

Analysis of Responses made to Local Development Planning Regulations and Guidance Consultation

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The analysis in this report reflects the opinions of the respondents.

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1. Introduction

1.1 Context

- 1.1.1 Significant changes to development planning are proposed as part of the Planning (Scotland) Act 2019 (the 2019 Act), including those that seek to strengthen and simplify Local Development Plans (LDPs). The Scottish Government is proposing a new approach to preparing plans that will result in new style plans that support the management and use of land in the long-term public interest. The intention is to refocus plans on the outcomes that they will deliver for people and places, rather than the process of preparing them. Plans should be informed by consultation and collaboration so that they are relevant, accessible and interest people.
- 1.1.2 To guide the implementation of the changes proposed, draft Regulations and Guidance have been prepared by the Scottish Government. In December 2021, the Scottish Government published a consultation on the draft LDP Regulations and Guidance. This sought feedback from those who will use the legislation and guidance, plus other interested parties and the wider public.
- 1.1.3 A total of 32 questions were asked about the content of the proposed LDP Regulations and Guidance and the associated Interim Impact Assessments. Ironside Farrar were commissioned to provide a robust analysis and concise collation of the consultation responses received. The regulations and guidance will then be finalised taking account of the views gathered through the public consultation.

1.2 Part A, The Introduction

- 1.2.1 Planning reform has sought to strengthen and simplify LDPs in line with the objectives of the 2019 Act, which amends the Town and Country Planning (Scotland) Act 1997, as amended (the Act). New plans should support the management and use of land in the long term public interest and refocus priority on people and places, rather than the processes of preparation. This outcome will be informed by consultation and collaboration to ensure relevance and accessibility.
- 1.2.2 The content of the consultation paper was informed by the work of three stakeholder working groups. These were subgroups of a Development Planning working group that has provided input to the planning reform programme at several points in its progress. Each group considered respectively the scope and content of future LDPs, the procedures for preparing LDPs, and the detail of the Evidence Report & Gate Check. The outputs from this work informed the detail in the draft secondary legislation and guidance which the consultation paper sought views on.

1.3 **Part B, Proposals for Regulations**

- 1.3.1 The consultation proposed that regulations will be kept to a minimum due to the amount of change brought forward in the 2019 Act which primarily establishes much of the detail. Regulations relating to the Evidence Report will require Scottish Ministers to notify the planning authority when a person has been appointed to assess the Evidence Report and their name. This person will be able to request further representations or information in connection to assessment. General costs incurred will be met by the planning authority who are also responsible for providing electronic copies of any documents referred to in the Evidence Report.
- 1.3.2 Regarding the Information and Considerations for LDPs, the regulations will consolidate with the requirements of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015. References to 'Strategic Development Plans' will be replaced with 'Regional Spatial Strategies', alongside the removal of references to 'Strategic Development Plan Authorities', 'Main Issues Report', 'Monitoring Statement' and Delivery Programme'. Development Plan Schemes will be required to specify the date for adoption and identify any changes to the delivery timetable.

1.4 **Part C, Draft Guidance**

- 1.4.1 The consultation also sought views on proposed secondary legislative requirements and draft guidance to stakeholders on implementing the future local development plan system. The Draft Guidance is structured in three sections, each fulfilling a different purpose. The structure enables guidance to be a live document that can be reviewed in parts and offer access to types of information as needed by different audiences. The three parts of the Draft Guidance should be considered together with draft National Planning Framework (NPF4) and relevant legislation to give a full understanding of all requirements and guidance for LDPs.
- 1.4.2 Section 1 of Part C sets out the overall aims and expectations for new style plans. It provides key messages of what they should be like in the future. Section 2 sets out the process of how to achieve a new style plan. It covers the legislative requirements, how these are met and responsibilities of stakeholders. Section 3 sets out detailed thematic guidance on how new style plans are expected to implement the Draft NPF4 policies for the development and use of land.

1.5 **Part D, Interim Impact Assessment**

- 1.5.1 The following Interim Impact Assessments and screening assessments were also prepared:
- Business and Regulatory Impact Assessment (BRIA)
 - Equalities Impact Assessment (EQIA), covering human rights
 - Child Rights and Wellbeing Impact Assessment (CRWIA)
 - Island Communities Impact Assessment (ICIA)
 - Fairer Scotland Duty (FSD) (screening assessment)
 - Strategic Environmental Assessment (SEA) (screening assessment).

1.6 Review of changes to Development Planning in the Planning (Scotland) Act 2019

- 1.6.1 The 2019 Act is part of a wider programme of reforms to the planning system as a whole, responding to the independent review of planning, which includes changes to secondary legislation made under existing powers as well as non-legislative changes. Some of the key aspects of the 2019 Act are its provisions in relation to the system of development plans; the opportunities for community engagement in planning; the effective performance of Planning Authorities' functions; and a new way to fund infrastructure development.
- 1.6.2 The 2019 Act retains the plan-led system, only requiring the review of development plans after 10 years instead of five years. The development plan has changed from the strategic development plan / local development plan / supplementary guidance, to the national planning framework / local development plan, but regard will also have to be given to the regional spatial strategy and Local Place Plans (LPP).
- 1.6.3 Strategic development plans are abolished, and replaced by regional spatial strategies. Interim amendments to plans will be possible. The right for communities to prepare a LPP will increase their involvement in plan-making. Although local authorities do not have a formal role in the preparation, communities preparing an LPP are likely to look to their local authority for information, if not assistance with plan preparation.

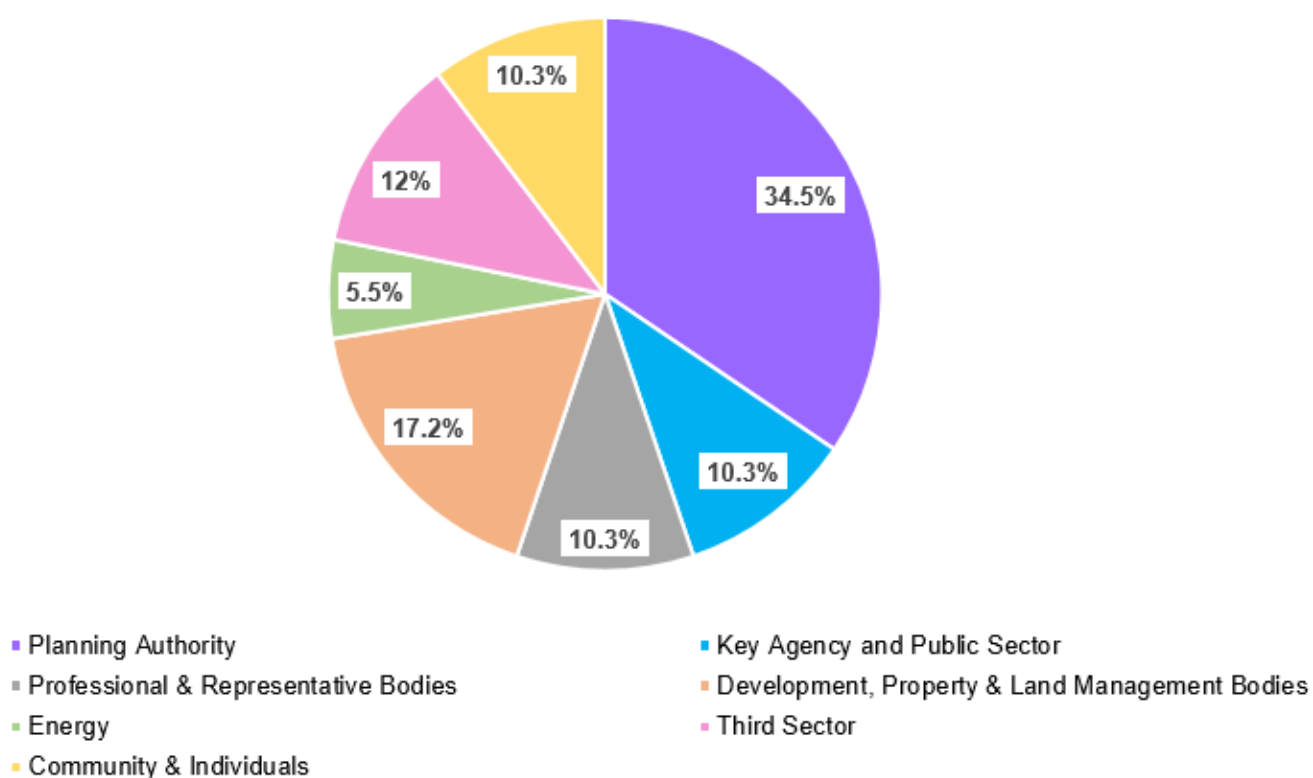
2. Sector Profiles

2.1 Introduction

- 2.1.1 87 responses were received in total. These answers were divided into seven sectoral groups to inform the analysis. Annex B sets out the respondents by sectoral group.

Sector	Number	Percentage
Planning Authority	30	34.5%
Development, Property & Land Management Bodies	15	17.2%
Third Sector	10	12%
Key Agency & Public Sector	9	10.3%
Professional & Representative Bodies	9	10.3%
Community & Individuals	9	10.3%
Energy	5	5.5%

Sector Groups



2.2 Planning Authority

- 2.2.1 A total of 30 Planning Authorities out of a possible 34 engaged with the consultation process. This ranged from urban to rural and island authorities throughout Scotland.
- 2.2.2 Their views are critical to consider as the new regulations will directly affect their preparation and implementation of Local Development Plans.

2.3 Development, Property & Land Management Bodies

- 2.3.1 A total of 15 bodies associated with Development, Property & Land Management engaged with the consultation process. This included a number of housebuilders, real estate, land management and sea farming companies.
- 2.3.2 The proposed regulations will affect the timescale associated with land and property management in relation to engagement and development.

2.4 Third Sector

- 2.4.1 A total of 10 Third Sector Bodies engaged with the consultation process. Those involved are associated with conservation, sustainable transport, arts & heritage, biodiversity, rural land, carbon, architecture and the built environment.
- 2.4.2 The proposed regulations relate to all issues covered by the responding bodies.

2.5 Key Agency & Public Sector

- 2.5.1 A total of 9 Key Agency & Public Sector Bodies engaged with the consultation process. Those involved are associated with nature, transport, sport, design, history, flooding and public health.
- 2.5.2 The proposed regulations directly address the role of key agencies and public bodies.

2.6 Professional & Representative Bodies

- 2.6.1 A total of 9 Professional & Representative Bodies engaged with the consultation process. Those involved represented archaeology, healthcare, planning and law.
- 2.6.2 These views represent the wider opinion of the organisations and professionals who will be responsible for implementing the new system.

2.7 Community & Individuals

- 2.7.1 A total of 9 Community bodies and individuals engaged with the consultation process. The Community Bodies included community councils, local action groups and non-profit organisations.
- 2.7.2 These views provide a helpful insight to how the system might be experienced by communities involved in and impacted by development.

2.8 **Energy**

- 2.8.1 A total of 5 Energy Companies engaged with the consultation process. The majority were Scottish based companies with one further worldwide company.
- 2.8.2 Their views are especially relevant to climate change issues and energy related sections of the regulations and guidance.

3. Analysis

Part A

- 3.1 **Question 1: 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?**

Quantitative Analysis

- 3.1.1 37 written responses were received.
31 respondents voted “yes”, 10 “no” and 6 had “no view”.
- 3.1.2 There was broad agreement that regulations should be kept to the necessary minimum. Of those 31 respondents that voted “yes” 17 were Planning Authorities, 4 Third Sector Bodies, 3 Professional and Representative Bodies, 2 Energy Companies, 1 Development, Property & Land Management Body and 4 Community & Individual responses.
- 3.1.3 Of the 10 that did not agree 3 were Planning Authorities, 3 were Development, Property & Land Management Body, 1 Key Agency & Public Sector Body, 1 Third Sector and 2 Community & Individual responses.

Summary / Themes

- 3.1.4 The responses were generally supportive that regulations should be kept to the necessary minimum. Most Planning Authorities agreed that regulations should be kept to a minimum. Agreement was shown across some Third Sector and Energy Companies. An updated Circular reflecting changes would be welcomed by all these sectors.

Detailed Comments

- 3.1.5 Thirteen Planning Authorities, two Energy Companies and three Third Sector Bodies provided comments of support regarding the principle of keeping regulations to a minimum necessary. The room for flexibility and frequent updates amending potential problem issues was well received. Clarity is sought over the exact definition of what ‘minimum’ entails and how the document will be kept ‘live’ and what this means in practice.
- 3.1.6 Responses across the Planning Authority, Third Sector and Energy groups cited the intention to use guidance rather than an updated Circular reflecting changes to be introduced by the 2019 Act as a potential constraint. It was noted that an updated Circular would be a starting place and guidance should follow this. Standalone guidance may not have the same degree of legal force as a Circular and clarification of this would reduce the potential for misinterpretation and confusion.
- 3.1.7 One Planning Authority noted that regulations should clearly set out the new procedures in the plan making process, including the scope of the Gate Check process, and how this will relate to the Examination of the plan. The guidance

must be clear on its status for the Evidence Report, Gate Check and Examination stages of the LDP process. There were also calls to place these stages in regulations not guidance.

- 3.1.8 One Planning Authority stated the Draft Guidance is not as clear to navigate as it perhaps could have been, lacks succinctness and is in many instances overly repetitive.
- 3.1.9 A Planning Authority and Professional & Representative Body concurred that the addition of 49 unfunded duties placed upon local authorities will amount to approximately 75 new requirements that will require additional resources to undertake.

3.2 **Question 2. i): Do you have any views on the content of the interim assessments (BRIA, EQIA, CRWIA, ICIA)?**

Quantitative Analysis

- 3.2.1 25 written responses were received.
14 respondents voted “yes” and 28 “no”.
- 3.2.2 Of those 14 respondents that voted “yes” 6 were Planning Authorities, 2 Third Sector Bodies, 1 Energy Company, 3 Development, Property & Land Management Bodies and 2 Community & Individual responses.
- 3.2.3 Of the 28 that did not 12 were Planning Authorities, 4 Professional & Representative Bodies, 2 Development, Property & Land Management Bodies, 4 Key Agency & Public Sector Bodies, 2 Third Sector, 1 Energy Company and 3 Community & Individual responses.

Summary / Themes

- 3.2.4 Several Planning Authorities thought that the assessments are comprehensive and provide a strong basis for the regulations. Resourcing was raised in relation to the Interim Business and Regulatory Impact Assessment (BRIA), with two Planning Authorities and a Professional & Representative Body noting concern regarding the increased workload costs associated.

Business and Regulatory Impact Assessment (BRIA)

- 3.2.5 One Planning Authority was sceptical regarding potential financial figures over a 10-year period as the proposed LDP processes could incur additional expenditure due to additional consultation and staff resources. It was understood however that the BRIA is an interim version and further clarification would be given.
- 3.2.6 A Planning Authority believed the assessment should be updated to give a more accurate portrayal of costs incurred when preparing an LDP, reflecting the progress of NPF4 and regulations. The community interaction section should reflect the capacity of communities to engage with the planning process.
- 3.2.7 One Development, Property & Land Management Body believe that local authorities are inadequately resourced to deal with an increased workload of this scale. Paragraphs 60, 62 & Appendix B are noted as points of contention, declared as too ambiguous. They felt views from businesses should have been sought more robustly prior to the current consultation stage.

Island Communities Impact Assessment (ICIA)

- 3.2.8 An island Planning Authority noted the additional timescales for plan preparation and logistics of site visits due to the scale of island authority planning. This impact will apply across the various new responsibilities and needs to be given full recognition at the Evidence Report and Gateway Check stage.

Detailed Comments

- 3.2.9 An individual response noted that Environmental Impact Assessments should be a legal requirement for any application proposal on sensitive sites, which includes brownfield.
- 3.2.10 One Key Agency & Public Sector Body noted that regulation 8 should be extended to ensure Local Authorities consider the national biodiversity strategy and any relevant regional land use strategy partnership data when preparing a LDP.

3.3 **Question 2. ii) Do you have or can you direct us to any information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?**

Quantitative Analysis

- 3.3.1 15 written responses were received.
7 respondents voted “yes”, and 35 “no”.

Summary / Themes

- 3.3.2 Sources given included RTPI publications and Scottish Government policy documents.

Business and Regulatory Impact Assessment (BRIA)

- 3.3.3 Multiple Planning Authorities voiced their concern regarding resourcing and funding within LPAs but no / limited information was specifically provided in response to the question.
- 3.3.4 RTPI Scotland cites their own findings specifically within “Key Trends and Findings (2021)¹” and “Funding the Planning Service (2021)²”. The research shows on average a third of planning department staff cuts and a loss of 42% budget since 2009, with application fees only covering 66% of processing costs. RTPI Scotland shared significant concerns on additional resource burden on Local Planning Authorities.
- 3.3.5 Although several Planning Authorities noted that resources would be constrained, limited further information was provided to inform the BRIA.

Island Communities Impact Assessment (ICIA)

- 3.3.6 One island based Planning Authority provided many sources to enhance the Island Communities Impact Assessment (ICIA).
- 3.3.7 An island based Planning Authority cited the Scottish Government’s Rural Planning Policy to 2050 (2020) and would encourage a review of the recommendations of that report in application to the ICIA of the draft regulations and guidance.
- 3.3.8 Sources indicated include:
- “Blueprint for Scotland’s Rural Economy³”;
 - “National Islands Plan for Scotland (2019)⁴”;
 - Islands (Scotland) Act 2018⁵;

¹<https://www.rtpi.org.uk/research/2021/june/resourcing-the-planning-service-key-trends-and-findings-2021/>

² https://www.rtpi.org.uk/research/2021/november/funding-the-planning-service-2021/#_ftn3

³ <https://www.gov.scot/publications/new-blueprint-scotlands-rural-economy-recommendations-scottish-ministers/>

⁴ <https://www.gov.scot/publications/national-plan-scotlands-islands/>

⁵ <https://www.legislation.gov.uk/asp/2018/12/enacted>

- “Our Islands Our Future Joint Position Statement”⁶;
- “Empowering Scotland’s Island Communities”⁷;
- “Rural Deprivation – Evidence Summary – SIMD”⁸; and
- “Rural Planning Policy to 2050, Research Findings”⁹.

6 <https://www.cne-siar.gov.uk/your-council/our-islands-our-future/>

7 <https://www.gov.scot/publications/empowering-scotlands-island-communities/>

8 <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2017/02/scottish-index-of-multiple-deprivation-rural-deprivation-evidence-and-case-studies/documents/rural-deprivation-an-evidence-review/rural-deprivation-an-evidence-review/govscot%3Adocument/rural%2Bdeprivation%2Bevidence%2Breview.pdf>

9 <https://www.gov.scot/publications/rural-planning-policy-2050-research-inform-preparation-npf4/>

3.4 **Question 3. i): Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?**

Quantitative Analysis

- 3.4.1 24 written responses were received.
12 respondents voted “yes” and 31 “no”.

Summary / Themes

- 3.4.2 There was agreement with the approach taken and consensus between Planning Authorities, Professional & Representative Bodies and the Energy Sector that the principles in the detailed regulations have already been established and considered by the assessments of the Planning Act (2019).

Detailed Comments

Fairer Scotland Duty (FSD)

- 3.4.3 An Energy Company welcomed the commentary on the climate emergency within the Assessment and the acknowledgement of need to rebalance the planning system for climate and nature recovery.
- 3.4.4 One Planning Authority noted the application of Scottish Index of Multiple Deprivation (SIMD) can be disadvantageous to rural areas as it does not capture the pattern of dispersed or rural deprivation, housing affordability and seasonal employment figures.

Strategic Environmental Assessment (SEA)

- 3.4.5 Most respondents had no view or were content with the SEA Screening Report.
- 3.4.6 One Planning Authority noted that, as the Planning (Scotland) Act 2019 was subject to SEA, and the primary legislation included the principles of what was to be contained within the new LDP, the environmental impact of the package of proposed improvements to the planning system has already been determined and that the additional level of detail contained in the new Regulations has in itself no or minimal environmental effects beyond those that were already established by the SEA of the 2019 Act.
- 3.4.7 Another Planning Authority agreed that, as per 3.4.6, the Planning Act (2019) was subject to an SEA any additional level of detail within regulations has already been established by the assessment of the Act. This was also supported by a Development, Property & Land Management Body and two Energy Companies.
- 3.4.8 An Energy Company noted that the Guidance should be subject to further SEA consideration to enable national policies to be applied thematically.
- 3.4.9 An individual response noted that an SEA should be thorough with any findings followed up with an Environmental Impact Assessment to ensure findings are taken seriously. A further individual response noted findings should be

integrated into development plans and the process should be in planning regulations rather than guidance.

- 3.4.10 One Planning Authority stated there should be an assessment of whether net zero nature positive objectives are reflected in policy, regulations and guidance. If an SEA is not required, a holistic review addressing climate change and nature recover aims should be necessary.

3.5 Question 3. ii): If you consider that full assessments are required, please suggest any information sources that could help inform these assessments (Fairer Scotland Duty and SEA).

3.5.1 Given the support for the approach for screening out further stages of assessment, in relation to the Fairer Scotland Duty and SEA, as discussed under question 3i, limited information sources were suggested to be used in a full assessment.

3.5.2 Some web sources were provided to information and articles in relation to health and greenspace.

Detailed Comments

3.5.3 An individual response cited the EIA Screening matrix as a useful tool, and that a legal requirement should be placed upon its use. A further individual response cited the 2022 census as useful information.

3.5.4 An Energy Company cited several climate change documents including

- The Royal Town Planning Institute (RTPI) and Town & Country Planning Association “The Climate Crisis¹⁰”;
- Climate Change Committee “Local Authorities and the Sixth Carbon Budget”¹¹;
- Interred Europe “Planning for Environment and Resource Efficiency in European Cities and Towns¹²”; and
- Wageningen “Climate-Proof Cities: Practical guidelines for climate-proof cities¹³”.

¹⁰<https://tcpa.org.uk/resources/the-climate-crisis-a-guide-for-local-authorities-on-planning-for-climate-change/>

¹¹<https://www.theccc.org.uk/wp-content/uploads/2020/12/Local-Authorities-and-the-Sixth-Carbon-Budget.pdf>

¹²<https://projects2014-2020.interregeurope.eu/perfect/>

¹³<https://www.wur.nl/en/project/Climate-Proof-Cities-Practical-guidelines-for-climate-proof-cities-1.htm>

Part B

3.6 Question 4: Do you agree with the proposals for regulations relating to the form and content of Local Development Plans?

Quantitative Analysis

- 3.6.1 35 written responses were received.
25 respondents voted “yes”, 10 “no” and 12 had “no view”.
- 3.6.2 Of those 25 respondents that voted “yes” 17 were Planning Authorities, 3 Professional and Representative Bodies, 1 Energy Company, 1 Third Sector Body, 1 Key Agency & Public Sector Body and 2 Community & Individual responses.
- 3.6.3 Of the 10 that did not agree 3 were Development, Property or Land Management Bodies, 2 Planning Authorities, 2 Community & Individual responses, 1 Key Agency & Public Sector Body, 1 Third Sector Body and 1 Professional and Representative body.

Summary / Themes

- 3.6.4 There was broad agreement with the proposals for regulations relating to the form and content of Local Development Plans. Planning Authorities and a Professional & Representative Body were generally supportive with the flexibility provided by the new regulations.
- 3.6.5 There were a significant volume of responses seeking scope for local variation of policies from those in NPF4. This was raised by Planning Authorities, key agencies and the Third Sector.
- 3.6.6 Additional mapping functions were welcomed.
- 3.6.7 A Development, Property & Land Management Body and Professional & Representative Body would like the Call for Ideas to have legal standing.
- 3.6.8 A small portion of Planning Authorities and Professional & Representative Bodies believe the draft regulations should provide a legal framework for policies contained in LDPs, particularly those that reflect local circumstances and as a result may differ from NPF4 policy wording or those that provide additional detail not provided by the NPF.

Detailed Comments

- 3.6.9 One Planning Authority agreed with the degree of flexibility provided by the new regulations. A further Planning Authority response added the regulations would allow Planning Authorities to provide additional mapping functions. Three more authorities noted further support for the specification of proposals map with another supporting the unchanged nature to the schedule of land ownership. The mapping regulations were also supported by an Energy Company.
- 3.6.10 In terms of map-based plans and mapping a Planning Authority welcomed the scope for plans to be more map based. There was a call for further detail irrespective of geography and local circumstances to ensure consistency is maintained and assist how LDPs can be interpreted across Planning Authority boundaries, this was seconded by another Planning Authority and Professional & Representative Body. A separate Planning Authority requested GIS functions are integrated into proposals map within the LDP. There was also a request from a Planning Authority for digital mapping support, indicating that information on software packages for hosting new style LDPs, and associated training and skills development programmes would be welcomed.
- 3.6.11 One Professional & Representative Body were broadly supportive of the proposals but noted concern at the reliance on map-based LDPs which will impact on duties such as clearly establishing methodology.
- 3.6.12 One Planning Authority believed the map-based approach should not be undermined through the Gate Check or Examination process, and that Planning Authorities must genuinely have the scope to produce their own style of document.
- 3.6.13 One Development, Property & Land Management Body asked for clarification on the extent of the developers obligation methodology and if they are to be obligated in respect of existing deficiencies as well as future needs.
- 3.6.14 Three Planning Authorities were concerned that not all the matters listed in section 15(5) of the Act which Planning Authorities should take account of for their spatial strategy are applicable to every authority. One Professional & Representative Body was also of this opinion.
- 3.6.15 In terms of policies, one Planning Authority called for a balance between flexibility and a defensible basis for decisions on development proposals. Another Planning Authority noted that the Act prescribes an LDP should contain “a detailed statement of the Planning Authority’s policies and proposals as to the development and use of the land”. They considered that guidance – and potentially regulations – are required to cover the meaning of “the Planning Authority’s policies” in the context of the National Planning Policies set out in NPF and the circumstances in which a local Planning Authority considers a local variation to an NPF policy is required. This position, to ensure that there cannot be challenges on the lack of detail, was backed up by another Planning Authority, while a Professional & Representative Body asked that regulations provide a legal framework for the preparation of policies that will be contained in LDPs. RTPI Scotland believe the lack of legal standings will prevent local

variations in policy to meet circumstances, a view reiterated by three Planning Authorities, a Key Agency & Public Sector and a Third Sector response.

- 3.6.16 A Planning Authority asked for clarification in how regulations will meet housing needs and demand, with the terms “target” and “requirement” deemed confusing. Another Planning Authority was concerned about the additional burdens placed on Planning Authorities through section 15.
- 3.6.17 One Planning Authority welcomed the consistent approach to the LDP process across Scotland specifically citing duties on water refill stations, public conveniences and housing needs.
- 3.6.18 One Key Agency & Public Sector Body asked that provisions on how development will integrate with existing & planned transportation needs and the promotion of active & public transport are included within the regulations.
- 3.6.19 Further clarification over the definition of ‘deliverability’ was requested by two Development, Property & Land Management Bodies.
- 3.6.20 Clarification was sought by a Planning Authority on the statutory weight an older LDP that was produced prior to the adoption of NPF4 will carry and how this will be addressed in decision making. A Professional & Representative Body reiterated this sentiment stating a legal definition on the statutory weight should be applied to older plans where NPF4 is the newer plan and vice versa.

3.7 Question 5: Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

Quantitative Analysis

- 3.7.1 33 written responses were received.
29 respondents voted “yes”, 7 “no” and 12 had “no view”.
- 3.7.2 Of those 29 respondents that voted “yes” 19 were Planning Authorities, 2 Third Sector Bodies, 2 Development, Property & Land Management Bodies, 2 Professional & Representative Bodies, 1 Energy Company, 1 Key Agency & Public Sector Body and 2 Community & Individual responses.
- 3.7.3 Of the 7 that did not agree 3 were Development, Property & Land Management Bodies, 1 Energy Company, 1 Key Agency & Public Sector Body and 2 Community & Individual responses.

Summary / Themes

- 3.7.4 There was broad agreement with the proposals for regulations relating to the preparation and monitoring of Local Development Plans.
- 3.7.5 Responses across most sector profiles called for better opportunity for stakeholder involvement. Planning Authorities largely agreed with the regulations proposed in relation to Regional Spatial Strategies.
- 3.7.6 Professional & Representative Bodies and Planning Authorities asked for clarity on when local deviation from national policies would be considered appropriate. Local circumstance will differ between authority areas and a flexible approach is generally supported by these respondents.

Detailed Comments

- 3.7.7 A Professional & Representative Body would like to see improvements to Draft regulation 8 including a firm legal framework for local policy deviation; climate considerations; additional information to meet the requirements of section 15 of the 1997 Act (as amended); an SEA Scoping Report; and a Scottish Infrastructure Needs Assessment and infrastructure assessment framework and methodology.
- 3.7.8 There was support, by a Planning Authority, for the consolidation of existing requirements, which was seen to be helpful. Another Planning Authority viewed the incorporation of the Control of Major Accident Hazards Regulations 2015 as a pragmatic approach. A Planning Authority supported the retention of appropriate unchanged elements of the 2008 regulations. This approach supports the consolidation of requirements in the replacement regulations to reflect regulations that have been introduced or amended through new legislation since the previous changes came into force.
- 3.7.9 Respondents across all sectors noted that whilst they may be content with the Regulations as proposed in respect of these points, that it appears the guidance then seeks to impose more onerous requirements.

- 3.7.10 Three Planning Authorities agreed with the regulations proposed in relation to Regional Spatial Strategies. The requirements in regard to Hazardous Substances were also supported by a Planning Authority as were regulations in relation to Local Place Plans (LPP).
- 3.7.11 One Development, Property & Land Management Body wished to see further consultation attached to the Evidence Report and Delivery Programme to ensure a collaborative and democratic LDP process. They suggested the option for a reporter to request a new proposed LDP should be removed as this would stall development.
- 3.7.12 The procedure for policy deviation in LDPs from the policy set out in NPF4 was also queried under this question by two Professional & Representative Bodies. As done so in response to question 4, three Planning Authorities again suggested greater clarity or direction could be offered as to the legal framework for altering the NPF4 policies to meet local requirements or the inclusion of uniquely local policies which are not in NPF4.
- 3.7.13 One Planning Authority was against the regulatory requirement to consider LPPs as part of the LDP process. This was resisted due to the potential costs upon a Planning Authority of supporting communities in their preparation of LPPs. They also asked for clarification of Regional Marine Plans, and whether they should be included in the list of matters which must be given regard to in the preparation of a LDP.
- 3.7.14 A Key Agency & Public Sector Body supported that “new LDPs should take a design-led approach and demonstrate a new style that is more map based, rather than focusing on written policy content”. However they expressed concerns about the existing urban design skills within local authorities and the implications of not understanding what a design-led approach is and how to deliver it. They also believe Planning Authorities are underfunded to successfully implement these approaches. Further information and guidance on timescales and the methodology for the infrastructure audits was requested to assist in monitoring and evaluation processes. The continuous use of the Place Standard Tool was suggested to help monitoring local and strategic changes and its impact on local communities.
- 3.7.15 An Energy Company response was supportive of the regulations relating to major hazard sites but also requested an amendment to include specific reference to the need for the safeguarding of major accident hazard pipelines.
- 3.7.16 Responses across most sector profiles called for better opportunity for stakeholder involvement.

3.8 Question 6: Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

Quantitative Analysis

- 3.8.1 34 written responses were received.
30 respondents voted “yes”, 5 “no” and 12 had “no view”.
- 3.8.2 Of those 30 respondents that voted “yes” 17 were Planning Authorities, 3 Key Agencies, 3 Development, Property & Land Management Bodies, 2 Third Sector Bodies, 1 Professional & Representative Bodies, 1 Energy Company and 3 Community & Individual responses
- 3.8.3 Of the 5 that did not agree 2 were Planning Authorities, 1 Professional & Representative Bodies, 1 Energy and 1 Community response.

Summary / Themes

- 3.8.4 There was broad agreement with the proposals for regulations relating to the additional information considerations to have regard to when preparing and monitoring LDPs.
- 3.8.5 However, an extensive list of additional considerations was suggested by respondents. Climate change was identified through a large number of responses across Planning Authority and Third Sector responses. Economic consideration was noted by the majority of development sector responses.

Detailed Comments

- 3.8.6 It was noted by a Planning Authority, that the Act’s list of requirements was already extensive, and the draft regulations and guidance have now added additional requirements. Two Third Sector Bodies commented on availability of data, understanding of climate change information and Planning Authority capacity to source, store, update and apply such information, and associated costs to be met by Planning Authorities.
- 3.8.7 Climate change was identified as an additional suggested consideration through multiple responses across Planning Authorities and the Third Sector. One Planning Authority specifically noted that land allocations should be assessed with regards to unsustainable travel and factor in requirements for new infrastructure and efforts to address climate change and health inequalities.
- 3.8.8 Another Planning Authority called for consideration of Local Outcome Improvement Plans (LOIPs) in relation to dealing with climate change. Whilst it is acknowledged that LOIPs are identified within the guidance, they suggested this requirement should be given statutory weight.
- 3.8.9 A Professional & Representative Body suggested additional considerations should include economic stimulus packages, such as City Deals. It was noted that such packages would influence the viability of an area to accommodate an increased volume of home building. It was suggested that more home building

would be needed to reflect the economic uplift brought about from the introduction of an economic stimulus package.

3.8.10 A Planning Authority acknowledged the inclusion of river basin management plans, but requested further consideration should be given to wider flood data produced by Scottish Environment Protection Agency (SEPA) and the respective individual Planning Authorities within the regulations.

3.8.11 Other issues and drivers suggested included:

- Active Travel Strategy;
- Biodiversity - any national biodiversity strategy prepared by Scottish Ministers;
- Climate Change - Climate Action Plan, / the mitigation of, and adaptation to, climate change / Climate considerations to ensure compliance with public body duties under Section 44 of the Climate Change (Scotland) Act 2009 including associated mitigation and adaptations plans/ Local Authority Climate Change Route Maps or equivalent;
- Community planning / Local Outcome Improvement Plans (LOIPs), Single Outcome Agreement Plans, Locality Plans, Community Development Trust Plans;
- Economic development - Economic Development Strategy, City Deals;
- Flooding - Local Flood Risk Management Strategies and Plans
- health and wellbeing;
- Housing 2040;
- Infrastructure - Infrastructure Investment Plan for Scotland 2021-22 to 2025-26; and relevant infrastructure plans and policies, including the outputs of the Offshore Transmission Network Review;
- Local Place Plans - Any registered Local Place Plan relating that is for the part of their district to which the local development plan relates (requirement under 16(2)(a)(iii) of the Act);
- Low-carbon, Local Heat and Energy Efficiency Strategies;
- National and Regional Marine Plans (where relevant);
- National Planning Framework 4;
- Open Space Strategy;
- Population information - A Scotland for the future: opportunities and challenges of Scotland's changing population;
- Transport - Strategic Transport Projects Review (SPTR)² National Case for Change Report; and,
- Scottish Vacant and Derelict Land Survey.

3.8.12 One Planning Authority cited lack of resources as having an impact on authorities' capacity to deliver given the scope and magnitude of the consequential requirements and obligations. They believe that insufficient consideration has been afforded to the practicalities and logistics of progressing some of these additional tasks.

3.9 Question 7: Do you agree with the proposals for regulations relating to the Evidence Report?

Quantitative Analysis

- 3.9.1 35 written responses were received.
16 respondents voted “yes”, 17 “no” and 16 had “no view”.
- 3.9.2 Of those 16 respondents that voted “yes” 10 were Planning Authorities, 2 Professional & Representative Bodies, 1 Third Sector Body, 1 Energy Company, 1 Key Agency & Public Sector Body and 1 Community response.
- 3.9.3 Of the 17 that did not agree 10 were Planning Authorities, 2 Development, Property & Land Management Bodies, 1 Professional & Representative Body, 1 Energy Company, 1 Third Sector Body and 2 Community & Individual responses.

Summary / Themes

- 3.9.4 Opinion was split on proposals for regulations relating to the Evidence Report. This issue attracted a large amount of discussion and was heavily commented on through the consultation process.
- 3.9.5 Multiple Planning Authorities welcomed the provision of flexible guidance that can be updated. They also agreed that the views of the Gypsy and Traveller community should be included.
- 3.9.6 A significant number of Planning Authorities called for the introduction of minimum evidence requirements. As well as calls for minimum evidence requirements, it was suggested minimum consultation requirements on Evidence Reports should be prescribed in the regulations. They sought these aspects to be prescribed in regulations, to provide clarity, and avoid these matters having to be considered at the Gate Check given the new requirement for local authorities to meet the costs incurred by the Scottish Ministers / appointed person at the Gate Check and Examination stages.

