

# Transforming Planning in Practice Regulations and Guidance Subgroups

## LDP Scope and Content

### Meeting 1, 1 October 2020 - notes

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#### Output 1 Questions

1. How can we promote the benefits of a place based LDP?
2. How do the above relate to the need to have a plan that is the basis for legal decision making on planning applications?

*What does an inspirational and effective place based LDP look like / not look like?*

“A product of an inspirational, collaborative process in line with the place principle. A whole place plan, expressing a wider vision and strategic priorities, linked to a spatial strategy that identifies priority places for growth and change, collaborative high level briefs for key places or sites within the LDP, with clear direction on anticipated course for collaborative design development and delivery using appropriate design tools.” [Input from group Miro board]

Need for clarity about what a LDP is (and isn't)

- Legal function of LDP is its primary function? – managing development and change of use – or vision of how a place is going to change?
- Who are its users and what are their needs - Where is the 'easy in' for communities, when writing LPPs that must have regard to the LDP? Different versions for different users, eg child friendly, community? But need formal “master”. And needs resources.
- Only use local policy where necessary – keep tightly focused and leave policy to NPF4
- Plans have different roles in different places, e.g. channelling investment vs. managing demand
- Should help investment decisions
- What happens during the implementation phase? i.e. what has to go in the Plan, and what can be rolled out during implementation
- Relationship with NPF4 - could address a lot of Supplementary Guidance issues, e.g. nationwide standards
- LDPs need to be deliverable, not overly aspirational: balance of aspiration and applicability
- What is the scope of the plan?
  - E.g. healthy NPF4 big picture 20 - 30 year debate. Better than site by site approach
  - More opportunities for communities to secure benefits if a constructive consensus based approach is taken
  - Long term thinking needs to be embedded in planmaking - debate about quality, less about principle

- links to wider land use strategy to help secure common objectives e.g. flood alleviation, water quality, green/ natural infrastructure that is not all delivered through planning but also by others.
- We have a big focus on climate adaptation right now - overwhelming need to get our existing infrastructure fit for climate impacts that are already being felt & cover retrofit for energy efficiency/renewables etc. Given the vast majority of our built environment already exists, and that huge imperative - I think there's a task for the LDPs to capture the need to improve existing assets. 'Development' can't just be about new!

Not just about the Plan itself, but the culture of change that creates it

- Presentation incl. graphics and visuals should be a reflection of the process and collaborative discussions
- The culture of plan making should continue using the different types of design tools to help maintain the quality - development frameworks, masterplans etc and this should be a collaborative process with local authorities, communities and private sector
- Collaborative process creates culture where everyone can contribute to change and understands plan
- Some LAs in Scotland are already using this approach, eg LLTNP / Glasgow / Edinburgh
- Plans can have a place leadership role across authorities and communities.

Plan-making should never stop – it's a process not a project.

- 10 year time frame – it is a good think to plan long term but the process shouldn't stop – it's an ongoing process of progress, change and development.
- Longer term thinking can level more benefit from development. With a partnership of the range of interests, less work is wasted.
- The LDP drives other plans e.g. education, roads, healthcare, water, power, etc. Linlithgow has had applications for about 40 houses in total not in the LDP. Its a complex model. Push one thing and there is a need for an increase elsewhere.
- This is why whole place thinking is really important to align a vision for change from across related Plans and Strategies. Statutory link with Community Planning, so Local Outcome Improvement Plans should inform or align with LDP development. Other relevant service planning with spatial impacts should feed in too housing/ education/ health/ transport / economic development etc. A point to agree strategic objectives across services
- This place thinking needs to result in tangible actions. The LDP should be a spatial representation of the LOIP and ensure that partner align with actions therein.

*What are the relevant examples from the UK or internationally?*

- Tower Hamlets local plan?
- Highland Place Principles – established collaboratively and then allow local area plans to be written flexibly around them, eg Applecross
- Examples where totally visual, no text needed, eg Lego instructions, Japanese plans could be understood without being able to read Japanese

