

## Effective Community Engagement in Local Development Planning Guidance

### Respondent Information Form

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Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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- Publish response with name  
 Publish response only (without name)  
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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

## **Purpose and scope**

### **Purpose**

Effective community engagement is an essential part of local development plan preparation. This guidance sets out the Scottish Government's high-level expectations on how planning authorities can comply with their legal duty to engage with the public when preparing their local development plans. It sets out the levels of engagement that could be applied at different stages of the development plan process.

The guidance is intended to be used by planning authorities as a sense check when planning their engagement to support the preparation of local development plans.

It will also be helpful to communities, organisations and individuals in understanding when they can engage in the local development plan process and what influence on the plan making that engagement may have.

The Town and Country Planning (Scotland) Act 1997 Section 16C (introduced by the Planning (Scotland) Act 2019) gives the Scottish Ministers the power to prepare the guidance. It also requires planning authorities to have regard to the guidance.

### **Scope**

The guidance sets out the levels of engagement that could be applied at different stages of the development plan process. The guidance is not intended to detail the approaches to or methods of engagement that may be taken at any particular stage in the local development plan process. Approaches and methods for engagement are in place and will continue to develop over time. It remains important that those undertaking engagement exercises consider methods that are appropriate to the subject, context and groups being engaged.

To complement the guidance, we will consider opportunities to signpost examples of engagement practice, including through the [Our Place](#) website.

Please refer to the [consultation paper](#) for further information.

**1. Do you agree that the purpose and scope of the guidance is clear?**

Yes

No

No view

Comment on your answer

The scope of the guidance is clear, and West Dunbartonshire Council welcomes that links to complementary guidance are to be included.

Although, referring to Planning Advice Note 3/2010 is not very helpful, given it refers to an outdated plan preparation process and outdated version of the National Standards, which could cause confusion. We suggest that the guidance refers to the Local Development Planning Guidance and the current National Standards instead. Other links, such as to Our Place website, and links to resources for engaging specific groups are also helpful.

## Levels of engagement

Different levels of engagement are appropriate to policy preparation activity. Terms used by the International Association for Public Engagement and the National Standards for Community Engagement help clarify how different forms of engagement offer participants different levels of influence. The International Association for Public Engagement terms these levels the 'Spectrum of Participation' ((c) International Association for Public Participation [www.iap2.org](http://www.iap2.org)). This is replicated in Table 1 of the [consultation paper](#) along with additional information on the purpose and degree of influence these levels enable. The term 'consult' in this context should not be confused with references to consultation requirements in the Planning Act.

The key terms related to the levels and the purpose or degree of influence of the levels is set out below, however please refer to 'Table 1 - Levels of Engagement / Spectrum of Participation' in the [consultation paper](#) and through the hyperlink below for the full details:

- engagement level - inform: purpose - to inform those with an interest in the outcome (i.e. the public and stakeholder groups)
- engagement level - consult: purpose - to inform those making the decision or developing proposals
- engagement level - involve: purpose - to enable participants to directly influence the decision / options developed
- engagement level - collaborate: purpose - to share the development and decision-making process (as much as possible)
- engagement level - empower: purpose - to hand over the ability to make decisions and / or take action.

All the levels of engagement are a form of empowerment for communities and planning authorities will work towards different levels of engagement depending on the stage of the local development plan. Communicating clearly about the level of engagement, the offer, and purpose, will help clarify and manage expectations for everyone involved.

Communities will have most influence on the local development plan at the stages where the engagement levels are **consult**, **involve**, **collaborate** or **empower**. This is because at these levels planning authorities commit to being influenced by the engagement. The reporting mechanisms set out in legislation mean that people are given feedback on how their input has affected the approach taken.

Please refer to the [consultation paper](#) for further information.

**2. Do you agree that the terms inform, consult, involve, collaborate and empower, as described in the table, are helpful terms to support understanding of different levels of engagement and the influence that results from it?**

- Yes  
 No  
 No view

Comment on your answer

The “Offer to participants” at different levels of engagement do overlap making it difficult to distinguish the practical difference between the levels in some cases. In particular the offer to participants at the “Involve” and “Collaborate” levels appear to be very similar. “Consult” and “Involve” also have some degree of overlap.

It would be helpful if there was better differentiation between these levels of engagement. Links to good practice case studies providing examples of each level of engagement may be helpful.

There is some concern about the definition of the term “empower”, which applies to the preparation of Local Place Plans. The offer to participants of “we will implement what you decide” potentially sets unrealistic expectations for communities and introduces the possibility of conflict during the plan preparation process. As Local Place Plans are expected to be prepared for inclusion in the published Evidence Report it is unclear how a Planning Authority or community should proceed where there is conflict between Local Place Plans and other evidence. The guidance should recognise this possibility, which could in part be helped by reference to existing guidance on alternative forms of conflict resolution, such as Planning Circular 2/2021 on the use of mediation in planning.

