

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS is a member of the Climate Heritage Network steering group.

BEFS Statement:

Page | 1

In forming this response BEFS received detailed views from Members and held a roundtable for those who had commented on Planning and the planning process previously.

BEFS broadly supports the proposed regulations as outlined in the consultation document, with some caveats explored in more detail through question responses. BEFS is pleased to note mention in the consultation on p1 that:

The Scottish Government has already laid regulations on amendments to pre-application consultation arrangements and consulted on draft guidance on the promotion and use of mediation. We will also consult on draft effective community engagement guidance on local development plans later in 2021.

This will form an essential part of the process. Meaningful early engagement in planning will pay dividends and there is the potential for Local Place Plans (LPPs) to be a valuable part of this.

Generally, whilst this consultation on the regulations is welcome, there are broader questions around Local Place Plans which remain unanswered:

Whilst LPPs appear an attractive solution to incorporating and engaging local communities in decisions about their places, the challenge of resources - which has previously been identified - has not been addressed.

Community expectations could be raised by mandating these regulations, however it remains unclear to what extent and how these expectations could be met. For example, on p5/18 of the document it suggests the creation of a Local List through the medium of the LPP. Whilst BEFS supports enabling communities to be clear about what is important and significant to them and their local place, without the understanding that no additional protections are bestowed through this process, the balance between expectations and outcomes may not be in the community's favour.

BEFS considers that guidance across several areas will be key; during the development of this guidance and until this supplementary information is in place, many caveats remain necessary. Any guidance also needs to acknowledge that not all LPPs will reach completion and become registered plans – this will in part be due to the lengthy nature of the process. The question of how to ensure that communities are not discouraged by this, as a perceived setback to wider aims for their local area; and understand how to meaningfully use any preparatory work also needs to be addressed. One possible mitigation could be to provide communities with a realistic sense of the nature and scale of engagement necessary at the outset, attaching likely timelines as part of any guidance.

Guidance could be informed by the SCDC findings, and to avoid oversaturation through the creation of too much new information, this guidance could involve both active toolkits and existing methodologies such as Stirling University's toolkit for assessing social value. Similarly, the template of Conservation Area appraisals, along with the Place Standard, may have some value in assessing place as part of the process.

BEFS notes that the consultation doesn't address the potential for conflict between competing communities over differing visions for their places, including the consideration of boundaries. Whilst this may not be a common issue, the question of how to resolve a lack of clear vision, or a single lead community body taking forward the preparation of the LPP, was raised. A void in terms of information for competing communities leaves a gap – potentially enabling those outwith the community to influence outcomes (for good or ill).

An exploration of how local plans could add value on a micro scale was also felt to be useful, such as how places and buildings are looked after and cared for. The local community may recognise an asset, but it might not be well maintained. This could be a way for communities to explain how they would like their place to be looked after and how services are developed to do this, contributing to quality of place.

There are further concerns that the production of LPPs could become ‘professionalised’ thereby excluding some communities who do not have access to resources and expertise. There is a risk that process becomes prohibitively expensive and time consuming if done well, and not representative enough if done badly. The process currently proposed in the document requires the preparation to be detailed and well informed, which - without support and resource – is a difficult ask for a community group.

Page | 2

BEFS also notes that an understanding of planning cycles needs to be fully expressed, along with where the Local Place Plan will sit within this cycle. For example, NPF4 and Local Development Plans are 10-year plans. It seems unlikely that a LPP will trigger a review of the development plan, and as such that LPPs made after this will be incorporated. Impacts of this could include a bottleneck of work, with communities pressing to get their Local Place Plan approved to help prepare Local Development Plan decisions. Implications around this potentially delaying Local Development Plans should be considered.

Considering this, there was some concern over the phrasing on p3: *Equally, it is important that LPPs support, rather than undermine, the Local Development Plan (LDP) as a statutory decision making document.* The implication here is that local communities will make plans to support the Local Development Plan – which in some cases may be true, but for others may be far from their intent.

