

# Planning Committee

2.00pm, Wednesday, 19 May 2021

## Scottish Government Consultation on Proposals for Regulations on Local Place Plans – the City of Edinburgh Council Response

Executive/routine Wards Council Commitments	Executive All <a href="#">1, 2, 4, 10, 11, 12, 18, 26</a>
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### 1. Recommendations

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- 1.1 It is recommended that Committee:
- 1.1.1 Notes the Scottish Government's Proposals for Regulations on Local Place Plans;
  - 1.1.2 Approves the proposed response to the consultation (Appendix 1) setting out the Council's support for the proposed regulatory principles of Local Place Plans, subject to the consideration of how this community work will be resourced; and
  - 1.1.3 Agrees that the proposed response be submitted to the Scottish Government by 25 June 2021.

**Paul Lawrence**

Executive Director of Place

Contact: Iain McFarlane, Programme Director City Plan

E-mail: [iain.mcfarlane@edinburgh.gov.uk](mailto:iain.mcfarlane@edinburgh.gov.uk) | Tel: 0131 529 2419

## Scottish Government Consultation on Proposals for Regulations on Local Place Plans – the City of Edinburgh Council Response

### 2. Executive Summary

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- 2.1 The purpose of this report is to seek approval for a supportive response to the Scottish Government's Proposals for Regulations on Local Place Plans as set out in Appendix 1.

### 3. Background

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- 3.1 Local Place Plans (LPPs) were introduced by the Planning (Scotland) Act 2019. This states that LPPs would contain the community's proposals for the development and use of land, providing a new opportunity for communities to proactively feed into the development planning system.
- 3.2 The provisions on LPPs in the 2019 Act are not yet in force, and the timing of their commencement is still to be confirmed.
- 3.3 Section 15A of the Planning (Scotland) Act 2019 Act states that, before preparing a Local Development Plan (LDP) under the provisions of the 2019 Act, the Local Planning Authority (LPA) is to publish an invitation to local communities in their district to prepare LPPs (although Community Bodies are able to prepare an LPP at any time). LPAs must also provide information on the manner and date by which such LPPs are to be prepared in order to be taken into account in the preparation of the LDP, as well as details on the assistance available for local communities to prepare LPPs.
- 3.4 The process underway for City Plan 2030 is not subject to this requirement as the secondary legislation for revised LDP procedures and LPPs themselves is not yet in place. City Plan 2030 provides for LPP work on a policy basis rather than a statutory one.
- 3.5 In preparing an LPP, a community body must have regard to the National Planning Framework and LDP (and leaves it to subsequent regulations to specify further matters that must be considered, including the views of Councillors, as is now being consulted upon ahead of drafting these regulations). If Community Bodies consider

their LPP should differ from an LDP they must set out reasons why and how the LDP should be amended accordingly.

- 3.6 The 2019 Act additional states that LPPs must comply with requirements relating to the form and content of the plan as well as the steps to be taken before preparing it. The Act also sets out steps for submitting LPPs to the LPA to consider their validity. Each of these steps are matters that are the subject of the proposed secondary legislation being consulted upon.
- 3.7 Finally, the 2019 Act sets out the high level requirement that every planning authority must keep a register of valid LPPs (which they must take account of when preparing new LDPs), however, further details of this registration process and what constitutes a valid LPP are matters now being consulted upon.
- 3.8 Council officers have been working with a number of communities in Edinburgh supporting early development of LPPs. Most notably in Wester Hailes, which has also been supported by the Scottish Government to support design and community consultation towards producing an interim place plan report.

## 4. Main report

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- 4.1 The Scottish Government seeks comment on the proposed measures for LPPs.
- 4.2 There are 14 specific proposals on which the Scottish Government is consulting (and four further questions regarding associated impact assessment). These questions are contained in Appendix 1 to this report, however in broad terms they relate to the *preparation, content, submission* and *registration* of LPPs. Appendix 1 also includes a recommended response for each question.
- 4.3 In summary however this report is generally supportive of the proposals set out in the consultation.
- 4.4 Alongside the current consultation, the Scottish Government has produced a draft '[how-to guide](#)' for communities with information on about LPPs as well as the process for preparing and delivering them. This guide covers interactions with the planning process; however, this is not the main focus of the guide. It does, however, encourage LPPs to reflect LDPs and National Outcomes in LDPs to produce more effective LPPs.
- 4.5 The Council has been supportive of the principle of LPPs in the Choices for City Plan process and this response gives supportive feedback on how the Scottish Government should allow for the forming of LPPs in more detail.
- 4.6 A point raised in respect of the introduction of LPPs in the 2019 Act is that there could be more than one LPP which would apply to some or all of an area of land. The proposals requirements for community and councillor consultation and the Act's provisions for the need to have regard to the LDP and the National Planning Framework should provide for an appropriate context for assessing any competing proposals.

- 4.7 The detail of this should address the question of resources. In terms of staffing and finance, Local Authority Planning Services do not currently have capacity to assist with what could be considerable resource demands, given the number of LPPs that could come forward. The Summary Costs and Benefits section of the proposals (p39-40) suggests that the overall costs for community groups across Scotland may be in the region of £1.4m to £1.5m per annum. This is based on estimates of costs for neighbourhood plans made under legislation in England (averaging £13,000 per plan and community action plans in Scotland, averaging £17,000 per plan, with an assumption of £15,000 per LPP. As City of Edinburgh has 46 community councils and other community bodies constituted under the Community Empowerment legislation can make LPPs, this could have significant implications if demand for assistance and resources fell to the Council. The proposals as drafted could lay a significant financial and resource burden on local authorities unless the Scottish Government provides funding to support LPPs, either directly to community organisations or directly to local authorities. The regulations should provide for this.