Detailed Comments

- 3.9.7 Multiple Planning Authorities welcomed the provision of guidance that can be updated, as it ensures that amendments can be implemented if circumstances change. Flexibility for the Evidence Report allows for the evolution and identification of best practice.
- 3.9.8 One Planning Authority noted that the Thematic Guidance section of the draft guidance is introducing a number of additional requirements over and above those listed at Section 15(5) of the Act, this view was seconded by a Professional & Representative Body.
- 3.9.9 A Key Agency & Public Sector Body noted support for the ‘Development Plan Scheme’ as it will help stakeholders anticipate when and how they will be engaged in the preparation of LDP Evidence Reports.

- 3.9.10 There was also a call for guidance on what geographic scale information in the Evidence Report will be required at.
- 3.9.11 Some Planning Authorities noted their support for the Evidence Report and Gate Check, specifically as it allows fewer opportunities for base data information to be disputed later in the process.
- 3.9.12 Many Planning Authorities (including one involved in the Evidence Report and Gate Check subgroup) called for the regulations to clarify the term 'sufficient information' and set out the minimum evidence/data requirements for the Evidence Report. This view is supported by a Professional & Representative Body, they note that a minimum evidence base would help establish an efficient Gate Check process for all parties involved - where there is a clear and transparent process where everyone understands the minimum requirements. Reasons for seeking regulations to provide a clear and transparent position on the minimum evidence base required were to provide consistency and give all Planning Authorities a clear direction on what minimum evidence is expected to meet the requirements of the new Gate Check. It was also noted, by a Planning Authority, that it could help mitigate procedural challenges from third parties.
- 3.9.13 A contrasting opinion from a separate Planning Authority advised the minimum data required in the Evidence Report could lead to the minimum content being produced.
- 3.9.14 In terms of types of minimum evidence to be prescribed, an individual suggested Census population and household formation figures and housebuilders suggested an up-to-date Housing Land Audit.
- 3.9.15 On the issue of consultation on the Evidence Report a Planning Authority who was involved in the Evidence Report and Gate Check subgroup consider stakeholders involved in consultation should be kept to a minimum and called for the regulations to set out the minimum consultation requirements. It was noted identification of minimum consultation requirements would not prohibit wider consultation with stakeholders and would allow greater flexibility to reflect local situations. A Professional & Representative Body was also of the opinion that minimum consultation requirements (on who is to be consulted) within the regulations would help inform the new Gate Check process and achieve consistency and would not prohibit wider consultation with stakeholders in the preparation of the Evidence Report to reflect local issues and situations. However, another Planning Authority noted they are supportive of the proposals not to expand on the requirements of the Planning Act in relation to parties to be consulted.
- 3.9.16 Multiple Planning Authorities agreed that the views of the Gypsy and Traveller community should be included and the views of ethnic/religious groups could also be sought. Another Planning Authority and a Professional & Representative Body concurred and welcomed the proposed targeted consultation to inform a Gypsies and Traveller definition within the regulations as no such definition exists in Scots law.
- 3.9.17 One Planning Authority noted that Housing Land Requirement (HLR) issues may also cause conflict at the Evidence Report stage. Such matters should be

concluded at this point, but as the report is not to embrace site specific matters it is anticipated that third parties may attempt to re-open up this argument at the examination stage. This can be addressed through a robust and explicit statement. It is also requested that the Planning and Environmental Appeals Division (DPEA) is directed and made aware that it is the stated intention of Ministers that important issues such as this are to be settled at the Evidence Report stage and not allowed to be re-visited at Examination.

- 3.9.18 A Professional & Representative Body suggested that, in order to move through the development plan process as smoothly and timeously as possible, mediation should be an option during the Evidence Report and Gate Check stage. They considered the ultimate aim of this should be to reach an in-principle resolution at this point and for these issues not to be revisited at Proposed Plan or Examination.
- 3.9.19 Another Planning Authority also welcomed the requirement to submit documents referred to in the Evidence Report electronically. It was suggested this could be extended to Part 4 of the regulations concerning the Examination process to cut down on waste, and save resources.
- 3.9.20 A Professional & Representative Body noted section 16B(4) requires the Evidence Report to include a statement on the extent to which views expressed by the public at large have been taken into account in the Report. They argued that the language does not go far enough to allow a Reporter considering the Evidence Report to properly understand the content and nature of comments that have been made.
- 3.9.21 They also noted the Draft Guidance (paras 107-114) implies that the Evidence Report may simply be a summary of the Planning Authority's views on the evidence it has collated – their view is that a copy of all the evidence on which the Evidence Report is based should be one of the matters prescribed under Section 16B(3)(e), together with a summary of the issues that the comments have raised. They suggested it is only by identifying all of the issues that the Reporter considering the Evidence Report can hope to properly understand the sufficiency of the evidence on which the Planning Authority intends to rely. They noted the “language in Section 16B(4)(c) is too vague and without further detail being prescribed, there is a danger that the Reporter examining the Evidence Report is unaware of substantial disputes that may arise as to the content and quality of the evidence on which the Planning Authority intends to rely. If these matters are not considered properly at the Evidence Report stage, they will resurface at the LDP Examination.”
- 3.9.22 Further clarification was sought on the parameters of the Gate Check; the parameters of further information requests; scope of the Reporter's powers in interrogating and requesting further information on documentation; the nature of disputes and how they will be treated going forward; and what can and cannot be re-opened or re-examined at the Examination of the proposed LDP.
- 3.9.23 On the Gate Check procedure for assessment of an Evidence Report a Planning Authority saw the merit in flexibility to the appointed person in setting the procedure. However, another Planning Authority suggested that an indicative structure for the Gate Check would ensure all parties involved

understand the overall process and that a reasonable degree of consistency between different Gate Checks would be provided. The new process must ensure that the Gate Check and LDP examinations do not repeat and duplicate assessment resulting in additional costs and resource implications for Planning Authorities.

- 3.9.24 There were calls from some Planning Authorities for the regulations to set out to what extent matters considered in the Evidence Report can be reconsidered during the examination of the proposed LDP. This was noted as being of particular importance as expenses incurred by Ministers at both the Gate Check and Examination stages in the process will be covered by the local authority.

3.10 Question 8: Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

Quantitative Analysis

- 3.10.1 30 written responses were received.
24 respondents voted “yes”, 6 “no” and 16 had “no view”.
- 3.10.2 Of those 24 respondents that voted “yes” 17 were Planning Authorities, 2 Professional & Representative Bodies, 2 Key Agencies, 1 Energy Company, 1 Third Sector Body and 1 Community & Individual responses.
- 3.10.3 Of the 6 that did not agree 2 were Planning Authorities, 2 Development, Property & Land Management Bodies and 2 Community & Individual responses.

Summary / Themes

- 3.10.4 There was broad agreement with the proposals for regulations relating to the preparation and publication of the LDP. Multiple Planning Authorities welcomed the provision of flexible guidance that can be updated.
- 3.10.5 A significant number of Planning Authorities and Professional & Representative Bodies were of the opinion that the ‘Call for Ideas’ stage would be better placed at the Evidence Report and Gate Check stage. Some responses were unclear if this stage is a requirement or optional.
- 3.10.6 Opinion was split on the methods to publicise the Plan, with differing opinions offered on the newspaper advertisement requirement. Neighbour notification was generally supported. As noted in responses to question 7, there was support that the views of the Gypsy and Traveller community should be included, and calls for community controlled bodies to be consulted as part of the process.
- 3.10.7 Other Planning Authorities called for minimum evidence requirements to be prescribed in regulations.

Detailed Comments

- 3.10.8 Three Planning Authorities expressed explicit support for the proposed regulations with no significant changes required.
- 3.10.9 In terms of making people aware of the plan, one Planning Authority in particular was supportive of the newspaper notice requirement being retained as this is still effective for some groups and can also be seen online for digital users. Two Planning Authorities were against this calling it ineffective, and promoted appropriate alternative methods for advertisement, a stance which was echoed by a Professional & Representative Body. Neighbour notification was recognised as a beneficial step in publicising the plan despite requiring significant administration. A Planning Authority suggested that given social media is now a significant means by which people receive information it could be specified as a legal requirement.

- 3.10.10 Several Planning Authorities and two Professional & Representative Bodies believed the 'Call for Ideas' stage should be moved to the Evidence Report and Gate Check stage rather than remain in section 2 & Annex C. There were also calls for clarity on the status of the 'Call for Ideas' as it is unclear if this is a requirement or optional.
- 3.10.11 One Planning Authority welcomed the strengthening of the requirement to obtain the views of the public on the content of the Participation Statement but it is unclear how this will be carried out. Proposed guidance on this matter would be welcomed.
- 3.10.12 Another Planning Authority supported the changes proposed to update the content of the 2008 Regulations to reflect changes to the primary legislation and the role for the guidance in providing further detail on the consultation requirements for the Proposed Plan.
- 3.10.13 Several Planning Authorities suggested the stakeholders who require to be consulted on the Proposed Plan should be subject to regulation, rather than guidance, for consistency and transparency.
- 3.10.14 One Planning Authority believed regulation 9 should be extended to all community-controlled bodies within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015 to be notified of the publication of the Proposed LDP. They considered that as these bodies can prepare a Local Place Plan they should be notified at the same stage as Community Councils.
- 3.10.15 A Key Agency & Public Sector Body welcomed the 12 week period given to provide any comments on the draft Proposed Plan, in line with Section 18 (1)(b) of the amended Town and Country Planning (Scotland) Act 1997.

Mining

- 3.10.16 In relation to neighbour notification, a Community Body believed that existing regulations may not be appropriate or sufficient in relation to any proposed mining developments where the greater part of the mining activity occurs sub surface over an area far greater, and with a different footprint, to the visible surface base camp. Mining development proposals require underground mapping to be provided so that the true extent of the area affected can be accurately conveyed.

3.11 Question 9: Do you agree with the proposals for regulations relating to the Examination of the LDP?

Quantitative Analysis

- 3.11.1 32 written responses were received.
24 respondents voted “yes”, 9 “no” and 14 had “no view”.
- 3.11.2 Of those 24 respondents that voted “yes” 17 were Planning Authorities, 2 Third Sector Bodies, 2 Professional & Representative Bodies, 1 Energy Company and 2 Community & Individual responses.
- 3.11.3 Of the 9 that did not agree 4 were Development, Property & Land Management Bodies, 2 were Planning Authorities, 1 Energy Company, 1 Professional & Representative Body and 1 Community & Individual response.

Summary / Themes

- 3.11.4 There was broad agreement with the proposals for regulations relating to the Examination of the LDP.
- 3.11.5 Planning Authorities agreed with the necessary administrative amendments. They were concerned about the unpredictable cost an examination will place upon their budget. They would like a Gate Check framework to be established.
- 3.11.6 A small portion of Planning Authorities, Development, Property & Land Management Bodies and Professional & Representative Bodies sought clarifications on the scope of examinations including what matters can be re-examined and when.
- 3.11.7 Development, Property & Land Management Bodies and Professional & Representative Bodies wanted regulation 17 to be amended to provide clarity on what happens when the appointed person receives further representations, to give other parties the opportunity to comment on any further information provided.

Detailed Comments

- 3.11.8 There was support for the changes from some Planning Authorities as “necessary and logical”. One Planning Authority agreed with the necessary amendments to update document names, continuing to publish the plan submitted for examination in the same manner as for previous plans and the means by which the recommended modifications statement should be published.
- 3.11.9 Another Planning Authority deemed the proposed updates necessary to account for the removal of Strategic Development Plans & Monitoring Statement and the inclusion of the Delivery Programme.
- 3.11.10 The proposed regulations state the general administrative costs, staff costs and overheads incurred by the appointed person in relation to an examination are to be met by the authority. A small number of Planning Authorities expressed

concern about the unpredictable cost an examination will place upon their budget. In the absence of any tariff on those costs, or experience of the length the Gate Check stage will take, Planning Authorities can only estimate the impact on their plan making budget.

- 3.11.11 As set out at 3.9.22 - 3.9.23 above, several Planning Authorities wanted to establish a clear framework in regard to the Gate Check. A Professional & Representative Body suggested regulations are amended to clearly state what can be re-examined and when. The LDP guidance points to issues in the Gate Check being re-opened at Examination, amendment of the regulations would provide a clear legal framework and create certainty.
- 3.11.12 RTPI Scotland generally agreed with the examination proposals but seek clarifications on the scope of examinations including what matters can be re-examined and when; how a Reporter should invite representations on further information requests and the purpose and remit of the Gate Check and Examination. A Development, Property & Land Management Representative Body echoed this response.
- 3.11.13 An Energy Company believed the proposed regulations for examinations should be reviewed and amended to align with the 1997 Act (as amended) and to clarify that the scope of examinations should consider the implementation of national policies, as this will provide clarity for LPAs and consistency between LDPs.
- 3.11.14 A Third Sector Body suggested that Planning Authorities also be required to publish a report which would clearly set out those policies or developments identified by the SEA as having significant effects, that they are not proposing to change or mitigate and justifying this decision. They indicated this would assist parties reading the Proposed Plan in considering the environmental impacts of the Proposed Plan.
- 3.11.15 Numerous responses from Development, Property & Land Management Bodies and Professional & Representative Bodies called for regulation 17 to be amended to make it clear that where an appointed person requests and receives further representations and considers that they should be taken into account, the appointed person must consider which persons may be affected by the further information and invite them to make representations on the matter should they wish to do so. RTPI Scotland specifically sought clarification of how a Reporter should invite representations on further information requests.
- 3.11.16 A Key Agency & Public Sector Body recommended that the examiner has experience, knowledge and understanding of how to review the new style plans in the context of applying the Place Principle which promotes a joined-up and collaborative approach to decisions about a place's assets and services to overcome organisational and sectoral boundaries.
- 3.11.17 It was also suggested the requirement for electronic submission of documentation should be extended to Part 4 of the regulations in relation to examinations.

3.12 Question 10: 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?

Quantitative Analysis

- 3.12.1 28 written responses were received.
23 respondents voted “yes”, 10 “no” and 16 had “no view”.
- 3.12.2 Of those 23 respondents that voted “yes” 10 were Planning Authorities, 4 Development, Property & Land Management Bodies, 3 Key Agencies, 3 Professional & Representative Bodies and 3 Community & Individual responses.
- 3.12.3 Of the 10 that did not agree 7 were Planning Authorities, 1 Energy Company, 1 Professional & Representative Body and 1 Individual response.

Summary / Themes

- 3.12.4 A large contingent of Planning Authorities and Development, Property & Land Management Bodies asked why Scottish Ministers do not propose to commence provisions for amendment of LDPs at this time.

Detailed Comments

- 3.12.5 One Planning Authority believed that future regulations and guidance must clearly set out the circumstances in which LDPs can be amended. The process in relation to amending a LDP and the associated consultation and examination must be streamlined to ensure plans can quickly respond to a material change in the evidence base or content during the 10-year plan period. Multiple other authorities agreed that a key priority for the LDP amendments process is to be as streamlined as possible and proportionate to the scale and nature of the amendment.
- 3.12.6 A couple of Planning Authorities asked why Scottish Ministers do not propose to commence provisions for amendment of LDPs this part of the 2019 Act at this time. Whilst this is not an objection as such the approach seems to be misaligned with provisions that have now been introduced in relation to Local Place Plans and which explicitly reference amending the LDP. A Development, Property & Land Management Representative Body also enquired on this point.
- 3.12.7 One Key Agency & Public Sector Body asked what will happen between the preparation of a LDP and its amendment as this may be a significant amount of time. This is particularly important given the pace of climate change and the challenges that this brings to the natural environment. This could be addressed through greater flexibility in Regulation 8.
- 3.12.8 A Professional & Representative Body recommended themselves as a Key Agency for housing. They also recommend that alternative deliverable sites that become available post-Proposed Plan stage should be considered.

- 3.12.9 A Third Sector Body noted that part C makes clear that Green Belt boundaries should only be amended during the LDP review process. Regulations should allow for approved development on designated Green Belt land to be retrospectively shown in the LDP.
- 3.12.10 A Planning Authority believed that consideration needs to be given to whether any mid-review update needs to be updated again during the normal full review of the LDP. A degree of flexibility is suggested as updates are only likely to be required if urgent, therefore, any procedures should be succinct to allow for a quick review.
- 3.12.11 An individual response noted the consideration of topography, pollution, biodiversity and the environment as key issues to consider.

3.13 Question 11: Do you agree with the proposals for regulations relating to Development Plan Schemes?

Quantitative Analysis

- 3.13.1 31 written responses were received.
23 respondents voted “yes”, 9 “no” and 15 had “no view”.
- 3.13.2 Of those 23 respondents that voted “yes” 13 were Planning Authorities, 2 Third Sector Bodies, 2 Development, Property & Land Management Bodies, 2 Professional & Representative Bodies, 2 Energy Companies and 2 Community & Individual responses.
- 3.13.3 Of the 9 that did not agree 6 were Planning Authorities, 2 Third Sector Bodies and 1 Community response.

Summary / Themes

- 3.13.4 There was broad agreement across Planning Authorities and Development, Property & Land Management Bodies, Energy Companies and Professional & Representative Bodies with the draft regulations on Development Plan Schemes.
- 3.13.5 Planning Authorities, Key Agencies & Public Sector Bodies and Professional & Representative Bodies questioned the level of detail required in regards to when an LDP is expected to be adopted. Rather than requiring a month to be set, they suggest regulation 21 is amended to reflect a broader approach.

Detailed Comments

- 3.13.6 Several Planning Authorities, one Energy Company, one Professional & Representative Body and one Development, Property & Land Management Body welcomed the provisions on Development Plan Schemes, specifically the inclusion of timetabling for when an LDP is expected to be adopted, together with tracking of any changes to the original timescales and for an explanation to be provided for any changes. This would lead to increased transparency in the plan making process and would monitor the reasons for any change including timescales of the examination stage.
- 3.13.7 Key dates for stages are requested to be included in the Development Plan Scheme through draft regulation 21. The level of detail required, down to a specific month, is questioned by a number of Planning Authorities and a Key Agency & Public Sector Body, as seem as an unreasonable level of accuracy. This will be challenging for Planning Authorities at the beginning of a process lasting approximately 4-5 years during which council’s schemes of administration may change. This sentiment was echoed by a Professional & Representative Body. As an alternative to prescribing the month some suggested using seasons or quarters.

3.14 Question 12: Do you agree with the proposals for regulations relating to Delivery Programmes?

- 3.14.1 30 written responses were received.
21 respondents voted “yes”, 11 “no” and 16 had “no view”.
- 3.14.2 Of those 21 respondents that voted “yes” 15 were Planning Authorities, 2 Professional & Representative Bodies, 1 Third Sector Body, 1 Energy Company and 2 Community & Individual responses.
- 3.14.3 Of the 11 that did not agree 5 were Planning Authorities, 4 One Development, Property & Land Management Bodies, 1 Third Sector Body and 1 Community response.

Summary / Themes

- 3.14.4 There was broad agreement with the proposals for regulations relating to Delivery Programmes.
- 3.14.5 The majority of Planning Authorities agreed with the administrative amendments to update references and removal of irrelevant terms. Alongside a Professional & Representative Body they feel that placing a named person against each action is not workable. They also question the requirement for the Delivery Programme to be reported to Full Council.

Detailed Comments

- 3.14.6 The increased importance of delivery in the development plan process was welcomed by a Planning Authority. The majority of Planning Authorities agreed with the administrative amendments to update references and removal of irrelevant terms.
- 3.14.7 Some Planning Authorities interpreted the requirements to mean that the Council will be responsible for much of the delivery of projects, expressing concern that many factors are outwith their control. One Planning Authority noted ‘This will require a different way of thinking and working with stakeholders. Multi-agency partnership and collaborative working with Key Agencies, infrastructure and utility companies, education providers, the development industry, community organisations and other technical bodies and stakeholders will be critical. The regulations must recognise the importance of this partnership working’.
- 3.14.8 A number of Planning Authorities and a Professional & Representative Body felt that placing a named person against each action is not workable and that there seems to be a failure to take account the turnover of staff/retirements and the relevance of a named officer being held responsible long after he/she has left the Local Authority. Furthermore, it is questioned if this requirement meets GDPR legislation. As alternatives to naming individuals it was suggested that name be replaced with positions within the council/organisation, or organisation or ‘team’.

- 3.14.9 One Professional & Representative Body was also concerned that the Delivery Programme will require fundamental organisational changes to Planning Authorities in order to incorporate the delivery of a LDP within their financial planning, where much of the delivery of the LDP is outwith the control and powers of a Local Authority. Should this be the intention then regulations will need to clarify the roles and responsibilities in this regard and will need to strengthen the duty to co-operate and the responsibilities within that to all stakeholders and developers.
- 3.14.10 A number of Planning Authorities questioned the requirement for the Delivery Programme to be reported to full Council, noting this will not guarantee that the actions in the LDP will be assigned resources. They also question how the need for Delivery Programmes to contain more detailed information regarding delivery and link in with the Housing Land Audits. This could benefit from more guidance. This first point is echoed by a Professional & Representative Body.
- 3.14.11 One Development, Property & Land Management Body called for the list of consultation partners to be broadened to include themselves, SEPA, Scottish Water, energy providers and the home building industry as a minimum.
- 3.14.12 Another Development, Property & Land Management Body suggested that Regulation 22 is amended so that landowners of proposed and allocated sites in the proposed LDP are specifically mentioned as being a named party for the statutory consultation for delivery programmes.

3.15 Question 13: Do you agree with the proposals for regulations relating to the meaning of ‘Key Agency’?

Quantitative Analysis

- 3.15.1 18 written responses were received.
30 respondents voted “yes”, 2 “no” and 15 had “no view”.
- 3.15.2 Of those 30 respondents that voted “yes” 20 were Planning Authorities, 3 Third Sector Bodies, 2 Professional & Representative Bodies, 1 Energy Company, 1 Key Agency & Public Sector Body and 3 Community & Individual responses.
- 3.15.3 Of the 2 that did not agree both were Development, Property & Land Management Bodies.

Summary / Themes

- 3.15.4 There was broad agreement with the proposals for regulations relating to the meaning of ‘Key Agency’.
- 3.15.5 There was agreement across most sectors with the factual update. Planning Authorities welcome the inclusion of NatureScot, Historic Environment Scotland and South of Scotland Enterprise within the Key Agency definition. This was also welcomed by Historic Environment Scotland and South of Scotland Enterprise themselves.
- 3.15.6 Development, Property & Land Management Bodies suggested Homes for Scotland be referenced as a Key Agency for home building.

Detailed Comments

- 3.15.7 Many were in agreement with the factual update. One Planning Authority requested that the ‘Crofters Commission’ be renamed to ‘Crofting Commission’ and that this should also be updated throughout the regulations and guidance.
- 3.15.8 Two Planning Authorities welcomed the inclusion of NatureScot, Historic Environment Scotland and South of Scotland Enterprise with the Key Agency definition. This was also welcomed by Historic Environment Scotland and South of Scotland Enterprise themselves.
- 3.15.9 One individual response cited Scottish Government Agencies who deal with land use issues of any kind should be considered Key Agencies. This includes those responsible for community housing or outdoor facilities as well as the larger issues such as forestry, fishing, crofting and other land management.
- 3.15.10 One Third Sector response suggested Health and Social Care Partnerships; Creative Scotland; Scotland's Centre for Design; and Scottish Council for Voluntary Organisations to be included within the definition.
- 3.15.11 A Professional & Representative Body suggested they be referenced as a Key Agency for home building, this was supported by several of their members.

3.15.12 Another individual believed the definition could be broadened to include non-governmental organisations like Plantlife, Buglife and other Wildlife Trusts.

3.16 Question 14: Do you agree with the proposals for regulations relating to transitional provisions?

Quantitative Analysis

- 3.16.1 24 written responses were received.
25 respondents voted “yes”, 6 “no” and 15 had “no view”.
- 3.16.2 Of those 25 respondents that voted “yes” 17 were Planning Authorities, 2 Third Sector Bodies, 1 Development, Property & Land Management Bodies, 2 Professional & Representative Bodies, 1 Energy Company, 1 Key Agency & Public Sector Body and 1 Community response.
- 3.16.3 Of the 6 that did not agree 3 were Development, Property or Land Management Bodies, 2 Planning Authorities and 1 Community response.

Summary / Themes

- 3.16.4 There was broad agreement with these proposals. Planning Authorities, Professional & Representative Bodies and the Third Sector agreed in principle with the proposals for transitional arrangements in relation to Local Development Plans and Supplementary Guidance.
- 3.16.5 Planning Authorities, Development, Property & Land Management Bodies and Professional & Representative Bodies requested clarity over the arrangements for LDPs being prepared under the previous 2006 Act.

Detailed Comments

- 3.16.6 A number of Planning Authorities and one Third Sector response agreed with the proposals for transitional arrangements in relation to Local Development Plans and Supplementary Guidance. One Professional & Representative Body agreed in principle but await further consultation on transitional arrangements to be published, and note this should have been included at this consultation stage.
- 3.16.7 A number of Planning Authorities and Development, Property & Land Management Bodies and one Community & Individual response requested clarity over the arrangements for LDPs being prepared under the 2006 Act during the transitional period.
- 3.16.8 During a period of up to 24 months after the development plan regulations come into force, authorities will be able to adopt supplementary guidance associated with existing LDPs adopted under the 2006 Act. One Planning Authority was of the view that Supplementary Guidance should be adoptable for the entire plan period for an old style plan, not just 24 months. They suggest this ensures appropriate policy and detail coverage for such a plan. However another Planning Authority expressed the contrary view that ‘the delay in removing supplementary guidance for a further period of two years is disappointing’. They highlighted it was always expected that supplementary guidance may not be part of the development plan following adoption of the regulations, and this has been known since 2019, that authority queried why

other authorities had not adopted their approach of proposing no supplementary guidance to support their LDP. Keeping supplementary guidance for 24 months after the Regulations come into force, was also questioned by a Development, Property & Land Management Body. Another Planning Authority suggested further detail with regards to when Supplementary Guidance may be appropriate given the policies in NPF4, once adopted, will provide the most up to date development plan policy position. It was also suggested a clear statement is required on the materiality of Supplementary Guidance as part of the development plan or, alternatively, clarification that Supplementary Guidance reverts to the status of planning advice after June 2024.

- 3.16.9 In terms of transitionals for emerging plans, one Planning Authority suggested that in instances where June 2022 is not met for a Proposed Plan there should be provision for a saved core strategy and/or saved spatial strategy to be retained for the medium term from the emerging Plan. They noted this would allow for a Proposed Plan to be brought forward and to not leave a local authority area with a prolonged period without an LDP.
- 3.16.10 One Planning Authority asked for clear guidance on the status of NPF4, once approved, in relation to section 13 of the 2019 Act in the event of 'any incompatibility between a provision of the National Planning Framework and a provision of a local development plan'. This concern is shared by a Professional & Representative Body.

Part C

3.17 Question 15: Do you agree with the general guidance on Local Development Plans?

Quantitative Analysis

- 3.17.1 42 written responses were received.
21 respondents voted “yes”, 17 “no” and 8 had “no view”.
- 3.17.2 Of the 21 respondents that voted “yes”, 13 were Planning Authorities, 1 Energy Company, 3 from the Key Agency & Public Sector Body, 2 Professional & Representative Bodies and 2 Community & Individual responses.
- 3.17.3 Of the 17 respondents that voted “no”, 6 were Planning Authorities, 2 Energy Companies, 1 Key Agency & Public Sector Body, 1 Professional & Representative Body, 1 Community response, 3 Development, Property & Land Management Bodies and 3 Third Sector Bodies.

Summary / Key Themes

- 3.17.4 Opinion was split between Planning Authorities regarding the general guidance on Local Development Plans. Some agreed that the guidance clearly set out the expectations and process for producing delivery focused, place based and people centred LDPs. Other believe the guidance is too sparse and unnecessarily long at points.
- 3.17.5 Several Planning Authorities and a Professional & Representative Body want more clarity on when local policies may be appropriate for example when a Council want or need to alter a national policy in NPF4 to suit their local circumstances or if they consider the NPF4 policy is not clear, deliverable or enforceable. Further detail was also requested on what would be required to support local policies that address a topic area that has been set out in NPF4.
- 3.17.6 A small number of Professional & Representative Bodies requested that a timescale for each stage in the Local Development Plan Process is added to Annex C, to show how a new style LDP can be prepared within the 3-4 years suggested.
- 3.17.7 A small number of Development, Property & Land Management Representative Bodies noted that there should be reference to the identification of available land at an early stage to demonstrate deliverability and to help inform longer term strategic planning and infrastructure first objectives.

Detailed Comments

- 3.17.8 Three Planning Authorities noted that the guidance clearly sets out the expectations and process for producing delivery focused, place based and people centred LDPs. One Professional & Representative Body and another two Planning Authorities agreed with the infrastructure-first approach in principle. One Development, Property & Land Management Body has practical concerns regarding the infrastructure first approach but supported it in principle.
- 3.17.9 In contrast there was commentary from one Planning Authority that although they support the general themes set out and the emphasis on plans being delivery focussed, the Guidance is too sparse and does not provide enough direction to Planning Authorities. More detailed guidance on the Gate Check and Examination process was suggested.
- 3.17.10 One Planning Authority considered the guidance to be unnecessarily long, detailed and prescriptive. It was also noted that there is confusion between the requirements for LDPs set out in draft NPF4 and the thematic guidance set out here – they suggested it would be clearer if all the guidance was set out in one place.
- 3.17.11 One Planning Authority has serious concerns about the robustness and status of the Guidance, specifically on the provisions expressed in Sections 1 and 2. They note the presentation style has resulted in many repeats, but, crucially, many differences and inconsistencies each time. One of their key concerns is the Delivery Programme Regulations, as pointed to by the Act, being expanded into a wider-than-public sector work programme.
- 3.17.12 One Development, Property & Land Management Body noted that there is no overarching reference to Housing to 2040 and wider National aspirations regarding home-building targets and importance. This was echoed by another Development, Property & Land Management Body. A Professional & Representative Body also mentioned the inconsistency in reference of national plans and strategies, noting some were not mentioned e.g. Housing to 2040, the Land Use Strategy, Low Emissions Zones, Cleaner Air for Scotland 2, Onshore Wind Policy Statement, STPR2 and the National Economic Transformation Strategy.
- 3.17.13 It was considered by one Energy Company that there is currently a lack of recognition of the climate emergency and net-zero targets. It was suggested that additional text is required to emphasise the importance of renewable electricity generation.
- 3.17.14 There was concern from one Planning Authority and one Development, Property & Land Management Body that the additional responsibilities placed on local authorities will have considerable resource implications and appropriate funding should be provided by Scottish Government. RTPi Scotland believed a significant amount of up-skilling will be required for planners to prepare the new style of LDPs.
- 3.17.15 One Professional & Representative Body noted that the Guidance should recognise the essential need of Planning Authorities to consult with children

and young people, particularly with regard to how the Planning Authority intends to address their housing needs in its LDP.

3.17.16 One public sector body believed that some of the core messages from NPF4 could be much stronger in language and content as translated into the LDP guidance e.g. the climate emergency, how to apply the place principle, the six overarching spatial principles, analysis of 20 minute neighbourhood infrastructure, or the six qualities.

3.17.17 The responses required clarification of some of the wording used in the Guidance:

- The guidance should be clear in the distinction between ‘have regard’ and ‘taken in account’ when referring to other plans/documents (noted by one Planning Authority).
- The use of vague and passive language will inevitably lead to varied interpretations of what is expected and required (noted by one Development, Property & Land Management Body).
- One Professional & Representative Body and a number of Planning Authorities questioned how ‘long-term interest’ noted in **paragraph 5** is defined, and how it is balanced with competing demands from present issues.
- The wording in **paragraph 11** was flagged by a Planning Authority and one Third Sector Body as not serving any purpose and unnecessarily cluttering up the document – ‘they [plans] should be prepared in a different way, look different and be used differently to before’.
- The use of the word “toolkit” undermines the status of a development plan as a policy framework for legal decisions and should not be used in this guidance (noted by one Planning Authority).
- The inclusion of ‘Local Development Planning’ in its entirety in the process section alongside the constituent elements of Local Development Planning is considered confusing by one Planning Authority. It is considered this should be separated or presented more logically.
- Repetition across the document was noted by three Planning Authorities e.g. para. 28 repeats the purpose of planning referred to at para. 5. It would be welcomed if repetition was minimised to streamline the document.
- A glossary/brief explanation would be useful for printed version of the document (where no hyperlink is available) for terms like ‘the Place Principle’, ‘Place Standard Tool’ or ‘LOIP’.

3.17.18 Further clarifications and/or guidance is sought with regards to:

- Whether the guidance will be supported by the existing circulars or whether they will be reviewed - it is important their content is not lost (noted by one Planning Authority).
- The health impact of plans and how this should be considered in preparing and monitoring LDPs (noted by one Planning Authority).
- When local policies may be appropriate and what would be required to support local policies that address the same topic area as set out in NPF4. One Professional & Representative Body state that clarity is needed if a Council want or need to alter a national policy in NPF4 to suit their local circumstances or if they consider the NPF4 policy is not clear, deliverable or enforceable. This point was repeated by four Planning Authorities.

3.17.19 The status and role of Regional Spatial Strategies (RSSs) was questioned by one Planning Authority and another Planning Authority requested greater specificity on how they are to be considered in the context of an LDP.

3.17.20 One Professional & Representative Body note that poor connection has been made between regional plans and strategies including city region deals, regional growth deals, regional economic strategies and RSSs.

3.17.21 One Planning Authority noted that the requirement to take RSSs into account may not be possible for the first round of LDPs, as RSSs will likely take a considerable amount of time to prepare and adopt. It was noted that for some LDPs, this means it may be over 10 years from now until they can take an adopted RSS into account.

3.17.22 One Professional & Representative Body did not understand why the draft LDP regulations and guidance had been published before NPF4 has been finalised. They noted if significant change is made to NPF4 following consultation, extreme care must be taken to cross-reference and align the LDP guidance and regulations accordingly.

3.17.23 One Planning Authority agreed with the principle of extending the LDP period to 10 years, as this allows more focus to be placed on delivery, implementation, evidence gathering and monitoring.

3.17.24 One Planning Authority noted that in paragraphs 11 and 27, reference is made to plans looking 20 years ahead. They suggested it would be helpful to explain what level of detail or direction is expected for the longer-term spatial strategy (10-20 years), in comparison with the first 10 years.

Development Plans (paras 5-8)

Paragraph 6

- 3.17.25 One Third Sector Body suggested it would be useful to specifically refer to Section 25 of the Planning Act.

Paragraph 8

- 3.17.26 One Professional & Representative Body and two Planning Authorities note that reference should be made here to Regional Economic Strategies. Similarly, they suggested the National Economic Transformation Strategy should be referenced.

Purpose of Planning (paras 9-11)

Paragraph 9

- 3.17.27 One Third Sector Body noted it would be helpful if the wording was consistent with Draft NPF4 which mentions UN Sustainable Development Goals and Section 32A of the Planning Act.

Paragraph 10

- 3.17.28 One Professional & Representative Body noted that although development planning may contribute to all the National Outcomes, this paragraph needs to be altered to make it clear that planning is not the delivery mechanism for the majority of these Outcomes.

Paragraph 11

- 3.17.29 One Professional & Representative Body consider the expectation LDPs are to have conclusive evidence that they can be delivered as being difficult to achieve. They noted much of the deliverability of sites and other development is within the hands of private landowners and developers, who have their own commercial interests. Further clarity is required on what is meant by conclusive evidence and this needs to be reflected in the Guidance as well as Regulations.
- 3.17.30 One Planning Authority noted that they would expect to see some discretion on how new LDPs are prepared according to circumstances in their areas.
- 3.17.31 One Planning Authority noted there will still be a need for local policy and written text to provide clarity and legal robustness on the spatial strategy. Another Planning Authority noted that the policy wording of NPF4 needs to be robust to allow Planning Authorities to feel comfortable in delivering more graphics based LDPs.
- 3.17.32 One public sector body questioned how to successfully articulate plans visually, using maps and minimal use of policy wording. They expressed their awareness that many Planning Authorities lack in-house capacity, skills, and knowledge to enable the production of the types of maps and illustrations sought. They consider further concise notes on how the examples of place-based plans provided were developed and produced would be beneficial.

Delivery Focussed

Paragraphs 12 – 15

- 3.17.33 A number of Development, Property & Land Management Bodies noted that, having regard to a focus on delivery, there should be reference to the identification of available land (including housing land) at an early stage to demonstrate deliverability and to help inform longer term strategic planning and infrastructure first objectives.
- 3.17.34 These paragraphs were flagged by a Third Sector Body as being very vague, confusing, repetitive and not seeming to offer any clear guidance.

