

CONSULTATION QUESTIONS

This is a list of consultation questions as they appear in the Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning.

PART A – Introduction

Q1: Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated? Yes / No / No View. Please explain why you agree or disagree.

More info

Significant changes to development planning were made by the Planning (Scotland) Act 2019. New regulations and guidance will be prepared for the implementation of the new Local Development Plan system. Given the amount of change, we consider there to be benefit in working to the principle that regulations are kept to the minimum necessary. We consider that much of the detail of Scottish Ministers' expectations for implementation of the Act should be set out in guidance. This will allow us to be clear on Scottish Ministers' intentions for the new system so that they deliver new style plans, and it will provide for maximum flexibility and resilience, allowing experience from implementing the new system to be incorporated into updated guidance as it emerges..

For further information see [Part A](#) of the consultation: the Introduction – paragraphs 11 to 15.

Q2: i) Do you have any views on the content of the interim assessments? Yes / No. Please explain your views.

ii) Do you have or can you direct us to any information that would assist in finalising these assessments? Yes / No. Please provide or direct us to the information.

More info

The following interim impact assessments accompany the consultation: Business and Regulatory Impact Assessment; Equalities Impact Assessment, including human rights considerations; Child Rights and Wellbeing Impact Assessment; Island Communities Impact Assessment; Fairer Scotland Duty Assessment; and Strategic Environmental Assessment.

For further information see [Part D](#) of the consultation: the Interim Impact Assessments.

Q3: i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents? Yes / No. Please explain your views.

ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

More info

The following interim impact assessments accompany the consultation: Business and Regulatory Impact Assessment; Equalities Impact Assessment, including human rights considerations; Child Rights and Wellbeing Impact Assessment; Island Communities Impact Assessment; Fairer Scotland Duty Assessment; and Strategic Environmental Assessment.

For further information see [Part D](#) of the consultation: the Interim Impact Assessments.

PART B – Proposals for Development Planning Regulations

Q4: Do you agree with the proposals for regulations relating to the form and content of LDPs? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 15(1) - We do not propose to prescribe any further matters for the content of LDPs.

Section 15(3) – We propose to maintain unchanged in replacement regulations, the existing regulations and schedule relating to development of land owned by the planning authority.

Section 15(4)(a) – We propose to maintain unchanged in replacement regulations, the existing regulations relating to the maps, diagrams, illustration and descriptive matter to accompany Local Development Plans.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 6 to 8.

Q5: Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 16(2) – We do not propose to prescribe any further matters to be taken into account in the preparation of Local Development Plans but propose to make the necessary amendments below to ensure they are accurate and up-to-date.

- Consolidate with requirements of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
- Remove references to Strategic Development Plans and add references to Spatial Strategies.
- Replace references to English planning documents.
- Amend to ensure accurate references to primary legislation.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 9 to 10.

Q6: Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs? Yes / No / No View. Please explain your views.

More Info

Section 16(2) - Since commencement of the 2008 Regulations a number of issues have become increasingly prominent, particularly with regard to climate change, community planning and health. We therefore invite views on whether the information and considerations listed at Regulation 8 should change and/or be added to.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 11.

Q7: Do you agree with the proposals for regulations relating to the Evidence Report? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 16B – The Evidence Report is a new part of the Local Development Plan process. We propose new regulations to:

- Require the Scottish Ministers to notify the planning authority when a person has been appointed to assess the Evidence Report and their name.
- Provide that the appointed person is able to request further representations or further information be provided in connection with the assessment of the Evidence Report.
- Require that the general costs of assessing the Evidence Report incurred by the Scottish Ministers or appointed person are to be met by the planning authority.
- Require the planning authority to provide to the appointed person, electronic copies of any documents referred to in the Evidence Report.

A separate consultation will follow to inform the meaning of ‘Gypsies and Travellers’ in relation to the requirements for the Evidence Report.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 12 to 18.

Q8: Do you agree with the proposals for regulations relating to the preparation and publication of the LDP? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 18(1)(a) – We propose to make the necessary amendments below to ensure regulations on the publication of the Proposed Local Development Plan are accurate and up-to-date:

- Remove references to Strategic Development Plans and Main Issues Reports.
- Ensure accurate references to primary legislation.

Section 18(1)(d) – We do not propose to prescribe in regulations, any further persons to be consulted on the Proposed Plan but expect to say more in guidance.

Section 18(1)(e) - We propose to maintain unchanged in replacement regulations, the existing regulations relating to notification of the Proposed Plan.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 20 to 23.

Q9: Do you agree with the proposals for regulations relating to the examination of the LDP? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 19(5) – We propose to make the necessary amendments below to ensure regulations on the examination of the Proposed Local Development Plan are accurate and up-to-date:

- Remove references to Strategic Development Plans and to the Monitoring Statement, replace references to the Delivery Programme and add references to the Evidence Report.