### *What makes a plan relevant and accessible?*

- One that helps direct and facilitate investment in the infrastructure that we need to meet net-zero and address the nature crisis. Incl natural infrastructure as per the recent Infrastructure Investment Plan consultation doc, something a Scottish Nature Network can enable delivery of.
- One that clearly demonstrates that it is relevant to those who live and work within the plan area - by pointing directly to the challenges and opportunities relevant to the area, linked to the direction set out in the NPF4.
- Plans won't feel relevant unless the consequences for individuals are very clear - there's a need to set out how policy ambitions plans are capturing will impact day to day living in a place. (i.e. rain gardens will reduce flooding - your insurance premiums might go down!); by making this a bus corridor, you'll be able to access the neighbouring town 6 times a day instead of four.
- Easy to find information about one particular place (eg West Lothian – info on Linlithgow scattered throughout)

### *How can we promote the benefits of a place based LDP?*

- Key is demonstrating the relevance to the places that people live/ the opportunities and challenges that they can engage with and influence.
- Communities know their area and their needs but aspirations are messy so who arbitrates what goes into LDP.

### *Graphics issues*

- There is a lot of written work behind visual, place-based plans
- Would be interested for thoughts on graphic content, A lot of authorities don't have those skills in house and concern is that we end up with quite a deviation dependent on resource available. What support might be available and any minimum requirements must be capable of being delivered by all PAs
- Current examples of visual plans often have a lot of text behind them – big change in approach and skills needed. Resourcing of local authorities will be critical - most don't have graphic skills in house
- Some consistency is needed in terms of format. Resource to support graphics and technical packages - shared resources across Scotland?
- Work done about consistency in graphics, in SDP context.
- Following up on others' input that we all want plans to be more innovative in terms of being more accessible to a range of audiences, visual and succinct. Playing devil's advocate, with the roundly supported map based element - lots of people find maps difficult to read and interpret. Maybe we need to give more consideration to photo representation of issues and solutions. This is not straightforward in itself as pictures mean different things to different people. We might need to give more focus to photographic representation in plans, and do we consider checking of photographic content?

## Output 2 Question

3. How can necessary content from statutory supplementary guidance be incorporated into plans effectively, recognising that detailed matters can still be address in non-statutory guidance?

### Needs to be statutory?

- Affordable housing? All authorities currently have this in SG. Links to s.75?
- Different authorities take different approaches depending on the approach they find effective.
- Potential benefits to developer contributions going into the Plan, as e.g. will be subject to examination -
- Move any statutory requirements up to national guidance to ensure consistency.
- How to embed place making at a local level
- If authorities want something to be determinative, it should be in the plan, especially if it has cost (and therefore viability) implications
- Honesty rather than aspirational
- Proof of viability at plan stage will depend on the Plan containing all the relevant info about costs/expectations
- LA process of moving some e.g. design frameworks contained in SG, over into the plan
- A checklist that ensures/ secures the collaboration necessary, within the regulatory context/ needs for things like air quality/ emissions/ nature. This would ensure the discussions have been had and the flexibility that is sought.
- Always a danger that if guidance isn't statutory then it won't be taken seriously and will either be ignored or not carry much weight.
- Need to provide certainty about requirements vs impact different delivery rates can have on infrastructure needs.
- What would be missed if it wasn't in the plan?

### Can be non-statutory?

- Fear among authorities that if requirements are not written in 'black and white' they will be very difficult to enforce
- Balance between consistency and need for geographic flexibility - SG can be a particularly frustrating area due to inconsistency
- How to ensure that non-statutory policies have weight, e.g. local place plans
- Degree of work required for statutory frameworks can be prohibitive for communities wishing to influence process, but how can non-stat frameworks have influence?
- Role of council to make status of non-stat guidance clear to developers
- ST feels that development industry will still take part in development of design frameworks
- If the principles of a site are agreed, a masterplan shouldn't fail
- Design also needs undertaken in conjunction with deliverability of what happens with implementation. Often masterplan done and then discussions on infrastructure timing.

## Other comments

- Resourcing will be critical, as place-based frameworks could bridge the gap created by removing SG
- NPF wording will need to be clear and unambiguous to be able to be used locally
- Different views on weighting / status of non-statutory guidance. Has statutory guidance really made a difference? Are there any examples of where an appeal has turned on this?
- A lot of resource for design skill set sits in the private sector. Design content included in Supplementary Guidance because this can be commissioned externally?
- Agreement that careful consideration needs to be given to who is preparing Masterplans etc. In my experience the opportunity to have a document approved by Committee given the LPA more opportunity to insist on changes to content. i.e. if we don't agree we won't support adoption
- LDP contains the requirement for design process to be followed? Masterplans/etc. then follow at application stage?
- Why would a local authority try to write a design brief, when the landowner/developer will have been involved with the site for years?
- How many councils are trying to produce this work in house?
- critical that whoever does the work they do it in the right way.... i.e. engagement led following a proper open process.
- Industry could have a role in supporting / pulling info together for site briefs.

