance that is made available to support their preparation as it will be for community bodies – not the Council – to prepare Local Place Plans within the regulatory framework. It is unclear on the assistance requirements that Government may specify and how this will be resourced. A Partial Business and Regulatory Impact Assessment undertaken by Scottish Government for the proposed regulations assumes that the average cost of preparing an LPP will be in the region of £15,000, however, defining the cost of preparing LPP is challenging: LPPs are likely to vary in cost depending on several factors, including their scope; the capacity of volunteers involved in preparing them; and the availability of assistance.

Human Resources

- 4.2 As above, the human resource implications of the introduction of Local Place Plans will largely be determined by the assistance that is made available to support their preparation by community bodies.

Legal

- 4.3 The regulations will give effect to a new right for communities to produce Local Place Plans (LPPs) under the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019). Included within the legislation are certain requirements for the Council as local planning authority, including the requirement to register valid Local Place Plans and to take into account any registered Local Place Plans in preparing the Local Development Plan.

Equality/Socio-economic

- 4.4 A Partial Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) has been undertaken by the Scottish Government on the proposals. It has identified either positive or no policy impacts on each of the protected characteristics through enhancing the opportunities for engagement in shaping the places that people work and stay.

Environmental and Sustainability

- 4.5 The focus of the regulations is to provide the administrative provisions for the development of LPPs. It is considered the legislation would have no or minimal environmental effects once implemented.

Key Priorities

- 4.6 Local Place Plans can support the Council's priority of active and strong communities by providing community bodies with the opportunity to set out proposals for the development and use of land which in turn can support the creation of inspiring places which are vibrant, welcoming, attractive and sustainable.

Community Wealth Building

- 4.7 Local Place Plans provide an opportunity for community-led approaches to shaping the places that people work and stay. They can support our Community Wealth Building objectives and our Regeneration Delivery Plan ambitions by maximising all of our land and assets, including through alternative uses for community and business benefit.

5. Consultation

- 5.1 This paper responds to a Scottish Government consultation on proposals for secondary legislation which will cover the content, preparation, submission and registration of Local Place Plans. To inform this response, Planning Services and Connected Communities have worked together, holding a workshop with Community Planning partners on 12 May 2021. A further session with community representatives is proposed to inform a separate but aligned Community Planning Partnership response ahead of the consultation deadline on 25th June 2021.

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For further information please contact **Alistair Gemmell, Strategic Planning Manager**, on **01294 324021**.

Background Papers

Proposals for Regulations on Local Place Plans: [Local place plans - proposals for regulations: consultation - gov.scot](#)

Proposals for Regulations on Local Place Plans – North Ayrshire Council Response

North Ayrshire Council supports the introduction of Local Place Plans under the Planning (Scotland) Act 2019 and the principle of improving community engagement and building public trust in planning and placemaking.

Our own approach to community planning, focused on six localities within North Ayrshire, is founded in part on the Place Principle, which promotes a shared understanding of place, the need to take a more collaborative approach to a place's services and assets to achieve better outcomes for people and communities and the need to work and plan together, and with local communities, to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.

Land is key asset within a place and Local Place Plans have the potential to support the Council's priority of active and strong communities by providing community bodies with the opportunity to set out proposals for the development and use of land which in turn can support the creation of inspiring places which are vibrant, welcoming, attractive and sustainable. In providing an opportunity for community-led approaches to shaping the places that people work and stay this can also feed into our Community Wealth Building objectives, supporting the wider regeneration of communities in North Ayrshire by maximising all of our land and assets, including through alternative uses for community and business benefit, addressing economic and health inequalities.

From a pragmatic point of view, however, there are potential pitfalls and a number of practical issues to be resolved. Local Place Plans must be underpinned by collaboration and potential conflict avoided, for example by avoiding unrealistic expectations of what Local Place Plans can achieve in a world of competing interests. It is important that LPPs support, rather than undermine, the Local Development Plan (LDP) as a statutory decision-making document.