BEFS is of the opinion that much can be learned from Neighbourhood Plans in England and how they function. This includes a propensity for well-to-do communities being better able to initiate local plans, as the benefits and reasons for developing them are more widely understood. A plan at local scale also often works best in smaller towns or distinct rural areas, and less well in large urban settings. Neighbourhood Plans are also to an extent resourced – both through state aid and through potential resource in relation to the [SEA screening via Local Authorities](#). [Additional funding pots](#) are also available in order to support and promote uptake. Additionally, places with neighbourhood plans retain 25% of infrastructure levy receipts to spend on identified local projects. If Local Place Plans are given a similar allowance, there could be opportunities for use and re-use of abandoned or neglected assets.

Page 6 of the consultation document states that, *The process for preparing LPPs is to be defined largely by the capacity and preferences of the communities themselves, rather than introducing a fixed procedure.* Whilst this is true it does not represent equity for communities, but could however, be addressed through resourcing. With regards to this, current suggested costs within the consultation document are at odds with continued cuts to planning departments, and Local Authority costs outlined do not seem to take into account Planning Officer time.

Another important point was felt to be the definition of community – a notoriously difficult thing to define – with the transience of communities seemingly not addressed.

Finally, and fundamentally, BEFS would suggest that the value of a community taking part in a lengthy and onerous process is not fully articulated in the document. Given the time-limited nature of a potential LPP and the non-statutory nature of the outcome, the question could be asked why a local community should make a LPP and how this consultation around regulations supports those aims?

Responses to Consultation Questions:

1. Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

- YES

BEFS is in general agreement and supports SURF's view that:

a community group lacking in confidence, experience and/or skills may not know how to find if a Locality Plan exists, or understand some of the content, particularly where professional and technical language is frequently used.

Where on p 9 /39 it states that:

Whilst there is no requirement for LPPs to be comprehensive, we expect them to focus on the community's development priorities. We are therefore not proposing to include other public sector plans, programmes or strategies other than the Locality Plan, where one is in place.

There are concerns that this could perhaps pre-emptively limit the community in forming a Local Place Plan for their particular purpose – which may not be development led.

2. Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

- YES

However, how this is assessed will be key. Considerations around status and correlation with existing plans - such as what takes precedence and how conflict between these is managed - will be important in order to reduce negative impacts on plans and schemes that don't fit with the LPP.

If LPPs are given a degree of materiality, Community Planning Partnerships will need to be cognisant of other local plans where applicable. Links to both existing plans and existing policy – through the NPF4 (when formed) will be essential to coherent planning.

A community group commented that:

Those preparing LPPs will need a raft of local information, including economic and social statistics which the Local Authority will provide. Existing or draft LDPs will have to be consulted, as well as their LA's Climate Change manifesto.

Clarity on how Local Authorities will be able to provide this information in full, in a manner accessible to community groups needs to be further explained (again with guidance – in this instance guidance for Local Authorities).

3. Do you agree with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary?

- YES

The quality of mapping expected, and any costs attached, should be made clear through guidance to both communities and Local Authorities. Another consideration will be in establishing who sets boundary lines for the plans and visualisations of the local area.

P35/52 in the annex documents suggest the cost of designer to be £2-2.5K – this may be prohibitive for many communities should mapping and other visualisations require design work.

4. Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?

- YES

However, this does raise the question of who, when and how much engagement will be required and what might be viable for a wide range of community groups. Community Ownership engagement standards could prove hard to meet and are often used in relation to an asset (with a clear outcome around which momentum can be built). This format may not suit the development of a Local Place Plan. Useful methods used to remove barriers to participation such as digital engagement may have costs attached – who would fund this?

Page | 4

5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?

See response to question 4.

The National Standard of Community Engagement is a valuable tool and should become the foundation for the preparation of LPPs. The requirement that the organisers be required to (1) identify people that will be effect and (2) identify and overcome any barriers to participation, will be critical to their acceptance and their success.

6. Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?