Place-Based

Paragraph 19

- 3.17.35 One Planning Authority note that neighbour notification should be undertaken prior to the Proposed Plan stage to allow more meaningful engagement.

People Centred

Paragraph 21

- 3.17.36 It was noted by one Professional & Representative Body that a reference to the historic environment is missing. This was repeated by six Planning Authorities and one Third Sector Body.
- 3.17.37 The need for a reference to retail / town centres and sustainability and climate change was also noted by one Planning Authority.
- 3.17.38 Creative Scotland and Scotland's Centre for Design V&A Dundee were also suggested, as different interests that should be indicated in the guidance to collaborate in plan preparation, by one Third Sector Body.

Paragraph 22

- 3.17.39 Eight Planning Authorities, one Professional & Representative Body, one Development, Property & Land Management Body and one Third Sector Body note that paragraph 22 could raise the expectations of communities that their Local Place Plans will be incorporated within the LDP. The legislative framework says that it must be given due consideration rather than incorporated into – the paragraph needs to be reworded to accurately reflect the legislation.

Paragraph 23

- 3.17.40 One Development, Property & Land Management Body consider the text in paragraph 23 too vague and the word “must” rather than “should” is suggested regarding collaborative engagement.

Paragraph 24

- 3.17.41 One Development, Property & Land Management Body and a Third Sector Body note there is little expansion/definition on what community wealth building priorities might include.

Process

Paragraph 27

- 3.17.42 One Planning Authority recognised that LDPs will have ‘minimal policy wording’ however consider it would be helpful to explain that NPF4 will provide policy context, although LDPs can set out their interpretation of these policies reflecting local context.
- 3.17.43 One Planning Authority noted that minimal policy wording may result in no coherent overall strategy or context for individual sites. One Planning Authority went on to note that site briefs and masterplans do not take into account the differing situation in the remote rural and on islands. They tend to have a higher reliance on windfall and fewer allocated sites than urban areas. They suggested that the approach to sparsely populated areas with small settlements may be best depicted through spatial strategies on maps or diagrams to promote a more inclusive approach for these communities.
- 3.17.44 One Development, Property & Land Management Body suggested the word “should” should be changed to “must”.
- 3.17.45 One Third Sector Body and one Planning Authority suggested the inclusion of the word “sustainable” development.

LDP Legislative Requirements (paras 31 - 39)

Paragraph 32

- 3.17.46 One Planning Authority noted that the 10 year period of review for LDPs would benefit from mention of the provisions for LDP amendments, which is likely to be a significant in ensuring that plans stay up to date.

Paragraph 33

- 3.17.47 One Energy Company noted that there is a need for additional regulatory provisions and further guidance to strengthen and provide clearer direction for how LPAs are to “take into account” the NPF. It should be made clear that LDPs are not expected to duplicate NPF policies, but rather appropriately implement these policies at a local scale through further detail.

Paragraph 34

- 3.17.48 One Planning Authority noted it was interesting that targets for housing land supply are considered at the same level of importance as public toilets and public water fountains.
- 3.17.49 The text references the requirements of the 1997 Act, which one Key Agency & Public Sector Body queries how well “the LDP must contain a Spatial Strategy that is a detailed statement of the Planning Authority’s policies and proposals” will deliver on the intention set out at paragraph 27 that plans should have minimal policy wording.

Paragraph 35

- 3.17.50 One Key Agency & Public Sector Body note a contradiction between paragraph 35 (preserving disused railway infrastructure to ensure its availability for possible future public transport infrastructure) and paragraph 369 (plans should

safeguard disused railway lines for active travel / green networks). As the use of disused railway infrastructure for public transport projects is included in legislation, they recommended that paragraph 369 is reviewed.

- 3.17.51 One Planning Authority considered the Act's requirement to keep a list of people in the authority's area seeking land for self-build housing is onerous and unnecessary.

Paragraph 36

- 3.17.52 One Key Agency & Public Sector Body note that clear requirements to refer to climate change strategies should be included to comply with the Biodiversity Duty when preparing a new LDP.

- 3.17.53 One Development, Property & Land Management Body noted paragraph 36 should include City Deals (or similar).

- 3.17.54 One Development, Property & Land Management Body noted that paragraph 36 should refer to the following marine plans – the National Marine Plan, the Sectoral Marine Plan for Offshore Wind iterative plan review, the Initial Plan Framework for Innovation and Targeted Oil and Gas (INTOG), regional marine plans and future spatial planning for grid.

Paragraph 38

- 3.17.55 One Planning Authority noted that references to national and regional economic strategies should be included.

- 3.17.56 One Planning Authority sought clarification as to how an LDP should map NPF4 policies.

- 3.17.57 One Community group noted that proposal maps concerning mining must be spatially accurate reflecting both below ground as well as above ground proposed development.

Implementation (paras 40 - 45)

Paragraph 42

- 3.17.58 Two Professional & Representative Bodies requested that a timescale for each stage in the Local Development Plan Process is added to Annex C, to show how a new style LDP can be prepared within the 3-4 years. Planning Authorities have noted that this will also need to consider local authority committee timeframes which may extend the process. This comment was mirrored by seven Planning Authorities and a Key Agency & Public Sector Body and Energy Company.

Paragraph 43

- 3.17.59 Two Planning Authorities questioned whether paragraph 43's reference to 'Local guidance' is referring to Supplementary Guidance and if it is then the regulations should explicitly state this.

- 3.17.60 Two Planning Authorities welcomed the ability to continue to be able to prepare local guidance on key matters to support the LDP.

- 3.17.61 One Third Sector Body question the weight to be given to local guidance and further guidance on this would be helpful.

Responsibilities

Paragraph 46

- 3.17.62 One Planning Authority noted that the first bullet should also refer to Local Authority Sustainability and Climate Change, Community Planning and Parks and Greenspace sections.
- 3.17.63 Historic Environment Scotland recommended that the list of stakeholders should be enlarged to include local authority archaeology and heritage services as well as relevant amenity bodies.
- 3.17.64 NatureScot considered that paragraph 46 could be strengthened to better reflect the emphasis on collaboration that is clear throughout the draft LDP Guidance, and the focus on planning being delivery focused, place-based and people-centred. The following amendment to the wording was suggested “The Planning Authority should collaborate with a wide range of stakeholders...” in place of “A wide range of stakeholders should be encouraged to collaborate...”
- 3.17.65 One Development, Property & Land Management Body noted that children and young people should be included in this list, given that there are specific legislative requirements to involve them in the production of an LDP.
- 3.17.66 One Development, Property & Land Management Body noted that it would be useful to include land managers and other public bodies.
- 3.17.67 One Development, Property & Land Management Body noted paragraph 46 should include “the home building industry”

Paragraph 47

- 3.17.68 One Development, Property & Land Management Body noted paragraph 47 should include “Homes for Scotland”.
- 3.17.69 One Planning Authority noted the reference to Crofters Commission should be amended to Crofting Commission.

Paragraph 48

- 3.17.70 One Planning Authority questioned the justification for not having conferred full ‘Key Agency’ status on parts of the Scottish Government - Transport Scotland, Scottish Forestry and Marine Scotland.
- 3.17.71 One Energy Company noted that the list should include Crown Estates Scotland, given their role in offshore renewable energy developments.

Paragraph 49

- 3.17.72 One Development, Property & Land Management Body noted that it should be set out in the regulations what the requirements for engagement are.

Paragraph 50

- 3.17.73 One Development, Property & Land Management Body noted that statutory guidance on effective community engagement is being prepared, but consider that this should be included within the regulations.

Bigger Picture – Assessments

Paragraphs 51 to 61

- 3.17.74 One Energy Company and one Planning Authority noted it would be beneficial for the guidance to reference the standard expected of such assessments, their timing during the preparation of a LDP and how each assessment could strengthen the LDP.

Paragraph 52

- 3.17.75 Historic Environment Scotland noted it would be helpful for this section to emphasise the important role that SEA procedures play in the plan-making process and that effective and integrated assessment is the key to realising these benefits. HES went on to note that it would be more appropriate to say that “The Environmental Assessment (Scotland) Act 2005 requires those preparing qualifying plans, including the LDP, to be screened for SEA.” In practice this means that all LDPs are likely to require a full SEA process. However, the question of screening may arise more meaningfully in the context of LDP updates or modifications given the new provisions for this within the Planning (Scotland) Act 2019 and the move to a 10-year cycle.
- 3.17.76 One Third Sector Body note that the wording should be altered to emphasis the benefits of SEA, rather than the need to undertake it as a statutory requirement. One Planning Authority noted that the wording needs more conviction that SEA is a worthwhile process, particularly given NPF4’s intention that Planning delivers a nature-positive future.

Paragraph 61

- 3.17.77 One Third Sector Body suggest that the wording would benefit from a slight alteration to highlight the requirements for LDPs. Suggested wording for paragraph 61 was:

‘Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) all competent authorities must consider whether a plan has a ‘likely significant effect’ on any European site. Therefore, all Planning Authorities must consider whether the LDP has likely significant effects on one or more European site, which could be within or outwith the local authority boundary. If so, they must carry out an ‘appropriate assessment’ (AA) as to whether the plan would have an adverse impact on the European sites’ integrity. When preparing a plan that could impact on a European site, advice must be sought from NatureScot, the operating name of Scottish Natural Heritage, Scotland’ nature conservation body.” Alternatively, the wording from SNH’s HRA guidance for plans.

- 3.17.78 One Planning Authority suggested the paragraph on Habitats Regulation Appraisal follows paragraph 52 on Strategic Environmental Assessment as these processes are often aligned and have areas of crossover.

3.18 Question 16: Do you agree with the guidance on Development Plan Schemes?

Quantitative Analysis

- 3.18.1 25 written responses were received.
23 respondents voted “yes”, 9 “no” and 14 had “no view”.
- 3.18.2 There was broad agreement with the guidance on Development Plan Schemes (DPS). Of the 23 respondents that voted “yes” 14 were Planning Authorities, 2 Energy Companies, 2 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 3 Community & Individual responses.
- 3.18.3 Of the 9 that did not agree with the guidance on Development Plan Schemes, 5 were Planning Authorities, 1 Third Sector Body, 1 Community & Individual responses and 2 Development, Property & Land Management Bodies.

Summary / Themes

- 3.18.4 The requirement to consult on Development Plan Schemes was broadly supported, specifically across Planning Authorities, Energy Companies and the Community & Individual sector.
- 3.18.5 Professional & Representative Bodies and Planning Authorities agreed that prescribing the month for adoption of the Plan should be removed.
- 3.18.6 Generally, concern was raised that the legislative requirements and responsibilities are significant and will place extra burdens on Planning Authorities.

Detailed Comments

- 3.18.7 Of those in agreement with the guidance, it was recognised that the DPS is a useful tool to bring stakeholders together in the development planning process. The requirement to consult on DPSs was specifically supported by a Planning Authority, an Energy Company and a Community group.
- 3.18.8 It was noted by one Energy Company that the guidance would benefit from a basic definition of a DPS.
- 3.18.9 One Planning Authority noted that the DPS needs to be an outward facing, accessible document that is not too long or detailed. They suggested that precise details of consultation exercises should not be included as the availability of resources may change over the plan period, and it may be difficult to deliver on early, over ambitious commitments.
- 3.18.10 In relation to timeframes for plan preparation, one Planning Authority noted that the preparation of the DPS will be guided by Annex C, which would benefit from additional information. Given the significant number of new and enhanced requirements in the LDP preparation process it was suggested it would be informative if the Scottish Government could indicate a timeframe next to the relevant sections of plan preparation shown in Annex C, as currently indicated

in Circular 6/2013. This was echoed by another Planning Authority who noted that in order to predict the timetabling required at paragraph 65 it would be useful to have a detailed timeline similar to Figure 2 of Circular 6/2013.

- 3.18.11 A Professional & Representative Body and a number of Planning Authorities stated that the requirement to prescribe the month for adoption of the Plan should be removed as this is challenging to predict years in advance. It was suggested that this could be replaced with seasons or quarter years.
- 3.18.12 The new requirements and responsibilities posed by the draft Guidance and Regulations are one of the key themes identified in Part 3 of this report. Many of the comments relevant to this issue can be found in response to question 16. Generally, concern was raised here that the legislative requirements and responsibilities are significant and will place extra burdens on Planning Authorities. It was noted that setting out the programme for preparation and review of LDP, including timetabling and what is involved at each stage would be useful.
- 3.18.13 One Planning Authority noted that the need to seek views from the public on the DPS will not add to the preparation of LDPs but just add delay. Another Planning Authority did not agree with the need to consult the public on the DPS. The need to engage with a wide range of groups was fully endorsed but there was concern local groups will suffer from consultation fatigue.
- 3.18.14 It was suggested by one Planning Authority that the guidance is made more prescriptive with regard to what Planning Authorities are required to do in order to avoid procedural challenges from egregious third parties.
- 3.18.15 A Development, Property & Land Management Body noted that the guidance should include the Legislative Requirement 21(2) for Local Authorities to (a) identify the changes to the timetable and (b) set out the reasons for the changes to the timetable, if the timetable included in the development plan scheme differs from the timetable included in the development plan scheme last prepared by the Planning Authority.
- 3.18.16 The requirement at paragraph 70 for a programme for evidence gathering and the monitoring and review of evidence was considered quite onerous by one Planning Authority. They commented that will also rely on the timeous production and publication of evidence by a large number of third parties over which the Planning Authority has no control.
- 3.18.17 One Third Sector Body noted that evidence needs to be gathered continuously with communities. They commented that the process needs to be continually open and reflective, and constant testing, feedback and evaluation would be required to apply a proper user-centred approach.
- 3.18.18 One local authority noted that mediation should be only considered at points in the plan preparation process where decisions are likely to be made. Mediation on development plans and the format of mediation should be undertaken by a neutral party and not set by the Local Authority.

3.19 **Annex C**

- 3.19.1 One Professional & Representative Body welcomed the useful summary of the process.
- 3.19.2 One Planning Authority noted that it would be informative if the Scottish Government could indicate a timeframe next to the relevant sections of plan preparation shown in Annex C, as currently indicated in Circular 6/2013. This would be a valuable aid to programme management and assist in the preparation of the Development Plan Scheme.

3.20 Question 17: Do you agree with the guidance on the Delivery Programme?

Quantitative Analysis

- 3.20.1 33 written responses were received.
19 respondents voted “yes”, 16 “no” and 12 had “no view”.
- 3.20.2 Of the 19 respondents that voted “yes” 11 were Planning Authorities, 2 Energy Companies, 3 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 1 Community & Individual response.
- 3.20.3 Of the 16 respondents that voted “no” 8 were Planning Authorities, 1 Energy Company, 5 Development, Property & Land Management Bodies, 1 Key Agency & Public Sector Body, 1 Third Sector Body.
- 3.20.4 Of the 12 respondents that had “no view” 2 were Planning Authorities, 5 Community & Individual responses, 3 Third Sector Bodies and 2 Professional & Representative Bodies.

Summary / Themes

- 3.20.5 Opinion was split between Planning Authorities regarding the Delivery Programme. Concern was raised primarily about matters outwith Planning Authorities’ control, such as staffing and financial implications, early receipt of details of resourcing, funding, phasing and constraints, and the requirement to assess and detail any financial shortfalls that may constrain development of sites. The annual production of a Housing Land Audit was welcomed.
- 3.20.6 Development, Property & Land Management Bodies and Professional & Representative Bodies would prefer the new approach to have been included within the regulations. The latter agree that the Delivery Programme must be kept under review, and updated at least every two years, or if the Scottish Ministers direct the authority to update it.
- 3.20.7 Planning Authorities noted a significant issue will be resources and funding to support good planning and delivery of development and related projects. They also raised concern at the requirement to assess and detail any financial shortfalls that may constrain development of sites within the Delivery Programme.

Detailed Comments

- 3.20.8 One Planning Authority agreed with the emphasis that the Delivery Programme should support delivery of the LDP and achievement of its intended outcomes through the identification of actors and timescales, rather than be a checklist of progress to date.
- 3.20.9 Three Planning Authorities welcomed the annual production of a Housing Land Audit. One Development, Property & Land Management Body would have preferred the new approach to Housing Land Audits to have been included within the regulations.

- 3.20.10 One Key Agency & Public Sector Body note that the importance of the Delivery Programme is not reflected in the draft Guidance at paragraphs 467 – 482 of Section 3. The focus on four of the themes in this section suggest that those are what delivery should focus on. The role of other parts of the thematic guidance and how they will be delivered is not clear as a result.
- 3.20.11 Two Planning Authorities noted a significant issue will be resources and funding to support good planning and delivery of development and related projects. It was suggested that Annex C is amended to contain a timetable related to integrating the preparation of the Delivery Programme.
- 3.20.12 One Third Sector Body noted concern that the legislative requirements, responsibilities and review cycle are significant and will place extra burdens on Planning Authorities.
- 3.20.13 One Energy Company welcomed the acknowledgement that preparation and review of the Delivery Programme is an ongoing activity that should run in parallel with the preparation of an LDP.
- 3.20.14 Concern was raised by two Planning Authorities at the requirement to assess and detail any financial shortfalls that may constrain development of sites within the Delivery Programme because they considered that to be beyond the scope and control of development planning. Another Planning Authority is of the view there are gaps in the Draft Guidance on Regulations that private landowners/ developers will be fully engaged and provide the necessary information for the Delivery Programme. They anticipate the result of not closing those gaps is that the Scottish Government's laudable aims and intentions cannot be realised.
- 3.20.15 Similarly, one Planning Authority had concerns that the Delivery Programme is being required to address the infrastructure requirements for each allocation which is at times outwith the control of the LA. Another Planning Authority has concerns as to how the regulations and guidance are weighted towards the majority of responsibility of the delivery programmes success being on the Local Authority. They noted a LDP is more than a document to deliver housing allocations and that is the general tone of how this draft section is worded.
- 3.20.16 It was suggested by one Planning Authority that for sites which do not come forward there should be a requirement that their owner or developer submit a report, before the review of a delivery programme, as to the reasons for this.
- 3.20.17 RTPi Scotland welcomed the recognition that preparing an LDP is an on-going activity and support the maintenance of the development planning evidence base but wish to highlight the resource intensive nature of this e.g. the development of a shared data resource for infrastructure, planning and place data to support infrastructure providers, monitoring delivery.
- 3.20.18 RTPi Scotland wished to see more detail on how the maintenance of the development planning evidence base will form part of the feedback loop that enables Planning Authorities to assess progress on the implementation of the LDP.

- 3.20.19 RTPI Scotland and one public sector body believe the Place Principle should be mentioned in this section as an important part of implementing LDPs. SESTran note that the guidance should also make mention of wider policy objectives such as the 20 minute neighbourhood.
- 3.20.20 A number of Development, Property & Land Management Body and Professional & Representative Bodies agree that the Delivery Programme must be kept under review, and updated at least every two years, or if the Scottish Ministers direct the authority to update it. It is unclear whether there will be a requirement for the Planning Authority to consult on the updates and it was requested that the home-building industry should be consulted upon for each update to the Delivery Programme.
- 3.20.21 One public sector body noted that the guidance should be strengthened to make it clear that full engagement, rather than consultation, is needed to bring clarity to a Delivery Programme, especially in areas such as transport where the expertise in Councils lies elsewhere than in the Planning Service.
- 3.20.22 One Development, Property & Land Management Body noted that delivery programmes need the same level of scrutiny and consultation as the development plan as these will become the key tool in ensuring the development plan is delivered.
- 3.20.23 One Development, Property & Land Management Body noted that delivery programmes need the full involvement of all partners from the public and private sector and must reflect agreed actions and investments rather than "expected" or "hoped-for" promises.
- 3.20.24 One Energy Company noted that the guidance should identify how the Delivery Programme should deal with the key objective of delivering accelerated and significantly increased renewable electricity generation.

Delivery Programme – Legislative Requirements (paras 75-78)

Paragraph 75

- 3.20.25 One Planning Authority sought clarification on the following statement within paragraph 75: "It is the duty of the head of Planning Authority's paid service to prepare the Planning Authority's Delivery Programme"
- 3.20.26 One Planning Authority noted that delivery programmes will require significant resource and will rely on input from third parties. They commented that while there is a duty on key agencies to cooperate, this will not apply to all parties from whom input may be sought, resulting in gaps in the Delivery Programme.

Paragraph 76

- 3.20.27 Two Planning Authorities noted the difficulty in naming an individual person against each action, given the life of the delivery programme and given staff turnover. They recommended that the named person be changed to authority/agency/generic email.
- 3.20.28 It was suggested that Transport Scotland should be explicitly referred to given their key role in transport infrastructure.

Paragraph 77

- 3.20.29 One Professional & Representative Body noted that the requirement for the Delivery Programme to be reported to full Council does not guarantee that the actions in the LDP will be assigned resources. This was echoed by four Planning Authorities and RTPi Scotland.
- 3.20.30 One Planning Authority sought clarification as to whether updated delivery programmes are required to be approved by Full Council.

Delivery Programme – Implementation (paras 79-87)

Paragraphs 80 to 86

- 3.20.31 One Planning Authority noted that Paragraphs 80 to 86 require the Planning Authority to plan and commit its financial investment in delivery of the plan, which would certainly improve confidence but is likely to be beyond the scope and purpose of planning, and in terms of timescales stretch long beyond usual budget horizons.

Paragraph 80

- 3.20.32 One Professional & Representative Body has fundamental concerns, if this is the intended outcome, about Local Authorities essentially project managing the delivery of private sites and infrastructure as the majority of this is outwith the scope of planning and the powers and responsibilities of Local Authorities.
- 3.20.33 One Planning Authority noted serious staffing and financial implications arising from this paragraph and believe Scottish Government funding should be made available to support Local Authorities. However, a different Planning Authority noted that in reality it will be private finance which delivers most of the proposals in the LDP and Planning Authorities cannot project manage private development sites.
- 3.20.34 One Planning Authority noted that it may prove difficult to provide a detailed Delivery Programme at early stages of the plan preparation, with accurate details of resourcing, funding, phasing and constraints. This is because many sites will be led by the private sector, and responsible parties may not always be forthcoming with such information from the outset.
- 3.20.35 One Professional & Representative Body and two Planning Authorities were concerned that the delivery programme is to be “a corporate document which project manages the timing of the authority’s financial investment for the delivery of the plan, and any coordination with private or other funding identified as being required to deliver intended plan outcomes”. Their concern was about matters outwith planning authorities’ control noting the vast majority of its delivery and implementation being in the hands of landowners, private developers as well as infrastructure providers.

Paragraph 82

- 3.20.36 One Planning Authority noted that site prioritisation could raise concerns of fairness.

- 3.20.37 One Development, Property & Land Management Body state that the Guidance should acknowledge that access to finance will be key to the delivery of allocated LDP sites. This will inevitably result in greater uncertainty within a Delivery Programme, unless significant and upfront work is undertaken.
- 3.20.38 One Development, Property & Land Management Body welcomed, at part C, the requirements for a Delivery Programme in respect of sites. Another Development, Property & Land Management Body suggested Planning Authorities should utilise a scoring system for sites similar to that currently used in Aberdeen. They considered this would assist in making the process of site selection more transparent. Additionally, it was requested that Delivery Programmes include a list of sites that have been assessed, but not included within the Plan. It was suggested these sites could then be drawn from should the pipeline either over or under deliver, and no pipeline sites are available to come forward timeously.

Paragraph 83 (Infrastructure first)

- 3.20.39 One Planning Authority noted that sites which don't come forward should be accompanied by reports from landowners/developers stating reasons for delays.
- 3.20.40 One Professional & Representative Body and two Planning Authorities noted that the Delivery Programme is being required to address the infrastructure requirements for each allocation. It was questioned whether the infrastructure providers (who local authorities will be reliant on for the information) are aware of the information requests coming their way and will they be able to respond to those requests in a timely manner.
- 3.20.41 One Planning Authority supported the increased focus on delivery rather than simply monitoring the progress of actions in the LDP. The move to help ensure LDPs are aligned with the corporate priorities of local authorities is supported.
- 3.20.42 One Professional & Representative Body noted that it will be difficult to prioritise sites against private commercial interests. They felt it will be difficult to agree robust actions and timescales to deliver sites as these can change frequently for commercial interests. They suggested the guidance needs to recognise that many of these elements are outwith the control of the Council and in the hands of the landowners and private developers. They raised a number of queries: What happens if the requisite developer refuses to comply? and What are the Local Authorities options in that regard as there is no mention of enforcement in legislation, regulations or guidance, but the Local Authority is ultimately responsible for everything?
- 3.20.43 One Planning Authority noted the level of detail sought in paragraph 82 is too prescriptive. While it does say the Delivery Programme should "ideally" include, they suggest this should be re-worded to say "could" include, and it should also recognise that there may be gaps and not every 'box' will be able to be filled for every site and proposal.
- 3.20.44 One Planning Authority noted that an LDP may not be able to include a "clear route to delivery" or a "pathway to delivery for longer term allocations" as it may

include aspirational proposals or put down markers or indicators for very general actions or proposals as a starting point for future progression.

- 3.20.45 One Development, Property & Land Management Body noted that “The Infrastructure First approach requires a robust and consistent approach to ensuring the required infrastructure is deliverable.” They suggested that this should say “...deliverable and/or available” as infrastructure may already exist to accommodate more development.
- 3.20.46 One Professional & Representative Body and two Planning Authorities noted the requirement for the Delivery Programme to link closely with the Housing Land Audit, to monitor the deliverable housing land pipeline. It was also noted that a common approach to monitoring housing land is to be established through national planning guidance. It is hoped that the guidance will be produced in a timely manner and with the collaboration of Planning Authorities.

Paragraphs 86

- 3.20.47 One Professional & Representative Body and three Planning Authorities noted the approach outlined in paragraphs 86 and 470, for the Delivery Programme to have costings next to every action and to be closely aligned with wider local authority budgets, is considerably more detailed than authorities have been able to achieve with Action Programmes to date.
- 3.20.48 One Planning Authority noted the financial requirements set out in paragraph 86 are onerous and will require significant input from financial specialists outwith the planning service.

Paragraph 87

- 3.20.49 One Professional & Representative Body and three Planning Authorities noted that while the need to produce the Delivery Programme in parallel with the LDP and ensuring that the plan is realistic and deliverable is commendable, there may be circumstances where authorities will have to produce LDPs for their areas that some will regard as unambitious if resources are not available for delivery. It was noted the ambition set out in the guidance for the role the Delivery Programme is to play in delivering the LDP will take some time, officer resource and knowledge for the Planning Authority to achieve.

Delivery Programme – Responsibilities

Paragraph 88

- 3.20.50 One Development, Property & Land Management Body agreed that a collaborative effort between public and private sectors is essential to ensure that the Delivery Programme is realistic, achievable and that any updates/ reviews contain the most up-to-date information from both sides to inform delivery.
- 3.20.51 One Planning Authority suggested that the LDP Guidance require an overarching Board for the monitoring of the Delivery Programme to be established. For example Aberdeen City and Aberdeenshire Councils have established the Future Infrastructure Requirements for Services (FIRS) which jointly considers the requirements and delivery of infrastructure across the North East resulting from existing and proposed development.

Delivery Programme – Bigger Picture

Paragraph 89

- 3.20.52 With reference to the second sentence, one Development, Property & Land Management Body noted that for such action to be taken it must be clear that an issue has arisen and more guidance on the calculation to determine a lack of delivery and to what extent such lack would lead to an amendment or full review of the LDP.

3.21 **Question 18: Do you agree with the guidance on Local Place Plans?**

Quantitative Analysis

- 3.21.1 37 written responses were received.
22 respondents voted “yes”, 14 “no” and 8 had “no view”.
- 3.21.2 Of the 22 respondents that voted “yes”, 13 were Planning Authorities, 1 Energy Company, 3 Key Agencies/Public Sector, 2 Professional & Representative Bodies and 3 Community & Individual responses.
- 3.21.3 Of the 14 respondents that voted “no” 5 were Planning Authorities, 3 Development, Property & Land Management Bodies, 1 Key Agency/Public Sector Body, 2 Third Sector Bodies and 3 Community & Individual responses.

Summary / Themes

- 3.21.4 There was broad support for the guidance on Local Place Plans (LPPs).
- 3.21.5 Planning Authorities noted that timescales may give local communities a relatively short period of time to prepare a Local Place Plan to ensure it is taken into account in preparing the LDP. They also noted that authorities are unlikely to have the resources or staff time to assist in any great degree with LPPs beyond initial orientation and ongoing light touch direction.

Detailed Comments

- 3.21.6 One Planning Authority noted that the guidance is positive as it encourages greater collaboration with the community and provides a means of getting knowledge from the people who live and work in the community which can inform the LDP.
- 3.21.7 One Planning Authority noted that as the new regulations are enacted it is important that the guidance is updated regularly to learn from the experience of preparing Local Place Plans.
- 3.21.8 One public sector body suggested that LPPs should not become a substitute for the need to address area problems that would normally be sought through local strategic planning in the traditional sense.
- 3.21.9 A public sector body noted that the need to address transportation issues should be mentioned when consulting with the community about the content of any LPP proposed by them.
- 3.21.10 Two Planning Authorities noted that Planning Authorities are required to publish information about how LPPs are to be prepared and by when, so that they can be taken into account in the preparation of the LDP. In practice, this may give local communities a relatively short period of time to prepare a place plan to ensure it is taken into account in preparing the LDP. They felt better guidance is needed to state how the LPPs will feed into the LDP.

- 3.21.11 The timing and sequencing of LPPs in relation to LDPs was also raised. One Key Agency & Public Sector Body welcome the clarification of timing and process that is provided in the guidance. However, it was noted by one Planning Authority that it needs to be clearer at what stage a registered LPP (or community plan) will be able to be directly taken account of in the LDP. It was suggested that after the public consultation on the Proposed Plan it would be too late to add in new proposals, as a Proposed Plan represents the settled view as to what the final content of the adopted plan should be. Another Planning Authority noted that more emphasis should be given to the sequencing of LPPs and LDPs. They considered LPPs will require to be carefully managed so that there is no significant overlap with the LDP.
- 3.21.12 One Planning Authority questioned if an LPP is in preparation, but hasn't been submitted to the Planning Authority, would the Evidence Report have to wait until the LPP was completed.
- 3.21.13 One individual noted that registered LPPs should be considered during the lifetime of an LDP in making determinations on applications and not just be influential at the plan preparation stage.
- 3.21.14 One Energy Company noted that the guidance should acknowledge that the timeline for submission of LPPs will be set by the LPA in accordance with Section 15A(b)(i) of the 1997 Act (as amended) and that LPPs must adhere to this timeline.
- 3.21.15 One Planning Authority noted that the expectation of taking LPPs into the LDP relies on effective community capacity and skills to work up a LPP in the first place.
- 3.21.16 One Planning Authority noted that whilst some communities are keen to get involved in the planning process, others are far more difficult to engage. The introduction of LPPs may assist in this but improved methods of getting more communities engaged is required. The forthcoming Scottish Government guidance on Community Engagement will be welcomed to assist in this.
- 3.21.17 Two Planning Authorities made comments that many Planning Authorities are unlikely to have the resources or staff time to assist in any great degree with Local Place Plans beyond initial orientation and ongoing light touch direction. They commented the guidance should not raise false expectations in regard to this.
- 3.21.18 Another Planning Authority noted that it will also place significant resource pressure on Planning Authorities if they are to support and assist multiple communities to prepare place plans across the local authority area at the same time early in the LDP preparation process.
- 3.21.19 A Planning Authority noted that there are resource implications and practicalities for remote rural and island communities and local authorities given the scale and nature of their areas which are very different to urban areas. Emphasis of this in the guidance would be welcomed.

- 3.21.20 One Planning Authority noted that LPPs represent a substantive change to the development plan process and it is vital that local Planning Authorities are adequately resourced by the Scottish Government to enable them to allocate an element of funding to support this new and worthwhile innovation.
- 3.21.21 One individual noted that there needs to be wider input into LPPs in Dumfries and Galloway. They felt there does not appear to be any structure or organisation able to input to LDP or Local Place Plans below council level. It was suggested that the community councils are not sufficiently robust, transparent or tuned into residents' concerns nor do the community councils understand a lot of strategic direction of travel for Scotland as a whole.
- 3.21.22 One Professional & Representative Body noted that the guidance does not contain reference to the LPPs Regulations and Circular and any other resource the Scottish Government have produced such as the "Local Place Plans: How to Guide". This comment was echoed by five Planning Authorities and two public sector bodies.
- 3.21.23 Two Planning Authorities questioned whether the reference to LPPs needs to be included here, in the same format as other stages of the LDP process when LPPs would not be part of the LDP.
- 3.21.24 One Third Sector Body noted that the guidance in paragraphs 90-94 is repetitive and covers many of the same points as the earlier section, without adding anything substantial. They highlighted that for instance, it is not clear what approach should be taken if two or more potentially conflicting LPPs have been registered for the same area, or how they should be considered against the wider aims of NPF4 and local strategic aims.

Local Place Plans – Purpose

Paragraph 90

- 3.21.25 One Planning Authority noted that LPPs can "describe what changes people want to see made to the LDP" and consider this could come across as quite negative. Another Planning Authority commented that this statement sounded more like making a representation to the LDP rather than putting together a community led proposal that presents a spatial representation of community vision and aspirations.

Local Place Plans – Legislative Requirements (paras 91-92)

Paragraph 91

- 3.21.26 One Planning Authority noted that paragraph 91 implies that local communities must be invited to prepare a LPP by the Planning Authority and provide a date by when they must be prepared. The Planning Authority questioned whether it is also the case that a community can prepare a Local Place Plan whenever they wish?
- 3.21.27 One Community group noted concerns that there is an implication that local authorities will only have to invite community bodies to prepare Local Place Plans once in a 10 year cycle of LDP preparation. In reality, communities will want to start preparing plans at different times in this cycle.

- 3.21.28 One Third Sector Body note that if the intent is that the LPP belongs to the local community it should be demonstrated that once the LPP has been prepared that there has been a process of consultation prior to submission and registration.

Paragraph 92

- 3.21.29 One Professional & Representative Body and one Planning Authority noted that the guidance does not reflect the correct wording in legislation using 'must' rather than 'are to'. The Town and Country Planning (Scotland) Act 1997 (as amended) does not say that Local Authorities 'must take account' of any registered Local Place Plan. The correct wording is 'are to take into account'. They commented that the draft guidance therefore elevates the weight above what legislation states.
- 3.21.30 Furthermore, one Professional & Representative Body, one Development, Property & Land Management Body and three Planning Authorities noted that the guidance does not mention the recent circular on Local Place Plans as mentioned previously. It is suggested that more needs to be done to clarify exactly the weight a registered LPP can have upon LDP preparation.
- 3.21.31 It was also noted that this paragraph states the Council has to explain what help was offered yet a LPP is to be independent of Council. Circular 1/2022 seems to confirm this inconsistency in approach by removing councils from all preparation obligations.

Local Place Plans – Implementation

Paragraph 93

- 3.21.32 One Planning Authority and one Development, Property & Land Management Body questioned that the invitation to prepare a LPP comes first, but should also be referenced in the DPS, which must also outline the timetable for LPP.

Local Place Plans – Responsibilities

Paragraph 94

- 3.21.33 One Development, Property & Land Management Body note that the opportunity for a 'community body' to create a vision outwith any statutory framework/timescale to which the Planning Authority would still have to have regard could become a tool for community bodies to frustrate development/established processes. It was suggested that a clearer definition of "due weight" is required.
- 3.21.34 One Community group noted that paragraph 94 references weight that could or should be given to community-led plans that are not LPPs. It was questioned whether this was because it is assumed that any registered LPP will inherently have the ability to be a material planning consideration. If so, it may be useful to have this clarified in the guidance.
- 3.21.35 Three Planning Authorities noted that it would be useful if further guidance be provided in relation to the expectations of the validation process at each stage.

- 3.21.36 It was questioned who will assess the relevance of an LPP, as Planning Authorities are going to have to be able to robustly defend why certain elements may be given regard while others are not.

Local Place Plans – Bigger Picture

Paragraph 95

- 3.21.37 One Community group noted that not all communities will have the resources or skills to prepare LPPs and should not be disadvantaged if this is the case. In addition, they commented not all communities are unified and how to ensure conflicting voices in a community be heard fairly?

3.22 Question 19: Do you agree with the guidance on the Evidence Report?

Quantitative Analysis

- 3.22.1 38 written responses were received.
21 respondents voted “yes”, 19 “no” and 9 had “no view”.
- 3.22.2 Of the 21 respondents that voted “yes” 12 were Planning Authorities, 2 Energy Companies, 2 Professional & Representative Bodies, 2 Third Sector Bodies, 1 Key Agency & Public Sector Body and the remaining 2 were Community & Individual responses.
- 3.22.3 Of the 19 that did not agree, 7 were Planning Authorities, Development, Property & Land Management Bodies, 2 Third Sector Bodies, 2 Key Agency & Public Sector Body, 1 Professional & Representative Body and the remaining 2 comprised Community & Individual responses.