Section 19(5A) - We propose to maintain unchanged in replacement regulations, the existing regulations relating to publication of the Proposed Local Development Plan when it is submitted for examination

Section 19(10)(a)(i) – We propose to make the necessary amendments below to ensure regulations on making modifications as the appointed person recommends are accurate and up-to-date:

- Remove references to Strategic Development Plans.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 24 to 26.

Q10: Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document? Yes / No / No View. Please explain your view.

More Info

Section 20AA - The 2019 Act introduces provisions for the amendment of Local Development Plans. The introduction to this consultation (Part A) explains that we will consider this in regulations and guidance once the new development planning system is in place.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraph 28.

Q11: Do you agree with the proposals for regulations relating to Development Plan Schemes? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 20B(7) – We propose to amend regulations relating to the Development Plan Scheme to:

- Add references to Evidence Reports and remove references to Main Issues Reports, Strategic Development Plans and Strategic Development Plan Authorities.
- Add requirements to specify the date (the proposed month) for the adoption / constitution of the Local Development Plan and to identify any changes to the timetable of plan preparation from that given in the previous Development Plan Scheme, along with an explanation.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraph 29.

Q12: Do you agree with the proposals for regulations relating to Delivery Programmes? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 21(3) - We do not propose to prescribe any further persons from who planning authorities are to seek views and have regard to in preparing a Delivery Programme but propose to make the necessary amendments below to ensure they are accurate and up-to-date.

- Add reference to Delivery Programme and remove reference to Action Programmes and Strategic Development Plan Authorities.

Section 21(7) – We do not propose to prescribe further requirements relating to the form, content and procedures of a Delivery Programme but propose to make the necessary amendments below to ensure they are accurate and up-to-date:

- Add reference to Delivery Programme and remove reference to Action Programmes.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraphs 30 and 31.

Q13: Do you agree with the proposals for regulations relating to the meaning of ‘key agency’? Yes / No / No View. Please explain why you agree or disagree.

More Info

Section 23D – We propose to amend regulations on Key Agencies so that reference to Scottish Natural Heritage is replaced to note they are known as NatureScot, and Historic Environment Scotland and South of Scotland Enterprise are added to the list.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraph 32.

Q14: Do you agree with the proposals for regulations relating to transitional provisions? Yes / No / No View. Please explain why you agree or disagree.

More Info

Transitional Provisions – We propose to give effect to the [transitional guidance](#) regarding Local Development Plans and supplementary guidance in separate regulations making saving and transitional provisions. We also propose to amend regulations to ensure provisions of the 2008 Development Planning Regulations continue to have effect for Local Development Plans and supplementary guidance that proceed to adoption under the provisions and procedures introduced by the 2006 Act.

For further information see [Part B](#) of the consultation: Proposals for Development Planning Regulations, paragraph 33 to 36.

PART C – Draft Guidance on Local Development Planning

Q15: Do you agree with the general guidance on Local Development Plans? Yes / No / No View. Please explain why you agree or disagree.

More Info

General guidance on Local Development Plans is outlined in [Part C](#) of the consultation, in both Section 1, Aims of New Style Plans, and in Section 2, Process relating to Local Development Planning – see paragraphs 1 to 61.

**Q16: Do you agree with the guidance on Development Plan Schemes?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on Development Plan Schemes is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 62 to 73.

**Q17: Do you agree with the guidance on the Delivery Programme?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on Delivery Programmes is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 74 to 89.

**Q18: Do you agree with the guidance on Local Place Plans?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on Local Place Plans is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 90 to 95.

**Q19: Do you agree with the guidance on the Evidence Report?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Evidence Report is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 96 to 130.

**Q20: Do you agree with the guidance on the Gate Check?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Gate Check is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 131 to 138.

**Q21: Do you agree with the guidance on the Proposed Plan?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Proposed Plan is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 139 to 175.

Q22: Do you agree with the guidance on Local Development Plan Examinations? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on Examinations is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 176 to 221.

Q23: Do you agree with the guidance on Adoption and Delivery? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on Adoption and Delivery of the Local Development Plan is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 222 to 235.

Q24: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on the Evidence Report and Sustainable Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 240 to 247.

Q25: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on the Evidence Report and Liveable Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 248 to 283.

Q26: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on the Evidence Report and Productive Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 284 to 296.

Q27: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on the Evidence Report and Distinctive Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 297 to 310.

**Q28: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Proposed Plan and Sustainable Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 317 to 328.

**Q29: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Proposed Plan and Liveable Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 329 to 400.

**Q30: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Proposed Plan and Productive Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 401 to 424.

**Q31: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)?
Yes / No / No View. Please explain why you agree or disagree.**

More Info

Guidance on the Proposed Plan and Distinctive Places is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 317 to 328.

Q32: Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)? Yes / No / No View. Please explain why you agree or disagree.

More Info

Guidance on the Delivery Programme is outlined in [Part C](#) of the consultation, in Section 2, Process – see paragraphs 467 to 482.