

Development Planning Working Group
Local Development Plans - Regulations & Guidance

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Development Planning Working Group Overview

Background

1. Local development plans (LDP) will change as a result of significant new requirements arising from the Planning (Scotland) Act 2019. The next step is to **develop further detail supporting information on implementing the Act through regulations and guidance**.
2. This is an opportunity to simplify and strengthen LDPs so that they are:
 - Relevant, accessible and deliverable.
 - People and place based, instead of policy and procedure focused.
 - Developed through collaboration and based on appropriate evidence.
3. Whilst regulations set out the legal framework, keeping these to the minimum necessary and providing most of the supporting material for implementing the Act in guidance, will provide maximum flexibility and resilience for putting a new system into practice, as well as enabling greater consistency across Scotland.

Collaboration

4. Throughout the implementation of the Planning (Scotland) Act 2019 we will seek vital input from stakeholders. Information on engagement is set out at the following link: <https://www.transformingplanning.scot/planning-reform/engagement/>
5. Working groups have been convened to support consideration of a wide range of issues within the Transforming Planning in Practice programme. The Development Planning Working Group, a cross-sector group of approximately 30 individuals, met alongside other working groups, for the first time in December 2019. At that, members were tasked to identify the outstanding issues and questions that should be addressed in regulations and guidance. Slides and discussion summaries from the event are available at the link above.
6. Key areas for further development are noted below. The working group proposed sub-groups were formed to explore and develop proposals for these.
 - LDP Procedures
 - LDP Scope and Content
 - Evidence Reports and Gatecheck
 - Transitional Arrangements

Remit of Sub-Groups

7. The purpose of each sub-group is to collaboratively produce identified outputs that will inform the development of regulations and guidance for the first 3 of the above key areas. In relation to transitional arrangements, Scottish Government will lead on preparing regulations, in consultation with planning authorities.
8. A Work Brief and Discussion Paper will be provided for each sub-group. The Work Brief sets out: the aim; the members; the outputs to be produced by the group; areas where

Development Planning Working Group Overview

co-ordination is needed with other groups and workstreams; and key matters to consider. The Discussion Papers will cover the requirements of the 2019 Act, thinking so far and questions to support production of the required outputs. An over-riding element of this will be for each group to consider what detail and information is appropriate for regulations and what is appropriate for guidance.

9. The Work Brief identifies that a number of working group members are representing a collective of similar interests rather than the organisation by which they are employed. This will enable substitution of individuals where necessary. The opportunity to represent employers interests will be during the public consultation on the regulations and guidance.

10. Due to the changed circumstances, groups will convene and communicate virtually until such a time as official guidance changes. It is anticipated the sub-group will convene a minimum of three times between September 2020 and February 2021 to progress tasks. Each sub-group should identify a lead person who will take an active role in ensuring outputs are produced on time.

Wider Input

11. Wider groups currently exist whose remit focusses on development planning. We would wish to see these groups feed into and constructively support the work of the working group.

- The Heads of Planning Scotland Development Plan Sub-Committee comprises representatives from all planning authorities development planning teams. There will be a representative on each sub-group. These representatives will be supported by sub-groups of the sub-committee.
- The Scottish Government convenes a Development Planning Forum. Whilst the previous focus has been mainly on issues for public sector development plan interests there is potential to broaden attendance. There is potential to convene this forum if appropriate.

12. There are groups working on other areas of planning reform whose work will be relevant to the working group. The work of the Community Engagement Working Group will be particularly relevant. There is work on-going relating to digital transformation of planning in Scotland. Further information is available on digital can be found [here](#).

Consultation on Regulations & Guidance

13. The work of the sub-groups will be collated by the Scottish Government, who will prepare draft regulations and guidance drawing on the collaborative input. All stakeholders will be invited to contribute their views in response to consultation on the draft proposals.

Timescale

14. Given changes to the timescale for National Planning Framework (NPF) 4, the timescale for the work on development planning regulations and guidance has changed. An indicative timetable for is set out below. We would expect the regulations and guidance to be ready for the adoption of NPF4, which is anticipated in Spring/Summer 2022, subject to Parliamentary timetabling.

Development Planning Working Group Overview

Autumn 2020	Sub-Grp Set Up and Discussions initiated
Winter 2020/21	Sub-Grp Outputs
Spring 2021	Consultation
Summer 2021	Analysis
Autumn 2021	Amend & Finalise
Winter 2021/22	Regulations to Parliament
Spring 2022	Enact Regulations & Publish Guidance

Useful Links

- Transforming Planning, [Work Programme](#) web page
- Transforming Planning, [Engagement](#) web page
- Planning and Architecture Blog – [Development Plan Forum](#)

Planning & Architecture Division Contacts

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Sub Group Work Briefs

SUB GROUP : LDP PROCEDURES

Aims

To produce a clear description of the new process for preparing a local development plan following the Planning (Scotland) Act 2019.