Summary / Themes

- 3.22.4 Planning Authorities considered a minimum Evidence Report standard required to be set through legislation and not just guidance to ensure a robust and consistent approach. It was also argued this would assist the Reporter’s role in determining if an Evidence Report is fit for purpose. It was noted that setting a basic standard in legislation (minimum requirements for engagement on the Evidence Report), does not mean best practice cannot exceed this.
- 3.22.5 A number of Planning Authorities suggested there should be a draft spatial strategy at the Evidence Report stage to make public engagement on this stage of the process more meaningful, with more focus on place.

Detailed Comments

- 3.22.6 One Planning Authority believed the guidance is comprehensive and the example Evidence Report structure is useful in clarifying the scope and level of detail that will be required. They welcomed the link to monitoring the adopted LDP, and input from key agencies and other stakeholders to input into preparing the Evidence Report.
- 3.22.7 Another Planning Authority was concerned the process is too linear and evidence gathering is a continuous exercise that occurs throughout the plan making process and is very often iterative. It is recommended the guidance to allows for supplementary or additional information to be added to the Evidence Report as the plan evolves and takes shape over time.
- 3.22.8 There was also concern about the extensive amount of data that it is expected each Planning Authority must gather and analyse as well as the amount of time and effort that will be required to produce a credible Evidence Report that will pass the Gate Check. In conjunction with the preparation of Local Place Plans before LDPs are started it was suggested there is a danger that the plan making process will become unbalanced with too much time and resources spent on evidence gathering or preparatory works and insufficient time on the plan itself.

- 3.22.9 One Planning Authority requested the Evidence Report include a statement on how the Planning Authority has sought particular stakeholders' views, and how these views are taken into account in the report. These groups are: the public at large; disabled people; Gypsies and Travellers; children and young people; and Community Councils.
- 3.22.10 One Planning Authority welcomed the proposals but noted an inconsistency between the guidance and the primary legislation. Paragraphs 104, 106, and 116 refer to the Evidence Report not containing site specific matters. Whilst this is welcomed in principle there is an apparent inconsistency with s15(5)(cb) of the Act as the Evidence Report cannot set out a position on the availability of land in the district for housing, including for older people and disabled people if there is no reference to the availability of sites in the Evidence Report.
- 3.22.11 One Planning Authority requested clarity regarding stakeholder engagement and consultation (paragraphs 118 and 119). The forthcoming guidance on engagement was welcomed but it would be useful to read this alongside the LDP guidance and be able to comment in the round on the expectations for early engagement with stakeholders.
- 3.22.12 One Key Agency & Public Sector Body was supportive of the Evidence Report but believe that other projects, such as delivery of the Digital Strategy for Planning will be essential to the success of a proportionate and effective approach to gathering evidence. While the list of data and information included at paragraph 107 is not intended to be exhaustive, it may be more proportionate to include more detail on tools, processes, and so on in Section 2 rather than duplicating information every time it is relevant to a theme in Section 3.
- 3.22.13 One Planning Authority understood that whilst Statutory Supplementary Planning Guidance will no longer be a feature of the planning system Planning Authorities will still be able to produce non-statutory guidance where required. The authority is unsure at this stage of what role any such guidance would perform in the new system and clarification on what status the Evidence Report would have in the assessment of planning applications, should it contain detailed or updated information relevant to delivering the policies in the NPF or an existing LDP.
- 3.22.14 One Planning Authority was concerned that there is no definition of what 'sufficient information' in the Evidence Report constitutes, in either the draft guidance or the proposed regulations. Another authority was specifically concerned that this will be challenging if the Evidence Report is to demonstrate that there will be sufficient housing land to meet the NPF4 Minimum All-Tenure Housing Land Requirement (MATHLR).
- 3.22.15 The Thematic Guidance section introduces additional requirements beyond those listed at Annex B, which one Professional & Representative Body believe will add further strain on Planning Authority resource implications. It was commented that without regulations on the process for preparing an Evidence Report or the Gate Check process, these parts of the plan making process could become very onerous and time consuming without adding to the plan making process.

- 3.22.16 The same authority suggested that the Evidence Report should consider a draft spatial strategy and that broad locations for development should be included within the Evidence Report in a number of instances.
- 3.22.17 One Professional & Representative Body agreed with the guidance in principle but noted concern that there is no definition of what is considered 'sufficient information' in either the draft guidance or the proposed regulations. They were also concerned that the Thematic Guidance section of the draft guidance is introducing a number of additional requirements over and above those listed at annex B. It is therefore requested that the guidance or regulations make it clear that the Evidence Report must address the matters set out in section 15(5) of the Act.
- 3.22.18 The same body supported the ambition to front load LDP preparation but cautioned that many Planning Authorities currently don't have the resource to build robust and extensive evidence bases which can be interpreted by GIS.
- 3.22.19 The same body questioned that if the report is simply an LPA's assessment of the evidence base and information is not made available to consultees, the Evidence Report runs the risks of 'baking in' conflict or being perceived as lacking transparency. In terms of presentation they urged the Scottish Government to explore ways in which the digital document can be displayed in a meaningful and engaging way.
- 3.22.20 The same body agree with the recommendations published by the Infrastructure Commission for the establishment of a Scottish Infrastructure Needs Assessment and publication of a new infrastructure assessment framework and methodology. They consider this will be crucial means of supporting preparation of Evidence Reports. Similarly, they wish to see the role of RSSs clarified in terms of infrastructure assessment.
- 3.22.21 The same body supported the intentions of the guidance regarding the 'Call for Ideas' stage, in trying to encourage a range of proposed development types, beyond housing, to come forward. Under the current Call for Sites process, there can be high volumes of responses, with LPAs in active market areas reporting numbers of 500 submissions upwards. They are concerned about the resourcing implications of this process, as they consider following the site appraisal methodology as contained in the Evidence Report will be resource demanding and may require expert input.
- 3.22.22 One Key Agency & Public Sector Body felt the guidance suggests a structure for Evidence Reports which consists of a written summary of issues around key themes or topics. They feel this pulls away from the overarching policy aim of place based, delivery focused, people centred plans. Key agency partners have been working to support local authorities in taking place-based approaches to their LDP preparations through Architecture and Design Scotland's 2020 Green Recovery offer. That approach firstly, supports the planning team to establish a leadership role and develop a culture of collaborative, place-based working in early discussions on baseline information with council services, key agencies, and other key stakeholder groups. Secondly, a place-based approach to evidence gathering can inform a robust and relevant written evidence summary.

Thirdly, that spatial mapping of evidence offers a solid foundation for a place-based approach to the next phases of plan preparation.

Evidence Report – Purpose

Paragraph 97

- 3.22.23 A Development, Property & Land Management Body wished 'should' to be amended to 'must' in the following sentence: "The Evidence Report should be informed by the views of those who are anticipated to be affected by the plan, and involved in its implementation."

Evidence Report – Implementation (paras 104-120)

Paragraph 104

- 3.22.24 A number of Planning Authorities suggested that a draft spatial strategy should be considered at the Evidence Report making public engagement on this stage of the process more meaningful.
- 3.22.25 One Professional & Representative Body request clarification of this paragraph as the draft guidance states that the Evidence Report should not include site specific matters this may be unavoidable in some circumstances. They commented that it is hard to see how the Evidence Report can effectively take account of Local Place Plans in accordance with Section 16B of the Planning Acts if the former document has no spatial element while the latter has a focus on place. Without reference to site specific matters, it will be difficult to seek the views of the particular groups of people set out in the Act. It will also be difficult to engage effectively with infrastructure providers. To make this stage more meaningful, it is suggested that the Evidence Report should consider a draft spatial strategy. The body noted inconsistency between the guidance and legislation throughout paragraphs 104, 106 and 116.

Evidence Report – Implementation - Scoping

Paragraph 105

- 3.22.26 One Professional & Representative Body requested clarity on the Scoping stage and if a scoping report will be required or not. If all the information and evidence requirements set out in section 3 of the draft guidance remain in the final version and no regulations are introduced on what the Evidence Report should contain, the scoping process could set out why the Planning Authority has not included any of these elements in their Evidence Report. This would then be a key consideration at the Gate Check.

Evidence Report – Implementation – Evidence Gathering (paras 107-111)

Paragraph 107

- 3.22.27 One Key Agency & Public Sector Body recommended including "biodiversity" within the last bullet point in the list of suggested information to inform the Evidence Report. This is to help ensure that both climate change and biodiversity loss are addressed as a twin crises as per the draft NPF4.
- 3.22.28 One Key Agency & Public Sector Body welcomed their inclusion within this list of the SEA Scoping Report. The guidance would benefit from greater clarity

around the timing of the SEA Scoping Report in relation to the Evidence Report. We believe that the SEA Scoping Report should be prepared and consulted on (in line with Section 15 of the Environmental Assessment (Scotland) Act 2005) prior to finalisation and submission of the Evidence Report to Gate Check.

- 3.22.29 One Key Agency & Public Sector Body believed there is not enough emphasis on transportation issues being key elements of the Evidence Report. They suggested the list within paragraph 107 should include the LTS and RTS.
- 3.22.30 An Energy Company believed the list should include the Scottish Government's national infrastructure investment plans and rolling national infrastructure assessments, which are scheduled to be prepared from 2023 in line with Recommendation 3 of the Infrastructure Commissioning for Scotland's (ICS) 2020 report. They expressed their view that these need to be included to ensure LDPs contribute to implementing an Infrastructure First approach and to integrate infrastructure considerations with planning.
- 3.22.31 One Planning Authority suggested including data from Open Space Strategies and Pitch Strategies (and other demand led place strategies) whilst appreciating that further guidance is given on this later in the document.

Paragraph 108

- 3.22.32 One Planning Authority commented on paragraph 108, which states that the Evidence Report provides an opportunity to support the Infrastructure First approach by frontloading infrastructure considerations in the preparation of LDPs, and undertaking an audit of infrastructure and services. While it was recognised that an audit of infrastructure can be undertaken, it was suggested it will be difficult to engage with infrastructure providers and the development industry without site specific information being available.

Paragraph 109

- 3.22.33 One Professional & Representative Body noted the reference to specific evidence required to support the NPF4 could be considerable. They commented Figure 6 of the Thematic Guidance may include information that is not readily available.

Evidence Report – Implementation – Drafting

Paragraphs 112 - 113

- 3.22.34 Paragraphs 112 and 113 and Figure 5 set out a suggested structure for the Evidence Report that differs in approach to that proposed for the Proposed Plan. One Professional & Representative Body noted that it would make more sense and be easier for communities to understand if the Evidence Report and the Proposed Plan are structured in similar ways. They argued if the Proposed Plan is to be set out by place as a place-based plan, then so should the Evidence Report.
- 3.22.35 An Energy Company strongly supported the inclusion of “climate and environment” as topics that should be considered within the Evidence Report.

Figure 5 – Evidence Report Structure

- 3.22.36 Several comments were received about the style of the suggested Evidence Report structure. One Professional & Representative Body believed the suggested Schedule 4 format may be useful for presenting the Evidence Report in a way that can be easily processed at the Gate Check stage, however it is unlikely to make for an engaging document for public participation.
- 3.22.37 Several comments note it could be made more suitable for public participation and modified for digital platforms to present the information in a more meaningful, interesting and engaging way.
- 3.22.38 A Key Agency & Public Sector Body express concern the Schedule 4 format has the potential to silo issues instead of taking a comprehensive place based approach to the Evidence Report.
- 3.22.39 One Planning Authority enquired if the suggested Schedule 4 format for the Evidence Report is mandatory. A Professional & Representative Body was also unclear what happens if an authority chose not to use the template.

Evidence Report – Implementation – Stakeholder Engagement

Paragraph 118

- 3.22.40 A Development, Property & Land Management Body welcomed early and proactive engagement with stakeholders, but note that Homes For Scotland and the wider home-building industry should be explicitly referred to here.

Evidence Report – Responsibilities (paras 121-125)

Paragraph 121

- 3.22.41 One Planning Authority questioned the accuracy of the statement ‘The Planning Authority will primarily be responsible for preparing the Evidence Report.’ While recognising that preparation of the Evidence Report will be a collaborative endeavour with other stakeholders making contributions, the report will be authored and signed off by the Planning Authority. Therefore they proposed that ‘primarily’ is deleted to remove any avoidance of doubt.

Paragraph 123

- 3.22.42 One Planning Authority and one Professional & Representative Body noted that paragraph 123 says that there is a statutory requirement to seek particular views in preparing the Evidence Report but not a requirement to consult on the Evidence Report. They felt that in practice the only way to highlight where stakeholders are in agreement or in dispute (as set out in paragraph 125) would be to consult on a draft Evidence Report. Ongoing engagement in the preparation of the draft Evidence Report, whilst important, will not identify all the areas of agreement or dispute. They consider this needs to be clarified.

Paragraph 125

- 3.22.43 In relation to disputes, one Planning Authority was supportive of the following text “The Evidence Report should highlight areas where stakeholders are in agreement or in dispute, and the reasons for these”. They agreed that housing requirements for example can be agreed in principle through the Evidence

report and Gate Check stage, however, they felt that inevitably the issue of site specific allocations will remain and be the main focus at the Examination stage.

- 3.22.44 However, one Professional & Representative Body has concerns about the introduction of disputes at this stage. They and a Planning Authority request information on the process for dealing with disputes be clearly set out in the Regulations to ensure there is a legislative background for their consideration at this stage in the LDP process.

Evidence Report – Bigger Picture – SEA

Paragraphs 127 – 130

- 3.22.45 One Key Agency & Public Sector Body welcomed the role of Strategic Environmental Assessment (SEA) and alignment with gathering evidence for the development plan. One Planning Authority also agreed that the Evidence Report should be aligned with the scoping requirements of the SEA environment report, para 127, they noted sharing baseline information and alternative approaches to issues would be efficient.
- 3.22.46 However the Key Agency & Public Sector Body considered there is potential for some confusion in this section of the draft guidance around when SEA scoping should happen. They suggested a suitable amendment may be:
“The Evidence Report preparation should be aligned with work undertaken to prepare the scoping report of the Strategic Environmental Assessment (SEA) and the scoping requirements of SEA.”
- 3.22.47 In relation to paragraph 130 it was suggested it would be helpful to more clearly set out the differing roles of key agencies in SEA. While all of the key agencies could provide useful input to the process NatureScot, SEPA and Historic Environment Scotland are ‘consultation authorities’ as defined in the Environmental Assessment (Scotland) Act 2005. It was also considered the current wording of paragraph 130 could be construed as seeking views through consultation rather than through a collaborative, iterative approach to SEA alongside plan-making.
- 3.22.48 An Energy Company requested an amendment to clarify that the views of key agencies “must” rather than “should” be sought as part of the SEA in accordance with the Environmental Assessment (Scotland) Act 2005.

3.23 Annex B

- 3.23.1 One Professional & Representative Body welcomed the summary of the regulation requirements that need to be addressed in the LDP Evidence Report.
- 3.23.2 One Development, Property & Land Management Body suggested that the capacity of the education estate is measured by school catchment area. They would welcome the introduction of a consistent approach to roll projection and capacity assessment across Scotland.

3.24 **Question 20: Do you agree with the guidance on the Gate Check?**

Quantitative Analysis

- 3.24.1 30 written responses were received.
19 respondents voted “yes”, 10 “no” and 17 had “no view”.
- 3.24.2 Of the 19 respondents that voted “yes” 12 were Planning Authorities, 2 Energy Companies, 2 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 1 Third Sector Body.
- 3.24.3 Of the 10 that did not agree, 5 were Planning Authorities, 3 Development, Property & Land Management Bodies, 1 Professional & Representative Body and 1 Community response.

Summary / Themes

- 3.24.4 There was broad support for the guidance on the Gate Check.
- 3.24.5 The roles of the Gate Check and Examination were questioned across all sector groups with clarity sought on their purpose and remit. Many were unclear what constitutes as ‘sufficient information to prepare an LDP’. There were several calls from different sectors for the regulations to set out the scope of the Gate Check.
- 3.24.6 Professional & Representative Bodies and Planning Authorities requested an amendment that clarifies what can be re-examined and when to prevent the Gate Check being re-opened at Examination. One Development, Property & Land Management Body echo this, noting that information can change between these stages.

Detailed Comments

- 3.24.7 One Planning Authority noted that it is welcomed that the guidance suggests that it should not be necessary for the issues addressed in the Evidence Report to be revisited at the Examination. They noted it is important that the guidance is clear regarding the role of the appointed person at the Gate Check and to what extent matters considered in the Evidence Report (ER) can be reconsidered during the examination of the proposed LDP. It was suggested that it would be useful if the guidance provided examples of circumstances when this may be appropriate i.e. if there is a delay in the plan preparation timescales or a material change in the evidence base which has been considered at the Gate Check.
- 3.24.8 One Planning Authority noted that the guidance would benefit from further detail on the submission process and format requirements.
- 3.24.9 One Planning Authority noted there needs to be a process for establishing stakeholders’ views on the sufficiency of the evidence, i.e. consultation on a draft ER.

- 3.24.10 One Planning Authority agree with the principle of a Gate Check stage, as they suggested this will help to identify and resolve any disputes on the sufficiency of evidence before it informs the preparation of the Proposed Plan. It would also minimise the risk of disputes on evidence later in the process and speed up the Examination stage.
- 3.24.11 Two Professional & Representative Bodies, one public sector body, one Development, Property & Land Management Body and seven Planning Authorities requested that there should be certainty provided within regulations of the purpose and remit of the Gate Check and Examination. Clarity is sought over what is meant by 'sufficient information to prepare an LDP'. It is unclear whether Reporters are to assess whether the Planning Authority has gathered the information outlined in the guidance or is the focus on whether there is adequate information for the authority to reasonably come to the conclusions outlined in the Evidence Report.
- 3.24.12 One Planning Authority sought clarity on the type of disputed evidence that can be addressed by Reporters during the Gate Check. For example, could disputed Housing Need and Demand Assessments, Local Housing Strategies or Housing Land Audits hold up the Gate Check process? In paragraph 134 the guidance refers to the possibility of a Reporter-led hearing to consider evidence submitted. Whilst frontloading conflict in the system earlier in the LDP process is welcomed and required, it is suggested that further guidance is included on how an adversarial approach at the outset of the LDP process could be avoided through the work to produce the Evidence Report. Also, it is agreed that developers cannot submit further evidence at this stage, unless asked to by the Reporter. Similarly they felt the guidance should make it clear that matters that have been agreed at the Gate Check stage cannot be subsequently re-opened during later stages (such as the Examination), considering that otherwise this defeats the purpose of streamlining and frontloading the process. In general, they felt there needs to be more information on the scope of the Gate Check stage and powers available to Reporters.
- 3.24.13 One Professional & Representative Body and one Planning Authority suggested that the regulations be amended to clearly state what can be re-examined and when. It was expected within the regulations of the Gate Check process to clearly set out scope of what may be or may not be re-examined or re-opened between stages, the LDP guidance points to issues in the Gate Check being re-opened at Examination.
- 3.24.14 One Third Sector Body questioned how the preparation of an Evidence Report compares to current practices, how it can be standardised, and how the evidence base is proposed to be tested.
- 3.24.15 One Third Sector Body noted the aim of the Gate Check is to assess sufficiency of evidence, focusing on disputes when they arise and fulfilling a different function to the Examination. Emphasis on clarity of these differing functions is felt to be important for them to work as they should.
- 3.24.16 One Planning Authority agreed that the Gate Check should be used to assess the sufficiency of the evidence with which to prepare the Proposed Plan. They

also agreed that the Examination shouldn't be an opportunity to revisit the Evidence Report.

- 3.24.17 One Planning Authority noted that there should not be a long gap between the Gate Check and the Examination otherwise evidence may not remain current and could be challenged if not refreshed after perhaps 1-2 years. They continue to note the Gate Check is not mentioned in the draft Regulations or in the Act, and that it's called Assessment of the Evidence Report. While there is clear direction about what the Examination is for, the scope of the Gate Check and what the Evidence Report should be doing is not set out so clearly.
- 3.24.18 One Planning Authority noted that the Regulations do not refer to Gate Check, but rather "assessment of an Evidence Report". There are also references to both 'Gate Check' and 'Gatecheck' - need to be consistent in the use of terminology.
- 3.24.19 One Planning Authority agreed with the principle of the Gate Check. However, they felt further guidance is required to state the breadth of options available to Planning Authorities in terms of style and content of the Evidence Report to ensure that they are not returned to the Gate Check through unknown or unclear expectations.
- 3.24.20 One Planning Authority suggested that, whilst the guidance itself does not raise any significant issues, given the importance of this stage, an element of regulation is necessary, to provide a robust process which minimises the potential for legal challenge.
- 3.24.21 One Planning Authority stated their concern that the potential scope of the Gate Check could be very wide without further regulation. They considered this lack of clarity could result in unpredictable outcomes if it is not clear to the Reporters what matters are and are not in scope.
- 3.24.22 One Planning Authority suggested that there is an explicit possibility that the Evidence Report will have to be modified and resubmitted. This will not meet Scottish Government's stated aim of reducing the level of debate at the formal Examination stage, as there will be a second opportunity to have the same points considered by a Reporter.
- 3.24.23 One Development, Property & Land Management Body noted "As we have also previously stated our members have concerns about the lack of clarity of purpose of Reporters' and Councils' powers. How Local Place Plans fit into the procedure also needs to be tightened up to avoid endless delay and potential conflict."
- 3.24.24 One Development, Property & Land Management Body suggest that it is possible that a LDP may be produced on the basis of an agreed Evidence Report, but that between approval of the Evidence Report and production of the LDP, a significant new piece of evidence on a particular topic may become available. They suggested that if a third party made a representation to the LDP to the effect that the relevant policy was inappropriate, because the evidence on which it was based is out of date, the LDP Examination Reporter would require (as a matter of law) to consider the Evidence Report itself.

- 3.24.25 One Planning Authority noted that the costs associated with the Examination are already a considerable burden to planning authorities who are experiencing ongoing budget and staff reductions. They commented the Evidence Report is to be an additional stage of scrutiny on top of this and it may be unrealistic to expect Planning Authorities to pay beyond a reasonable threshold. They also view it is untested whether the assessment of the Evidence Report is likely to incur significant additional expenses or whether lack of clarity or direction in 'light touch' national policy and regulation may lead to a protracted Assessment and Examination process.
- 3.24.26 One Public Sector Body had concerns that the Gate Check guidance does not reinforce the need for the Planning Authority to use this stage to ensure it has adopted a design led approach, that its policy wording is at a minimal amount and that the plan has been clearly developed in collaboration in line with the Place Principle and that is clearly articulated through the evidence gathering exercises as well as community engagement.
- 3.24.27 One Public Sector Body noted that the process of the Gate Check should reduce the level of debate arising at the Examination and it should function as a way of assessing the evidence put forward. Therefore, the Gate Check guidance should be clearer and consistent in what the plan needs to demonstrate to show its now more people centred and can tell a clear story of the future of its places.

Gate Check – Purpose

Paragraph 131

- 3.24.28 Two Planning Authorities questioned in what circumstances the Gate Check would not be carried out by a DPEA Reporter.
- 3.24.29 One Planning Authority questioned what happens when the evidence changes between the Gate Check and Proposed Plan, and request a more definitive position on the detail expected in Evidence Reports.
- 3.24.30 One Planning Authority suggested that there may be a need to state the circumstances in which issues covered at the 'Gate Check' stage may re-examined at the Proposed LDP Examination. They felt Reporters need to have a strong legal basis to reject reopening of issues that were settled at the 'Gate Check'.
- 3.24.31 One Planning Authority was keen that the role of the Gate Check is widely publicised and communicated to the DPEA who will be overseeing the process. They highlighted, while it is stated that it should not be necessary for these issues to be revisited at the Examination, similar assurances were made in relation to Housing Need & Demand Assessments in SPP 2014 and many Planning Authorities and their local communities will have shared the experience and the disappointment of that not having been realised.
- 3.24.32 One Planning Authority considered that there are deficiencies in the regulations with regard to the role and responsibilities of the appointed person charged with considering the Evidence Report. It is unclear what precisely they are required

to check and the scope of their function and authority is not adequately detailed to provide clarity, or, in extreme circumstances, legal certainty. Similar uncertainty attaches to the form and content of the assessment report to be prepared by the appointed person and which sets out the reasons for not being satisfied and contains recommendations for improving the Evidence Report.

- 3.24.33 One Planning Authority noted that there does not appear to be any prescribed period for the maximum duration of the Gate Check procedure and it would be helpful to all parties to at least have some indication of how long the DPEA appointed person will have to conduct this exercise and report an outcome. It is anticipated that such information will be required to inform the Development Plan Scheme (DPS).

Gate Check – Legislative Requirements

Paragraph 133

- 3.24.34 One Development, Property & Land Management Body noted that timescales for the collation and submission of any revised information should be imposed by Scottish Ministers for the Planning Authority to comply with to avoid information and data becoming out of date.

Gate Check – Implementation (paras 134-136)

Paragraph 134

- 3.24.35 One Planning Authority noted that paragraph 134 states that “where disputes remain” the Reporter will consider the different viewpoints and come to a view. The Planning Authority questioned - Where is the process for establishing where there are disputes set out? Does this/should this involve the publication of a Draft Evidence Report? How else are the Planning Authority to determine whether anyone has a dispute with the content of the Evidence Report?

Paragraph 135

- 3.24.36 Paragraph 135 identifies that the Reporter can identify whether there are any gaps in evidence which should be addressed. One Planning Authority noted that paragraph 135 gives Reporters carte blanche to ask for whatever they wish, regardless of whether it's in NPF4 or not. One Planning Authority sought clarification as to whether this is only in relation to a recorded dispute, or will the Reporter have the ability to identify gaps in evidence which they feel should be addressed, even if these have not been the subject of a dispute?

Paragraph 136

- 3.24.37 One Development, Property & Land Management Body note that changes in circumstances over time (if substantial time elapses between the Gate Check and Examination stages) could create a change in the evidence, so a provision should be allowed for Examination to look at certain matters if required, e.g. Housing Land Requirement (HLR).
- 3.24.38 Paragraph 136 says the issues considered at the Gate Check should not be revisited at the Examination, its purpose is to focus on any unresolved issues arising from the plan. One Planning Authority sought further clarity regarding the status of the Gate Check process and its relationship to the Examination. They considered that for the Planning Authority to move forward quickly and

with certainty to prepare its Proposed Plan there needs to be clearer guidance or regulation on this matter.

- 3.24.39 One Planning Authority consider paragraph 136 is at odds with paragraphs 134 and 135 and factually inaccurate in relation to the later paragraph 189 where the HLR set through Evidence Report and Gate Check Assessment and the land allocated to meet it can be reopened in the actual Examination of the Proposed Plan. The Planning Authority presume other issues considered at the Gate Check can also be reopened at Proposed Plan, as no limits or restrictions have been set.

Gate Check – Bigger Picture

Paragraph 138

- 3.24.40 One Development, Property & Land Management Body note that the statement about the Gate Check not being seen as a mini or early Examination, is not helpful as it seems to undermine the legitimacy or robustness of what should be an important new part of the LDP process, the Gate Check. They consider it is important that the evidence base is correct, otherwise the LDP will set off on the wrong footing leading to a large Examination process that is not dealt with correctly, so in many ways it should be seen as an Examination of the Evidence Report.
- 3.24.41 One Professional & Representative Body and one Development, Property & Land Management Body note the line in paragraph 138 that the Examination is “not an opportunity to revisit the Evidence Report itself” is not legally correct as the scope of the LDP Examination depends on the nature of the representations made to the LDP.

3.25 Question 21: Do you agree with the guidance on the Proposed Plan?

Quantitative Analysis

- 3.25.1 33 written responses were received.
22 respondents voted “yes”, 11 “no” and 13 had “no view”.
- 3.25.2 Of those 22 that voted “yes” 15 were Planning Authorities, 1 Energy Company, 2 Key Agency & Public Sector Bodies, 2 Third Sector Bodies, 2 Professional & Representative Bodies and the rest comprise of Community & Individual responses.
- 3.25.3 Of the 11 that did not agree, 4 were Planning Authorities, 3 Energy Companies, 3 Development, Property & Land Management Bodies and 1 Key Agency & Public Sector Body.

Summary / Themes

- 3.25.4 There was broad support for the guidance on the Proposed Plan.
- 3.25.5 The majority of Planning Authorities and Professional & Representative Bodies agreed that a Transport Appraisal at the Proposed Plan stage makes sense from a timetabling point of view. One Professional & Representative Body noted the recurring theme of local variation.
- 3.25.6 Most Planning Authorities and Key Agencies & Public Sector Bodies welcome a shift in emphasis from a ‘Call for Sites’ to a ‘Call for Ideas’ as it would support and encourage a broader range of engagement. However one Planning Authority believed that the ‘Call for Ideas’ and ‘Call for Sites’ should be two distinct stages in the plan preparation process.
- 3.25.7 Planning Authorities differed in their opinion regarding the timing of the ‘Call for Ideas’ stage. One Authority consider that general non-site-specific ideas would be better raised as part of the Evidence Report as the authority would have greater scope to consider issues and inform the direction for the plan. Other Authorities think the Call for Ideas stage should come after the Evidence Report and Gate Check so the Evidence Report could be used to support preferred sites.
- 3.25.8 Planning Authorities largely supported the focus on place-based LDPs to drive simpler shorter more delivery focused documents. It was felt the reader should be able to find what is relevant to a particular place in one area of the plan. It was noted this may mean a greater reliance on SPGs now that statutory supplementary guidance is being withdrawn.
- 3.25.9 Most Planning Authorities, Key Agencies and Professional & Representative Bodies sought clarity over the weight of development briefs and masterplans in determining applications.

Detailed Comments

- 3.25.10 One Planning Authority agrees with the guidance which sets out a collaborative approach to support the transition towards delivery focused and place-based plans with any policy focused on local issues.
- 3.25.11 One Planning Authority believed that the Proposed Plan should have a place-based focus and a reduction in policy wording is welcome and should allow planning teams to focus on specific places and locations in the first instance. However, it is considered that the requirement for the Spatial Strategy to consider a 20 year timeframe is somewhat unrealistic and a 10 year consideration is likely to provide a more convincing and predictable perspective.
- 3.25.12 One Planning Authority welcomes the new provision to make modifications to the Proposed Plan after the consultation period has ended giving Planning Authorities more latitude and the ability to take account of representations and remedy minor drafting or technical matters. However, they are also keen for it to be ensured that representations made on the Proposed Plan are both salient and succinct and it is supportive of the suggestion that they should be limited to no more than 2,000 words plus any limited supporting productions.
- 3.25.13 The same authority welcomes clarification that a 'Call for Ideas' exercise can still be undertaken after the Evidence Report has been submitted and before preparation of the Proposed Plan. They consider this has the benefit of ensuring that candidate development sites can be more effectively assessed against an agreed data baseline. They considered that given that sites can be submitted at the Call for Ideas stage it is perhaps not unreasonable to impose a requirement on those promoting sites to provide a justification attesting to the viability of these sites, rather than putting this onus wholly on the Planning Authority.
- 3.25.14 One Professional & Representative Body deemed the lack of any reference to supplementary guidance (statutory or otherwise) unhelpful as they consider it is very likely that Planning Authorities are going to need to produce it to effectively deliver their responsibilities. They felt the removal of Supplementary Guidance to support new plans will leave a void. This view was also supported by one Planning Authority which supported the focus on place-based LDPs as the drive to simpler shorter more delivery focused documents but felt this may mean a greater reliance on SPGs now that statutory supplementary guidance is being withdrawn and the limited policy information detailed in Draft NPF4.
- 3.25.15 That Planning Authority also suggested the term 'minimal policies' should be clarified as this is not in line with legislation as legislation relates to policies being able to be included in local development plans.
- 3.25.16 A Professional & Representative Body is concerned that no legal framework has been provided for LPAs as to the means by which policies can be varied from the NPF4 or drafted from scratch to suit local circumstances. They considered additional regulatory provisions and guidance will be needed to define the circumstances which may require a different policy approach in LDPs and the process by which Planning Authorities are to justify any such deviations. To support the decision maker, it would be useful to clarify what

guidance is to be incorporated within the NPF4 which in turn will support preparation and implementation of LDPs.

- 3.25.17 One Planning Authority welcome the statement that the onus to provide information on environmental impact as well as community opinion on alternatives to the content of the Proposed Plan falls with the site promoter. However they noted the requirement for the Planning Authority to review and validate this information will remain.
- 3.25.18 One Development, Property & Land Management Body would like to see how a particular local authority relates to a wider market area / City Region must be recognised in the plan making process. Housing markets do not restrict themselves to authority boundaries and there needs to be due cognisance had of the external demands on an area that will arise regardless of what the current draft NPF4 MATHLR might suggest could happen. Mobile demand will also remain a factor in housing supply and demand and without proper spatial planning responses to accommodate this patterns of demand, a development plan will fail to properly plan for the area.
- 3.25.19 One Development, Property & Land Management Body has concerns about the lack of clarity of purpose of Reporters' and Councils' powers. They also commented that how Local Place Plans fit into the procedure needs to be tightened up to avoid endless delay and potential conflict.

Proposed Plan – Purpose

Paragraph 140

- 3.25.20 One Planning Authority broadly agrees with the guidance on preparation of Proposed Plans, commenting that much of which appears similar to existing regulations.
- 3.25.21 Thematic policies are contained in the National Planning Framework, which has the status of the Development Plan in decision making. It is envisaged that the policies and proposals within LDPs are focused on places and locations. The reader should be able to find what is relevant to a particular place in one area of the plan.
- 3.25.22 A Third Sector Body welcomes the place-based approach, however they note a greater emphasis on maps and minimal wording which raises the question of how this is then enacted in practice. The body does not support any weakening of the planning system.
- 3.25.23 One Professional & Representative Body understand the rationale behind moving focus of LDPs to places and locations with greater use of maps. One Planning Authority would like to see a greater emphasis on maps, site briefs and masterplans, with minimal policy wording.
- 3.25.24 In contrast another Planning Authority and one Professional & Representative Body believed the focus on place-based LDPs with a greater emphasis on maps may be difficult to implement given that statutory supplementary guidance is being withdrawn. That Planning Authority consider much of the detail in this guidance is essential for the determination of planning applications. They,

together with one Key Agency & Public Sector Body, also felt the lack of detail in some of the Draft NPF4 policies will increase the need for more detailed policy in LDPs, which runs contrary to the aim that LDP be focussed on places and locations.

- 3.25.25 One Planning Authority does not feel the emphasis on ‘minimal policy wording’ in LDPs and the statement that “policies and proposals within the LDP are to be focused on places and locations” is correct. They believe the light touch approach of the Draft NPF4 to thematic issues means there is considerable scope for misinterpretation especially within a local context when more detail or direction may be required.
- 3.25.26 One Professional & Representative Body believed the term ‘minimal policies’ needs to be clarified as this is not in line with legislation as legislation relates to policies being able to be included in local development plans. Similarly one Planning Authority believe the paragraph represents a core issue of the lack of clarity contained in the Regulations Guidance. They consider the undefined term “minimal policies” is not helpful and not in line with the legislative requirements set out in the Primary (Act) or Secondary (Regulations) Legislation. Without legal framework, they consider all councils will run a high risk of legal challenge.
- 3.25.27 One Planning Authority suggested that although encouragement of more map/diagram format for Plans is helpful they need to be balanced by clear, concise text in place-based policies.
- 3.25.28 One Planning Authority would like to see some mention of the process by which representations are resolved through modifications would be welcomed. They assumed modifications will have to be publicised, specifically to those who made representations, and where appropriate, formal withdrawal of representations would be sought and received.

Proposed Plan – Legislative Requirements (para 141 -147)

Paragraph 143

- 3.25.29 A Development, Property & Land Management Body support greater participation in LDP preparation, especially amongst certain age groups, but noted it needs to be clear that this is not at the expense of wider effective community consultation. They felt this was another example of why the guidance on effective consultation should be published concurrently with the LDP regulations.

Paragraph 145

- 3.25.30 One Planning Authority believe the Proposed Plan, Evidence Report and the draft Delivery Programme must be published by the Planning Authority at the same time. The publication of the Evidence Report and Delivery Programme along with the Proposed Plan for consultation will provide the public with more background information to understand how the Planning Authority has come to the decision on the Proposed Plan content.
- 3.25.31 One Planning Authority believe the Proposed Plan must be accompanied by the Evidence Report and Draft Delivery Programme for a minimum 12-week

consultation period. The Open Space Strategy required to be presented as part of the Evidence Report must have its own 12-week consultation. They calculate the minimum total consultation period is now at 48 weeks of the “3-4 year” preparation time expectation.