## Stage by stage engagement

The guidance gives further details on the local development plan stages of preparation and the associated level of engagement, which are summarised below. Please read the consultation paper for the full details.

- stage 1 preparing the development plan scheme and participation statement: engagement level - inform, involve
- stage 2 inviting communities to prepare a local place plan: engagement level - inform, involve, empower
- stage 3 preparing the evidence report: engagement level - inform, involve
- stage 4 gate check: engagement level - consult, where necessary as decided by the person appointed to lead the gate check
- stage 5 preparing the proposed local development plan: engagement level - involve, collaborate
- stage 6 consulting on the proposed local development plan: engagement level - inform, consult
- stage 7 modifying the proposed local development plan and examination: engagement level - inform, consult, involve
- stage 8 adopting the local development plan: engagement level - inform
- stage 9 delivery programme: engagement level - inform, collaborate
- stage 10 impact assessments: these are an important part of preparing the local development plan, although listed as a stage, the guidance is clear that the impact assessments happen throughout the plan preparation process.

In stage 10 the guidance links the levels of engagement to the key assessments as follows:

- strategic environmental assessment: engagement level - inform, consult
- habitats regulations appraisal: engagement level - inform
- public sector equality duty assessment: engagement level - inform, involve
- fairer Scotland duty assessment: engagement level - inform, involve
- island communities impact assessment: engagement level - inform, consult, involve
- child rights and wellbeing impact assessment: engagement level - inform, consult, involve

### **3. Do you agree that the appropriate levels of engagement have been identified for the stages of local development plan preparation?**

- Yes
- No
- No view

#### Comment on your answer

Generally the levels of participation seem appropriate to each step and the level of detail provided is helpful, with the exception of the section on modifying plans, which appears to contradict legislation.

Under the “Modifying the Proposed Local Development Plan and Examination” section, in the first paragraph on page 26, the guidance states that the planning authority “may” seek an examination where representations cannot be resolved by modification to the plan. However section 19 (1) and (2) of the Town and Country Planning act states a local authority “are” to request an examination where there are unresolved issues. The guidance makes this appear optional where the legislation does not. The final version of the guidance should be amended to reflect the legislation.

West Dunbartonshire Council would highlight the resource challenge that the expected levels of engagement presents, and would suggest the final guidance makes reference to the engagement undertaken being proportionate.

It would also be helpful if there was more links to guidance on how to engage with the many different groups required by the Planning Act 2019. This may include guidance on the broad types of engagement that are expected e.g. where in-person engagement might be more appropriate than electronic engagement, and vice versa.

#### **4. Do you agree that the appropriate levels of engagement have been identified for the impact assessments?**

- Yes
- No
- No view

## Comment on your answer

It would be useful to also include the levels of engagement expected on a Human Rights Impact Assessment and Health Inequalities Impact Assessments, which are not included in the lists in paragraphs 6.11 and 10.3 but are mentioned elsewhere in the consultation document.

West Dunbartonshire Council recognise the value of the impact assessments, but would also highlight the challenge in preparing them, particularly given the current lack of resources in local authorities.

The assessments also potentially complicate the process for communities. It would be helpful if the guidance could advise (or link to other advice) on how to better integrate engagement on impact assessments with the Development Plan engagement, to avoid consultation fatigue. Engaging with the local planning process can be demanding, especially for the hard to reach groups that the impact assessments are designed to benefit. Advice on good practice to reduce the demand on communities engaging with the process would be helpful.



## Further consultation questions

Further questions about the consultation paper and the associated impact assessments that have informed it are provided to encourage additional comments to be made.

Please refer to the [impact assessments](#) report.

### 5. Overall, is the approach set out in the guidance helpful?

- Yes
- No
- No view

Comment on your answer

The structure and level of detail within the guidance is helpful, with some additional clarity needed, as set out in our answers to other questions.

### 6. Do you have any views about the initial conclusions of the impact assessments that accompany and inform this guidance?

- Yes
- No
- No view

Comment on your answer

### 7. Thinking about the potential impacts of the guidance – will these help to advance equality of opportunity, eliminate unlawful discrimination, and foster good community relations, in particular for people with protected characteristics?

- Yes
- No

No view

Comment on your answer

The guidance makes specific reference to protected characteristics and how people with protected characteristics should be involved in development planning, and impact assessments, which is positive.

**8. Do you have evidence that can further inform the impact assessments that accompany this guidance, in particular in relation to the impact of the guidance on people with protected characteristics, businesses and costs to businesses?**

Yes

No

No view

Comment on your answer

**9. Please provide any further comments on the guidance set out in this consultation.**

Please provide comments here

One of the principles of the guidance is that it will support opportunities to avoid or reduce consultation fatigue by linking to other processes.

West Dunbartonshire Council does not believe the guidance succeeds in this regard. This is highlighted in our answer to question 4 on impact assessments, but the issue also extends to other pieces of work Local Development Plans rely on as part of their evidence base, listed in table S2. Additional guidance on the engagement processes for these strategies could compliment overall engagement on the Local Development Plan.