Members

Individual	Representing
Alison Laurence	Heads of Planning Scotland
Stefano Smith	Royal Town Planning Institute
Kevin Murphy	Homes for Scotland
David Wood	PAS
Stuart Tait	RSS Groups
Aileen Edwards	Scottish Cities Alliance
Stacey Dingwall	Scottish Federation of Housing Associations
Stuart Salter	Scottish Planning Consultants Forum
Kath Lakeman	Key Agency Group
Fiona Clandillon / Karen Campbell	Scottish Futures Trust
Emma Doyle	Public Health Scotland

Outputs

- **Flow chart** of the process, milestones and outputs needed for preparing an LDP.
- **Description** of the individual stages, including **legal** requirements, advice on **how** to meet them, identification of **responsibilities** and **timescales** for each stage.

Co-ordination

A separate sub-group is considering the Evidence Report and Gatecheck. The outputs sought from these groups have been structured so that they can be aligned rather than work be duplicated.

The community engagement working group also has a separate work stream on community engagement in LDPs. The SEA Consultation Authorities have been working collectively on the alignment of SEA with the new LDP process.

Working across the above interests will be necessary.

Issues to consider

- Audience of the guidance document
- New process for amending LDPs and the triggers
[Regulations relating to section 12 of the 2019 Act (amendments to NPF & LDPs) are programmed for after those relating to section 7 (LDPs). A high level consideration of matters relating to amendments, appropriate to progress LDP regulations, is therefore sufficient for this work.]
- SEA alignment

Sub Group Work Briefs

SUB GROUP : LDP SCOPE & CONTENT

Aim

To produce a visual of what a future place-based LDP should look like.

Members

Individual	Representing
Bill Lindsay (sub. Jill Paterson)	Heads of Planning Scotland
Julia Frost	Royal Town Planning Institute
Tammy Swift-Adams	Homes for Scotland
Stephen Tucker / Iain Hynd	Barton Willmore
Ronnie Macrae	The Highlands Small Communities Housing Trust
Hannah Smith	Institution of Civil Engineers
Kate Givan	Key Agencies Group
Dr John Kelly	Linlithgow Community council
Charles Nathan	Scottish Environment LINK
Marc Giles	Scottish Property Federation
Claire McArthur	SDP Managers

Outputs

- Signposting a series of succinct **case-studies / exemplars** highlighting key messages for what a 'good looking plan' should be and suggestions on **how this can be disseminated** to wider planning stakeholders.
- Suggestions on content that was **previously in Supplementary Guidance**.
- A graphic showing the **connection** of the LDP to other key documents, nationally, regionally and locally.

Co-ordination

Work is on-going on the digital transformation of the planning system. A+DS are carrying out work to set out key messages on place planning for decarbonisation for future development planning. Working across these interests will be necessary.

Issues to Consider

- Audience of plans
- Format of plans – paper / digital
- Content and structure, including level of detail
- Flexibility to local circumstances
- Legal publication and consultation requirements
- Links to documents associated with the plan preparation process and wider issues, such as infrastructure first approach.
- UK or international examples of relevance.

Sub Group Work Briefs

SUB GROUP : EVIDENCE REPORT & GATE CHECK

Aim

To produce a clear description of the process to prepare an Evidence Report following the Planning (Scotland) Act 2019.

Members

Individual	Representing
Gary Templeton (sub. Eily Webster)	Heads of Planning Scotland
Irene Beautyman	Royal Town Planning Institute
Elaine Farquharson-Black	Homes for Scotland
Calum Macleod	Community Land Scotland
Allison Coard	Directorate for Planning & Environmental Appeals
Hew Edgar	Royal Institution of Chartered Surveyors
Jamie McCracken	Scottish Enterprise
Stephanie Conesa	Scottish Renewables
Amy Phillips	Transport Scotland
Ruth Cameron	Consultation Authorities
Mark Hunter (sub. Stuart Forrest)	Infrastructure Delivery Group

Outputs

- **Flow chart** of the process, milestones and outputs for preparing an Evidence report.
- **Description** of the individual stages, including **legal** requirements, good practice advice on **how** to meet them, identification of **responsibilities** and **timescales** for each stage.
- Suggestion for the **format / structure** of an Evidence report and how it could link to evidence that is of a significant volume.

Co-ordination

Scot.Gov. will work closely with DPEA on regulations for the Gatecheck process. The community engagement working group also has a separate work stream on community engagement in LDPs. The Improvement Service and Key Agency Group have been progressing a project on the environmental evidence for plans. Working across these interests will be necessary.

Issues to Consider

- Output of Moray Council lead practice work.
- Audience of the Evidence Report
- Links to key evidence requirements e.g. SEA, HNDA and Transport Assessment
- Need for further trial runs on key areas.

Visual of Cross Group Links

Transforming Planning