Paragraph 146

- 3.25.32 One Key Agency & Public Sector Body supported the proposed involvement set out but suggest that it requires review to fit with the current capacity for involvement. The guidance states that a Planning Authority must consult with the Central Scotland Green Network (CSGN) Network Partnership and noted the Partnership’s aims are currently delivered by the Green Action Trust. They understand that there is no ‘Network Partnership’ anymore but a ‘Partner Group’, which is not set up to respond to LDP consultations.
- 3.25.33 One Planning Authority is slightly confused by the wording of the paragraph. The previous paragraph states that the Council has to publish those documents and send them to Key Agencies and additional Scottish Government agencies but this paragraph states that the Council “may also consult” with them. It is unclear if the Council has to just let them know, or ask them what they think.

Proposed Plan – Implementation - spatial strategy

Paragraph 148

- 3.25.34 One Planning Authority, a Key Agency & Public Sector Body and Professional & Representative Body believe the paragraph lacks clarity over how 20 minute neighbourhoods are to be interpreted in rural areas. There are many parts of their authority area where there it is unlikely to be a full set of services within 20 minutes.
- 3.25.35 One Planning Authority believed the text is confusing and does not fully capture what a Spatial Strategy entails, it is more than a visual that passively maps change. Maps are a visual expression of the strategic policies and the spatial principles behind them that will guide development in an agreed direction.

Proposed Plan – Implementation - preparation

Paragraph 151

- 3.25.36 Three Planning Authorities and Professional & Representative Body agree with the need for a Transport Appraisal at the Proposed Plan stage, noting this makes sense from a timetabling point of view since it closely relates to the spatial strategy.

Paragraph 152

- 3.25.37 Five Planning Authorities, a Key Agency & Public Sector Body and a Professional & Representative Body sought clarity over the weight the enhanced status that development briefs and masterplans receive determining planning applications. Another Professional & Representative Body believe that the intended enhanced status of development briefs and masterplans set out in guidance needs to be matched by clarity over greater weighting in decision making process.

- 3.25.38 One Development, Property & Land Management Body agree that all sites proposed for development should not be automatically rolled forward from the previous plan, however enquire where the burden of cost lies in establishing sites as deliverable.
- 3.25.39 One Planning Authority question the text stating that the Proposed Plan should “focus on places and use place-based site briefs and masterplans”. Clarification was sought over whether these are to be included in the LDP, or can they be referred to in the Proposed Plan/LDP and produced at a later date.

Paragraph 153

- 3.25.40 Two Planning Authorities and a Professional & Representative Body welcomed the wording which states that policy wording included in the local development plan should focus on adding value by providing any necessary detail not provided by the NPF or where national policy does not reflect local circumstances and local variation is therefore considered appropriate.
- 3.25.41 One Planning Authority believed this paragraph doesn’t make it clear enough what the approach will be to having national policies in the NPF and the ability to have local policies in a Proposed Plan. One Planning Authority feel the wording of this paragraph could be made more explicit within the document in a section that specifically deals with the relationship between NPF and LDP policies and their weight within decision-making.
- 3.25.42 One Third Sector Body noted there is the potential here for specific guidance for local variation and would like to see how will this be defined and implemented in practice.

Paragraph 154

- 3.25.43 One Key Agency & Public Sector Body welcomes the guidance which highlights a shift in emphasis from a ‘Call for Sites’ to a ‘Call for Ideas’. They commented this change should support and encourage a broader range of engagement than the existing focus on submitting suggestions for sites.
- 3.25.44 One Planning Authority welcomes the ‘Call for Ideas’ stage, however it is considered that general non-site-specific ideas would be better raised by stakeholders during the early engagement as part of preparing the Evidence Report, when the authority has the greatest scope to consider them and to help identify issues of agreement/ dispute to inform the direction for the plan. The authority would therefore recommend that ‘Call for Ideas’ and ‘Call for Sites’ are two distinct processes which should be undertaken at separate parts of plan preparation.
- 3.25.45 Two Planning Authorities believe the Call for Ideas stage should be done after the Evidence Report and Gate Check because people should be able to use the Evidence Report to support their preferred sites. They do acknowledge the advantages in carrying this out at an earlier stage as it could make the public see the pressure areas earlier.
- 3.25.46 One Planning Authority believed the Call for Ideas proposed may result in gaps in the Evidence Report being identified which were not picked up at the Gate

Check stage and which may need to be addressed to effectively consider any ideas put forward.

- 3.25.47 Two more Planning Authorities, a Key Agency & Public Sector Body and a Professional & Representative Body explicitly welcome the clarity over the Call for Sites stage.

Paragraph 155

- 3.25.48 One Planning Authority seeks clarification on a contradiction as the text refers to site assessments being undertaken “using the site appraisal methodology contained in the Evidence Report.”, but the Evidence Report is not to include site specific matters (paragraph 104), therefore does not have a site appraisal methodology.

Paragraph 156

- 3.25.49 One Planning Authority and a Professional & Representative Body believe that when discussing the deliverability of sites, the guidance should be clear on the potential role of market conditions. The constraints on a site are not always physical in nature and they noted concern if the text in the draft guidance is proposed as a replacement for PAN 2/2010. There are also concerns that the guidance notes that additional infrastructure studies may be required, which are costly.
- 3.25.50 Another Planning Authority noted that establishing the deliverability of sites is not as straightforward as the guidance suggests. They consider that in practice, there is rarely enough information during the plan making stage to state conclusively that a particular site is deliverable. They commented that developers are rarely willing to supply sufficient information, particularly pre-allocation, and viability/ deliverability can clearly change from year to year depending on economic conditions, unforeseen constraints, and other variables.
- 3.25.51 One Planning Authority noted that all sites included in the Plan must go through an extensive appraisal exercise through the Strategic Environmental Assessment process and the assessment matrix will be vetted by the SEA gateway authorities. They consider it seems a duplication of effort to mention here a separate ‘appraisal of sites’, and that it would be worth noting the cross-over with the SEA site assessment requirement.

Proposed Plan – Implementation - engagement

Paragraph 159

- 3.25.52 A Development, Property & Land Management Body believed that limiting representations to no more than 2,000 words risks failing to capture complete views on the Plan. A contrasting opinion from a Planning Authority believe that due to limited resources to consider representations, and to assist in identifying the separate key points of representations that this limit be an absolute maximum and that representations which are in excess of this limit will not be considered.

Paragraph 160

- 3.25.53 One Planning Authority noted that this paragraph identifies that where stakeholders are promoting alternatives to the content of the Proposed Plan, they should provide information on community opinion as part of their representation. They want further guidance to explain how this would work in practice and what steps a stakeholder would be required to take to explain how 'community opinion' has been gathered.
- 3.25.54 One Planning Authority welcomes the guidance that says where stakeholders are promoting alternatives to the content of the Proposed Plan, they should provide information on environmental impact as well as community opinion as part of their representation.
- 3.25.55 One Professional & Representative Body welcome the statement where stakeholders are promoting alternatives to the content of the Proposed Plan, they should provide information on environmental impact as well as community opinion as part of their representation.
- 3.25.56 One Planning Authority would like it made clear that representations which do not include information on environmental impact and community opinion as part of their representation will not be considered through the Call for Ideas and will be returned.

Proposed Plan – Implementation - approval

Paragraph 161

- 3.25.57 One Planning Authority and one Professional & Representative Body welcome putting LDPs on a corporate footing by requiring full council approval for the Proposed Plan and Delivery Programme, but noted it is unlikely that this in itself would result in an increase in delivery. The focus on delivery of the plan should not limit the ability for LDPs to be ambitious for their areas.

Proposed Plan – Implementation - modification

Paragraph 162

- 3.25.58 One Planning Authority requested clarification as to whether there is a requirement to consult on the Modification Report as this paragraph refers to "ongoing dialogue" between the Planning Authority and stakeholders.

Proposed Plan – Responsibilities

Paragraph 165

- 3.25.59 One Planning Authority strongly supports the responsibility for ongoing close collaboration onwards into delivery.

Proposed Plan – Bigger Picture

Paragraph 166

- 3.25.60 One Key Agency & Public Sector Body noted that there is no discussion of Habitats Regulations Appraisal (HRA) apart from paragraph 166 which lists the assessments that inform the content of the Proposed Plan. They recommend that, as with Strategic Environmental Assessment (SEA), there is a need for

more positive direction on HRA, including its relationship to SEA and how both play a role in shaping the final development plan.

Paragraph 167

- 3.25.61 Two key agencies considered that paragraph 167 could go further on the role of SEA, emphasising the direct link between the Environmental Report and the Proposed Plan. For example, the need for specific mitigation / enhancement measures which would be identified in the Environmental Report should be pulled through into the Proposed Plan as precise developer requirements.

Paragraph 168

- 3.25.62 One Planning Authority and a Professional & Representative Body welcomed the clarification in paragraph 168 that says it is unnecessary to make up alternatives if none exist, and stated that responsible authorities should take care to avoid constructing less preferred alternatives to justify their approach.

Paragraph 169

- 3.25.63 One Planning Authority perceived a failure to recognise that the Call for Ideas may actually inform the Spatial Strategy by indicating what development options are available.
- 3.25.64 One Development, Property & Land Management Body noted the text should not be an 'if'. It should be a requirement. Furthermore, they felt it is not clear what 'through the lens' means. If the site in question does not form part of the Spatial Strategy. This underlines the importance of the timing of the call for ideas/sites, which should ideally be at an early stage to inform evidence gathering and the Spatial Strategy.
- 3.25.65 One Planning Authority question what happens if objections are made to the Spatial Strategy and alternative or amended Spatial Strategies are proposed. Until it is known what the agreed/imposed Spatial Strategy is, it will not be known what the "lens of the detailed Spatial Strategy" will be. Proposals and objections which would have been contrary to the Proposed Plan's Spatial Strategy may not then be contrary to any revised Spatial Strategy following Examination.
- 3.25.66 One Planning Authority noted the process applies to sites submitted through the LPP process, not just 'call for sites', it will be legitimate for the authority to assess sites submitted through Local Place Plans through the lens of the detailed Spatial Strategy prepared as part of the Proposed Plan.

Paragraph 171

- 3.25.67 One Planning Authority noted that data collated for SEA is often comprehensive and technical, and that while it would be ideal to display this through infographics and digital methods, smaller local authorities may not have the resources or skills to accomplish this to any great degree.

Paragraph 172

- 3.25.68 One Key Agency & Public Sector Body recommend that greater emphasis is given in the guidance to the relationship of SEA to the Call for Ideas. They considered that while Paragraph 169 does refer to this, a clearer statement on the benefits of assessment of information as it comes forward in order to

evidence options and decision making would be appropriate. Key elements of proportional assessment are the avoidance of duplication of assessment work and the carrying out of assessment at the time when it can best inform plan development.

Paragraph 174

- 3.25.69 One Planning Authority noted that this is just a statement, there is no guidance here on how this might be achieved and no reference to this duty elsewhere in the document. They felt these principles should be embedded higher up in the aims and objectives and throughout the process, not just through SEA which is not part of an examination process.

3.26 Question 22: Do you agree with the guidance on Local Development Plan Examinations?

Quantitative Analysis

- 3.26.1 30 written responses were received.
21 respondents voted “yes”, 14 “no” and 13 had “no view”.
- 3.26.2 Of those that respondents that voted “yes” 15 were Planning Authorities, 1 Energy Company, 2 Key Agency & Public Sector Body, 2 Professional & Representative Bodies and 1 Community response.
- 3.26.3 Of the 14 that did not agree, 5 were Planning Authorities, 1 Energy Company, 5 Development, Property & Land Management Body, 1 Professional & Representative Body, 1 Third Sector Body and 1 Community response.

Summary / Themes

- 3.26.4 There was broad support for the guidance on Local Development Plan Examinations.
- 3.26.5 Planning Authorities noted that it is unclear from the guidance whether the additional Gate Check stage early in the plan preparation will streamline the Examination process. They believe the guidance needs to be clear on the role of the appointed person conducting the Gate Check and to what extent matters considered in the Evidence Report can be reconsidered during the Examination.
- 3.26.6 Development, Property & Land Management Bodies disagreed with the summary of the Reporter’s power to narrow the scope of the issues raised by representations.
- 3.26.7 Professional & Representative Bodies and Planning Authorities asked for further clarification on what role the Scottish Government will play in the Examination process.
- 3.26.8 Planning Authorities and the Third Sector noted concern that the requirements and responsibilities will place burdens on Planning Authorities.

Detailed Comments

- 3.26.9 One Planning Authority note that it is unclear from the guidance whether the additional Gate Check stage early in the plan preparation will streamline the examination process. They note the guidance needs to be clear regarding the role of the appointed person at the Gate Check stage and to what extent matters considered in the Evidence Report can be reconsidered during the examination of the proposed Local Development Plan. They further note there will be potential for a number of plans to reach the Gate Check and examination stage at the same time which could place significant pressure on the DPEA and impact on the timescales for the delivery of new plans. They finally noted it is important that the full plan preparation process is resourced to ensure local

authorities and stakeholders can empower local communities and deliver the new style plan which is envisaged by the Planning Act 2019.

- 3.26.10 One Planning Authority noted that the requirement to reduce the Planning Authority's response to fewer than 800 words is restrictive.
- 3.26.11 One Professional & Representative Body and two Planning Authorities noted that as the development plan will comprise NPF4 and the LDP, further clarification is also requested on what role the Scottish Government will play in the Examination process if it is a national policy that is being discussed.
- 3.26.12 One Public Sector Body noted that Scottish Ministers and councils should work together to streamline any Examination process as much as possible, whilst also maximising the opportunity for the public to take part.
- 3.26.13 One Planning Authority had concerns regarding shortcomings in how the Draft Regulations can be interpreted, citing omission of set methodology to establish the existence or otherwise of a shortfall and this continuing to fall on the interpretation of a judge, being determinant in penalizing the whole Plan.
- 3.26.14 One Planning Authority and one Third Sector Body noted concern that the requirements and responsibilities, reporting, and modifications are significant and will likely place burdens on Planning Authorities.
- 3.26.15 One Professional & Representative Body advocated that the draft Regulations provide greater clarity on how LDPs are expected to comply with the NPF, potentially widening the scope of Examinations beyond issues raised by representations.
- 3.26.16 One Professional & Representative Body wished to see further clarification regarding the ability of the Reporter to recommend allocations for sites that have not been subject to SEA and public engagement during the preparation of the LDP through post-examination consultations.
- 3.26.17 One Development, Property & Land Management Body note that there will be no different process for a Proposed Plan that follows the previously unsatisfactory Plan. It is suggested that if the unsatisfactory Plan was not informed by a Call for Ideas, that there be a requirement to complete one for the second Proposed Plan.
- 3.26.18 One Development, Property & Land Management Body suggested that more prescriptive guidance regarding timescales and expediency of the Examination process is required. They commented that Reporters must strive to move away from the never-ending exchange of Further Information Requests - and that there needs to be more emphasis on timescales for completion of Examinations and adoption of Plans.

Examination – Legislative Requirements – Appointed person

Paragraph 177

- 3.26.19 One Planning Authority noted that the guidance just repeats the regulations rather than expanding upon them in easy to comprehend language.

Examination – Legislative Requirements – Documentation (paras 178-181)

Paragraph 178

- 3.26.20 One Planning Authority noted that paragraph 178 does not require the submission of the Evidence Report as a document for the Examination, which they consider to be an essential document.

Paragraph 179

- 3.26.21 One Planning Authority noted concerns around the pre-submission requirements and the request that the summary of unresolved representations should “specify the number of and list all unresolved representations, including the name of the people making the representations”. They noted many people submit multiple representations (that often overlap) within the one submission. The guidance should make clear whether a total number is required for either the number of submissions or the number of actual representations, or both.
- 3.26.22 The same Planning Authority went on to note that Planning Authorities are currently required to create separate copies of the same submission but highlighting the relevant aspect so that it corresponds with the appropriate issue. These are not to be organised into electronic folders, meaning that each PDF representations has to be given a very specific name which can be extremely time consuming, resource intensive. It was requested that a simpler and more flexible approach to the submission of examination material be adopted. In addition, it was suggested that the guidance should clearly set out what level of detail will be acceptable for representations. There is still a tendency from many applicants (notably from the development industry) to submit large volumes of background information as appendices to their representation, when this is not required at the Examination stage.

Paragraph 180

- 3.26.23 One Planning Authority noted that “issued” should be amended to “issues”.

Examination – Legislative Requirements – Housing Land

Paragraph 189

- 3.26.24 One Planning Authority noted the text makes clear that the only two reasons which a Reporter can reject a Plan on are on the Participation Statement or Housing Land. However, this noted this is completely contrary to Scottish Government's repeated "moving away from the numbers" messaging and is reiterated at Paragraph 215. This confirms the concerns around the double-jeopardy Minimum All-Tenure Housing Land Requirement (MATHLR) challenges inherent in the Gate Check and Examination. It was considered by the Planning Authority that sites put forward through Call for Ideas or objections/ representations can undermine the deliverability of the sites actually allocated, or not necessarily have sufficient evidence to justify their own deliverability - this shows the weakness of not allowing sites or areas to be considered at Evidence Report, where delivery can be directly tied to the evidence gathered.
- 3.26.25 One Energy Company also questioned the previous point, suggesting that if the whole plan is to be considered again then any direction under section 19ZA should be made before the Examination commences. Two Planning Authorities noted that the potential for a Proposed Plan to be prepared afresh if sufficient land to meet the Housing Land Requirement has not been allocated is of some concern and it is considered that flexibility to account for particular circumstances should be applied in exceptional cases where the requirement cannot be met.
- 3.26.26 One Development, Property & Land Management Body noted that whilst it is positive that the Reporter can ask for the Plan to revert back to Proposed Plan stage if insufficient land has been allocated, this should only be as a last resort. One Third Sector Body questions whether this only apply to housing land, and not other aspects of land use.

Paragraph 190

- 3.26.27 One Professional & Representative Body and one Development, Property & Land Management Body noted that paragraph 190 provides guidance to a Planning Authority in the hopefully rare situation where a LDP Reporter intimates that the Plan is unsatisfactory because it has not allocated sufficient land to meet identified housing needs. The paragraph restates the law in Section 19ZA (6) that, in those circumstances, "the Evidence Report already prepared may be used to inform the new proposed Plan".
- 3.26.28 One Development, Property & Land Management Body stress that it cannot be assumed that the Evidence Report, which may have been prepared several years before the LDP Reporter reached their conclusions, is still a sound basis on which to produce a new Proposed Plan.

Examination – Legislative Requirements – Modifications (191-194)

Paragraph 193

- 3.26.29 One Professional & Representative Body and a Development, Property & Land Management Body suggest that the summary of the 2009 Regulations contained in paragraph 193 is incorrect. They noted that paragraph 193 sets out:

“the limited grounds on which a planning authority can decline to accept a Reporter’s recommendations. Those grounds are set out in full in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009. The guidance in paragraph 193 suggests that one of those grounds is that “the modification would have the effect that the Plan would not be consistent with the NPF or any adopted National Park Plan”. Some of our members believe that is wrong as a matter of law. The current form of the 2009 Regulations allows a planning authority to decline to accept a recommendation where it would result in a modification and is not consistent with the relevant Strategic Development Plan to which the Local Development Plan relates. There is no equivalent provision related to the National Planning Framework.”

Paragraph 194

- 3.26.30 One Planning Authority questioned if a Reporter is recommending a site be allocated, then should it be the Reporter’s responsibility to ensure that site does not impact on a European Site - What if the Council concludes that the impact cannot be mitigated? Does the third bullet of paragraph 193 apply? It is the Planning Authority’s view that the Reporter’s actual powers should be stated in legislation, along with same for the Gate Check.
- 3.26.31 One Energy Company questioned where a recommendation is not adopted following an Appropriate Assessment of the modification, can the Planning Authority recover the costs incurred undertaking the assessment from the DPEA/Scottish Government?

Examination – Implementation

Paragraph 196

- 3.26.32 One Energy Company noted that paragraph 196 states that Examinations should “examine any unresolved issues raised in representations rather than responding to each individual representation” and Paragraph 204 states that “The scope of the Examination is limited only to issues raised in unresolved representations”. It is considered that these directions could limit the scope of Examinations.

Examination – Implementation – Scope (paras 204-206)

Paragraph 204

- 3.26.33 One Development, Property & Land Management Body disagreed with the summary of the Reporter’s powers in paragraph 204. They noted the text implies that the Reporter may be able to narrow the scope of the issues raised by the representations, which is not permitted under the legislation and so they recommended that this sentence in the guidance is deleted.

- 3.26.34 One Professional & Representative Body noted that it cannot be assumed that the Evidence Report which may have been prepared several years before the LDP Reporter reached their conclusions is still a sound basis on which to produce a new proposed Plan. It is recognised that Section 19ZA(6) permits the use of an earlier Evidence Report but it is important that the Guidance recognises that it may not be appropriate for only that Evidence Report to be relied upon.

Paragraph 205

- 3.26.35 One professional body and one Development, Property & Land Management Body disagreed with the summary of the Reporter's powers and duties in paragraph 205. They gave as an example, if a party makes a representation to the effect that Site B (unallocated) is more suitable than Site A (allocated) in the proposed Local Development Plan, the Reporter must examine and reach conclusions on that issue. The legislation does not simply task the Reporter with "modifying those parts [of the LDP] that are clearly inappropriate or insufficient". The Reporter is tasked with making recommendations on the unresolved representations. The nature of the Reporter's duty will vary from representation to representation and the overall summary of the Reporter's duties in paragraph 205 is inappropriate and potentially misleading. It is noted that the same point is repeated in paragraph 210.

Paragraph 206

- 3.26.36 One Professional & Representative Body and one Development, Property & Land Management Body believe that paragraph 206 should be clarified as there have been examples in the past where Reporters have suggested that they are unable to recommend modifications to an LDP on a particular site because it was not subject to strategic environmental assessment and public engagement during the preparation of the LDP. It was suggested that this is clearly wrong in law. This can be seen by reference to the Act itself (Section 19(11)) which allows the local authority in appropriate circumstances post examination to undertake further strategic environmental assessment and to consult upon a site that a Reporter recommends should be added to the Plan. It is recommended that paragraph 206 is deleted and clarification is given as to the ability of a Reporter to recommend allocations for sites which have not been through equivalent processes to those in the original SEA, given the safeguards on this issue contained within the Act itself.

Examination – Implementation – Recommendations (paras 208 -214)

Paragraph 208

- 3.26.37 One Professional & Representative Body and one Development, Property & Land Management Body noted that the purpose of the last sentence in paragraph 208 is unclear. This indicates that "Ministers do not expect the Reporter, within the scope of the Examination, to have to consider making wholesale changes to the plan". There was concern that this sentence may be interpreted by some as providing guidance that imposes limits on the legal duties of LDP Reporters. It may be necessary for a Reporter to consider making recommendations that would result in wholesale changes to a LDP and it is recommended the sentence is deleted or clarified to avoid any doubt as to Ministers' intentions.

Paragraphs 210 and 211

- 3.26.38 One Key Agency & Public Sector Body note a key element supporting the definition of “enough information” for the Reporter to recommend modifications is the status of proposed modifications in terms of the SEA of the Proposed Plan. While this is referred to in Paragraph 219, given the importance of this issue in terms of the status of modifications in relation to the requirements of the Environmental Assessment (Scotland) Act 2005 they recommended that Paragraph 210 be amended to read “where they have enough information, including environmental assessment findings to inform decisions on modifications”.
- 3.26.39 One Professional & Representative Body and four Planning Authorities noted concern that paragraphs 210 and 211 are expanding the scope of the Examination beyond matters raised in representations and requested further clarity on the scope of the Examination.
- 3.26.40 One Energy Company noted there is no statutory basis to limit the scope to “unresolved issues”. As drafted, they are concerned that the proposed Regulations and guidance could limit Examinations to consider narrow, unresolved issues and could prevent consideration of the extent to which, an LDP has properly implemented relevant statutory requirements and policies (e.g. Sections 4ZB (regional spatial strategies), 16(2) (National Planning Framework) and 15(1) and (5) (general requirements) of the 1997 Act (as amended)).
- 3.26.41 One Planning Authority requested further clarification on what role the Scottish Government will play in the Examination process if it is a national policy that is being discussed, as the development plan will comprise NPF4 and the LDP.
- 3.26.42 One Professional & Representative Body and one Development, Property & Land Management Body note that paragraph 211 gives an example of a Reporter identifying a serious deficiency with a LDP such as “inconsistency with the NPF”. The Professional & Representative Body noted that the drafting of the 2019 Act assumes that there may be such inconsistency and it is therefore difficult to see why the Guidance should identify that as a specific example.

Paragraph 211

- 3.26.43 One Development, Property & Land Management Body note this gives an example of a Reporter identifying a serious deficiency with a LDP such as “inconsistency with the NPF”. They note that the drafting of the 2019 Act assumes that there may be such inconsistency and it is therefore difficult to see why the Guidance should identify that as a specific example.

Examination – Implementation – Insufficient Housing Land (para 215)

Paragraph 215

- 3.26.44 One Planning Authority noted that it is unequivocal that if housing land is deemed to be insufficient, then the whole Plan has to be re-prepared. They consider this represents an excessive penalization and emphasizes again the primacy of housing land in the Scottish planning system.

Examination – Implementation – Bigger Picture

Paragraph 218

- 3.26.45 One Planning Authority noted that the need to avoid reopening and revisiting matters which have been dealt with at the Gate Check should be mentioned.

Examination – Implementation – Bigger Picture - SEA

Paragraphs 219 - 221

- 3.26.46 One Key Agency & Public Sector Body noted it is important to acknowledge that any further environmental assessment required informs decisions. As written this section suggests that the primary aim of further assessment work is to satisfy SEA requirements. They recommended that this section be amended to read “they would have to be consulted on to ensure that SEA requirements are satisfied and that decisions are informed by an understanding of their environmental implications”.
- 3.26.47 One Planning Authority questioned whether this refers to consultation with the SEA gateway authorities or a public consultation or both?
- 3.26.48 One Energy Company commented further clarity is required in Paragraphs 219 to 221 relating to the impact of modifications on the SEA process and the Proposed Plan. They agreed with Paragraph 219, which states that any modifications will need to be considered under SEA and that any modifications resulting in new potentially significant environmental effects will trigger further consultation requirements. However, they considered clarity is required on the subsequent steps and potential implications (e.g. addressing amendments to the Proposed Plan, the need for further Examination of Plan amendments, the administrative impact on the Proposed Plan etc.). They consider the text in Paragraph 221 is too vague and provides insufficient direction for LPAs.

3.27 **Question 23: Do you agree with the guidance on Adoption and Delivery?**

Quantitative Analysis

- 3.27.1 21 written responses were received.
26 respondents voted “yes”, 5 “no” and 14 had “no view”.
- 3.27.2 Of the 26 that voted “yes” 16 were Planning Authorities, 2 Energy Companies, 3 Key Agency & Public Sector Body, 2 Professional & Representative Bodies, 2 Community & Individual responses and 1 Third Sector Body.
- 3.27.3 Of the 5 that did not agree, 2 were Planning Authorities, 2 Development, Property & Land Management Body and 1 Community response.

Summary / Themes

- 3.27.4 There was broad support for the guidance on Adoption and Delivery.
- 3.27.5 The increased focus on delivery and the enhanced role of the Delivery Programme is welcomed by Planning Authorities, particularly in the move to a 10-year cycle for Local Development Plans.
- 3.27.6 One Development, Property & Land Management Bodies and Professional & Representative Bodies asked for clarity on whether the biannual update of the Delivery Programme will be consulted upon.

Detailed Comments

- 3.27.7 One Planning Authority noted that the increased focus on delivery and the enhanced role of the Delivery Programme is welcomed particularly in the move to 10-year LDPs.
- 3.27.8 One Planning Authority noted that there are no significant changes from existing regulations regarding adoption. In relation to delivery, the Planning Authority fully agrees that the Delivery Programme should be considered from the outset and only policies and proposals that can realistically be delivered should be included.
- 3.27.9 One Planning Authority considered that mention should be made of the provision for legal challenge to plans in terms of section 238 of the Act.
- 3.27.10 One Development, Property & Land Management Body note it is unclear whether the biannual update of the Delivery Programme will be consulted upon and consider it is vital that these updates are routinely and robustly consulted on.
- 3.27.11 One Planning Authority did not support what they suggested was an unnecessary introduction of publishing a formal notice of which Reporter Recommendations were not followed.

Paragraph 222

- 3.27.12 One Third Sector Body noted that Adoption is described as a 'significant milestone' but 'not the end point' towards delivery. Significant information within this section is a necessary repetition of actions described at previous steps.

Paragraph 228

- 3.27.13 One Planning Authority noted that this section would benefit from expansion to give greater guidance on ongoing monitoring, particularly on opportunities to tie this in with the SEA monitoring regime, if the information is relevant to both the SEA and the Delivery Programme. They felt this could reduce resources required for monitoring by avoiding duplication.

Paragraph 230

- 3.27.14 One Key Agency & Public Sector Body consider that there are some tensions across the draft Guidance in relation to the importance of delivery and the thematic guidance provided in support of that. They consider the thematic guidance on Delivery Programmes does not align with what is set out in this part of the draft Guidance, particularly that the LDP is "designed to deliver on local authority priorities across services" (paragraph 233).

Paragraph 233

- 3.27.15 One Third Sector Body welcomed the 'Bigger Picture' focus on communications and connections with other policies and strategies and Infrastructure First approach.

Paragraph 235

- 3.27.16 One Energy Company noted that Paragraph 235 misses the crucial point that the purpose of SEA monitoring is to monitor the likely significant effects of a plan as assessed (i.e. predicted) through the SEA. In doing so, SEA monitoring should also cover any plan level mitigation incorporated into the LDP through the SEA process. This differs from monitoring plan effectiveness or implementation more generally.
- 3.27.17 One Community Group noted that the following wording - 'It is possible to select meaningful indicators from existing monitoring regimes, to save resources and avoid duplication' - does not recognise or specify the need to be open to the possibility of adverse environmental effects which are yet to be identified and which would not be recognised using existing monitoring regimes. For example in the mining of certain minerals specific explosive techniques may be utilised and the use, transportation, storage and disposal of novel chemicals may require that a new definition of environmental risk is made clear. They queried what scope there is to be open to this and to rectify any limitations inherent in previous older monitoring regimes.

3.28 Question 24: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places? (paragraphs 240–247)

Quantitative Analysis

- 3.28.1 29 written responses were received.
24 respondents voted “yes”, 20 “no” and 8 had “no view”.
- 3.28.2 Of those 24 that voted “yes” 14 were Planning Authorities, 3 Key Agency & Public Sector Bodies, 3 Third Sector Bodies, 2 Professional & Representative Bodies and 2 Community & Individual responses.
- 3.28.3 Of the 20 that did not agree, 5 were Planning Authorities, 4 Energy Companies, 5 Development, Property & Land Management Bodies, 1 Professional & Representative Bodies, 1 Key Agency & Public Sector Body, 1 Third Sector Body and 3 Community & Individual responses.

Summary / Themes

- 3.28.4 Opinion is split on the section regarding Sustainable Places.
- 3.28.5 A number of Planning Authorities and Professional & Representative Bodies would welcome a section on community wealth building.
- 3.28.6 A Planning Authority sought confirmation that the list of matters included within the Thematic Guidance is indicative rather than prescriptive. This supports the theme of local variation of NPF4 policies identified through other questions.
- 3.28.7 A number of Planning Authorities, Development, Property & Land Management Bodies and Professional & Representative Bodies would prefer that minimum evidence requirements were established.

Detailed Comments

- 3.28.8 A Planning Authority noted Section 3 ‘Thematic Guidance’ seems adrift from the rest of the document – they suggested it is either interwoven with the Process chapter or precedes it as ‘expectations’ would normally come before details on the process.
- 3.28.9 A Planning Authority noted that as Thematic Guidance is set out in terms of the NPF4 themes, this could be a logical structure for Evidence Reports, rather than traditional topics suggested.
- 3.28.10 A number of Planning Authorities and one Professional & Representative Body noted that there is no specific community wealth building section. In view of community wealth building objectives in the draft NPF4, the responses noted further guidance from the Scottish Government would be welcome.
- 3.28.11 A number of Planning Authorities noted that throughout the Thematic Guidance, the use of lists to indicate matters which should be covered is helpful. However, it should be confirmed that not all of these will be relevant in every authority,

and that they are indicative, rather than prescriptive. Another Planning Authority noted that the ability to determine whether additional information is required to support plan preparation is welcomed and that the amount of information available will vary between local authorities.

- 3.28.12 Other Planning Authorities, a Development, Property & Land Management Body and a Professional & Representative Body noted that the approach of using guidance rather than providing a level of regulation setting out the minimum evidence requirement is not sufficiently robust.
- 3.28.13 A number of Planning Authorities noted that it was important to identify appropriate information sources and the level of detail expected. This would help Key Agencies and other stakeholders to provide information as appropriate to each Planning Authority. They noted such a baseline would also help the DPEA to determine whether Evidence Reports are sufficient.
- 3.28.14 A Planning Authority noted that this section comprises ambiguous statements rather than actual guidance. For example, they would find it useful to know what sources of information are available, the frequency of updates expected etc. They commented that some of the requirements will result in need for external expert assistance as it will be assessed by a Reporter at the Gate Check. They felt the Guidance in this section therefore is not adequate.
- 3.28.15 One Professional & Representative Body and a number of Planning Authorities highlighted that an expected increase in workloads for Planning Authorities from a number of new and additional policy areas set out in this section.
- 3.28.16 Some Planning Authorities and two Professional & Representative Bodies questioned how the Evidence Report can cover details on the implications of national developments if they are not to cover site specific matters.

Figure 6 (Indicative List of sources / types of information to include in the Evidence Report)

- 3.28.17 A Planning Authority noted that there is a large amount of information to be collected even if not all the items in the table have to be included.
- 3.28.18 A Planning Authority noted that although Figure 6 is identified as an indicative list, all the following paragraphs state that the Evidence Report “should” deal with these matters, implying a requirement. The guidance lacks clarity in that respect.
- 3.28.19 One Third Sector Body noted that the grouping of information into the four ‘themes’ creates a false and unnecessary division between areas. Some, such as Local Biodiversity Action Plans, are listed under 2 themes. If it were felt necessary to include the themes here it would perhaps be useful to list the types of information and put a tick against the theme or themes that it was considered most relevant to.
- 3.28.20 A number of Planning Authorities and a Professional & Representative Body noted the information in Figure 6 does not fully match up with the text in

paragraphs 240-247.

- 3.28.21 A Professional & Representative Body and an Energy Company wished to see the SEA Scoping Report included in the indicative list.
- 3.28.22 An individual noted that reference to 'Regional Spatial Strategy' should be deleted although no further justification was given.
- 3.28.23 A Professional & Representative Body agreed that the Housing Needs Demand Assessment is to be completed in full, to inform the Housing Land Requirement and noted that Evidence Report should also be informed by City Deals or similar and that Figure 6 should include a call for ideas or sites (as currently listed in the thematic guidance on liveable places).
- 3.28.24 A Development, Property & Land Management Body suggested the following is added to Figure 6:
- Marine plans
 - Research and reports carried out by other organisations that may be relevant.
- 3.28.25 An Energy Company noted that the Climate Emergency, Energy Security, Net-Zero Targets and Renewable Energy Generation are included in the Themes identified in Figure 6 and further noted that the Evidence Report should identify the deliverable baseline supply of renewable electricity generation.
- 3.28.26 One Third Sector Body noted that intelligence should be gathered from local communities and on that basis Local Place Plans should inform the Evidence Report. They felt local campaigns against development or strong, repeat opposition to development should also inform the Evidence Report.
- 3.28.27 One Third Sector Body noted it would be helpful if the lists of data or evidence sources referred to existing data on protected areas, on peatlands, on nature reserves and cross referenced protected European sites for nature (Special Areas of Conservation, Special Protection Areas) and nationally protected Sites of Special Scientific Interest.
- 3.28.28 One Third Sector Body noted that the inclusion of 'Review of areas designated for their local landscape value and nature conservation interests' as one item is not helpful as it conflates two different designation types. Therefore, they would be better separated. The list should also include national and international nature designations and Nature Networks.
- 3.28.29 One Key Agency & Public Sector Body noted the data sources identified to be used for the collection of information in support of the Evidence Report should be amended to include:
- Local authority Historic Environment Records (HERs);
 - HES designations information;
 - Land & buildings of significance to communities identified in Local Place Plans; and,
 - Local Landscape Character Assessments.
- 3.28.30 One Professional & Representative Body requested the inclusion of HERs within the bullet point list for Distinctive Places.