## Output 3 Question

4. How can LDPs align with other key documents (national, regional and local) and how can this be shown in a diagram?

[See example of Irish Planning System at end of paper]

## National

- Can NPF4 be the locus for setting out all relevant national documents that are required to inform development of LDP? A minimum approach and a setting of ambition to go beyond to improve their area. THus avoiding rehashing these lists in each LDP AND also being constructive rather than just saying they have 'regard to'.
- Land Use Strategy, better bringing together of planning/ built environment and wider land use aspirations/ targets/ requirements
- Infrastructure Investment Plan - specifically including how LDP can deliver natural infrastructure. Clearly linked to NPF4 to enable this.
- Links to climate change plan
- Biodiversity Strategy
- Infrastructure First approach, including green/blue natural infrastructure - how LDP can contribute toward the national direction

## Regional

- What role do these have in the 'development plan' given they are not part of it?
- Regional land use frameworks/ when they come. ensure complementary policy/ aspirations. Back to issue of collaboration, the common point for both is the Local Authority who will sit on both planning and land use groups, including Regional Spatial Strategies.
- Collaboration can be patchy, as approach is more loosely defined (from POV development industry - has this also been the case for communities? If we expect communities to be collaborative on LPPs - other tiers of plan making must also be collaborative

## Community / Local

- Need to be clear on the relationship between LDPs and LPPs – which drives the other / is it iterative – need to manage expectations
- LPPs needs to have engagement with landowners/developers too.
- Aspirations can be messy. Eg Linlithgow 'LPP' took in ~300 views. Just one town, differing aspirations - That was just the town, how to take into account e.g. hinterlands
- Nature of the legislation means that there will not be 'one' format of LPP
- Need to manage expectations of how much LPPs can influence the LDP
- Dialogue is the key. The relationship between public and private has become more difficult since we became plan led..... with 'some' authorities using it as shield to shelter behind. I'm totally supportive of plan led but they need to be 'development' plans. I think the politicisation of the plan process is making the plan writers job almost impossible.

## Context Questions

5. What might a 'how to' guide to preparing plans look like to promote a new style of plan?
  6. Are there key elements that should be prescribed (fixed) in regulations, where there is the power to do so, rather than covered more flexibly in guidance?
- Guidance needs to look forward to new approach (and culture)
  - Focus on demonstrating how a place based approach can be applied in line with the place principle. Offer tools and approaches to support application of new approach.
  - There is a window of opportunity to support a changed approach, with collaboration at its heart - how to apply the place principle
  - Remember to focus on the future for a how to guide - and not make it too research / backward looking
  - Can a 'how to' guidance support good planning in a way that regulation can't (and doesn't) (e.g. attempts with PAC)
  - Believe how to guide should support skills needed to help officers understand...Establish Place leadership, Engage others, Align visions, Identify priority places for collaboration, Develop high level briefs for LDPs
  - Resources - what is required by statute? And then, what's nice to do in addition? This distinction draws the line between regulations and guidance?

- Can't change the culture and outcomes of planning just through goodwill and planning fees. Significant new resource is needed from SG to PAs. That or costs removed from them elsewhere.
- Concern about 'how to' guide Careful not to trivialise - we have good planners across Scotland who know how to plan. Barriers to planning lie elsewhere, including resources and politicisation.
- Small DP teams trying to do the job of many (including diverse technical skills)
- Include what 'must do' – that statutory requirements, then add in the 'nice to do'
- Much depends on the view of the council - is the LDP seen as a whole place tool with corporate support, or a technical doc for DM planners to use?
- How to guide isn't just for planners. Who are we trying to 'hook in' to the process for the first time? Need to make LDPs accessible to non-planners – the people it's going to affect. Need to 'navigate'; through new way of doing things.
- Guidance can steer in a way that regulations cant – how to do something well and meaningfully, not just box ticking.
- If we were like some continental cities in Europe then large scale masterplanning could help to inform more effective planning
- Key Agencies are scoping how to support this approach with local authorities through Green Recovery work

# Irish Planning System

## An Overview