Before responding to the detail of the Proposals for Regulations on Local Place Plans consultation and the questions there-in, we would wish to highlight two key, interlinked, issues that will impact on the successful implementation of LPP.

Firstly, timing. If local communities are to be able to inform Local Development Plans, they require to be prepared in advance of, at the latest, the Proposed Plan stage of LDP preparation. This immediately places a time pressure on the preparation of LPPs by community bodies, particularly in areas like North Ayrshire where we would seek to commence preparation of a new Local Development Plan as soon as the relevant regulations come into force, expected to be spring/summer 2022. There is a danger the LPP – rightfully giving communities the opportunity to prepare an LPP – may delay this process.

Secondly, and linked to the issue of timing, is resources, including financial and local authority staff resource. The partial Business and Regulatory Impact Assessment undertaken by Scottish Government for the proposed regulations assumes that the average cost of preparing an LPP will be in the region of £15,000. If there is significant uptake of the right to prepare an LPP for the reasons outlined above, may be a short period of time (2-3 years), this could amount to a significant sum of money.

It is important that all communities have the opportunity to prepare a Local Place Plan, not only those best placed to do so with regard to available skills and resources. As we seek to improve social capital, support for communities and co-production is at the heart of everything we do, however, supporting numerous communities to prepare Local Place Plans at the same time could impose significant pressures in terms of staff resources of both our Strategic Planning and Connected Communities teams.

We would therefore request that Scottish Government consider these points in addition to our response to the specific questions posed below.

1. Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

Yes. We agree that the secondary legislation should require community bodies to have regard to published Locality Plans, where such plans are in place, when preparing an LPP. This would be in addition to the National Planning Framework and Local Development Plan, as set out in the primary legislation.

This requirement will strengthen the link between spatial and community planning at a local level, help build relationships between community bodies and other community planning partners and help avoid potentially confusing contradictions between different plans. To maximise the potential to create efficiencies, reduce duplication and prioritise resources, community planning partnerships and community bodies may wish to go further and integrate Local Place Plans and Locality Plan and this approach could usefully be covered in guidance.

2. Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

While we agree that the regulations should avoid being overly prescriptive and potentially onerous, it is considered that the regulations should include the requirement for community bodies to also have regard to Local Outcome Improvement Plans (LOIP).

This recognises that not all areas have Locality Plans; that sometimes Plans may be out-of-date; would help avoid contradictory plans and encourage wider alignment and buy-in to the process. The Proposals for Regulations note that in having regard to both the NPF and LDP a wide range of national and local plans, strategies and projects will be considered and reflected in LPP and, that under the Act, Local Development Plans will be required to consider any Local Outcome Improvement Plan (LOIP) for its district going forward. However, the first generation of Local Place Plans being prepared next year will be prepared ahead of these requirements being reflected in adopted LDPs.

It is likely, for any given area, there will be other relevant policies, plans and strategies produced – or in preparation – by the local authority and community planning partners or bodies, for example community led action plans prepared by community trusts. It is acknowledged that capturing all of these within the secondary legislation would be difficult, but this shouldn't distract from the importance of encouraging Local Place Plans to fully understand the local context and to engender 'collaboration rather than conflict'.

3. Do you agree with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary?

We agree that a statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan and a map of the area covered by the Local Place Plan, annotated to provide the boundary should be the minimum required to allow for the community body to express to the wider community and the planning authority what is being proposed. Such statements should be clearly expressed and LPPs should be well-structured and visual, using graphics, photographs and maps. Guidance, best practice and potentially templates will be important in supporting community bodies with the form and content of LPP.

The Proposals consider the potential role of 'additional information' being submitted alongside the LPP, for example to assist its registration by the planning authority. It is considered simpler, however, if a distinction is not made between the LPP and 'other information', for community bodies, the wider community, community planning partners and the planning authority. This would avoid any potential misunderstanding over what constitutes part of an LPP and what does not.