Plan-led approach to sustainable development (paras 240-242)

Paragraph 240

- 3.28.31 Some Planning Authorities and two Professional & Representative Bodies questioned how the Evidence Report can cover details on the implications of national developments if they are not to cover site specific matters.

Paragraph 241

- 3.28.32 A Planning Authority noted Regional Marine Plans and Local Place Plans should be added as Planning Authorities also have a duty to have regard to them in preparing a Plan.

Paragraph 242

- 3.28.33 Some Planning Authorities and a Professional & Representative Body noted it is unclear how the Evidence Report can cover details on the implications of strategic land use tensions if they are not to cover site specific matters. A Planning Authority inquired as to what 'strategic land use tensions' means.

Climate Emergency (paras 243 - 244)

Paragraph 243

- 3.28.34 A number of Planning Authorities and a Professional & Representative Body noted that it would help to have targets and requirements for reducing emissions (linked to the scope and role of LDPs) rather than just considering the existing sources of emissions. It would also be useful to have a list in the guidance of emissions sources that need to be considered.
- 3.28.35 A Professional & Representative Body wished to see fuller analysis of air pollutant and carbon emissions beyond considering existing sources to understanding targets and requirements. Reference to Low Emissions Zones and Cleaner Air for Scotland could be useful in this regard.

Paragraph 244

- 3.28.36 A number of Planning Authorities noted that all climate change risks should be identified in the Evidence Report not just heat related risks noting it would be better to provide a short list of all relevant areas of climate risk that need to be addressed. Planning Authorities also noted that the requirement to identify heat related climate risks may be a relatively technical area requiring specialist knowledge. It would therefore be helpful if the guidance could expand on how such evidence should be obtained, and which Key Agencies or other bodies may be best placed to assist. It was noted by Planning Authorities and a Public Sector Body that there may be a cost implication if authorities have to provide original work.

Paragraphs 243 and 244

- 3.28.37 One Key Agency & Public Sector Body considered that these paragraphs are light on content for an issue of significance and overarching influence. They agree that the Evidence Report should consider existing sources and the scale of climate change emissions but it is not clear how that information could be sourced. As there are concerns regarding evidencing lifecycle emissions further guidance is required to support a consistent approach.

- 3.28.38 One Key Agency & Public Sector Body noted that it would be useful to recommend considering evidence based opportunities for nature-based solutions to the climate emergency.
- 3.28.39 One Third Sector Body noted that under Climate Emergency the Evidence Report should consider greenhouse gas emissions anticipated from planned and proposed development, as well as existing.
- 3.28.40 One Planning Authority noted that given the increasing prominence of the issue of climate change stronger direction should be given in this section over and above measuring emissions/trends - they currently? monitor known effects and impacts in the Plan Area e.g. sea level rise; coastal erosion; impacts on agriculture; adaptation methods; and, flood events and climatic extremes.
- 3.28.41 One Third Sector Body noted that the Evidence Report should consider land as an asset with the natural potential to store carbon. They suggested the Evidence Report should include maps for soils, particularly peat soils as natural carbon sinks which should be protected. They also suggested Evidence Reports should identify infrastructure for renewable energy that exists in already developed landscapes, as this would inform the implementation of an infrastructure first policy in NPF4 where infrastructure/ opportunity for energy cluster frameworks exist.

Nature Crisis (paras 245 – 246)

Paragraph 245

- 3.28.42 Some Planning Authorities and a Professional & Representative Body noted that the Evidence Report should include an understanding of issues and threats facing existing natural assets and networks, including those arising from the impacts of climate change.
- 3.28.43 One Key Agency & Public Sector Body noted that in the case of natural assets and Nature Networks it is particularly important to plan for the continuation of existing and potential networks. While the Planning Authority cannot plan for these beyond its own boundaries, it is essential that the evidence supports planning for robust networks across boundaries. They suggested the following amendment: “The Evidence Report should be informed by an understanding of the natural assets, existing Nature Networks and identified opportunities to improve these in the plan area.”
- 3.28.44 A Planning Authority noted the SEA environmental database for the plan area provides a wealth of environmental data that would be invaluable here; as does Scotland’s Environment Web.
- 3.28.45 One Third Sector Body welcomed that paragraph 245 noted a need to understand designated sites in the plan area suggesting the following wording: ‘The Evidence Report should be informed by an understanding of the natural characteristics, included designated and non-designated sites, and existing Nature Networks in the plan area.’ They further note that further details should be given on what is considered an “existing Nature Network”. They queried if this refers to areas already identified as part of a “Nature Networks” or a

specific mapped habitat network or could it apply to an informal network if a mapped system has not yet been finalised.

Paragraph 246

- 3.28.46 A Planning Authority noted that the plan should be informed by up-to-date audits, strategies and action plans and take into account statutory Open Space Strategies and Forestry & Woodland Strategies. The Planning Authority queried how the authority will deal with the gap in the baseline if such information cannot be provided (e.g. it is out of date), and whether authorities will be required to produce such documents before the Evidence Report information gathering can continue, and what will happen if this is not possible due to lack of finance or staff. A number of Planning Authorities, a Professional & Representative Body and Key Agency & Public Sector Body noted that authorities are often reliant on the efforts of volunteers for this information and so flexibility should be expected.

Paragraphs 245 - 246

- 3.28.47 One Third Sector Body noted that the paragraphs on the 'Nature Crisis' would be more complete if they directed Evidence Reports to identify and recognise sites which are already of conservation value in addition to recognising the value of other non-designated sites. They suggested all land and open space should be considered to address the nature crisis.

Design, Quality and Place

Paragraph 247

- 3.28.48 One Key Agency & Public Sector Body welcomed the emphasis on a design-led approach but consider that the approach set out at paragraph 247 is overly restrictive and unlikely to evidence and underpin a truly design-led approach. They noted potential conflict with paragraph 24 and 107 which essentially note that community-led design or the Place Standard Tool should be used to inform the Evidence Report. The Key Agency & Public Sector Body suggested the current reliance on evidence gathering based on statistics and projections would risk overlooking key evidence on how people feel about their places and what they value as key aspects of planning for 20 minute neighbourhoods.
- 3.28.49 Planning Authorities and a Professional & Representative Body noted that the guidance does not mention consideration of the character or understanding of the urban form of the place, or consideration of the relationship between the physical attributes and qualities of the place and the health and wellbeing, or socio-economic status of those who live and work there. One Planning Authority noted that the six qualities of successful places list distinctiveness as a key quality. They indicated it needs to be acknowledged that distinctiveness comes from more than the historic environment and local architectural styles, it should encompass layout, the particular quality of the spaces and the relationship of the buildings to the spaces around them.
- 3.28.50 One Third Sector Body referenced housing and quality and noted there is no clear definition of 'quality' with no policy or suggestions which would enhance, support, or evidence 'quality' in reality. They suggested links to Building Standards legislation could make a real and lasting difference to people and places.

3.29 Question 25: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places? (paragraphs 248 – 283)

Quantitative Analysis

- 3.29.1 43 written responses were received.
19 respondents voted “yes”, 25 “no” and 7 had “no view”.
- 3.29.2 Of those 19 that voted “yes” 13 were Planning Authorities, 3 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 1 Community response.
- 3.29.3 Of the 25 that did not agree, 6 were Planning Authorities, 3 Energy Companies, 5 Development, Property & Land Management Bodies, 5 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies, 3 Third Sector Bodies and 2 Community & Individual responses.

Summary / Themes

- 3.29.4 Opinion was split between respondents with the majority generally not in favour with the draft thematic guidance on the Evidence Report.
- 3.29.5 One Planning Authority noted that Scottish Government has added a raft of unfunded requirements and burdens onto the Council, none of which are in primary or proposed secondary legislation.
- 3.29.6 Planning Authorities and a Professional & Representative Body noted that the evidence base will put strain on Planning Authorities and Key Agencies when planning teams will be engaging with local communities to prepare Local Place Plans. It was noted a well-resourced planning system is key to delivering ambitious Development Planning proposals.
- 3.29.7 In general concern was expressed by Planning Authorities, Key Agency & Public Sector Bodies, Development, Property & Land Management Bodies and Professional & Representative Bodies on how to apply the 20 minute neighbourhoods concept to remote areas of Scotland. Reasons cited included geographical scale, services, structural and institutional barriers and historic development patterns.
- 3.29.8 The issue of Infrastructure First was noted as being key to the success of the whole development plan. Planning Authorities, Professional & Representative Bodies and Key Agency & Public Sector Bodies requested that the guidance establishes the level of information required to show how infrastructure is to be delivered.
- 3.29.9 With regard to housing, the MATHLR, and HLR, there were calls from both Planning Authorities and a Development, Property & Land Management Body for more detailed guidance around quality, quantity and need. In addition, Planning Authorities, Professional & Representative Bodies and Development, Property & Land Management Bodies suggested that at the Gate Check stage the proposed Housing Land Requirement as set out in the Evidence Report is

agreed and therefore not open to re-examination by the Reporter at the Examination.

3.29.10 Planning Authorities and Professional & Representative Bodies requested further guidance on blue and green infrastructure audits.

3.29.11 Planning Authorities and Professional & Representative Bodies noted the omission of Local Flood Risk Management.

Detailed Comments

20 Minute Neighbourhoods

Paragraphs 248 - 257

3.29.12 A Development, Property & Land Management Body noted overarching concerns regarding the practicalities of delivering 20-minute neighbourhoods in all areas and that it would be useful for guidance to show how the 20 minute neighbourhood might be applied in different environments, different parts of the country, and different geographic scales i.e. rural areas.

3.29.13 One Planning Authority and a Professional & Representative Body noted it would be useful to provide a diagram which demonstrates how the principle of a '20 minute neighbourhood' might be applied in different environments.

3.29.14 Further guidance on acceptable parameters of scale by geography, type of location and type of settlement was requested by one Planning Authority, in the context of conflicting historic development patterns e.g. out of town retail/ services.

3.29.15 One Key Agency & Public Sector Body and a Planning Authority queried how 20 minute neighbourhoods could and should be applied to rural areas. Both parties were unclear how "the principle can be adjusted to include varying geographical scales from cities and urban environments, to rural and island communities". Another Planning Authority suggested reframing them as 30 or 45 minute neighbourhoods in rural areas to avoid the risk of exacerbating the centralisation of rural services and reinforcing structural and institutional barriers to addressing poverty and inequality in rural communities.

3.29.16 In addition to general rural areas specific examples were given where a 20 minute neighbourhood (within approx. 800m) would be difficult to achieve including Outer Hebrides crofting areas where there are a large number of small villages with a dispersed and linear settlement pattern, where houses are positioned in relation to crofts and there is by and large no distinct 'centre'.

Paragraph 250

3.29.17 One Key Agency & Public Sector Body noted that the evidence base will likely rely on input from communities and should be informed by their sense of satisfaction with their place, and aspirations.

3.29.18 One Planning Authority and a Professional & Representative Body noted that paragraph 250 states that the Evidence Report should be informed by information on where networks of 20-minute neighbourhoods already exist and

where there are gaps and queries if that is perhaps starting to move into place-based information which the guidance says the Evidence Report should not include.

- 3.29.19 One Planning Authority noted that paragraph 250 does not consider the resource implications of assessing the quality of services, facilities and assets. Information may not be available and would add to the time required to produce a LDP.

Paragraphs 250-251

- 3.29.20 One Planning Authority considered that Paragraphs 250-251 are very poorly thought out and contain no real help regarding what sources of information the Council should gather on the quality of features within a neighbourhood, how this would be rated and how services operate (many outwith the Council). They felt there is no clarity as to what would be considered a “gap in provision”, or how to measure and assess social interaction within a neighbourhood. They considered this is magnified by an obligation on the Planning Authority to demonstrate what has been done and assessed by a Reporter at the Gate Check stage.
- 3.29.21 One Development, Property & Land Management Body noted that paragraph 251 states that local liveability considerations should include information about community facilities, including facilities that are used by the local community for the purposes of sport, leisure, support services, social interaction, health and well-being, and childcare. They consider it is important that the approach is flexible, and that a balance in what can reasonably be accessed is achieved.

Figure 7 (Features of 20 Minute Neighbourhoods in Scotland)

- 3.29.22 One Professional & Representative Body welcomed the use of the stewardship concept in Figure 7, but would also add historic environment under this heading as they consider that there are opportunities for local communities to take part in the stewardship and enhancement of local heritage, which can have benefits for access and recreation and should feed into local development planning considerations.

Infrastructure First

Paragraph 252 – 257

- 3.29.23 A number of Planning Authorities, a Professional & Representative Body and a Key Agency & Public Sector Body noted that the guidance says little on how infrastructure is to be delivered and that guidance should be clear on what level of information is required should existing infrastructure not meet the needs of future growth. One Planning Authority questioned whether infrastructure providers will be able to respond to requests in a timely manner.
- 3.29.24 Two Third Sector Bodies noted that existing homes should also be seen as infrastructure and feel this is a missed opportunity to encourage the continued use of the existing built environment and recognise its value to local places, as well as contributing to net zero ambitions.
- 3.29.25 Figure 6 should include the Scottish Government’s national infrastructure investment plans and rolling national infrastructure assessments, which are

scheduled to be prepared from 2023 in line with Recommendation 3 of the Infrastructure Commission for Scotland's (ICS) 2020 report. Supporting explanatory text should be added under the Infrastructure First heading within the body of the guidance.

- 3.29.26 One Planning Authority noted that the issue of Infrastructure First is key to the success of the whole development plan. Greater clarity on how this will be achieved is required thorough the delivery plan. The first point for this infrastructure approach to be addressed is through greater detail on the national developments.
- 3.29.27 One Planning Authority noted, there are clear benefits to achieving a consistent and robust approach to infrastructure planning and to providing clarity on infrastructure requirements and deliverability within LDPs. This can help avoid situations where a lack of infrastructure capacity or issues with infrastructure delivery result in planned development being undeliverable. In addition, it can help avoid disproportionate infrastructure costs falling to a single party.
- 3.29.28 One Professional & Representative Body noted that the establishment of a Scottish Infrastructure Needs Assessment and publication of a new infrastructure assessment framework and methodology will be crucial means of supporting preparation of Evidence Reports. Similarly, RTPI Scotland wishes to see the role of Regional Spatial Strategies clarified in terms of infrastructure assessment.

Paragraph 252

- 3.29.29 One Planning Authority agreed that this is the best approach to inform the baseline for the Evidence Report and early engagement with service providers and other partners will bring potential benefits for all involved.
- 3.29.30 One Planning Authority noted that local infrastructure, particularly in relation to community facilities, is increasingly provided by the third/voluntary sector. Given the Community Empowerment Act 2015, this trend is expected to continue and therefore Evidence Reports should also gather evidence from Third Sector Body infrastructure providers where relevant.

Paragraph 254

- 3.29.31 One Planning Authority noted that private infrastructure providers' plans for future digital infrastructure investment may be withheld from the Council on the grounds of commercial confidentiality. For example, GIS shape files for infrastructure etc. Agencies and companies should be required by law to share such information or it is inevitable that holes/gaps will appear. Guidance must contain sources of baseline information to assist the Council in meeting these requirements.

Paragraph 255

- 3.29.32 One Planning Authority noted that in addition to infrastructure capacity, the infrastructure audit could usefully consider associated carbon emissions.
- 3.29.33 One Key Agency & Public Sector Body noted that 'sport' should be included within the last bullet point of the paragraph.

- 3.29.34 One Third Sector Body noted that the Committee on Climate Change's Head of Carbon Budgets has recently stated that "the number one priority for the UK should be to develop a carbon dioxide transport and storage infrastructure" and suggest that the reference to "the potential for negative emissions technologies in the area" should be amended to "the potential for carbon dioxide capture, transport, utilisation and/or storage in the area, including negative emissions technologies."

Paragraph 256

- 3.29.35 Paragraph 256 states that the infrastructure evidence will be key for framing and informing early thinking on the Spatial Strategy for the Proposed Plan. Paragraph 256 states that infrastructure evidence should be used to identify opportunities and constraints, including risks for future climate change. One Key Agency & Public Sector Body were uncertain of what paragraph 256 is directing Planning Authorities to do at Evidence Report stage. It was suggested this appears to be more of an interim step between gathering evidence and the preparation of the Spatial Strategy for the Proposed Plan. They commented this is perhaps how the approach to preparing the plan will actually work, although these interim steps are not clearly expressed in the draft guidance.

Paragraph 257

- 3.29.36 One Planning Authority noted that the guidance states that "authorities will be expected to explain how they...intend to implement an infrastructure first approach". They queried if this is instead a matter for the Proposed Plan, since the question is integral to the future spatial strategy and how infrastructure will be managed in relation to proposed new development. They commented there is a need for clarity and consistency on the scope of the Evidence Report.

Quality Homes (paras 258 - 267)

- 3.29.37 Two Third Sector Bodies noted quality homes is noted in the title but the term 'quality' is used within both documents (LDP, NPF4) with no policy or suggestions which would enhance, support, or evidence 'quality' in reality.

Paragraph 258

- 3.29.38 One Professional & Representative Body noted that the section on quality homes needs to be rewritten. Paragraph 258 requires the Evidence Report to identify the proposed HLR. The HLR is defined in the NPF as "the amount of land identified in National Planning Framework for a 10 year period for each local authority area that is to be identified within the pipeline of housing development". As this is already done in NPF4, it was questioned as to why the Evidence Report would have to "provide a transparent and understandable explanation of how the HLR has been established"?
- 3.29.39 The same Body suspected the text uses the term "housing land requirement" to refer to the number of homes that the local authority identifies as appropriate to deliver in the 10 year period. This was considered wrong as a matter of principle as that number can only be determined by the Planning Authority when it comes to propose its LDP. That is because the identification of the appropriate number of homes for the LDP involves a series of policy considerations which cannot have been undertaken at the Evidence Report stage.

3.29.40 The same Body noted that the purpose of the Evidence Report in the context of housing is to collate evidence that demonstrates how the population is likely to change in a “policy off” scenario. It does not set out the Planning Authority’s future LDP policy position on the appropriate number of homes. That decision can only be taken in light of a full consideration of issues such as the desire to re-populate an area or how a fundamental existing infrastructure constraint can be resolved. Those are complex policy matters that are well outside the scope of the Evidence Report and the Gate Check.

3.29.41 One Planning Authority noted it would be helpful to have more detailed guidance on the factors which might result in the Minimum All Tenure Housing Land Requirement (MATHLR) being increased, and a more precise list of the information which would be regarded as ‘sufficient’ to establish the HLR. In particular, clear advice on how to deal with any time lag between the 2022 base date of the MATHLR and the preparation of the LDP would be welcomed. This is likely to be by far the most contentious and problematic area of the Evidence Report, and the guidance should make every effort to ensure that there is a clear and consistent understanding of the relevant parameters.

Paragraph 260

3.29.42 One Development, Property & Land Management Body noted paragraph 260 needs to be expanded, and it needs to be explicit that the MATHLR figure is a minimum, and that Local Authorities are expected to plan for far more than the minimum.

3.29.43 One Third Sector Body noted that whilst the HLR can exceed the MATHLR when evidence for greater need is presented, the figure should be reduced where there is demonstration of a lower level of need.

3.29.44 One Planning Authority was concerned to see updated household projections listed first in paragraph 260 as a reason why the MATHLR should be increased, before any references are made to the Housing Need and Demand Assessment, local, regional or national policy, or local need figures (presumably produced through the Local Housing Strategy). Household projections are simple trend based estimates and are not based on what it is expected to happen, nor do they reflect any policy in terms of how household change should be managed.

Paragraph 261

3.29.45 One Planning Authority noted that where the HNDA is deemed robust and credible, ‘the approach will not normally be considered further at the Gate Check’ they considered this to be ambiguous. They asked in what circumstances would a reporter be likely to challenge the HNDA methodology.

Paragraph 264

3.29.46 It is stated here that the views of the Gypsy and Traveller community should be actively sought. While this group is mentioned in this guidance, it is not included in the groups targeted for consultation in the local development planning.

Paragraph 265

- 3.29.47 One Development, Property & Land Management Body and a Professional & Representative Body noted that the list of stakeholders could be more prescriptive and refer directly to Homes for Scotland.

Paragraphs 266

- 3.29.48 One Planning Authority noted that their Council's Housing Services would take action to support and promote the adaptation of housing to meet the housing needs of older people and disabled people, not the Planning Authority.

Paragraphs 266 and 267

- 3.29.49 A number of Planning Authorities, a Professional & Representative Body and a Development, Property & Land Management Body note that given potential issues with housing land numbers at the Examination stage, it is suggested that at the Gate Check stage the proposed Housing Land Requirement as set out in the Evidence Report is agreed and not open to re-examination by the Reporter at the Examination. They consider such an approach would give certainty and allow the Proposed Plan to focus on place making, which is one of the main desired outcomes from changing the local development planning process.
- 3.29.50 One Planning Authority noted that the Scottish Government should be aware that promoting the construction of and adaptations to homes in order to meet the needs of older people and the disabled may be restricted by market forces and the planning system may have difficulty influencing this. Furthermore, monitoring the extent to which actions of this nature have succeeded could be difficult.
- 3.29.51 One Development, Property & Land Management Body noted regarding paragraph 267 that the Reporter should be required to determine whether or not there is sufficient information in the Evidence Report to establish the HLR. The wording "expected to take a view on" is too weak.

Sustainable Transport and Travel (paras 268 - 273)

- 3.29.52 One Professional & Representative Body believed the Sustainable Transport section could be strengthened through reference to the shortly expected Strategic Transport Review Project 2.

Paragraph 269

- 3.29.53 One Key Agency & Public Sector Body noted that in general this indicates how transport authorities should be engaged in the Evidence Report process. However, there should also be a section indicating that new technologies are introducing new modes of transport (e-bikes, car club, Digital Demand Responsive Transport etc. as well as e-car charging requirements) and that Planning Authorities need to be aware of, and responsive to, such developments.
- 3.29.54 A Planning Authority and a Professional & Representative Body noted that transport stakeholders should include energy network providers, stating that these are mentioned elsewhere but it is worth highlighting specifically with respect to transport.

- 3.29.55 One Key Agency & Public Sector Body considered that as part of a comprehensive approach to gathering evidence for an infrastructure first approach to development, paragraph 269 should include clear reference to involving active travel stakeholders.

Paragraph 270

- 3.29.56 One Planning Authority and a Professional & Representative Body noted that as well as infrastructure capacity, the infrastructure audit could usefully consider associated carbon emissions.
- 3.29.57 One Third Sector Body noted that the requirement to audit existing transport infrastructure would sit under the DPMTAG (Development Planning and Management Transport Appraisal Guidance) process and this document must be updated to ensure that shared transport (EV car clubs, bikeshare, ebikeshare, escootershare, rideshare etc. is an integral part of the transport appraisal process in any community.

Paragraph 271

- 3.29.58 One Key Agency & Public Sector Body welcomed the links to other relevant plans and strategies but query whether there is a clear enough relationship between it and the guidance on this topic for preparing the Proposed Plan at paragraph 369.

Figure 10 (NTS2 Sustainable Travel Hierarchy)

- 3.29.59 One Planning Authority noted that a ferry should be included within the diagram to represent that transport sector.
- 3.29.60 One Third Sector Body recommended using a stronger version of this graphic that can be found in the Share-North guidance 'A Planner's Guide to the Shared Mobility Galaxy'.
- 3.29.61 One Development, Property & Land Management Body suggested that cycling and public transport be considered as equal to walking and wheeling.

Heat and Cooling

Paragraph 274

- 3.29.62 One Planning Authority and a Professional & Representative Body noted that heat mapping would be useful as evidence to inform co-location of development. It was suggested that wording could be introduced to ensure opportunities for utilising available heat e.g. "siting of developments should consider opportunities for available low- and high-grade heat". Examples such as using bodies of water including tidal and co-locating high heat demand with high heat supply were suggested. Heat mapping will also support others in energy supply management choices, that will in turn impact development options.
- 3.29.63 One Planning Authority suggested that reference is made to the outcomes of adopted Local Heat and Energy Efficiency Strategies (LHEES), ensuring outcomes are part of the evidence base.

Blue and Green Infrastructure, Play and Sport

Paragraph 275-276

- 3.29.64 One Key Agency & Public Sector Body noted that they are unclear on the relationship between the topics included under this theme in paragraphs 275 and 276 and in the related draft NPF4 Policy 12. They noted that this lack of coherence is demonstrated by the light touch on gathering evidence for play and sport and support an emerging view that these topics should be separated out.
- 3.29.65 In terms of sport Planning Authorities and a Professional & Representative Body commented that whilst “sport” is used in the heading, it is not referenced in the text. One Third Sector Body noted that the section on ‘Blue Green Infrastructure’ should also include “playing pitch strategies”. While Open Space strategies may consider places for sport at a high level they rarely contain detailed information on them.
- 3.29.66 Planning Authorities and a Professional & Representative Body noted that community food growing is mentioned in the health section but there is also scope to include this (allotments) in blue and green infrastructure.
- 3.29.67 One Key Agency & Public Sector Body strongly supported the requirement, in paragraph 275, to audit but note that the Planning Authority will have to assemble such information themselves. The agency therefore suggested that further guidance on how green and blue infrastructure is to be audited would be useful to Planning Authorities. They suggested this should be aligned with requirements to plan for and map integrated “Nature Networks”
- 3.29.68 One Key Agency & Public Sector Body noted that in the interim between the new approach to local development planning and the launch of more accessible data through the Digital Planning Strategy an approach to auditing green and blue infrastructure that will work across all Planning Authorities will be required. They would welcome the opportunity to assist in developing an approach that will work with existing resources.
- 3.29.69 A number of Planning Authorities and a Professional & Representative Body noted that further guidance and clarification is needed on blue and green infrastructure audits and another Planning Authority recommended that any Pitches Strategy that may exist should be added to the Evidence Report.
- 3.29.70 One Planning Authority considered that the first iterations of LDPs prepared under the new provisions – and therefore Evidence Reports – should not be delayed by the preparation of statutory Open Space Strategies and that it is appropriate to prepare these first Open Space Strategies alongside or following the Proposed Plan, taking account of the resources available to Planning Authorities. They suggested it would be helpful if this specific ‘timing’ issue was acknowledged in the Guidance.

Sustainable Flood Risk and Water Management (paras 277 - 278)

Paragraph 277

- 3.29.71 A number of Planning Authorities and a Professional & Representative Body noted there is no reference to the Local Flood Risk Management Plans, which follow the creation of the SEPA produced Flood Risk Management Plans. It was highlighted the lack of reference to Local Flood Risk Management Plans is a conspicuous omission and one which could have serious consequences within the second 6-year cycle. One Council noted it assumes that the text on the Strategic Flood Risk Assessment (SFRA) is actually referring to the National Flood Risk Assessment (NFRA), in which case the terminology should be updated. NFRA2 does not give an indication of hazard, but does present risk. If, on the other hand, the SFRA is supposed to mean the SEPA hazard maps (that is, the flood maps) then the text should refer the reader to the more detailed Flood Studies and outputs Planning Authorities have.
- 3.29.72 One Planning Authority noted that guidance on the scope and level of detail of the strategic flood risk assessment would be helpful.
- 3.29.73 One Professional & Representative Body wished to see specific reference to the Local Flood Risk Management Plans to strengthen this section.
- 3.29.74 Another Planning Authority noted that if it is the intention that a strategic FRA needs to be carried out by each authority of the whole authority area then that would be a significant resource issue.
- 3.29.75 One Key Agency & Public Sector Body noted that there is no clear link between the role of blue and green infrastructure in “floodwater storage or conveyance” and the guidance on evidence gathering at paragraph 277. NatureScot recommend that, in order to ensure that a progressive approach to water management is embedded, a clearer link between these topics should be made in the Evidence Report.
- 3.29.76 One Key Agency & Public Sector Body noted that in addition to using Strategic Flood Risk Assessment to inform the Evidence Report, that Planning Authorities could work collaboratively with stakeholders to ensure that they remain up to date on relevant research eg. ‘Moderating extremes in water availability in Scotland: A review of the role of functioning wetlands’ is due to be published. This will help Planning Authorities in taking account of nature-based solutions, combining these with hard engineering solutions.
- 3.29.77 One Planning Authority noted there is currently a requirement that a SFRA should be undertaken to inform choices about the location of development. Whilst well intended this separates flood risk assessment from the Strategic Environmental Assessment and makes flood risk assessment less integrated with the LDP plan making process. The vision is to make the SEA more integrated with the plan making progress, therefore they considered flood risk should only be considered through the SEA process.

Paragraph 278

- 3.29.78 One Planning Authority and a Professional & Representative Body noted that river basin management plans are predominantly concerned with water quality and river status under the Water Framework Directive rather than consider flood risk which comes under the Floods Directive, so it is not clear if the paragraph is complete.

Lifelong Health, Wellbeing and Safety (paras 279- 283)

Paragraph 279

- 3.29.79 One Planning Authority noted the issues highlighted reflect planning issues around health issues, and that the data requirements highlighted elsewhere in this section seem appropriate and will be available. However they further commented that the data may not necessarily be in a manner that can readily be used for the purposes described without significant time and resource spent on collating it and felt this is another example of additional unfunded work.
- 3.29.80 A number of Planning Authorities and a Professional & Representative Body noted that it should be recognised that identifying a direct connection between planning decisions and health outcomes may be difficult to measure.
- 3.29.81 One Key Agency & Public Sector Body welcomed the inclusion of open space and green networks as resources that are relevant to health outcomes but further guidance on gathering information and auditing these types of infrastructure will be required.
- 3.29.82 One Planning Authority noted the text states that the Council should map where unhealthy people live and where shops selling unhealthy items are located as well as food deserts. The wording could be interpreted as potentially stigmatising for communities. These indicators are usually disincentives to private developers, noting places to avoid, the opposite of the well-intentioned outcome.

Paragraph 281

- 3.29.83 One Community response noted that this paragraph refers to mine gases as hazardous but only refers to areas that are at high risk as those historically associated with coal mining. They highlighted there are other areas of contaminant risk associated with historical mining e.g. lead which exists in Dumfries and Galloway, and that the relative proximity of such sites with other development and communities needs to be considered.

3.30 Question 26: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places? (paragraphs 284 – 296)

Quantitative Analysis

- 3.30.1 32 written responses were received.
21 respondents voted “yes”, 13 “no” and 11 had “no view”.
- 3.30.2 Of those 21 that voted “yes” 13 were Planning Authorities, 1 Energy Company, 4 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 1 Community response.
- 3.30.3 Of the 13 that did not agree, 5 were Planning Authorities, 2 Energy Companies, 1 Development, Property & Land Management Body, 1 Professional & Representative Body, 2 Key Agency & Public Sector Bodies, 2 Third Sector Bodies and 1 Community response.

Summary / Themes

- 3.30.4 Respondents, largely Planning Authorities, were generally supportive of the section on Productive Places.
- 3.30.5 Planning Authorities and Professional & Representative Bodies noted that Business Land Audits require significant resources.
- 3.30.6 Planning Authorities were unsure what is required to produce an Inequality Statement, and some noted this may be difficult to produce for rural areas due to elements of the data requested often being difficult to obtain with any geographic accuracy.
- 3.30.7 Respondents from the Third Sector and a Key Agency & Public Sector Body noted that the draft guidance was lacking information and should be expanded, particularly with regards to tourism strategies within the post-Covid landscape.
- 3.30.8 A small number of Planning Authorities and Professional & Representative Bodies commented that some of the requirements for the Evidence Report under this section would be difficult to complete as private sector information is often commercially confidential.
- 3.30.9 Further detail as to what information should be gathered at the Gate Check stage regarding locations for green energy provision was suggested by a Professional & Representative Body and a Planning Authority to ensure potential sites could be properly assessed. The need for a Landscape Capacity Study was suggested.

Detailed Comments

- 3.30.10 One Development, Property & Land Management Body and one Planning Authority requested that the Evidence Report include analysis of employment need, local poverty, disadvantage and inequality, to highlight where future business and industry development would provide most benefit.
- 3.30.11 One Key Agency & Public Sector Body and one Planning Authority noted the resource and cost implications of undertaking Business Land Audits.
- 3.30.12 One Key Agency & Public Sector Body noted there is no guidance on the need to identify existing landscape and natural assets during evidence gathering. They commented that assets such as Nature Networks and green and blue infrastructure should be integrated into the Spatial Strategy and future allocations to ensure that they play their part in delivering other policy outcomes such as improved health and wellbeing on land allocated for business and employment.
- 3.30.13 Turning to Digital Infrastructure a Planning Authority requested clarity on the following statement 'The Evidence Report should establish the methodology that will be used for site assessment for new digital infrastructure to be included in the Spatial Strategy'. The authority stated that given the size of digital infrastructure it is unlikely to be identified through a LDP spatial strategy: If the statement in the guidance simply relates to an assessment for digital applications then it would include the same points as the assessment for many other types of development. They considered a specific site assessment for this use seems unnecessary.
- 3.30.14 One Planning Authority noted that the location of gaps in digital coverage may be commercially confidential so it may not be possible to identify these gaps in the Evidence Report. The authority commented that Ofcom produce publicly available information in the Connected Nations report which is updated on an annual basis.
- 3.30.15 In relation to Minerals a Planning Authority noted that gathering the information required to demonstrate the 10 year land bank of construction aggregate will prove challenging, as this information is often not provided by mineral operators.
- 3.30.16 One Key Agency & Public Sector Body agreed that the Evidence Report should provide information that clearly demonstrates whether the Planning Authority is capable of meeting the 10 year landbank of construction aggregates in all market areas and that this should include information on existing permitted mineral reserves in the Plan area. They also welcomed the inclusion of information on usage trends utilising relevant elements from the latest Aggregates Survey to demonstrate whether there is a sufficient supply or whether it is expected that further releases are required.

Land and Premises for Business and Employment (paras 284 -286)

Paragraphs 284 - 286

- 3.30.17 One Planning Authority and one Professional & Representative Body noted the requirements set out in these paragraphs may require significant additional resources. Making a connection between employment needs and a land requirement has proven very difficult in the past. The reference to Business Land Audits in paragraphs 284 and 285 suggests a narrow use class definition. It was suggested reference should be made more generically to employment or commercial requirements to reflect the broad economic sector activity likely to apply.

Paragraph 285

- 3.30.18 One Planning Authority noted that making a connection between employment needs and a land requirement has proven very difficult in the past. They commented the requirement set out in this paragraph and paragraph 286 will require input from consultants.
- 3.30.19 One Professional & Representative Body noted that the guidance suggests “The Evidence Report should establish the requirement for employment land”. The Evidence Report should be a document that gathers together evidence, based on which policy decisions (e.g. the correct amount of employment land taking account of the local authority’s economic strategy and the availability of appropriately located land) can be taken at the LDP stage. It was commented that the Evidence Report should not be a document that sets out policy including the requirement for employment land.

Paragraph 286

- 3.30.20 One Planning Authority was concerned about the introduction of an Inequality Analysis, to be undertaken without any clear definition or guidance as to what that is or how to conduct one. They stated that unnecessary contradiction and confusion must be clarified in the final version of the Guidance, or its use will be extremely limited and vulnerable to litigation, with the result that the laudable aims behind it cannot be achieved.
- 3.30.21 One Planning Authority noted that elements of the data requested in paragraph 286 are often difficult to obtain with any geographic accuracy in rural and island authorities due to the sensitivity of data when dealing with low density populations. They suggested that there needs to be recognition that there will be difficulties for rural and island authorities in obtaining or publishing this type of information due to data protection.

Sustainable Tourism

Paragraph 287

- 3.30.22 Two Third Sector Bodies queried whether the draft text provides enough information to genuinely support sustainable tourism strategies within the changing socio-economic post-Covid tourism landscape. It was noted that places must be attractive to local residents, and well maintained and cared for.

3.30.23 The same point was also made by a Key Agency & Public Sector Body who noted the text is limited in scope and should be expanded to recognise wider information and issues. They suggested the following amendment:

“The Evidence Report should be informed by the national tourism strategy (Scotland Outlook 2030) relevant sector focused tourism strategies, and any strategic infrastructure plans. Key spatial issues should be identified, and consideration given to the role of planning in addressing these to ensure more sustainable tourism is supported that safeguards natural, cultural and community assets.”

Culture and Creativity

Paragraph 288

3.30.24 One Third Sector Body considered that a reductive view of culture is displayed in the draft guidance. Culture as defined within the Culture Strategy includes our historic and distinctive places, and wider inclusion could be made within this section.