- YES

However, whilst community empowerment and asset transfer standards exist, when applied to LPPs they are burdensome; outcomes may not exist in the same way as there may not be a clear and categorical asset.

It also needs to be taken in to account that communities can disagree between themselves about what is best for their area. As such standards towards a minimum viable product would be useful, recognising that too high a bar would exclude some communities from participating. It could be read that an assumption running through the consultation document is that community bodies are benign organisations, operating objectively on behalf of those they claim to represent - there can be strong feelings on different sides even within the smallest community. In addition, those who have invested a lot of time in preparing a Local Place Plan may be reluctant to see that effort undone and could be resistant to negative comment.

7. If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?

Requirements may need to be flexible and adaptable to work for diverse communities.

BEFS notes SURF's comment that:

To reiterate, the 10% target is easier to achieve in, for example, a small rural village, than in a large town centre or city area, and as with Community Right to Buy, it would be logical to accept a smaller proportion in some circumstances.

8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?

- YES

Connecting with councillors and engagement with the democratic system could have benefits wider than planning. To do this effectively community councils must be empowered as part of the systems in place.

9. Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

- YES

It is reasonable that if requirements are being set, there should be a statement confirming they have been met. This should give reassurance to all parties involved that the process has been followed, and the resultant LPP registered. This statement could form a useful part of the guidance documents helping to way-find the process as a checklist for community groups.

Page | 5

10. Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?

- YES

BEFS is in general agreement with the above and agrees that a commitment to provide a digital, publicly accessible national hub of LPPs could be an excellent resource for the categories listed by BEFS Member organisation, SURF:

all organisations involved with landuse planning in Scottish places, in addition to the general public, and those engaged in academic research.

There is however some concern over p19/85 in the consultation document which states:

Providing a register of LPPs for a local authority area, with a map of the areas the plans cover, may assist community bodies in defining the boundaries of their LPPs so they don't overlap, and provide potential developers with a source of information on the community's aspirations for its future development.

From this there is the implication that a community should 'get in first' when registering their LPP so their boundary takes primacy. This problematically continues to privilege communities with the greatest skills and resources, and needs to be mitigated.

11. Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

- YES

For this to be effective a central repository would be required to allow planners, communities, and developers access to the information, to contextualise it and understand the aims of the community. It has been noted that LPPs may fall into more than one Local Authority or Planning Authority area – the question of where they are registered in this instance does not seem to be addressed.

12. Please provide your views on the level and content of information to be placed on the register.

The information produced in creating the LPP should be held in its entirety, in a single location. If the information is not placed on the register this raises the question of where else it could be held?

However, this could potentially increase the financial burden on planning departments and this may need to be adequately addressed.

13. Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

- YES

Page | 6

It is however worth considering whether there should be additional checks, to ensure that the community also believe the plan should be removed. Further clarity is needed should the planning authority not agree with its removal.

As areas change LPPs may benefit from a review period to ensure that they remain relevant, and representative of the communities aims for their place. Should this be the case the question of support and resource is raised again.

14. Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?

- YES

As stated above, mapping and visualisation will play an important part of developing an LPP and existing arrangements provide a useful precedent; however, a minimum standard should be agreed that doesn't preclude any community from embarking upon formation of a LPP. Ascertaining a balance between clear and useful mapping, against what communities may realistically be able to achieve/afford will be key. Clear guidance should be developed for both communities and Local / Planning Authorities.

15. Please give us any views you have on the content of these partial assessments.

16. Do you have or can you direct us to any information that would assist in finalising these assessments?

17. Please give us your views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents and our conclusion that full assessments are not required.

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

It may not be appropriate to undertake a full SEA, but some form of assessment may be required.

BEFS responses to a number of Consultations in relation to the Built Environment can be found at:
<https://www.befs.org.uk/resources/consultations/>

RESPONDENT INFORMATION

- Name: Hazel Johnson, Policy and Strategy Manager

- Email: hjohnson@befs.org.uk
- Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)
- Address and Postcode: 61 Dublin Street, Edinburgh, EH3 6NL

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

Page | 7

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**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**