## **5. Next Steps**

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- 5.1 Subject to approval of the proposed response this will be submitted to the Scottish Government as the Council's formal response on this consultation by 25 June 2021. Officers will continue to promote these principles to the Government, including through any post-consultation process which follows.

## **6. Financial impact**

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- 6.1 This report has no direct financial impacts. However, as noted in paragraph 4.6, the Council does not current have resources to support local bodies to work on LPPs.

## **7. Stakeholder/Community Impact**

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- 7.1 The content of the Position Statement has been arrived at through engagement with stakeholders throughout 2020 and the Government now seeks comment on it.
- 7.2 The Scottish Government's proposals are clearly set out and communicated, allowing all stakeholders the opportunity to comment further.
- 7.3 There are no direct sustainability impacts arising from this report.
- 7.4 Any required assessment of impacts should be addressed by the Scottish Government and/or through the LDP process.

## **8. Background reading/external references**

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- 8.1 [Scottish Government Proposals for Regulations on Local Place Plans](#)

## **9. Appendices**

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- 9.1 Appendix 1 – Draft Response to the Scottish Government’s Proposals for Regulations on Local Place Plans.

## **APPENDIX 1 - Response to the Scottish Government's consultation on Local Place Plans**

### **Matters that LPPs should take into account**

- 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? Scottish Government is also interested in consultees' views on the value of extending this to the Local Outcome Improvement Plan (LOIP) where a Locality Plan is not in place.***
- 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?***

It is recommended that the Council supports proposal 1 (and taking account of LOIP where locality Plans are not in Place) as this would more comprehensively ensure LPPs have regard for community views and priorities expressed through these existing documents. Edinburgh has four 'Locality Improvement Plans' (LIPs) which are effectively the same in their function and statutory basis in the Community Empowerment (Scotland) Act 2015. Since they have a marginally different title to the 'Locality Plans' referred to in this consultation then is recommended the Government's finalised proposals are worded to cover all documents prepared under the Community Empowerment (Scotland) Act 2015 to ensure the LIPs are covered.

### **Form and Content of the Local Place Plan**

- 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?***

It is recommended that the Council supports this proposal as it ensures LPPs provide clear and defined 'planning' outputs that can be considered in LDP preparation. Without these, there is a risk that LPPs may contain general statements that could be misunderstood or difficult to apply when preparing LDPs in term of formulating proposals, policies and land use mapping.

### **Steps to be taken before preparing the Local Place Plan**

- 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?***

It is recognised that some forms of community engagement can involve considerable resources which may be difficult for community bodies, even if some assistance were available. A degree of flexibility in the approach to engagement is also encouraged to account for the local circumstances. Consequently legislative requirements should not be excessively onerous or prescriptive and should make reference to how resources are provided to eligible local community bodies.

Notwithstanding this, LPPs should still represent the communities they serve so this report supports a legal requirement for community bodies to seek the views of local stakeholders to inform LPPs.

In recognition of both these points above, it is recommended that legislation require that, prior to preparing LPPs, community bodies must draft a proposed scheme of stakeholder engagement setting out the engagement it proposes to undertake. This scheme of engagement should then be submitted to the LPA for their approval. Thereafter a statement and evidence of conformity with the scheme must be submitted to the LPA alongside the final LPP. This statement should also set out the points of representation made to the body and how these were addressed in the LPP (and, if they were not accounted for in the LPP, why this was the case).

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?***

If the proposed approach to engagement as set out in response to questions 4 and 5 is undertaken then consulting on a draft version of the LPP would be less imperative given stakeholder views will have had their views considered prior to drafting the LPP and that any views not accounted for in the LPP would have to be justified.

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

Yes. As elected representatives of the communities of the relevant ward (or multiple wards for LPP areas spanning more than one ward) then Councillors should be invited to provide their views.

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

Yes. See answer to questions 4 and 5 above.

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?***

This report is broadly supportive of this proposal given the same principles of accessibility and transparency of information should apply to a register of LPPs as apply to other registers.

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?***

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

It is important information for the public to be able to see this additional information as it is important for demonstrating that LPPs are representative of an area's stakeholders. All the additional information required under legislation should be available on the register.

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

LPPs should only be considered for removal from the register where the entirety of the LPP has been fully taken into account in an adopted LDP. In all other circumstances LPPs should remain on the register as these LPPs may serve as a source of information in decision making.

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?***

This report is broadly supportive of this proposal given all types of registers should benefit from the same principles of clarity and ease of use that come with the mapping where this is possible.

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

The Business and Regulatory Impact Assessment makes reference to potential costs of £1.3M to £1.5M per annum for making LPPs but does not indicate how these might be resourced. Using the base for these costing set out at some £15,000 per LPP, given that City of Edinburgh has 46 Community Councils and other community bodies, this could result in over £500,000 in costs. Therefore the regulations for LPPs should cover how these are to be funded and there should be no cost impact on Local Authorities.

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

No.

- 17. Please give us your views on the Fairer Scotland Duty and Strategic Environmental Assessment [SEA] screening documents and our conclusion that full assessments are not required.**
- 18. If you consider that full assessments are required, please suggest any information sources that could help inform these assessments?**

The Council agrees that full assessments should not be required for LPPs, unless they include significant proposals not considered through the LDP process and that are likely to come forward before the next LDP review and its assessment processes. In such cases reference to the SEA Gateway screening process and potential for SEA should be made, including with reference to how this would be resourced.