

Response ID ANON-K1W3-KE74-1

Submitted to **Local Place Plan Regulations consultation**

Submitted on **2021-06-25 17:07:06**

Questions

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

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

The SPF agrees that any proposal from community bodies should have regard to any Locality Plan that is in place as this should create efficiencies, reduce duplication, and prioritise resources.

It would also be of assistance to community bodies if the local authorities provide a list of any Locality Plans and Local Outcome Improvement Plans that should be taken into consideration.

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

Yes

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

Community bodies should be accepting of a need for change impacting on their community, e.g., development coming forward within their locality, and embrace this in the creation of their local place plans. They need to understand the strategy of current long term development plans, the factors impacting on viability of developments and that profit is vital for developers.

In accordance with the Planning (Scotland) Act 2019 (the 2019 Act), the LPP should also take account of the adopted local development plan for the land, or any part of the land, to which the local place plan relates, and the National Planning Framework.

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

Yes

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

This should assist communities in focusing on the area in question and setting the proposals for that area and assist in having regard to the plan in producing the Local Development Plan.

The SPF considers that it would be helpful if the Scottish Government provided a template and a standard structure for the LPP. As with LDPs, LPPs could vary in document size, levels of content and detail with some LDPs being easy to read, simple plans and others coming in numbered volumes.

It is also important that LPPs contain a statement on delivery and implementation. There should be a checking process in place to ensure that the proposals contained in the LPPs are realistic and deliverable. Including a statutory requirement in the LPP will help to ensure that community bodies have considered the practical issues of funding, resourcing and timescales.

4 Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?

Yes

Please comment on your answer:

It is essential to the robustness and credibility of the LPP process that it is properly prepared and representative. Setting these requirements out in regulations will provide clarity to community bodies and help ensure consistency in approach.

It is important that all members of the community are given the opportunity to engage and provide their views. There is a risk that community bodies become focused on a single issue that is not necessarily representative of their wider community. While we understand that LPPs should give reasons why an LDP should be amended, our members are firmly of the view that LPPs should be required to consider community planning but that the statutory LDP agreed by the elected local authority as representatives of the local community should be the primary focus.

There is also a risk of groups possessing different objectives at odds with each other and there needs to be a robust process to deal with any such conflict of views. It is also important to consider that well intentioned policies can run the risk of being misused. It will be important to ensure a proper system of checks and balances that reduce the significant processes that are already built into development plan preparation in particular. The clear focus should be on the Local Development Plan as the key local process for implementing private and public development.

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

Please explain your view:

Our members would recommend a legal requirement for community bodies to confirm they have consulted with the local community, set out the issues raised in the consultation process, and how they intend to respond. A statutory consultation requirement is likely to help provide structure to the to the local place plan making process.

Our members are firmly of the view that there should be robust community engagement with all members of the community through an inclusive process. It might be helpful if guidance was given as to who community bodies should consult with as a minimum. The SPF considers that it should be a statutory requirement to notify:

- the local planning authority
- the landowner of any land affected by the LPP
- owners of adjoining land
- relevant community councils
- councillors representing the electoral ward in which the LPP is situated

The statutory pre-application consultation process which requires applicants to host a public event could be similarly adopted for the LPP process. This would not increase the burden on community bodies as they should be consulting with local communities on the draft LPP, and this process is generally well understood. Whilst not wanting to place too many requirements on the community body in the preparation of an LPP, the Scottish Government could provide a simple template which included questions that had to be answered. As per the requirements for the statutory Pre-Application Consultation Report, community bodies should also be required by law to set out how they have responded to the comments made, including whether, and in what way, the LPP proposals have changed as a result of the consultation.

6 Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?

Yes

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

If the intent is that the LPP belongs to the local community it should be demonstrated that once the LPP has been prepared that there has been a process of consultation prior to submission and registration.

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?

Please explain your view:

It will be important to try to promote equality in the community engagement process. People are more open to collaborate in the LPP if they know what is involved and there is a clear shared purpose and vision. The effect of the COVID-19 pandemic has shown that internet access has been crucial for pre-application engagement. Better use of digital technology, such as social media, online forums and recording/streaming processes online has helped to gain insights from those who would not normally attend a face-to-face community public event. In view of this, the SPF suggests that the draft LPP should also be available in digital format and shared on local online groups and social media.

For those who do not have access to the internet it will be important to have other methods of consultation in place to avoid these people being significantly disadvantaged. We therefore recommend that community consultation should include both online and face-to-face (where possible) public consultation events.

As a minimum requirement LPPs should be subject to similar consultation requirements as major planning applications, i.e., two public events and an online consultation. This will help ensure LPPs benefit from the same level of public consultation as other elements of the planning process.

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

No view

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

See answer to Q5

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

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

This should help ensure the legal requirements are met. If issues are identified during the preparing of the statement of compliance, they can ensure any compliance issues are identified during the plan making process.

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

Yes

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

It could also be helpful LPPs were available on planning authority websites alongside the LDP and linked to the National Planning Framework.

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?

No

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

LPPs should be capable of being read and understood on their own terms. Supporting or additional information should not be treated as being the same or part of the LPP, unless it forms part of the LPP itself.

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

Please explain your views:

The Register should include details of the community body (with contact details); the geographic area the plan relates to, and the date it was approved.

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?

No

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

This provides evidence of consultations with local communities and provide evidence that the views of those consulted have been considered. There could be some consultation as to when it could be removed with the community body. However, as stated above, it remains our members firm view that while LPPs should give reasons why an LDP should be amended, the statutory LDP agreed by the elected local authority, as representatives of the local community, should be the primary focus.

There will need to be some form of adjudication process should the Community body and planning authority not agree that an LPP has been taken into account on an LDP.

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

Yes

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

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

Please explain your view:

No comment

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

Please explain your view:

No comment

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

Please explain your view:

No comment

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

Please explain your view:

No comment

About you

What is your name?

Name:

Mandy Catterall

What is your email address?

Email:

mcatterall@bpf.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Scottish Property Federation

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

Publish response with name

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

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.: