
Transforming Planning in Practice

Procedures for Local Development Plans

This statement has been prepared to set out the outputs of the Local Development Plan (LDP) Procedures sub-group, addressing the requirements of the Discussion Paper issued by Scottish Government's Planning and Architecture Division on 30th September 2020.

The LDP Procedures sub-group has sought to produce a clear description of the new process for preparing a local development plan following the Planning (Scotland) Act 2019.

The outputs of the sub-group are set out below and in Annex 1.

In general, the sub-group considers that the plan making process should be rooted in evidence to inform place achieved through engagement with community and stakeholder groups as early as practicable. This will be informed by the policy principles set out in National Planning Framework 4 and assist establishing a vision for the emerging local development plan. This will ensure that the local development is delivered in collaboration with communities and stakeholder partners, both public and private sectors.

Output 1
What are the key stages, milestones and outputs in the process?
Pre Proposed Plan It is the view of parties in the sub-group that significant early engagement before the Evidence Report stage will be beneficial to develop an emerging vision for a local development plan at the earliest possible stage, which will enhance coherence across partners and in turn the plan's deliverability. However, other parties in the sub-group consider that significant early engagement before the preparation of the Evidence Report may confuse and stymie the plan making engagement process. Those parties consider that a vision for the emerging local development plan should be prepared following the Evidence Report stage. The sub-group considers that the starting point for the local development plan process should be the preparation of an enhanced and corporate Development Plan Scheme (DPS), aided by a detailed framework set out in Participation Statements. The DPS should be reviewed and reproduced on an annual basis. The DPS should trigger the start of an engagement process with Key Agencies and Community Planning Partners. This will be supplemented with other stakeholder partners, both public and private sectors. Some parties in the sub-group consider that this will assist preparing a high level vision for a local development plan. This will ensure that a local development plan reflects existing outcomes each Key Agency is seeking to deliver as well as assisting in framing the development of future programmes for investment. However, other parties in the sub-group consider that this approach may pre-judge the outcomes of the Evidence Report process and lead to an uninformed vision. The DPS stage should set in train a corporate approach across local authorities to engage with stakeholder partners, including both public and private. The DPS should set out the scope of evidence to be gathered and identify an appropriate programme to do so, setting out timescales as well as the appropriate internal and external stakeholders for engagement. The DPS should set out that the evidence will be subject to ongoing review to ensure that the information obtained is maintained. The DPS should be reported to the Community Planning Partnership. The DPS should be discussed and

agreed with all stakeholders to ensure the timescales for obtaining evidence are realistic. This may be set out in the Participation Statement.

The DPS should set out the details for gathering the nationally agreed evidence base and set in motion processes for gathering locally available data.

This enhanced DPS should make it an important corporate and community planning document.

There is consensus within the sub-group that community needs and aspiration should be identified and that should inform preparation of the Proposed Plan. Community needs should be considered at the Evidence Report stage, utilising data prepared by stakeholders through the community planning process including Local Outcome Improvement Plans, Locality Plans and Local Place Plans.

The sub-group considers that the Evidence Report will be fundamental providing a strategic framework for the spatial strategy of a local development plan.

The sub-group considers that the Evidence Report should be informed by social, environment, health, inequalities and economic considerations and include matters to be investigated such as community needs, education impact, health impact, housing requirements and transport infrastructure. These may be set out in Local Outcome Improvement Plans.

Alignment within the stakeholder organisations and collaborative engagement with external partners is paramount to the Evidence Report's success, recognising the intention to shape investment at the locations and the scale needed.

Updated Regulations need to set out minimum data requirements for the Evidence Report. This should make it easier to clear the Gatecheck stage undertaken by Scottish Ministers.

The Evidence Report should reflect the outputs of a collaborative evidence gathering process which has established the conditions to support a place based approach to local development plans, in line with the Place Principle.

The sub-group is not agreed on whether all call for sites are required to be assessed as part of the Evidence Report stage or only in part. However, the sub-group is agreed that all development opportunities presented to the Evidence Report and / or the Proposed Plan should be subject to public consultation and strategic environmental assessment.

For a place-based approach to succeed, time would be required for early engagement and collaborative working to identify priority areas for change with stakeholders as part of development of a spatial strategy for the Proposed Plan.

