

WEST DUNBARTONSHIRE COUNCIL

Report by the Planning, Building Standards and Environmental Health Manager

Planning Committee: 20th September 2023

Subject: Local Place Plans

1. Purpose

- 1.1** The purpose of this report is to seek approval of an approach to Local Place Plans which will deliver new duties arising from the Planning (Scotland) Act 2019.

2. Recommendation

- 2.1** That the Committee agrees the approach to Local Place Plans as set out in this report and gives authority to officers to issue the invitation to prepare Local Place Plans to communities.
- 2.2** That the Committee notes that officers will submit a burden item for members consideration in setting the 2024-25 budget for the preparation of Local Place Plans.

3. Background

- 3.1** The Planning (Scotland) Act 2019 give new powers to communities to prepare Local Place Plans for their area, as well as placing associated duties on Planning Authorities. Local Place Plans are community led plans which set out proposals for the development and use of land. A Local Place Plan, must be prepared by a Community Council or another Community Controlled Body, as defined by the Community Empowerment Act.
- 3.2** The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 set out the requirements which communities must fulfil when preparing a Local Place Plan. This includes matters to which a community body must have regard; the form and content of a Local Place Plan; steps required to be taken before submission of a Local Place Plan; and information to be submitted with a Local Place Plan.
- 3.3** The following duties arise for the Council; to invite this form of participation; to maintain a register of Local Place Plans; and take account of Local Place Plans when preparing Local Development Plans. This report sets out how the Council will meet these duties and the support that the Council will give to communities to better enable them to fulfil the requirements for preparing a Local Place Plan.

4. Main Issues

Invitation to Prepare Local Place Plans

- 4.1** The Council is required to issue an invitation to prepare Local Place Plans. In line with Scottish Government's guidance a stand-alone invitation to prepare a Local Place Plan will be placed on the Council website, email, public notice and social media will be used to inform community bodies of the invitation. The invitation will set out the link to the Local Development Plan preparation process, and timeframes which are set out within the Development Plan Scheme and Participation Statement which are also being considered at the September Planning Committee. The invitation will also set out what assistance is available to groups which wish to prepare a Local Place Plan.
- 4.2** Community groups are likely to require more than one year to prepare a Local Place Plan. It is noted that community groups are required to define the area covered by their Local Place Plan and indicate this on a map. It is not required that this follow any predefined area, such as a Community Council boundary, and it is possible for different groups to prepare separate Local Place Plans covering the same area. In these circumstances, the Council would encourage groups to work together to prepare a single plan.
- 4.3** It is not known how many community groups will want to prepare a Local Place Plan, although some have already expressed an interest. The invitation would request that community groups get in touch with Planning Services if they are considering to start the process, so as to gauge the level of interest.
- 4.4** The Council will commission consultants to prepare a "how to guide", graphics and template to support the plan making process. The consultants will work with groups interested in preparing a Local Place Plan to ensure that the "how to guide" meets their needs. In addition, the following assistance would be offered to all community groups by the Council:
- Provision of mapping or access to facilities with which to prepare maps.
 - Key Documents would be provided on the Local Place Plan pages of the Council website, and any group which comes forward would be provided with those which are required to be considered to meet the legislative requirements.
 - A start up meeting would be offered to any group coming forward to talk through the legislative requirements, explain the support that is on offer and discuss any further requirements.
 - When the community group has a draft plan, the planning service would coordinate responses on the draft Local Place Plan from relevant Council services.

- Pre-validation check would be offered to give communities an opportunity to undertake any outstanding processes which would be required to ensure a Local Place Plan is valid prior to formal submission.

4.5 The Council may be able to offer other assistance to groups, however due to resource implications, and dependent on the level of interest, these may not be able to be provided to every group. Interested groups will be asked to submit an expression of interest for further support within the invitation. The following would be outlined within the invitation as additional supports which we may be able to offer.

- Start-up funding (The Draft 'How to' Guide indicates that there are essential expenses of between £500 and £1000 which will arise in the preparation of a Local Place Plan).
- Support to form a "community-controlled body" as defined by the Community Empowerment Act.
- Printed mapping and materials
- Subscriptions to Online platforms such as Placebuilder and Community Map Scotland.
- Training in for example facilitation, engagement or the Place Standard.
- Assistance to apply for funding opportunities for professional/consultancy support

Validation

4.6 The Council, as Planning Authority, is required to validate Local Place Plans which meet paragraphs 1(4) and 2(1) of Schedule 19 of the Planning (Scotland) Act.

4.7 Validation of submitted Local Place Plans will be undertaken by officers in the Development Planning and Place team of Planning Services. The validation only considers the requirements of legislation and is not based on the content of the Local Place Plans. Officers would submit recommendations in relation validation of a Local Place Plan to Planning Committee for approval.

4.8 An explanation is required to be provided to groups when a Local Place Plan is not considered valid. Officers would aim to support communities to meet the requirements for validation before recommending that a Local Place Plan is not valid to the Planning Committee.

