

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Planning, Building Standards and Environmental Health Manager**

**Planning Committee: 2<sup>nd</sup> August 2023**

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**Subject: Effective Community Engagement in Local Development Planning Guidance**

**1. Purpose**

- 1.1** To seek the agreement of the Committee to submit a response to the Scottish Government consultation on Effective Community Engagement in Local Development Planning.

**2. Recommendations**

- 2.1** It is recommended that the Committee agree the proposed Council response set out in Appendix 1.

**3. Background**

- 3.1** The Planning (Scotland) Act 2019 has introduced changes to the planning policy framework and development planning system in Scotland. It includes provision for the Scottish Ministers to issue guidance on effective community engagement and for Planning Authorities to have regard to this guidance.
- 3.2** The Scottish Government published draft guidance on Effective Community Engagement in May 2023. The purpose of the guidance is to provide further detail to planning authorities on the levels of engagement which they are to undertake at each stage of the Local Development Plan preparation process. This also includes the impact assessments that are to be undertaken as part of the process. Responses are to be submitted by 13th September 2023.

## 4. Main Issues

### Consultation Draft Guidance on Effective Community Engagement in Local Development Planning

- 4.1** The guidance is for both Planning Authorities, communities and other stakeholders. The consultation document is split into two sections; the background to the guidance and the draft guidance itself. The background sets out: that this new guidance fits into the Scottish Government's planning reforms; the underlying principles used to develop the guidance; the legal background to the guidance; and the policy context. The background highlights that part of the planning reform is to make the development planning process more participatory, collaborative, and inclusive.
- 4.2** The guidance is not intended to replace or duplicate existing guidance, but to work with it. The guidance is based on the existing National Standards for Community Engagement and the approach developed by the International Association for Public Participation. The focus of the guidance is not on specific methods for engagement, but the level of influence the public should have at each stage of the process and compliance with statutory requirements. The guidance also aims to support opportunities to link different processes together to avoid consultation fatigue in the public.
- 4.3** The draft guidance defines different levels of engagement, which specify how much influence stakeholders have in decision making. The levels are listed below, in order of least influence to the most influence over decisions.
- Inform – to inform stakeholders interested in the outcome of a decision;
  - Consult – to inform decision makers or those developing proposals;
  - Involve – to enable stakeholders to directly influence a decision or options available;
  - Collaborate – to share the decision making process with stakeholders as much as possible
  - Empower – to hand over the ability to make decisions to stakeholders
- 4.4** These different levels of engagement are then assigned to the different stages of the development planning process:
- Stage 1, preparing the Development Plan Scheme and Participation Statement. At this stage the Planning Authority is expected to *inform* and *involve* communities.
  - Stage 2, inviting communities to prepare a Local Place Plan. At this stage the Planning Authority is expected *inform*, *involve*, and *empower* communities.

- Stage 3, preparing the Evidence Report. At this stage the Planning Authority is expected to *inform* and *involve* communities.
- Stage 4, gate check. At this stage the community may be *consulted* by the person appointed by Scottish Ministers to run the gate check process.
- Stage 5, preparing the Local Development Plan. At this stage the Planning Authority is expected to *involve* and *collaborate* with communities.
- Stage 6, consulting on the proposed Local Development Plan. The Planning Authority is expected to *inform* and *consult* local communities.
- Stage 7, modifying and examining the proposed local plan. The local Planning Authority is expected to *inform*, *consult*, and *involve* local communities.
- Stage 8 adopting the Local Development Plan. The Planning Authority is expected to *inform* local communities.
- Stage 9, delivery programme. The Planning Authority is expected to *inform* and *collaborate* with local communities.
- Stage 10, impact assessments. There are numerous impact assessments to be carried out throughout the plan making process and the level of engagement varies depending on the assessment, however engagement expectations range from *informing*, *consulting*, to *involving*.

### Consultation Response

- 4.5** The Council's response to the Effective Community Engagement in Local Development Planning Guidance is set out in Appendix 1. Key points from the Council response include:
- The scope of the guidance is generally clear and it is useful that it links to other complimentary guidance. However there is a Planning Advice Note that it refers to which is now outdated and could cause confusion.
  - The practical difference between some of the levels of engagement are not immediately apparent; particularly the difference between “involve” and “collaborate”. The definitions would benefit from improved clarity and possibly real world examples of each level of engagement.
  - Setting out the different levels of engagement at each stage is helpful and the levels of engagement chosen for each stage seem appropriate.
  - There is some concern that Local Place Plans produced by communities could conflict with other evidence that will be used to inform the plan. Advice or links to other guidance on how to resolve these kinds of conflicts with communities would go some way to addressing this.

- The guidance appears to contradict legislation regarding the examination of the proposed Local Development Plan, by suggesting that an examination is optional if there are unresolved issues.
- The guidance identifies appropriate levels of engagement for the impact assessments and this is agreed.
- The guidance aims to support ways to reduce consultation fatigue, but does not offer much practical advice to achieve this.
- The level of engagement the guidance recommends combined with the number of specific groups the council needs to engage in making the Local Development Plan presents a challenge given the currently limited resources in local authorities.
- Overall the structure and level of detail in the guidance is helpful, but it would benefit from some improved clarity on some specifics, and references to examples as indicated above.

## **5. People Implications**

- 5.1** There are no direct personnel issues associated with this report. However, the level of engagement and participation expected to prepare a Local Development Plan will be time and resource intensive for members of the Development Planning and Place team and the Communities Team whose help will be needed to engage communities.

## **6. Financial and Procurement Implications**

- 6.1** There are no financial or procurement implications associated with this report.

## **7. Risk Analysis**

- 7.1** There are no risks associated with this report

## **8. Equalities Impact Assessment (EIA)**

- 8.1** The Scottish Government has undertaken an equalities impact assessment of the consultation documents.

## **9. Consultation**

- 9.1** As the contents of the consultation are focussed on planning processes, officers from the Development Planning and Place prepared the response and the Communities team and Performance and Strategies team were consulted.

## 10. Strategic Assessment

10.1 The finalised guidance will be of relevance and contribute to the following strategic priorities:

- Our Council – Inclusive and Adaptable; by assisting our residents to be engaged and empowered.

**Pamela Clifford**

**Planning, Building Standards and Environmental Health Manager**

**Date: 2<sup>nd</sup> August 2023**

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**Appendix:** Appendix 1: Response to Consultation Draft Effective Community Engagement in Local Development Planning Guidance

**Background Papers:** Effective Community Engagement in Local Development Planning Guidance - [Effective community engagement in local development planning guidance: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-collections/effective-community-engagement-in-local-development-planning-guidance-consultation-2023-08-01)

**Wards Affected:** All