The sub-group considers that there is a strong relationship between the timing and level of engagement and quality of outcomes.

Depending on the quality of data and available resources, effective engagement for evidence gathering may or may not be achievable. A decision on timings should factor in the capacity within organisations, the quality of existing information, plans for engagement and the sourcing of additional evidence from stakeholders to inform matters.

An allowance should be made for sufficient lead in times to enable an effective place based and evidence led approach to be undertaken.

The sub-group considers that the strategic environmental assessment and Health and inequalities impact assessment processes should be integrated as part of the Evidence Report and spatial strategy of the Proposed Plan preparation.

The sub-group considers that there are synergies with the Evidence Report and are of the view that the strategic environmental assessment scoping process should be completed in tandem with Evidence Report preparation and concluded prior to Gatecheck.

Prepare Proposed Plan

The Proposed Plan should be prepared based on the recommendations set out in the Evidence Report (or

DPEA Assessment Report if required).

The Proposed Plan, and the spatial strategy set out, should be informed by the costs for enabling the required infrastructure to deliver the development as well as the required place based investment. There is a requirement for stakeholder capital expenditure plans to be aligned where possible taking account of different timescales, governance and regulation for different organisations. This should be clearly set out in the Proposed Delivery Programme and consulted on as part of the Proposed Plan consultation process.

The Fife Council lead practice pilot project illustrates how a Delivery Programme can be a valuable means of delivering the Proposed Plan and how it might also assist corporate governance monitoring and reporting on corporate financial planning.

The sub-group considers that collaborative thinking will ensure local outcome improvements for places to be achieved.

The sub-group considers that the engagement strategy for the Proposed Plan to include, but not limited to the following activities:

- Wide publicity.
- Neighbour Notification.
- Deposit in Libraries.
- Promote and facilitate participation of children, young people and marginalised groups or those who may face barriers to engagement e.g. people with disabilities, homeless people and gypsy/travellers.

This is in addition to the stakeholder engagement, including:

- Consultation with Development Management.
- Consultation across local authority services and Health and Social Care Partnerships and Public Health Boards.
- Consultation with Key Agencies.
- Meeting with elected members.
- Meeting with local authority senior management.
- Meeting with community councils (local and regional).
- Wider in stakeholder groups and individual parties, both public and private.

The sub-group considers that the Examination process should be streamlined, less remote process, particularly as a result of Gatecheck.

Further detail is included in Annex 1.

Where are the links to engagement and consultation?

The main links to engagement and consultation are:

- DPS;
- Evidence Report; and
- Proposed Plan.

Further detail is included in Annex 1.

Is it appropriate to include an open call for ideas and/or for sites early in the process?

The sub-group considers that there is a need for a call for sites in the process.

- The Evidence Report should prepare a call for sites process for existing allocated land uses, including housing and economic land supply, to determine whether sites are viable and if any interventions are required to overcome constraints. This will link to a rolling program of engagement for the Proposed Plan preparation process and development of the Proposed Delivery Programme.
- Prepare call for sites process for new land uses not already identified, including housing and economic land supply, to determine whether new sites are viable and can make a contribution to the spatial strategy based on the Evidence Report. This will link to a rolling program of engagement for the

Proposed Plan preparation process and development of the Proposed Delivery Programme.

- Public consultation on existing allocated land uses and new call for sites exercise identifying all sites submitted and subject strategic environmental assessment. Any assessment should take account of the evidence presented, including mitigation.

The sub-group is not agreed on when this call for sites process for new land uses should be undertaken – Evidence Report or Proposed Plan.

The call for sites process should be led by a consistent form requesting specific information as evidence to allow a local authority to be best informed on a proposal's success. The call for sites exercise should demonstrate viability and mitigation of any potential social, economic and environmental impacts. The purpose is to front load the evidence in terms of preparing the Proposed Plan, based on the outcomes of the Evidence Report.

A call for ideas process should be captured as part of the Evidence Report stage, aligned through the DPS.

How does the plan process align with SEA requirements?

Further detail is included in Annex 1.

Output 2

How can the process for preparing a plan be more corporate across the local authority and create more buy in from the outset?