On this basis, in line with our comments in relation to engagement and consultation below, we consider the regulations on the form and content of an LPP should also extend to the inclusion of a description of the consultation activities that have been undertaken (including with local councillors) and how this consultation has informed the LPP.

- 4. Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?**
- 5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?**
- 6. Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?**
- 7. If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?**
- 8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?**

Responding to questions 4 to 8 together, we consider there should be a statutory basis which requires community bodies to undertake consultation on Local Place Plans.

This requirement would signal the clear intent that Local Place Plans are to be based on evidence of a community's views (not just the community body preparing the LPP) and, as stated in the Proposals for Regulations, the very nature of requiring engagement in the early stages of preparing an LPP will provide a clear steer to community bodies of the importance of ensuring that the LPP is based on a robust evidence base of the wider community's aspirations, including those who are not generally heard or whose voices can be ignored.

The Proposals for Regulations consider engagement in the context of potential prescribed requirements as to the steps to be taken *before* preparing the Local Place Plans (Sch. 19, Para 1(4)(c)(ii)); the steps which must be taken before *submitting* a local place plan (Sch. 19, Para 2(1)(a)) and how the views of councillors for the area to which the local place plan relates are to be taken into account (Sch. 19, Para 2(1)(c)).

Rather than specifying minimum requirements for consultation and engagement, for example (as per Q.6) that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP, we propose that the minimum requirements of what an LPP contains should include a description of the engagement and consultation activities, including with the wider community and local councillors, that have been undertaken and how this consultation has informed the LPP. This would embed the requirement to undertake engagement and consultation into the LPP process, and consider the outputs from such activity, without being prescriptive as to what form this should take, allowing community bodies to adopt an approach that best suits local circumstances.

Additionally, we consider there should be a statutory requirement for community bodies to engage with local authorities in developing their LPP, be this through an inception meeting (or similar) at the start of the process or a more involved, collaborative approach to the preparation of an LPP, with an inception meeting at the start of the process being a minimum requirement. The local authority would have to take into account any additional resource requirements arising from such measures.

This approach would align with the collaborative spirit of the legislation and could have multiple functions, including: confirming the body preparing the LPP is a community body; avoiding the potential situation of two community bodies seeking to prepare an LPP for the same area; maximise the opportunities to create efficiencies, reduce duplication and prioritise resources; signposting the relevant policies, plans and strategies that the community body should have regard to, acknowledging it could be difficult for community groups to be aware of all relevant partner plans and community-led plans; and providing guidance on consultation and guidance and the potential support and resources available to prepare LPP. Such a meeting would also alert the planning authority to expect an LPP for a specific area.

9. Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than being submitted separately. The validation of LPP should be a collaborative endeavour between the community body and the local planning authority. This collaborative approach will hopefully avoid any potential conflict between both parties, which may put local Members in a difficult position. Rather than requiring the community body to submit a statement on how it has complied with the legal requirements, we would favour the development of a validation framework to support the evaluation of Local Place Plans by both community bodies and local planning authorities.

Guidance on the preparation and form and content of LPP, which could include a template, would further assist community bodies to ensure the plans they prepare and submit to local planning authorities complied with the legal requirements.

10. Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?

Agreed. We envisage that a register and map of registered Local Place Plans would be held on the Council's website.

11. Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

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

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

13. Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

LPP should be removed from the register if they have been superseded or if a community body is satisfied for them to be so, rather than the local planning authority making that decision. Even after they have been taken into account in the LDP, LPP may remain valid as an expression of a community body's proposals for the use and development of land. As it would be preferable if older, out-of-date LPP were removed from the register, it is proposed that at the start of each plan preparation cycle (i.e. when the Local Planning Authority, in accordance with Section 15A of the Act, publishes an invitation to local communities in their district to prepare local place plans), community bodies would be required to confirm whether an existing LPP should remain on the register. The planning authority could remove an LPP from the register if no confirmation that it should be retained is given.

14. Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?

Agree