3.30.25 Further clarity was requested on some detailed points:

- One Planning Authority was unsure why the reference is to “live music venues” and not simply “live entertainment venues” or “live performing arts venues”.
- One Professional & Representative Body and a Planning Authority requested clarity on what constitutes an appropriate number and range of cultural venues and facilities.

3.30.26 One Third Sector Body requested reference be made to the agent of change principle when referring to music venues and culture venues. It was commented that this section misses out valuable jobs and industries, such as software and games development, a key growth sector.

Green Energy

Paragraph 289

3.30.27 One Professional & Representative Body requested clarity on what information could be gathered at the Evidence Report stage in relation to considering potential within LDP plan areas for new green energy provision.

3.30.28 One Key Agency & Public Sector and one Planning Authority noted that nationally important designations are an important consideration in determining appropriate locations for green energy, but these should not come at the exclusion of other factors. Because this is the only information required of the Evidence Report with regard to green energy and landscape, the Authority commented that it is unlikely that there will be adequate information for the Gate Check stage to form a judgement on areas of search. They suggested it is unfortunate that there is no reference to Landscape Capacity Studies, which could provide a fuller picture. A Professional & Representative Body also suggested that reference to Landscape Capacity Studies could be included in this paragraph. Further, they all also noted that this is likely to be a part of the Evidence Report that will not be able to avoid using some spatial analysis.

- 3.30.29 One key agency noted the text directs Planning Authorities to “consider the sensitivity of other nationally and internationally important designated sites in line with wider policies set out in NPF.” They were concerned that the advice to “consider the sensitivity” is too general a direction and one that may not provide the required guidance on where to find the required evidence, and that it may conflict with the tests used to assess impacts on designated sites.
- 3.30.30 One Energy Company noted that the text is vague and open to wide interpretation. They commented that further guidance is required to avoid the potential for LPAs to introduce arbitrary areas of constraint on green energy development. They suggested the Guidance should reiterate the NPF requirement that LDPs are expected to ensure an area’s full potential for electricity and heat from renewable sources is achieved. They feel this must be supported with clear expectations for how LDPs should comply with the “full potential” requirement. They wanted the Guidance to clarify that LDPs should positively identify a range of opportunities for renewable energy development, without also seeking to define the environmental capacity for development beyond reference to existing statutory designations.
- 3.30.31 One Third Sector Body noted that the text states that the Evidence Report, “should be informed by established boundaries relating to National Parks and National Scenic Areas”. They think it should consider the sensitivity of other nationally and internationally important designated sites in line with wider policies set out in NPF. They called for the Guidance to take a much stronger and clearer position in relation to protected areas. They considered it needs to say that national and internationally important designated sites must be considered. They highlighted the legislation (The Habitat Regulations and Nature Conservation (Scotland) Act 2004) that requires the consideration of impacts on designated sites such as SPAs, SACs and SSSI, and so suggested the use of the ‘must’, in this case is appropriate.

Zero Waste

Paragraph 290

- 3.30.32 One Planning Authority noted that it should be clear that the Planning Authority should have regard to the SEPA- produced annual regional capacity requirements for waste infrastructure.
- 3.30.33 One Planning Authority requested it is made clear that parts of the zero waste plan, such as Annex B, no longer apply, having been superseded by other documents including SEPA’s annual regional capacity requirements for waste infrastructure and potentially SEPA’s Development Plan Guidance on Sustainable Resource Use and Energy (2018) or SEPA’s Planning and Waste Management Advice (2015), which replaced PAN63.
- 3.30.34 One Third Sector Body believed the definition of the circular economy could be more ambitious. They commented that while it might be helpful to illustrate the waste hierarchy, it would be more progressive in this section to define waste and pollution as design flaws. They suggested that rather than explain circular economy as a reduction in demand of raw materials, it should be clearer that the aim is to close material loops, and shut off any route for materials to reach landfill.

Sustainable Aquaculture (paras 291-292)

Paragraph 291

- 3.30.35 One Development, Property & Land Management Body welcomed information on aquaculture being included in the Evidence Report. They suggested the guidance could usefully refer to aquaculture lease data being available from Crown Estate Scotland.

Paragraphs 291-292

- 3.30.36 One Third Sector Body noted there are a number of documents in addition to the National Marine Plan which may help inform relevant sections of the Evidence Report, and should be referenced in the guidance. This includes Regional Marine Plans, the Future Fisheries Management strategy and the Blue Economy Action Plan. In addition to key environmental constraints, it was suggested that regard must also be had to environmental limits and the ways in which planning can help contribute toward healthy seas and Good Environmental Status. They considered that a coastal economy based on unsustainable practices is at risk of collapse.

Paragraph 292

- 3.30.37 One Planning Authority requested that more explicit text is added to the fourth bullet point in paragraph 292, which states “information, where available on sea lice from any risk assessment framework and note any mitigation measures that are in place.” It was considered unclear what risk assessment frameworks are being referred to, and what the Planning Authority should do if this information is not available. They suggested that in the absence of a ‘risk assessment framework’, at a minimum, sea lice monitoring data for the region from the Fish Health Inspectorate should be used.

Minerals

Paragraph 293

- 3.30.38 One Planning Authority noted that reference is made in paragraph 293 of the guidance to data from the latest aggregates survey. However, they flagged the last survey was in 2012 and that they consider is no longer relevant, and that it is also unable to provide useful information where there are only 1 or 2 quarries in a region as the information is confidential to avoid quarries being identified. They commented that where no information is available on permitted minerals reserves it may be impossible to provide evidence to demonstrate that an adequate minerals landbank is available. They suggested that some flexibility should therefore be allowed in terms of the submission of evidence in the Evidence Report.
- 3.30.39 One Professional & Representative Body noted that there will be significant differences in the existing reserves and supply chains across Planning Authorities and defer to those Planning Authorities’ comments on the matter. One Planning Authority noted that whilst it is not reliant on other Planning Authorities for minerals reserves of any type, it does have certain reserves that are a rare commodity in UK terms. It was considered that such commodities should be recognised in paragraph 293.

- 3.30.40 It was noted by the same Professional & Representative Body and Planning Authority that the importance of mineral reserves should be recognised and identified in the Evidence Report to ensure that existing reserves are protected and that future expansions of existing quarries can be planned for.

Digital infrastructure (paras 294 - 296)

Paragraph 294

- 3.30.41 Two Planning Authorities and one Professional & Representative Body disagreed with the text, stating that as much of the private sector provider information is commercially confidential it may not be possible to include data about digital connectivity gaps in the Evidence Report. Ofcom produce publicly available information in the Connected Nations reports and updated on an annual basis. It was noted that the evidence is not static but continually changing as commercial and public sector investment is delivered.

Paragraph 295

- 3.30.42 One Planning Authority noted that all authorities should ensure they engage with other relevant departments, such as economic development and where appropriate Mobile Network Operators (MNOs) and Wireless Infrastructure Providers (WIPs) to provide details of programmed investment in digital infrastructure within an area.

Paragraph 296

- 3.30.43 One Planning Authority agreed with the proposal to establish the methodology that will be used for site assessment for new digital infrastructure. However, they suggested a national approach, jointly developed with digital infrastructure owners and operators, would assist with simplifying this, and also identify areas where Permitted Development could be used.
- 3.30.44 Similarly, one Professional & Representative Body and one Planning Authority felt that the planning system is a narrow tool by which new digital infrastructure can be delivered, this is due to the service being provided by private companies over which Authorities only have so much influence. They suggested a revision of this paragraph to take into account the need for a national approach to be developed alongside providers.
- 3.30.45 One Planning Authority noted that most digital infrastructure provision is carried out by private commercial interests. They commented it is unclear why the Council needs to have site assessment methodology for digital infrastructure provision when this is entirely market driven.

3.31 Question 27: Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places? (paragraphs 297 – 310)

Quantitative Analysis

- 3.31.1 37 written responses were received.
20 respondents voted “yes”, 15 “no” and 10 had “no view”.
- 3.31.2 Of those 20 that voted “yes” 13 were Planning Authorities, 2 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 3 Community & Individual responses.
- 3.31.3 Of the 15 that did not agree, 3 were Planning Authorities, 2 Energy Companies, 2 Development, Property & Land Management Bodies, 5 Key Agency & Public Sector Bodies and 3 Third Sector Bodies.

Summary / Themes

- 3.31.4 Respondents were generally supportive of the Distinctive Places section.
- 3.31.5 A small number of Planning Authorities and a Professional & Representative Body asked for further guidance on how to prepare town centre audits and strategies.
- 3.31.6 Two Planning Authorities requested that Historic Environment Records (HERs) be referenced as the principle source of information on the historic environment for the creation of the Evidence Report.
- 3.31.7 Two Planning Authorities and a Professional & Representative Body believed the guidance is outdated with regards to the interpretation of heritage.
- 3.31.8 Four Planning Authorities and a Professional & Representative Body asked if the annual Vacant and Derelict Land Survey could be used instead of the proposed Buildings at Risk Register approach.
- 3.31.9 A small number of Planning Authorities and Professional & Representative Bodies requested reference to the ALGAO Scotland Guidance for Peatland Restoration and the Historic Environment in Scotland (ALGAO 2022).

Detailed Comments

- 3.31.10 One Professional & Representative Body were concerned that the resourcing burden has not been fully considered for a number of evidence areas which may be difficult to collect and evaluate. This includes for example proposed town centre audits which could be significant depending on the local authority area. It was suggested that provision of further guidance on this matter would be useful.
- 3.31.11 One Professional & Representative Body supported the recognition of diminishing retail elements in town centres in order to support a shift to town centre living and leisure uses.

- 3.31.12 One Planning Authority noted in regard to coasts, that SPP requires plans to identify developed coasts, areas subject to significant constraints, and largely unspoiled areas of the coast that are generally unsuitable for development. They commented that this requirement does not appear to have been carried forward in the new guidance despite reference to undeveloped coasts.
- 3.31.13 One Key Agency & Public Sector Body stated that the guidance takes no account of the policy ambition for greater community ownership encapsulated by the provisions of the Community Empowerment (Scotland) Act 2015. They suggested that this section might be an appropriate place to recommend that LDPs identify potential community uses of vacant public buildings by community groups, and give guidance as to how that might be delivered.
- 3.31.14 One Energy Company supported the proposed growth in renewable energy development, alongside the aspiration for an increase in woodland cover across the country, restoration and protection of peatland and an increase in biodiversity. They noted that inherent land use conflict which is not governed by a clear framework and strong decision making will result in severe delays and will discourage collaborative practices amongst industries. They wish to see a strong framework which encourages sectors to work together in the interest of the country.
- 3.31.15 One Energy Company noted a potential conflict between the avoidance of woodland and forestry in the first instance when routeing new overhead lines as there are occasions where this is not possible and these occasions will likely increase in future as new trees are planted in accordance with policy aims. They suggested that unless this potential conflict of land use is more clearly addressed there will be an unnecessary delay in routeing and determining applications for nationally significant infrastructure projects.

City, Town, Commercial and Local Centres (paras 297- 299)

Paragraphs 297-299

- 3.31.16 Two Planning Authorities and a Professional & Representative Body noted that the requirement to prepare town centre audits and strategies for each town centre is a very onerous task. They asked if the Scottish Government intends to provide further guidance on town centre audits.

Paragraph 297

- 3.31.17 One Planning Authority supported the preparation of Town Centre strategies, however noted this could be widened to include local neighbourhood centres dependent on scale. They suggested guidance should be provided on identifying a network of centres through Regional Spatial Strategies to allow for consideration of wider retail markets and trends and cross boundary movement.
- 3.31.18 One Third Sector Body was supportive of audits, which they felt to be a good thing, but note they are a lot for local authorities to undertake every two years.
- 3.31.19 One Planning Authority requested that reference to Scotland's Towns Toolkit is included here.

Paragraph 298

- 3.31.20 One Planning Authority raised questions in respect to the first bullet point and the requirement to gather information where there are gaps in supply of existing housing and flats relative to demand specifically within town centres. They considered that demand for housing in town centres is not something that is easily determined.

Paragraph 299

- 3.31.21 One Key Agency & Public Sector Body welcomed the list of types of information and evidence which will be of use in supporting Evidence Report. As a general point, there commented that there is an opportunity here for the preparation of a State of the Environment report that collates and synthesises much of the data listed in Figure 6. They noted that the preparation of such a report will have multiple benefits beyond informing the Evidence Report.

Historic Assets and Places

Paragraph 300

- 3.31.22 Two Planning Authorities and a Professional & Representative Body expressed a view that the guidance has a very out-dated, site-specific approach to the interpretation of heritage in regard to historic environment. These respondents suggested that the document needs to better recognise that the historic environment is often much more than simply the sum of its parts. Scotland's medieval towns need to be singled out as sensitive historic urban landscapes, not simply modern towns with a sprinkling of historic buildings within them.
- 3.31.23 One Professional & Representative Body noted the omission of reference to Historic Environment Records (HERs) in the list of records which must be consulted in compiling the Evidence Report. They commented that the HER is likely to be the most vital source of information on the historic environment for the purposes outlined. One Key Agency & Public Sector Body also requested that this section be amended to include reference to information included within local authority HERs and HES designations information.
- 3.31.24 Two Planning Authorities also noted the primary source for information on the historic environment in relation to the planning regime is HERs. They noted that these contain not only geospatial information on designated remains but also the vast majority (in excess of 95%) of undesignated historic and archaeological sites. Appropriately curated HERs are a primary tool used by local authorities and their historic environment advisors for the formation of strategies, advice and decisions in relation to the historic environment. As a consequence, it was suggested that HERs must be referenced in this section as the principle source of information on the historic environment for the creation of the Evidence Report.
- 3.31.25 One Planning Authority and two Professional & Representative Bodies suggested that the paragraph should also make reference to how local HER data could be expanded or improved.
- 3.31.26 One Key Agency & Public Sector noted that local authorities should be encouraged to actively engage with their communities to determine whether there are any areas of land or buildings of particular local significance. This

information can also be sourced from emerging Local Place Plans. Sources such as Pastmap, Canmore or Scran were also noted as likely to be helpful to local authorities.

- 3.31.27 One Planning Authority and two Professional & Representative Bodies requested that reference is made to Scottish Burgh Surveys and Local and National Historic Environment Records. They requested that consideration should also be given to intangible historic assets such as historically significant place names, vistas, views, skylines, and traditions dependent on the historic built environment.
- 3.31.28 One Key Agency & Public Sector Body generally agreed with the contents of this paragraph, but considered that to ensure that the evidence gathering aligns with the guidance on the Proposed Plan, it would be useful to include landscape sensitivity assessments in the examples of relevant strategies, action plans and records.

Urban Edges and the Green Belt

Paragraph 301

- 3.31.29 In terms of the timing and need for a green belt review, one Planning Authority noted that the guidance identifies that a green belt review of any existing or potential green belt should be carried out as part of the Evidence Report to inform plan-making. Annex C of the guidance sets out that any 'Call for Ideas' should be undertaken after the Gate Check to inform the preparation of the Proposed Plan. It is considered by the Planning Authority that the guidance should identify that the 'call for ideas' is undertaken to inform the Evidence Report and any green belt review, otherwise it is highly likely that the findings of the green belt review will need to be re-examined at the Examination. One Key Agency & Public Sector Body generally agreed with the guidance given but was unclear of the need for including the wording "where relevant" at the beginning of the paragraph. They recommend that "where relevant" is removed from the finalised version of the guidance. They suggested that this would ensure that any review undertaken at Evidence Report stage would set up the correct evidence in support of showing detailed and identifiable boundaries.
- 3.31.30 In terms of the evidence to inform the green belt review, a Development, Property & Land Management Body is unclear on what form the 'evidence' is to take. They noted it is not clear if there is to be any further guidance to ensure consistency across Scotland for any green belt review / assessment work. They felt as drafted, it leaves the scope of any green belt 'evidence' open to interpretation and inconsistency in its application across Scotland. One Planning Authority that supported the preparation of green belt assessments requested the text also refer to landscape character analysis.

Vacant and Derelict Land

Paragraph 302

- 3.31.31 Four Planning Authorities and a Professional & Representative Body asked if the annual Vacant and Derelict Land Survey completed for the Scottish Government will fulfil the requirement of identifying vacant and derelict land.

They noted that thresholds for inclusion in the audit could be amended to include smaller sites that could benefit from investment.

3.31.32 One Planning Authority noted that it will often be the case that some buildings will not feature on a local authority's Vacant and Derelict Land Register, which feeds into the national register published on an annual basis by the Scottish Government. This will most often be due to a building falling below the minimum size threshold for inclusion (i.e. the site will be less than 0.1 hectares) and this particularly applies in city, town, and neighbourhood centre settings. They noted that this means that such sites are not then eligible for investment from relevant funding streams such as the Vacant and Derelict Land Fund, in spite of such small sites in built-up areas often having a significant impact on the overall aesthetic and amenity of the area.

3.31.33 One Key Agency & Public Sector Body noted the recognition of the Buildings at Risk register (BARR) as a valuable resource in identifying vacant and derelict land. They recommended that the guidance is amended as follows, because the current version may be interpreted as meaning the BARR contains buildings that are not of architectural or historic merit:

“The Evidence Report should identify vacant and derelict land and be informed by the Buildings at Risk Register. The Buildings at Risk Register provides information on properties of architectural or historic merit throughout the country that are at risk, although some of these are not necessarily in poor condition and may simply be standing empty with no clear future use or be threatened with demolition.”

3.31.34 Two Planning Authorities noted that the BARR is not the main source for identifying properties of architectural and historic merit. They note that at present buildings can be recommended to be placed on the BARR without consultation with the local Planning Authority and it was therefore suggested that it would be more appropriate for HERs to be referenced in this section as the principle source of information for the historic environment. HERs are not limited to designated or extant buildings but also contain information on historic non-designated buildings, land use, archaeological remains etc. It was suggested that the Buildings at Risk Register has a limited value in general application.

3.31.35 One Professional & Representative Body supported the recognition of the possible need to coordinate the identification of vacant and derelict land with the need to manage historic environment assets. However they noted that the Buildings at Risk Register only provides a partial view of where interests may compete and therefore cannot be the main touchstone for assessing heritage needs and opportunities.

3.31.36 One Key Agency & Public Sector Body recognised the importance of focusing on relevant information in evidence gathering but suggested that in this case the focus is too narrow. A place-based approach to evidence gathering is suggested to be a more effective way to ensure that a holistic approach is taken.

- 3.31.37 One Third Sector Body noted in addition to identifying vacant and derelict land, there should be a requirement to assess its biodiversity value. It was commented that there are a wide range of brownfield sites with some being extremely important for biodiversity (and community use).

Rural Places

Paragraph 303

- 3.31.38 One Key Agency & Public Sector Body considered that this paragraph needs to be expanded on. Their understanding is that the urban rural classification can be analysed in two, three, six or eight-fold form. It appears that the intention is that the six-fold analysis should be used to inform the Evidence Report, but they suggested this should be clarified, to avoid wasted effort.
- 3.31.39 One Planning Authority welcomed the definition of a rural place as based on the Urban Rural Classification 2016. They noted that a mapping app released in conjunction with Draft NPF4 has chosen one of the 8 possible interpretations of the URC 2016. They identified this contains significant anomalies with data zones, that they consider will cause issues in preparing future LDPs.
- 3.31.40 One Planning Authority requested the text be expanded to say more on to what purpose LDPs should identify types of 'rural areas' within the Plan area. They believe the guidance needs to recognise that remote rural areas and islands have different contexts and needs and the expectations of the guidance should reflect this, with tailored references to these specific geographies running throughout the guidance.

Natural Places (paras 304-306)

Paragraph 304

- 3.31.41 One Third Sector Body noted that the text is missing local landscape designations such as Special Landscape Areas, which Local Authorities have already identified as valued natural assets. They commented it would be useful at Evidence Report stage to recognise any work that has already been undertaken by a Local Authority, public body or partnership of landowners and users to identify and map natural assets in the Local Authority Area.
- 3.31.42 One Third Sector Body noted that Habitats Regulations require a Habitats Regulation Appraisal for any plan that could affect an Special Protected Area or Special Area of Conservation. They commented that the Evidence Report must therefore be informed by details of such sites within and outwith the LDP boundary. This is a legislative requirement and the importance of considering effects on European sites should be emphasised at the Evidence Report stage to avoid delays and uncertainty later in the process.
- 3.31.43 One Key Agency & Public Sector Body recommended that the text is amended to include reference to geodiversity and sources of information relevant to this.

Paragraph 305

- 3.31.44 One Planning Authority requested that a review of any local designations including consideration of their function and continuing relevance, should be carried out as part of the Evidence Report, to inform plan-preparation. They

questioned what will happen if there is no means of carrying out such a review because of a lack of suitable qualified staff and a lack of available funding.

- 3.31.45 One Third Sector Body stated that a review of local designations as part of the Evidence Report should also capture where land use is providing nature based solutions and where new Nature Networks are emerging. This evidence of change that is or will in the future benefit nature and people will need to be captured if development is to proceed in a way that does not defeat the outcomes expected for improved biodiversity and people's connection with nature.
- 3.31.46 One Third Sector Body was not opposed to a review of local designations in principle. However, they noted that the tone and content of the draft guidance, intentionally or not, suggests an assumption that Planning Authorities should be looking to reduce local designations, rather than carry out a review that could include additions. This respondent was extremely worried, given all public bodies' biodiversity duty under the Nature Conservation (Scotland) Act, the stated aim of the Scottish Government to address the nature crisis and the commitment to protect 30% of land for nature by 2030, that the review would result in a reduction of local designations. They suggested that this paragraph should be omitted or reworded to support the addition of local designations, or a review of local sites which ascertains how existing ones can be protected and better managed.

Paragraph 306

- 3.31.47 One Third Sector Body agreed with that draft guidance that LDPs should be informed by 'strategic maps/data sets'. However, they commented that the draft guidance text then goes on to list four such datasets. It is unclear whether these are examples of such datasets or the only ones to be used. It was suggested that the use of square brackets here is not appropriate and somewhat confusing.
- 3.31.48 One Third Sector Body welcomed the inclusion of reference to wild land mapping as well as the James Hutton maps for soils and land use classifications.

Peat and Carbon Rich Soils

Paragraph 307

- 3.31.49 One Third Sector Body welcomed the guidance that the Evidence Report should be informed by an understanding of the likely soil assets in the LDP area.
- 3.31.50 One Planning Authority requested more guidance on what information will be useful in forming an evidence base on peat and carbon rich soils for LDPs. Two Planning Authorities and a Professional & Representative Body requested reference in this section to the ALGAO Scotland Guidance for Peatland Restoration and the Historic Environment in Scotland (ALGAO 2022), as this may provide a helpful source of information.
- 3.31.51 One Key Agency & Public Sector Body generally agreed with the approach but recommended that the spatial data is not limited to specific products.

Trees, Woodland and Forestry

Paragraph 309

- 3.31.52 One Key Agency & Public Sector Body generally welcomed the emphasis on identifying trees and woodlands of high nature conservation value. In order to achieve broader ambitions relating to the twin climate and nature crises, the Agency considered that there needs to be greater focus on supporting development plans to deliver the right tree in the right place.
- 3.31.53 One Planning Authority noted that the text should be linked back to other priorities such as potential for sequestration. They suggested the paragraph should also refer to historically and culturally significant trees, considered to be 'green monuments'.

Coasts

Paragraph 310

- 3.31.54 One Key Agency & Public Sector Body welcomed and supported the approach to evidence gathering for Coasts as set out. They commented that development should not undermine the positive benefits of marine and coastal habitats, including but not limited to 'blue carbon'. The sources of evidence included are unlikely to include seaweed harvesting and cultivation in their scope. They suggested there is an opportunity to better understand and map natural capital and its benefits to local communities and businesses.
- 3.31.55 One Planning Authority was unsure if Evidence Reports should identify areas of risk and consideration for protection or managed retreat. They commented the Evidence Report could also link to the coast as an area of potential low-grade heat from tidal waters.

3.32 Question 28: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places? (paragraphs 317 – 328)

Quantitative Analysis

- 3.32.1 39 written responses were received.
25 respondents voted “yes”, 17 “no” and 6 had “no view”.
- 3.32.2 Of the 25 that voted “yes” 15 were Planning Authorities, 2 Energy Companies, 3 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 3 Community & Individual responses.
- 3.32.3 Of the 17 that did not agree, 4 were Planning Authorities, 1 Energy Company, 3 Development, Property & Land Management Bodies, 3 Professional & Representative Bodies, 2 Third Sector Bodies, 2 Key Agency & Public Sector Bodies and 2 Community & Individual responses.

Summary / Themes

- 3.32.4 Respondents were generally supportive of the section on Sustainable Places.
- 3.32.5 The clear direction on the significance of the climate emergency was welcomed. However, two Planning Authorities and a Professional & Representative Body requested a guidance tool to assist with the measurement of emissions associated with a proposal in addition to a definition of the emissions to be taken into account. It was also noted by a Planning Authority that there is a lack of clarity around the extent of the responsibilities of the local authority, for example emissions related to construction.
- 3.32.6 A number of Planning Authorities and Professional & Representative Bodies welcomed the approach of new development being used to improve existing places as a first priority, ensuring it aligns with goals for net zero and biodiversity, and the promotion of creativity and innovation.
- 3.32.7 Two Planning Authorities and a Professional & Representative Body requested that Design frameworks should be mentioned as well as design briefs and design codes.

Detailed Comments

- 3.32.8 One Planning Authority noted that identifying areas where development is unlikely to be supported due to the predicted effects of climate change is considered to be an important step in a plan-led approach to sustainable development and tackling the climate emergency.

Proposed Plans (paras 311-316)

Paragraphs 313-314

- 3.32.9 One Planning Authority and one Professional & Representative Body commented that the focus on place-based LDPs with a greater emphasis on maps may be difficult to implement given that statutory supplementary guidance is being withdrawn. Much of the detail in this guidance is considered essential for the determination of planning applications. Furthermore, the lack of detail in some of the draft NPF4 policies will increase the need for more detailed local policy, is contrary to the wish that LDPs be focussed on places and locations.

Paragraph 313

- 3.32.10 One Planning Authority noted that the guidance states that the emphasis of the presentation of the Proposed Plan should be on maps, allocations, masterplans and site briefs. However the Act states that the Proposed Plan should contain such other diagrams, illustrations and descriptive matter as the Planning Authority thinks appropriate for the purposes of explaining or illustrating the proposals in the plan. The Authority suggested that the reader should be able to find what is relevant to a particular place in one area of the plan.
- 3.32.11 One Planning Authority was supportive of more map based approaches but noted this may be difficult to implement with the removal of statutory Supplementary Guidance. Statutory master plans contained in supplementary guidance allowed Local Authorities to provide detailed map and design based approaches as a statutory part of the plan.
- 3.32.12 One Planning Authority noted that for remote rural and island areas with sparse and dispersed populations including all thematic mapping on a single place based map for each settlement may be cartographically challenging. This paragraph should acknowledge it may not be possible to map everything for dispersed rural settlements in one place, in particular thematic information, and that indicative diagrams may be appropriate.

Paragraph 314

- 3.32.13 One Planning Authority noted the restatement of the guidance that the Proposed Plan should have minimal policy wording because NPF is the now the main location for generic policies. They commented however that some local policy content is likely to be necessary, and it would be helpful for the guidance to set out the kind of topic areas where local approaches might be appropriate or necessary.
- 3.32.14 One Third Sector Body asked the following text be reworded as NPF4 is not the development plan: 'Thematic policies are contained in the NPF, which has the status of the Development Plan in decision making.'

Paragraph 315

- 3.32.15 One Planning Authority suggested that while thematic policies will be included in NPF4, many of these national policies will have to be repeated and clarified in individual LDPs in order that local authorities can firm up and set out their interpretation of these policies to reflect local context.

- 3.32.16 One Third Sector Body suggested the guidance should clearly reference nature based solutions at landscape scale. They commented that to achieve landscape scale requires a vision to be incorporated into spatial planning, and for areas protected for nature at international, national, regional or local levels to all be considered and counted in a layered network of areas and ecosystems. They commented that from this network nature connectivity in itself can be considered and safeguarded.
- 3.32.17 One Development, Property & Land Management Body requested a more sophisticated assessment that goes beyond identifying the need for retrofit of vacant and derelict land and buildings and considers the status of existing buildings that are in use. They felt that the LDP must not just refer loosely to the need for retrofit but it should include an actual assessment of the need for commercial retrofit in its Proposed Plan.

Figure 11 (Spatial Strategies: Sustainable Places)

- 3.32.18 Views were mixed on the clarity of Figure 11 and whether it is indicative or a definitive list. Planning Authorities found it clear to interpret while the Third Sector thought the opposite.
- 3.32.19 One Planning Authority believed the figure clearly sets out what approach Local Development Plans should take to deliver sustainable places. It is important that plans can reflect local circumstances and priorities. Identifying areas where development is unlikely to be supported due to the predicted effects of climate change is considered to be an important step in a plan-led approach to sustainable development and tackling the climate emergency.
- 3.32.20 One Third Sector Body noted that the figure is quite difficult to read, and that it is not entirely clear what it is setting out. This felt it was not clear what the 'identify' section refers to, or whether the Figure is an example of some things that should be identified or a definitive list.
- 3.32.21 One Professional & Representative Body noted that under bullet point 8 aspects of sustainable land use management are presented as 'tensions'. They did not fully understand the need for this language and note throughout the document that historic environment is seen as a brake on development.
- 3.32.22 One Planning Authority asked where spatial strategies for Wind Energy and Aquaculture will fit into the guidance and how they fit into the overall spatial strategy for the LDP.

Plan-led approach to sustainable development

- 3.32.23 Key Agencies and Planning Authorities supported the direction being taken by the Spatial Strategy, noting land use tensions as a point of contention. Additional information was requested to navigate these decisions, with clarity sought on council powers.

Paragraph 319

- 3.32.24 One Key Agency & Public Sector Body supported the direction that the Spatial Strategy should respond to strategic land use tensions, and should take

account of the twin climate and nature crises. The Agency considered that the guidance on the nature crisis is currently weaker than that on the climate crisis.

- 3.32.25 One Planning Authority believed the plan's Spatial Strategy should respond to strategic land use tensions, recognising the need to make significant difficult decisions. The response to these tensions should take account of Scotland's commitment to tackling the twin climate and nature crises and the fundamental role of Scotland's natural and historic environment in supporting our economy, health, wellbeing and resilience to climate change.
- 3.32.26 One Third Sector Body requested more detail in this paragraph, believing that it currently places a huge burden on Local Authorities to grapple with 'difficult decisions'. They suggested more detailed guidance would help Local Authorities navigate difficult decision making.
- 3.32.27 One Planning Authority were concerned by the lack of understanding of council powers. The resolution of the strategic land tensions must be for all parties, not a burden/penalty placed solely on the Council through the LDP process.
- 3.32.28 One Professional & Representative Body were unclear what the "nature crisis" is and where the policy commitment from the Scottish Parliament to tackle it exists.

Climate Emergency (paras 320 -323)

- 3.32.29 Increased guidance on the Climate Crisis was supported by all sector groups. Planning Authorities sought a methodology to measure emissions generation in order to inform allocations and decisions.
- 3.32.30 One Planning Authority supported the increased focus on the Climate Crisis in the draft guidance. They did however have concerns about the LDP identifying locations where development cannot be supported due to climate change. They noted that this is particularly problematic where there are existing residents, and it is unlikely that the LDP can be robust enough to mitigate the risks these populations face.

Paragraph 320

- 3.32.31 One Key Agency & Public Sector Body welcomed the clear direction on the significance of the climate emergency. They also thought the text could define what emissions should be taken into account. They suggested that a risk-based accounting system would appear to require consideration beyond a simple assessment of reducing emissions arising from development, and that this should be clarified.
- 3.32.32 Two Planning Authorities and a Professional & Representative Body asked how to measure the emissions that are likely to be generated by the proposals in the plan, and any reasonable alternatives the Council would want to consider this against. They suggested that it would be helpful to have some guidance or a tool that allows a consistent way to achieve this. This paragraph could also refer to the possible need to consider any managed retreat issues in relation to sea level changes.

- 3.32.33 One Planning Authority noted the text is lacking in clarity in terms of local authority responsibilities. For example the statement “The Spatial Strategy should be based on an understanding of the emissions that are likely to be generated by the proposals” is unclear and open to interpretation. They were also unclear what is meant by a “systems based approach”, and commented that further explanation of this in the guidance would be welcome. They noted that this seems an obvious opportunity to establish a link between LDPs and individual Climate Action Plans that local authorities are currently preparing.
- 3.32.34 One Third Sector Body were concerned that very little guidance is given about how local authorities can apply emissions reduction to new housing. The emissions related to construction should not be overlooked in the guidance. They consider the draft did not make clear how this is to be taken account of in terms of new housing, and called for the guidance to make clear what local Planning Authorities are required to do in this respect.

Paragraph 321

- 3.32.35 One Key Agency & Public Sector Body noted the text appears to be focused on technological approaches to negative emissions. They considered there is a need to think about a more blended approach, rather than a reliance on technology, and recommended the role of nature-based solutions in their own right or to augment other approaches and solutions should be included.
- 3.32.36 One Professional & Representative Body wished to question the practicability of producing LDPs that are mainly map based. The body see a leading role for the Scottish Government’s Digital Planning Strategy to set out clear digital and data standards for mapping to improve the consistency of approach throughout Scotland.
- 3.32.37 One Professional & Representative Body supported the need for LDPs to minimise new greenhouse gas emissions, maximise emissions reduction and take account of long term future climate risks. However, this is a difficult and technical task to undertake and therefore may necessitate the development of a tool or guidance to support LPAs to do this in a consistent and robust manner.
- 3.32.38 One Planning Authority and Professional & Representative Body agreed that it will be beneficial for LDP Spatial Strategies to set out the potential for negative emissions technologies and support their deployment through safeguarding land. However, they did raise questions around who is best placed to assess the potential for negative emissions technologies as Planning Authorities may not be resourced or have the skills to identify opportunities without assistance.
- 3.32.39 One Third Sector Body requested the following text should cover all uses of Carbon Capture and Storage, not just negative emissions uses:
 “The Spatial Strategy should set out the potential for negative emissions technologies in the area, including emissions capture, storage and carbon utilisation. The Spatial Strategy should support their deployment through safeguarding land and enabling links between parts of the system, such as to distribution and transmission networks as well as emission sources, as not all industrial and manufacturing processes will be able to fully avoid the release of new greenhouse gas emissions.”

Paragraph 322

- 3.32.40 One Planning Authority and one Professional & Representative Body agreed that heat mapping should be used to inform the spatial strategy. However, they argued that it may be difficult to ensure take-up of district heating in new development unless national policies and guidance provide a strong enough framework to make it more enforceable when relevant proposals are considered through development management decisions.
- 3.32.41 One Planning Authority asked for further guidance on what constitutes “developments with a high heat demand”.

Paragraph 323

- 3.32.42 One Planning Authority and one Professional & Representative Body were unsure why heat-related climate risks appear to be highlighted specifically, but not other kinds of climate risks. They recommended in terms of weather alone, extremes of heat, cold, increased, or decreased rainfall, and wind all need to be taken into consideration.

Paragraph 324

- 3.32.43 A Planning Authority and one Third Sector body welcomed the increased focus on the Nature Crisis but felt that the draft guidance could go further than simply repeating the draft NPF4 policy.
- 3.32.44 One Planning Authority noted the guidance could say something specifically about integrating habitats as part of new green infrastructure within new development. They noted that it will be more difficult for an LDP to deliver biodiversity enhancements outside proposed development areas, as there is less likely to be a delivery mechanism.
- 3.32.45 One Third Sector Body requested the text refer to any Nature Network ecological connectivity mapping that has been completed.

Paragraph 325

- 3.32.46 One Planning Authority was unclear if the reference to “buffer zones” excludes consideration of the impact of development on an adjacent environmental resource such as a National Scenic Area.

Design, Quality and Place (paras 326-328)

- 3.32.47 Views were mixed on LDPs providing a framework for more detailed design input, with further clarity sought. One Professional & Representative Body supported the inclusion of design frameworks alongside design briefs and design codes. They noted that the intended enhanced status of development briefs and masterplans set out in guidance needs to be matched by clarity over greater weighting in decision making process. However, one Planning Authority noted that the draft guidance makes reference to LDPs creating a framework for detailed design briefs, masterplans and design codes, the unclear status of these in determining planning applications is a matter of concern.