The introduction of a corporate DPS and Evidence Report should introduce a need for collaboration within a local authority.

Developing a whole place plan that expresses a wider vision and strategic priorities linked to a spatial strategy identifying priority places for change, with collaborative high level briefs for key places or sites within the local development plan, and clear direction on anticipated course for collaborative design development and delivery using appropriate design tools.

Local authority sign off as per Act is designed to support this. Planners have to lead and make the argument around LDP relevance to service delivery / providing opportunities for innovation.

Further detail is included in Annex 1.

Who is responsible for and who else needs to input at each stage?

Further detail is included in Annex 1.

What is an appropriate indicative / average timescale for each stage?

Further detail is included in Annex 1.

Where are the links to delivery?

Further detail is included in Annex 1.

Contextual questions

What might a 'how to' guide to preparing plans look like to promote a new style of plan?

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?

Regulations should cover the context in which a local development plan is reviewed prior to its 10 year cycle. This make take be similar to the Structure Plan Alteration and Local Plan Amendments of previous cycles. This may be linked to the Delivery Programme.

DPS.

Call for Sites.

2019 Act Requirements	Timescale	Stage / Outputs	Description of Stage, outputs, Legal requirements, advice on how to meet them, identification of responsibilities
	<p>Allow 3 months to fit into committee cycle.</p> <p>Scottish Ministers have 3 months to review evidence / submissions</p> <p>1 month</p>	<p>Finalise Evidence Report</p> <p>Local authority approval</p> <p>Gatecheck</p> <p>Consideration of Gatecheck Assessment</p>	<ul style="list-style-type: none"> • Early discussion with elected members and senior local authority management team, including role for planning authority Chief Planner. • Preparation of a range of local authority strategies and influence these as they are being developed - Local Outcome Improvement Plans, Local Housing Strategy, Economic Development Strategy, Local Transport Strategy, Open Space Strategy, Climate Change Strategy and Local Heat and Energy Efficiency Strategies. All documents should be subject to stakeholder consultation. <p>The production of the corporate DPS will help to ensure that the outcomes for local authority service strategies gather evidence collaboratively to align relevant visions and priority activities with spatial implications. This will include Health and Social Care Partnerships.</p> <p>Preparation of Evidence Report and policy assessments (equalities, risk, data security etc). Submission into local authority cycle. Make any changes requested.</p> <p>Submission process to Scottish Ministers, including a list of objections to the Evidence Report if required.</p> <p>Subject to clarification from Evidence Report sub-group.</p> <p>Subject to clarification from Evidence Report sub-group.</p>

2019 Act Requirements	Timescale	Stage / Outputs	Description of Stage, outputs, Legal requirements, advice on how to meet them, identification of responsibilities
	Allow 3 months to fit into committee cycle.	Report Council approval	Subject to clarification from Evidence Report sub-group.
<p>Preparation of Proposed LDP</p> <ul style="list-style-type: none"> • Prepare Proposed Plan • Call for Sites exercise • Alignment with SEA, EqIA • Alignment with Evidence Report • Local authority approval of Proposed Plan <p>Proposed Plan consultation, examination and adoption:</p> <ul style="list-style-type: none"> • Publish Proposed LDP and Evidence Report, 12 week consultation, including consultation with Central Scotland Green Network. • Modify Proposed Plan to take account of consultation (if desired). • Submit Proposed Plan to Scottish Ministers, with report on consultation and engagement, Proposed Delivery Programme and Modifications Report (if modifications have been made). 	9 months	Prepare Proposed Plan, Delivery Programme and Strategic Environmental Report	<p>Review of Scottish Ministers Evidence Report (or DPEA Assessment Report). Local authority to consider:</p> <ul style="list-style-type: none"> • Changes to Evidence Report (if significant). • Approval of direction for LDP to ensure certainty as Proposed Plan is produced. <p>The sub-group is concerned that a local authority may not accept changes set out in the DPEA Assessment Report. Any changes made on behalf of Scottish Ministers need to be binding.</p> <p>Early work should begin to identify priority areas for change set out in the Evidence Report so that decisions on the approach to accommodating new housing land supply will form part of the spatial strategy for the Proposed Plan.</p> <p>Prepare call for sites process for new land uses not already identified, including housing and economic land supply, to determine whether new sites are viable and can make a contribution to the spatial strategy based on the Evidence Report. This will link to a rolling program of engagement for the Proposed Plan preparation process and development of the Proposed Delivery Programme.</p> <p>Public consultation on new call for sites exercise identifying all sites submitted and subject strategic environmental assessment. Any assessment should take account of the evidence presented, including mitigation.</p> <p>The sub-group is not agreed on when this new call for sites process should be undertaken – Evidence Report or Proposed Plan.</p> <p>Preparation of the Proposed Plan to include the following activities:</p>