4.9 The planning service will share draft Local Place Plans for consultation with relevant services prior to submission for validation. Where a validated Local Place Plan includes proposals which relate to other Council services the validated Local Place Plan will be shared with the relevant service for their consideration.

Register of Local Place Plans

- 4.10** The Planning Authority will maintain a register of valid Local Place Plans, which will be available to view by the public in person and on a website maintained for that purpose. It is anticipated that this will follow the form of other planning registers and be hosted on the Council website and Geographical Information System (GIS). This would include the map showing the land to which Local Place Plans relate as well as copies of Local Place Plans and accompanying documents, including the validation report.

Preparation of Local Development Plan

- 4.11** The Council is also required to take into account any registered Local Place Plans when preparing the Local Development Plan. The Development Plan Scheme, Participation Statement, and invitation to prepare Local Place Plans set out the timescales in which will allow sufficient time for Local Place Plans to be prepared, validated, and considered before the Proposed Local Development Plan is published. It is anticipated that Local Place Plans can take up to 1 year to produce.
- 4.12** Members of the Development Planning and Place team will provide a response to valid Local Place Plans, setting out how the Local Place Plan has been considered when preparing the Local Development Plan. Where the Local Place Plan has been submitted during an early stage of the Local Development Plan preparation this will be provided as a background report to the Proposed Local Development Plan. Local Place Plans which are validated after Proposed Local Development Plan publication would be responded to as part of the Local Development Plan Examination process.

5. People Implications

- 5.1** It is difficult (at this time) to quantify the Council resources required to support a successful Local Place Plan programme. It is for communities to decide if they want to do one, the timing of it, and the geography and content of it. The plans are to be community-led, but different communities are likely to require different levels of support from the Council. Beyond the invitation and validation of Local Place Plans, there is likely to be a call on the time of staff within the Planning and Communities teams to support the development of Local Place Plans. It is anticipated that this new requirement of the Planning (Scotland) Act 2019 is likely to place additional resource requirements on both the Planning and Communities teams.
- 5.2** It is anticipated that Local Place Plans will include proposals which go beyond the definition of development and would not be considered within the Local Development Plan. These will be passed to the relevant services for consideration.

6. Financial and Procurement Implications

- 6.1** It is considered that consultancy support would be beneficial in encouraging the preparation of Local Place Plans, particularly through ensuring they are communicated and consulted on as effectively as possible, and presented in a manner that is likely to be understood by the communities they cover and able to effectively influence the future development of the area (and potentially the services that affect it).
- 6.2** As detailed above it is difficult to determine how many communities will come forward to prepare Local Place Plans and to determine the support they will require. However once invitations are issued it will be clearer the interest from community groups and the likely costs. Officers will submit a proposal as a burden item for Members consideration in setting the 2024/25 budget. In the meantime, the commissioning of consultants to prepare a “how to guide”, graphics and template to support the plan making process will be met within the existing Planning and Building Standards budget.

7. Risk Analysis

- 7.1** Failure to meet the duties arising from the Planning (Scotland) Act 2019 places the Council at risk of legal challenge.
- 7.2** The Council is required to consider validated Local Place Plans in preparing the next Local Development Plan. It would be preferable for community prepared Local Place Plans to be validated in time for them to be reflected in the Proposed Plan, but as the timing of these are to be decided by communities there is no guarantee of this.

8. Equalities Impact Assessment (EIA)

- 8.1** Equalities Impact Assessment 778 is attached as Appendix 1 to this report. The EqlA sets out a recommendation to introduce the policy within the following summary: We will pro-actively engage with groups which are under-represented in the Local Development Plan preparation process. Potential impacts are detailed in the EIA in terms of equality and human rights as they relate to participation.

9. Environmental Sustainability

- 9.1** The Local Development Plan and any proposals arising from Local Place Plans will be subject to a strategic environmental assessment.

10. Consultation

- 10.1** Issuing the invitation to prepare Local Place Plans is a key consultation stage of preparing the next Local Development Plan. The Development Plan Scheme and Participation Statement will be consulted on for a period of 8 weeks if approved.

10.2 The views of the Communities team has been sought during the preparation of this report.

11. Strategic Assessment

11.1 Local Place Plans are considered to be relevant to, and will help deliver, all of the Council's strategic priorities:

- Our Communities – Resilient and Thriving
- Our Environment – A Greener Future
- Our Economy – Strong and Flourishing
- Our Council – Inclusive and Adaptable

Pamela Clifford

Planning, Building Standards and Environmental Health Manager

Date: 20th September 2023

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager,
pamela.clifford@west-dunbarton.gov.uk

Alan Williamson, Development Planning & Place Team Leader
alan.williamson@west-dunbarton.gov.uk

Appendices: Appendix 1 - Equalities Impact Assessment 778

Background Papers: Planning (Scotland) Act 2019
<https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>

Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021
<https://www.legislation.gov.uk/ssi/2021/353/introduction/made>

Circular 1/2022: Local Place Plans
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/01/circular-1-2022-local-place-plans/documents/circular-1-2022-local-place-plans/circular-1-2022-local-place-plans/govscot%3Adocument/circular-1-2022-local-place-plans.pdf>

Wards Affected: All