2019 Act Requirements	Timescale	Stage / Outputs	Description of Stage, outputs, Legal requirements, advice on how to meet them, identification of responsibilities
<ul style="list-style-type: none"> Examination (if representations not taken into account), including advertise and serve notice, compliance with Participation Statement. Reporter publishes Examination Report with recommendations and reasoning. If Reporter judges that a change is required that cannot suitably be addressed by a modification, they may recommend that once adopted the LDP is amended under s.20AA. If Reporter “is not satisfied that the amount of land allocated for housing in the Proposed LDP is sufficient to meet the targets it includes in relation to the housing needs of people living in the part of the district to which it relates”, they may issue a notice requiring the planning authority to prepare another LDP. It is not necessary to prepare a new Evidence Report. Modifications made. Adopt LDP 	<p>Allow 3 months to fit into committee cycle. Start 12 weeks consultation within 4 weeks of Committee.</p>	<p>Local authority approval</p> <p>Consultation</p>	<ul style="list-style-type: none"> 20 year vision to be included in LDP based on Evidence Report. Writing of policies based on Evidence Report. Proposals and Designation Mapping. Preparation of Proposed Delivery Programme. Consultation with Development Management. Consultation across local authority services, Health and Social Care Partnerships and Public Health Boards. Consultation with key agencies. Meeting with elected members. Meeting with local authority senior management. <p>Preparation of Environmental Report to include:</p> <ul style="list-style-type: none"> Analysis of alternatives. Assessment of all sites identified in Proposed Plan and all sites submitted to Proposed Plan. <p>Consultation strategy to include the following activities:</p> <ul style="list-style-type: none"> Wide publicity. Neighbour Notification. Deposit in Libraries. Promote and facilitate participation of children and young people and others

2019 Act Requirements	Timescale	Stage / Outputs	Description of Stage, outputs, Legal requirements, advice on how to meet them, identification of responsibilities
	<p>Allow 2 months to modify to inform as appropriate. The 3 months for further Committee approval. Submit to Scottish Ministers within 4 weeks of committee.</p> <p>Allow 6 months for Examination including response from representee.</p>	<p>Strategic Environmental Report to be updated if Proposed LDP modified. Analysis of representations of Council approval</p> <p>Examination</p>	<p>who face barriers to engagement.</p> <p>Comments on early engagement should take account of the Evidence Report.</p> <p>Submission for Examination should include:</p> <ul style="list-style-type: none"> • Collation of representations into Schedule 4s. • Summarising of representations and issues. • Writing of local authority response. • Discussion and consultation with other services. • Further research required to respond to representations and issues. • Finalisation. • Final Schedule 4s. <p>The sub-group considers that the Examination process should be streamlined, less remote process, particularly as a result of Gatecheck. However, the sub-group anticipate the following activities:</p> <ul style="list-style-type: none"> • Production of core documents. • Provision of multiple copies of representations in different formats. • Reporters still require paper maps identifying sites. Preparation of a map book may be appropriate. • Printing of Examination report. <p>The sub-group considers that further information requests and hearings should be</p>

2019 Act Requirements	Timescale	Stage / Outputs	Description of Stage, outputs, Legal requirements, advice on how to meet them, identification of responsibilities
	<p>Allow 4 months if required.</p>	<p>Modification, local authority approval, submit to Ministers for adoption.</p> <p>Strategic Environmental Assessment Environmental Report update.</p> <p>Scottish Government adoption.</p> <p>Strategic Environmental Assessment Statement.</p>	<p>essential as part of the Examination process.</p> <p>Maintain current process e.g. exceptions for making mods, correction of errors in examination reports.</p>