Paragraph 327

- 3.32.48 Two Planning Authorities and a Professional & Representative Body welcomed the approach of using new development to improve existing places as a first priority, ensuring it aligns with goals for net zero and biodiversity, and the promotion of creativity and innovation. The creativity and innovation principle should help move away from the uniformity of the suburban environment.
- 3.32.49 One Planning Authority requested that the final sentence include reference to the historic environment to reflect the distinctiveness of local communities and help them adapt while retaining what is valuable to them.
- 3.32.50 One Planning Authority noted the text in this paragraph as an example of loose language. They requested the terms “place identity” and “culture and community talents” are defined and ask how it can be recognised and understood by a member of the public and assessed and expressed through LDPs.

Paragraph 328

- 3.32.51 Two Planning Authorities and a Professional & Representative Body noted that design frameworks should be mentioned as well as design briefs and design codes. They commented that these are not referred to in the guidance but have an important role setting out the key concepts and design principles for a place.

3.33 Question 29: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places? (paragraphs 329 – 400)

Quantitative Analysis

- 3.33.1 39 written responses were received.
20 respondents voted “yes”, 17 “no” and 9 had “no view”.
- 3.33.2 Of the 20 that voted “yes” 12 were Planning Authorities, 2 Energy Companies, 2 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 2 Community & Individual responses.
- 3.33.3 Of the 17 that did not agree, 5 were Planning Authorities, 5 Development, Property & Land Management Bodies, 3 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 2 Third Sector Bodies.

Summary / Themes

- 3.33.4 Respondents were generally supportive of the section on Liveable Places.
- 3.33.5 One Key Agency & Public Sector Body supported the overall aims and intent of the guidance. They noted that their experience suggests that new ways of collaborative working are important, as well as adequate provision of resources and skills to enable mapping, engagement, and delivery. They commented that for mapping to be meaningful, quantitative data on physical infrastructure of 20-minute neighbourhoods needs to be considered alongside qualitative input from communities about the quality of that infrastructure. Opportunities for the programme of digital transformation to prioritise support to authorities with this vital mapping and engagement may assist application of this policy intention.
- 3.33.6 One Planning Authority considered the guidance to be long, too repetitive and too prescriptive. They consider there is a serious disconnect between the aspiration for succinct, place based plans with minimal text, and the large number of matters which are set out in the guidance which Planning Authorities will need to demonstrate they have addressed.
- 3.33.7 One Professional & Representative Body noted the expected increase in workloads for LPAs from a number of new and additional policy areas set out in this section. This is especially so when considering the proposed production site briefs or masterplans on medium or longer-term housing land allocations, which may not even be included in the adopted LDP.
- 3.33.8 A small portion of Planning Authorities and Professional & Representative Bodies were supportive of 20-minute neighbourhoods but considered this is largely only applicable to large scale development, with some concerns the concept is biased to urban and accessible areas. One Planning Authority welcomed integrating the principle of 20-minute neighbourhoods into Local Development Plans as a key step in delivering safe, walkable, liveable and thriving places. The proposal to identify areas not currently well served by 20-minute communities was also welcomed as this recognises the importance of

supporting the needs of existing communities rather than LDPs being overly focused on new development.

- 3.33.9 Planning Authorities were generally supportive of the infrastructure first approach and noted that its successful implementation will be dependent on close collaboration with infrastructure providers early in the plan making process, to ensure that the Delivery Programme can set out how and when infrastructure requirements will be funded and delivered.

Figure 12 (Spatial Strategies: Liveable Places)

- 3.33.10 One Planning Authority believed the figure clearly sets out the approach LDPs should take in delivering liveable places where people can live better, healthier lives.
- 3.33.11 One Planning Authority noted that few objectives here have much relevance for rural and island areas. They considered the spatial strategy approach appears urban centric, with objectives of prioritising accessible locations for future development and promoting the concept of compact 20-minute neighbourhoods and town centres.

20 Minute Neighbourhoods (paras 329 – 333)

- 3.33.12 One Planning Authority noted the guidance and expectations of LDPs is generally clear in regards to 20 minute neighbourhoods. Particularly, the need for the approach taken in LDPs to reflect local context is critical and was welcomed. The authority considered that in the interests of clarity and certainty for stakeholders, LDPs should be explicit in the expectations of facilities and standards that would be judged to qualify as necessary elements of 20 minute neighbourhoods in that authority area.
- 3.33.13 One Planning Authority commended the 20 minute neighbourhood, but noted the guidance needs to say more than 'The concept will apply differently in urban and rural areas and should be guided by the Place Principle and the place-based working that informs the LDP'. More fundamentally there was concern about 20 minute neighbourhoods and what that means in practice for rural areas. They felt the concept needs to be flexible, allow for regional tailoring, and acknowledge the distinction between urban and rural areas and how that affects the application of this standard. They commented that its application in this context risks exacerbating the centralisation of rural services and reinforcing structural and institutional barriers to addressing poverty and inequality in rural communities. Alternative approaches could be considered such as re-framing them as 30 or 45 minute neighbourhoods. They commented there is a need for a focus and strong rural narrative on 'living well locally'.

Paragraph 329

- 3.33.14 Two Planning Authorities and a Professional & Representative Body note there should be an understanding that planning can only encourage and create a policy framework for the creation of 20 minute neighbourhoods, but it has limited power to deliver them outwith large scale development proposals. They commented that planning can often plan and provide space and buildings for community facilities as part of new development, but there is little appetite by

local authorities to adopt and run these given budgetary constraints. It was suggested alternative models of delivery/management need to be considered.

3.33.15 One Planning Authority noted the proposal of a 20 minute neighbourhood is biased to urban and accessible areas despite the clause in this section that the concept can be 'adjusted geographically to fit rural and island areas'. They noted that the high prevalence of crofting tenure in the Outer Hebrides means there are a large number of small villages with a dispersed and linear settlement pattern where houses are positioned in relation to crofts and there is by and large no distinct 'centre'. They suggested this section should recognise that a radically different approach may be needed in remote rural and island areas, not just that 'the principle can be adjusted to include varying geographical scales'

3.33.16 One Planning Authority and two key agencies opined that the 20 minute neighbourhood is commendable, but the guidance needs to say more than 'The concept will apply differently in urban and rural areas and should be guided by the Place Principle and the place-based working that informs the LDP.'

Paragraph 330

3.33.17 One Third Sector Body asked that Nature Networks or the national Nature Networks be listed as something that should be taken account of in the development of the Spatial Strategy and land allocations. They commented that people should have access to nature rich greenspace, to improve wellbeing and health.

3.33.18 One Planning Authority recommended inserting a reference to the historic environment as often being an important part of what makes communities and neighbourhoods distinctive and good places to live and work.

Paragraph 331

3.33.19 One Planning Authority and Professional & Representative Body noted there is no mention of the need to prevent the degradation of existing 20 minute neighbourhoods – such as ensuring that key areas of open space and valuable community facilities (including shops and pubs) are not lost, including by implementing alternatives to how they are managed.

Paragraph 333

3.33.20 Three Planning Authorities and a Professional & Representative Body noted that the guidance should acknowledge that the LDP can only reflect the Council's policies and proposals regarding public conveniences. One Planning Authority in particular noted that the guidance should acknowledge that the LDP can merely reflect a local authority's policies and proposals regarding public conveniences.

Infrastructure First (paras 334 – 340)

- 3.33.21 Planning Authorities were generally supportive of the infrastructure first approach and stressed the importance of early engagement at the Evidence Report stage.
- 3.33.22 One Planning Authority welcomed the infrastructure first approach. They noted that its successful implementation will be dependent on close collaboration with infrastructure providers early in the plan making process, to ensure that the Delivery Programme can set out how and when infrastructure requirements will be funded and delivered.

Paragraph 334

- 3.33.23 One Planning Authority and Professional & Representative Body noted that the Evidence Report baseline data will be a good platform to inform the Proposed Plan's infrastructure requirements for site allocations. Gauging capacity of networks will be an additional unfunded resource commitment and is likely to require consultancy work to inform that work.
- 3.33.24 One Planning Authority welcomed the list in this paragraph and particularly the reference to health care infrastructure. They noted that there are intrinsic links between land use planning and the health and wellbeing of communities, and this is an area where planning and health authorities could work better in the future to improve joint outcomes.
- 3.33.25 One Planning Authority considered that community facilities should be added to the list in this paragraph, but that the expectations for LDPs in terms of infrastructure are otherwise clear.
- 3.33.26 One Development, Property & Land Management Body asked for clarification of 'district' to ensure that development is not expected to take account of infrastructure in areas of a 'district' that is of no direct consequence to the actual development.

Paragraphs 338-340

- 3.33.27 One Planning Authority and a Professional & Representative Body welcomed the clarity in the guidance relating to the provision of new infrastructure for development, as this is necessary detail to make the NPF4 deliverable. However, they noted that Registered Social Landlords are currently the biggest developers in Dumfries & Galloway, which raises difficulties about how the infrastructure that is required will be implemented from the outset.
- 3.33.28 The same Planning Authority and Professional & Representative Body continued, noting that development is likely to be discouraged if infrastructure is insufficient, but it is unlikely that infrastructure will be in place unless there is demand from development. Both further noted that guidance should outline how this contradiction can be overcome as it is likely to be an issue in many parts of Scotland.

Paragraph 338

- 3.33.29 One Planning Authority questioned that if infrastructure costs and contributions are to be included in the proposed plan, how local authorities will address

windfall site contributions and determine a level of impact on infrastructure that is proportionate.

- 3.33.30 One Development, Property & Land Management Body agreed that Planning Authorities should identify what, how and when required infrastructure will be funded and delivered, and that where additional infrastructure is required, a clear and committed pathway to delivery should be included in the Delivery Programme.

Quality Homes (paras 341 - 356)

- 3.33.31 There was consensus between Planning Authorities, Key Agencies and Professional & Representative Bodies on the change from a 5 year to 10 year land supply, with an increase to 25% affordable homes requirement also supported in principle. Planning Authorities were concerned about the resource burden of site specific masterplans, but supported adaptable houses in principle.

Paragraph 343

- 3.33.32 One Development, Property & Land Management Body asked what is meant by 'resettlement' and assumed that this would apply in a rural sense, so will not be applicable to more urban authorities.

Paragraph 344

- 3.33.33 One Planning Authority, a Key Agency & Public Sector Body and a Professional & Representative Body welcomed the move to a 10-year land supply and considered this to be more realistic than the 5-year supply in the existing guidance.

Paragraphs 346 and 347

- 3.33.34 One Planning Authority requested that both of these paragraphs be deleted. They suggested there should be no link between the housing land audit and the housing pipeline. This is because this undermines the purpose of having an annual average of housing delivery over the plan period. The whole point of the annual average is to even out the peaks and troughs of housing delivery while still meeting the overall requirement. They commented that plans should not have to rectify an artificial problem of a site not coming forward in a given third of the LDP timeframe.

Paragraph 346

- 3.33.35 One Planning Authority supported the principle of a housing land pipeline that identifies programming of sites over the short, medium and longer term periods. Another authority noted the pipeline will change from year to year, as programming changes, and so it would be inappropriate for this to figure in the plan itself.
- 3.33.36 One Planning Authority agreed the expectations in terms of short, medium and longer term, and broader locations beyond the plan period are clear. However, and whilst it is imperative for Planning Authorities to work with partners in delivering the housing pipeline, market-led sites are ultimately outwith the control of the authority and therefore flexibility in managing the housing pipeline is crucial.

Paragraph 347

- 3.33.37 One Planning Authority asked for more guidance on exactly how the Planning Authority is expected to 'manage the deliverable Housing Land Pipeline' when it has so little control over the delivery of housing.

Paragraph 348

- 3.33.38 Four Planning Authorities commented on the need for site briefs or masterplans on medium or longer-term housing land allocations. The guidance could usefully explain if the expectation is that these can be prepared other than by the Planning Authority given this is another example of an additional resource commitment. They noted that concluding site briefs or masterplans for sites prior to the proposed plan stage is likely to be beyond the resources of many authorities.

- 3.33.39 One Planning Authority asked that the need for site briefs or masterplans on medium or longer-term housing land allocations should be identified for production in the Proposed Plan but these will be resource intensive and should be carried out post adoption to avoid significant and potentially abortive costs.

Paragraph 349

- 3.33.40 One Planning Authority noted that there may be occasions where longer term sites should be signposted in a LDP, but sites that could come forward outwith the plan period are better dealt with by a land safeguard rather than by a proposal and allocation. That approach would keep such sites out of arguments about shortfalls which risk the undermining of the land supply and delivery programme in the ten year period of the plan. Additionally, they commented that if longer term sites can be brought forward in the subsequent plan, communities will be consulted at the appropriate time in the preparation of that plan.

Paragraphs 349 and 350

- 3.33.41 One Planning Authority and a Professional & Representative Body commented that bringing forward sites for longer term development to compensate for other sites that do not deliver will not address housing land shortfalls in all circumstances. It was noted that wider market forces are often responsible for a lack of delivery rather than site specific considerations. It was suggested the guidance should recognise that housing land releases are not appropriate where the cause of any shortfall is a consequence of conditions in the wider economy.

Paragraphs 353 and 354

- 3.33.42 Two Planning Authorities and a Professional & Representative Body welcomed the clarification the draft guidance provides on the deallocation of sites as this could assist in avoiding land banking by developers.

Paragraph 355

- 3.33.43 Two Planning Authorities and a Professional & Representative Body thought that while the bullet points increase the focus on delivering adaptable homes for ageing, care homes and supported accommodation, it should be borne in mind that the scope of the planning system can be quite narrow. A realistic view of what can be delivered by the planning system in this regard would be welcome.

Paragraph 356

- 3.33.44 Three Planning Authorities and a Key Agency & Public Sector Body explicitly supported the increase to a minimum 25% requirement for affordable homes. With regards to options other than onsite provision provided in the draft guidance, they noted that serviced land appears the only alternative, with no mention of other methods such as commuted payments. They noted that commuted payments as well as serviced land should be highlighted as an option to allow flexibility of approach.

Sustainable Transport and Travel (paras 357 – 377)

Paragraphs 361-366

- 3.33.45 Two Planning Authorities, a Key Agency & Public Sector Body and a Professional & Representative Body believed the timing of the preparation of the Transport Appraisal, after the Evidence Report but prior to the Proposed Plan, gives very little time for what can be a very technical piece of work. Where existing infrastructure is near capacity the conclusions of an appraisal may conclude that some locations should see no new development. It was suggested that given how significant this can be consideration should be given to whether the Transport Appraisal should be completed prior to the Evidence Report.

Paragraph 369

- 3.33.46 One Planning Authority and a Professional & Representative Body requested this paragraph includes other future e-mobility technologies such as electric scooters.

Paragraph 376

- 3.33.47 One Planning Authority commented the text does not fully consider the remote rural and island situation. They noted the current Argyll and Bute LDP allows for low/no car parking in its Main Town centres, not all of which are classed as urban.

Paragraph 377

- 3.33.48 One Planning Authority and a Professional & Representative Body asked if the guidance should advise if LDPs should have regard for on-street electric vehicle charging as well as hubs. This would assist in understanding how the LDP will be assessed at Gate Check and Examination stages.
- 3.33.49 One Planning Authority noted that in rural and island communities, which will geographically not be able to meet the aspirations of a 20 min neighbourhood, car ownership will remain a necessity to accessing services. As a result private electric cars may be the most sustainable option, not the least as stated here.
- 3.33.50 One Energy Company noted that Scottish Government's target to phase out the need for new petrol and diesel cars in Scotland by 2032 will come with an increase in demand for green energy. They commented that the existing distribution networks, designed in the mid-20th century, will see a significant change in utilisation and will need to be enhanced to support the roll out of the necessary EV charging infrastructure. As a consequence LDPs will be required to give consideration to the increasing demand for green energy.

Heat and Cooling (paras 378 - 382)

Paragraph 378

- 3.33.51 One Planning Authority and a Professional & Representative Body commented that the text is not clear about whether the LDP is likely to be the most appropriate way to identify potential heat networks. They noted that it would be useful for the guidance to explore the relationship and roles between the Local Heat and Energy Efficiency Strategy (LHEES) and the LDP, thinking about timescales for each of those documents, which may not be prepared concurrently. It was also suggested that clarification is required if it is intended that Scottish Ministers can also determine heat networks.
- 3.33.52 One Planning Authority and a Professional & Representative Body asked for clarification to understand what “take into account” means in planning terminology.

Paragraph 381

- 3.33.53 One Planning Authority and a Professional & Representative Body asked for clearer guidance on how LDP allocations should be informed by heat network zones. It was suggested that the guidance on this could also be made stronger, by saying “must” rather than “should”.

Blue and Green Infrastructure, Play and Sport (paras 383 – 388)

- 3.33.54 One Third Sector Body was not convinced the guidance is detailed enough to enable Local Authorities to make decisions that will protect wild places in their Authority area for the people who live there, for nature connectivity and biodiversity and for the people who visit to experience Scotland’s wild places.

Paragraph 383

- 3.33.55 One Key Agency & Public Sector Body considered there should be guidance on how LDPs should address the need for outdoor places for sport. Specifically they think it should refer to the need for councils to have taken a strategic approach to these spaces, in the form of a playing pitch strategy, and that the plan should seek to identify and protect existing spaces as well as any new spaces needed. They suggested this as outdoor places for sport will not always fall under the definition of blue or green infrastructure.

Paragraph 384

- 3.33.56 One Planning Authority and a Professional & Representative Body noted that it would be beneficial to note that blue and green infrastructure (where appropriate) can be multi-functional space that achieves a variety of objectives such as climate change mitigation and informal play.

Paragraph 387

- 3.33.57 A definition of “Incidental play” was requested by a Planning Authority and a Professional & Representative Body.

Flood Risk and Water Management (paras 389- 390)

Paragraph 389

One Planning Authority and a Professional & Representative Body noted care is needed when stating “all sources” of flooding. They suggested reference needs to be made to the Flood Risk Management (Scotland) Act 2009 which defines the sources to consider. Fluvial, coastal, and surface water are likely to be considered, but not groundwater. They argued that “should” has to be replaced with “must” in the context of flood risk. Also, “a cautious approach...”, should be replaced with “a precautionary approach...” to align with Flood Risk Management terminology. They commented it is no longer the case that flooding “may” be an issue in future years; it is an issue now and will be increasingly so in the future. The authority welcomed the reference to community resilience in the context of current and future impacts of climate change.

Lifelong Health, Wellbeing and Safety (paras 391 - 400)

Paragraph 391

3.33.58 One Planning Authority and a Professional & Representative Body noted the statement in this paragraph could be supported further by the Regulations and guidance. They suggested it will be important, for this section of the guidance, to consider the following issues, many of which will overlap with other parts of the guidance:

- climate emergency issues which could/will have impacts on mental and physical health;
- potential outcomes on mental health wellbeing from well designed, safe, inclusive places;
- personal and community safety will have an impact on health and wellbeing;
- 20 minute neighbourhoods in terms of the benefits to local communities of social inclusion; contact with neighbours; better local democracy and accountability which can also have an impact on physical and mental health;
- protection of existing community assets, including natural and heritage assets;
- health benefits from access to blue/green infrastructure including tree-planting, and how this should be new such infrastructure should be sought in new development;
- how matters of equality related to accessing and using the physical environment could be addressed by planning (including through design); and,
- the role for Health Impact Assessments in relation to LDPs.

Paragraphs 391-394

3.33.59 One Planning Authority welcomed the increased focus on health and wellbeing, but noted it should be recognised that the scope of the planning system can be quite narrow. Whether the planning system can significantly deliver on addressing these matters with the current powers and scope is questionable.

3.34 Question 30: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places? (paragraphs 401 – 424)

Quantitative Analysis

- 3.34.1 31 written responses were received.
22 respondents voted “yes”, 13 “no” and 12 had “no view”.
- 3.34.2 Of those 22 that voted “yes” 14 were Planning Authorities, 1 Energy Company, 2 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies, 1 Third Sector Body, 1 Development, Property & Land Management Body and 1 Community response.
- 3.34.3 Of the 13 that did not agree, 5 were Planning Authorities, 2 Key Agency & Public Sector Bodies, 1 Development, Property & Land Management Bodies, 2 Professional & Representative Bodies, 2 Third Sector Bodies and 1 Energy Company.

Summary / Themes

- 3.34.4 Respondents were generally supportive of the section on Productive Places.
- 3.34.5 Planning Authorities and Professional & Representative Bodies suggested that examples of how an area’s full potential for electricity and heat from renewable sources could be achieved are included in the finalised guidance.
- 3.34.6 A couple of Planning Authorities welcomed the role of an LDP in supporting green economic recovery, with a Third Sector Body ask for further guidance on “green energy”.
- 3.34.7 There was consensus between a Planning Authority, Professional & Representative Body and Key Agency & Public Sector Body supporting the deallocating of sites that will not deliver employment, and clarity was sought on when this could be enforced.
- 3.34.8 The principle of improved digital connectivity was supported by a significant number of Planning Authorities, Professional & Representative Bodies, Key Agencies & Public Sector Bodies and Third Sector Bodies.

Detailed Comments

- 3.34.9 One Development, Property & Land Management Body noted that there is very little comment in the draft guidance on wider commercial property needs. It was suggested that LDPs must assess and analyse their employment property stock and identify appropriate needs and demands. They noted that the importance of logistics to an authority cannot be overstated, commenting that enough recent crises have been seen to remind us of the need for essential supplies of fuel, food and medical supplies. They consider that unless the LDP includes an analysis of the need for replacement of its industrial, logistical and distribution stock then it will fail to provide a proper assessment of productivity for the area.

- 3.34.10 The same Development, Property & Land Management Body furthered this sentiment regarding office stock. This is in addition to consideration of the impact of hybrid working on future demand for Office space. They considered that the LDP must maintain an assessment of the relative strength of offer of offices for the relevant district and assess anticipated need for replacement, reduction or additional floorspace.
- 3.34.11 The same Development, Property & Land Management Body commented that the government should see the hospitality and cultural sectors as key parts of our productive economy. They suggested that it is critical that Scotland invests in its offer as a destination to attract major employers or cultural investors (films, tech, business tourism as well as the larger personal tourism sector). They consider these factors contribute to making great destinations, and this in turn helps to attract high quality businesses to locate and retain their workforces in Scotland.

Figure 13 (Spatial Strategies: Productive Places)

- 3.34.12 One Planning Authority believed that Figure 13 clearly sets out the approach Local Development Plans should take in delivering productive places which can support a greener, fairer and more inclusive economy.
- 3.34.13 One Planning Authority requested an amendment of "...and takes into account..." to include "environmental constraints". They noted that Regional Marine Plans are not yet in place for all areas.
- 3.34.14 One Third Sector Body was unsure what a 'green economic recovery' or what 'sustainable tourism is' in this context. They noted that further guidance on how tourism can be assessed for sustainability, recognising the need to protect biodiversity as well as reduce emissions, would be useful. It was commented that the importance of nature-based tourism could be emphasised more. In addition, policies which seek to protect and enhance biodiversity can also benefit tourism.
- 3.34.15 One Professional & Representative Body highlighted the expected increase in workloads for Planning Authorities with several new and additional policy areas set out in this section.

Land and Premises for Business and Employment (paras 401- 406)

Paragraph 401

- 3.34.16 One Planning Authority was keen to ensure that the implied relaxation of restrictions governing the relationship between potentially conflicting land uses (residential and employment) is put into context and appropriately caveated. They noted that it would be particularly unhelpful to decision makers if this part of the guidance were to be left ambiguous.
- 3.34.17 One Key Agency & Public Sector Body considered this section to be a step forward from the current approach to planning business and employment sites, which has perhaps not been as clear on these issues as planning for housing has been. They noted that aside from job growth in nature-based sectors, there is not much guidance on the role of landscape and nature in this type of land allocation and they suggested that a further strengthening of the approach to planning for business and employment should be included here. The same Key Agency & Public Sector Body recommended that this part of the draft guidance needs to be amended to better emphasise the identification of existing assets, including landscape character, natural assets on and around the site, etc. They suggested that integrating these into the Spatial Strategy and allocations will help these sites to play their part in delivering other policy requirements such as Nature Networks, health and wellbeing, enabling reduction in car kilometres, etc.
- 3.34.18 One Planning Authority believed the text should recognise that business is in a transitional phase, and while support should be given to the sectors mentioned, this must be done while gradually transforming the more 'traditional' business and industrial base, which will continue to have a role to play in the short term.
- 3.34.19 One Planning Authority requested the following delivery programme requirements for land and premises for business and employment:
- provision of appropriate planning policy and a spatial strategy for the protection of existing employment land and/or buildings to ensure we help maintain balanced mixed-use communities;
 - a programme for public sector intervention to deliver serviced employment land and/or buildings;
 - provision of an appropriate cross funding planning policy/approach for the provision of serviced employment land and/or buildings alongside housing development to ensure we help deliver balanced mixed-use communities;
 - to monitor the programme for public sector intervention to deliver serviced employment land and/or buildings; and,
 - to monitor the delivery of serviced employment land through the cross funding planning policy.

Paragraph 404

- 3.34.20 One Planning Authority suggested that proposals for "business clusters" and "large and medium-sized industrial sites" may not fit well with the 20 minute neighbourhood principles. They noted that we should be moving away from zoning towards developing mixed use areas where a number of needs,

including employment, can be met more locally, reducing the need to travel and increasing the diversity of uses and interactions in an area.

Paragraph 405

- 3.34.21 One Planning Authority, Professional & Representative Body and Key Agency & Public Sector Body were supportive of deallocating sites that are not going to deliver jobs, but clarity over the circumstances where sites should be deallocated would be welcomed. This is particularly since the lead-in times for site delivery are different from other types of development.

Paragraph 406

- 3.34.22 One Planning Authority noted that the text does not address how more integrated home working opportunities can be accounted for or controlled through the planning system, how this can be accounted for in terms of land supply for employment, and therefore how this can be successfully integrated into a spatial strategy and delivery plan.

Sustainable Tourism (paras 407 – 409)

Paragraph 408

- 3.34.23 One Planning Authority and Professional & Representative Body noted reference to the Covid-19 Tourism Recovery Programme. Although the programme still exists, the Scottish Government has not allocated any budget to it this year, so there may not be much progress. They suggested it may be better to just refer to Scotland Outlook 2030.
- 3.34.24 One Key Agency & Public Sector Body commented that the text should recognise a wider set of guiding strategies than just ‘sector driven tourism strategies’.
- 3.34.25 One Planning Authority thought it may be more appropriate for the Spatial Strategy to direct tourism developments to areas rather than sites as the private sector nature of tourist developments can make it difficult to predict exactly where a site will be favoured for development. They suggested that the identification of broader areas could point to tourism hubs or nodes which may benefit from co-location and reduce the need for additional travel.
- 3.34.26 One Planning Authority noted that the sustainable tourism section has no mention of short term let control areas. They acknowledged there is separate guidance on setting up a control area but suggested that there still needs to be a cross reference with the planning guidance.

Paragraph 409

- 3.34.27 One Key Agency & Public Sector Body welcomed the emphasis in the proposed guidance that tourism should avoid adverse impacts on the host environment and communities. They considered that it may perhaps be clearer to say “impacts on the environment and host communities” rather than “impacts on the host environment and communities”. They also suggested that this could be expanded on to emphasise the role of physical and digital infrastructure in avoiding or addressing impacts, such as the role of sustainable transport in a net zero approach to tourism.

- 3.34.28 One Planning Authority believed it may be difficult to encourage new tourism uses for redundant tourism facilities as they are likely to have become redundant through viability issues. They suggested any positive after use should be encouraged if it is not considered that a continuing tourist use will be viable.
- 3.34.29 One Third Sector Body asked for a clearer definition of 'Tourism facilities' to avoid potential loop holes for 'unsuitable' development.

Culture and Creativity (paras 410 – 411)

Paragraph 410

- 3.34.30 One Planning Authority and two Professional & Representative Bodies requested that a Town Centres First approach to locating the creative sector, culture, heritage, and the arts be included within this paragraph.

Paragraph 411

- 3.34.31 One Planning Authority welcomed the inclusion of the historic environment as a benefit to tourism, the economy, sense of place, community, identity, health and wellbeing, but recommended that this recognition is expanded to other aspects of the guidance.
- 3.34.32 Contrastingly, one Third Sector Body thought that the benefits of culture, the creative industries and the historic environment to tourism and the economy as well as place, sense of community, identity, and health and wellbeing, are not recognised. They suggested a worked example of how this recognition could manifest within the LDP would be beneficial here.
- 3.34.33 One Third Sector Body queried whether the description of sustainable tourism is tight enough to provide enough information to genuinely support strategies.

Green Energy (paras 412 - 413)

- 3.34.34 One Planning Authority thought that there is a lack of clarity in the draft guidance on what is meant by "should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved", and how this is to be defined in the LDP. They requested that further guidance and an example of how this is derived should be provided.
- 3.34.35 One Planning Authority welcomed the recognition of the role that LDPs will play in supporting green economic recovery and addressing the climate emergency, and the significant job growth and economic potential in green energy, circular economy and nature-based sectors.
- 3.34.36 One Third Sector Body was unhappy that no guidance is given on any other "green energy". They suggested guidance on solar energy developments should be provided, including how to consider environmental impacts. Given the climate emergency and net zero target, they considered that large biomass plants are unlikely to be suitable for inclusion as renewable generation, due to the need to consider lifecycle carbon emissions. This respondent would welcome further guidance on this.

Paragraph 412

- 3.34.37 One Planning Authority and Professional & Representative Body noted it may be helpful to highlight examples of how an area's full potential for electricity and heat from renewable sources could be achieved, taking into account energy storage availability and potential. It was noted that there will be competing land use demands for a limited land resource, and it would be useful for the guidance to give a steer on how LDPs can contribute to wider coordinated land planning or be informed by other land use strategies in this regard.
- 3.34.38 Two Planning Authorities were of the opinion that the text would benefit from expanding on how full potential is to be achieved and also to define what is mean by an "area".
- 3.34.39 One Planning Authority asked how an 'area's full potential for electricity and heat from renewable sources is defined or measured.'
- 3.34.40 One Third Sector Body commented that there is a missed opportunity to reference the existing built environment and infrastructure as a valuable asset. They noted that this approach is recommended by the Infrastructure Commission's Infrastructure Investment Plan on existing housing towards 'enhancing and maintaining existing assets ahead of new build'.

Paragraph 413

- 3.34.41 One Planning Authority noted the omission of the requirement for Local Authorities to prepare either a spatial framework for wind development, a capacity assessment as required by the current SPP, or a spatial framework for any type of green energy.
- 3.34.42 One Planning Authority commented that the guidance seems to be a lot less prescriptive than the hierarchy of areas of search in the current SPP. They suggested that Planning Authorities which have already undertaken landscape and sensitivity studies for windfarms will be likely to stick with these for locational evidence on wind energy developments in their areas.
- 3.34.43 One Key Agency & Public Sector Body noted that the text appears to overlook the need to consider in the spatial strategy the repowering of wind energy sites. They did not think that "encourage additional onshore wind energy development" encompasses repowering existing sites. They considered that greater emphasis on the benefits of repowering should be included here.
- 3.34.44 One Energy Company requested further guidance under the green energy section. The draft guidance text states that "The remainder of the area should be viewed as potentially suitable for wind energy development, recognising the sensitivity of other nationally and internationally important designated sites in line with wider policies set out in the National Planning Framework and subject to development management considerations." They considered that this text is vague and open to wide interpretation. They suggested Figure 6 and the accompanying text should be amended to remove focus from onshore wind alone towards all renewable energy technologies.
- 3.34.45 One Third Sector Body believed that the text contradicts figure 13, as it is not clear if LDPs should be identifying areas suitable for wind energy development

or just areas which are not suitable. They suggested it should be made clear that if identifying areas suitable for wind energy, areas which are particularly sensitive, such as European sites, SSSIs and other designations, need to be recognised. They suggested that in identifying potentially suitable areas for wind energy and in considering applications for wind energy, Planning Authorities should undertake a Habitat Regulations Assessment and Appropriate Assessments where a likely significant effect is identified.

- 3.34.46 One Third Sector Body believed the wording of the draft guidance seems to suggest all areas outside National Parks and National Scenic Areas will be open to consideration for wind farm developments, offering little reassurance that other locally and nationally designated sites will be protected. They considered this suggests climate change targets and commercial gain may be prioritised over nature restoration. They considered clarification on the hierarchy of these policies will be crucial to ensure consistent implementation across Scotland, and avoid unnecessary tension between renewable energy generation and the natural environment which provides carbon sequestration.

Zero Waste

Paragraph 414

- 3.34.47 One Planning Authority supported the requirement for LDPs to identify new locations for new infrastructure and support development in line with the national stance. They suggested that this is a cross boundary issue which needs to be acknowledged as such.

Paragraph 415

- 3.34.48 One Key Agency & Public Sector Body welcomed the need for Planning Authorities to work with industry stakeholders to help facilitate co-location and to integrate energy efficiency and waste innovations within the construction and business environments. They also supported the need to consider links with heat networks.

Sustainable Aquaculture

Paragraph 417

- 3.34.49 One Key Agency & Public Sector Body suggested that the proposed guidance for Sustainable Aquaculture is very concise, perhaps not reflecting the significance and complexity of this issue. While they strongly advocated spatial planning as a tool to help guide and balance competing marine uses, they noted that it is currently unclear how, under the existing regulatory system, Planning Authorities will be able to factor in the complex range of considerations.
- 3.34.50 One Planning Authority noted the phrasing here is out of step with the concept of sustainable development, where spatial guidance will also take environmental, cultural and social considerations into account when directing the best locations for development.

Minerals

Paragraph 419

- 3.34.51 One Planning Authority noted this is a strategic issue best identified through the Regional Spatial Strategy as this is specialist area of planning requiring specific skill sets and expertise.

Paragraph 420

One Key Agency & Public Sector Body welcomed the requirement for LDPs to identify a land bank of permitted reserves for construction aggregates of at least 10yrs at all times in relevant market areas through the identification of areas of search. They also noted and welcomed that as an alternative, a criteria-based approach can be taken where a sufficient landbank already exists or substantial unconstrained deposits are available.

- 3.34.52 One Planning Authority partially agreed with the guidance on the Proposed Plan in relation to minerals. They noted that that keeping the record of 10-year landbank and updating it on a regular basis is welcome. However, they noted a lack of guidance provided on the development of fossil fuels and borrow pits.

Digital Infrastructure (Paras 422 -424)

Paragraph 422

- 3.34.53 One Planning Authority and Professional & Representative Body stated the focus on digital infrastructure gaps is too narrow and not in keeping with the requirement for Fibre to the Premises and flexible, forward-looking connectivity and technology convergence. Gaps focus on the areas left behind because the cost of deployment is too high for the return on investment. They suggested that reducing the cost of deployment would facilitate improvements in connectivity in those areas.
- 3.34.54 One Planning Authority supported the aim to improve digital connectivity but noted this cannot be addressed by the planning system alone.

Paragraph 423

- 3.34.55 One Planning Authority and Professional & Representative Body were supportive of the aim to improve digital connectivity but felt that the planning system is a narrow tool by which this can be delivered. This is due to the service being provided by private companies over which authorities only have so much influence.

Paragraph 424

- 3.34.56 One Key Agency & Public Sector Body welcomed the siting and design considerations included in this paragraph. In addition to the considerations included at present, they recommended that it should be clear that Proposed Plans should take into account the impacts of delivery, including landscape impacts arising from the removal of old infrastructure when installing new.
- 3.34.57 Two Third Sector Bodies suggested making reference to appropriate HES Managing Change Guidance in relation to this section.

3.35 Question 31: Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places? (paragraphs 425 – 466)

Quantitative Analysis

- 3.35.1 36 written responses were received.
20 respondents voted “yes”, 16 “no” and 10 had “no view”.
- 3.35.2 Of those 20 that voted “yes” 14 were Planning Authorities, 3 Key Agency & Public Sector Bodies, 2 Professional & Representative Bodies and 1 Community responses.
- 3.35.3 Of the 16 that did not agree, 4 were Planning Authorities, 3 Development, Property & Land Management Bodies, 3 Third Sector Bodies, 3 Key Agency & Public Sector Bodies, 2 Energy Companies and 1 Community responses.

Summary / Themes

- 3.35.4 Respondents were generally supportive of the section on Distinctive Places.
- 3.35.5 One Professional & Representative Body highlighted the expected increase in workloads for LPAs with several new and additional policy areas set out in this section.
- 3.35.6 One Key Agency & Public Sector Body asked for a clearer definition of “sustainable location” within both the finalised guidance and final NPF4.
- 3.35.7 One Energy Company noted that all parties involved in development require a continued understanding of the protections associated with natural assets, landscapes, species and habitats, as to be detailed within the Spatial Strategy, is critical to operations.
- 3.35.8 One Professional & Representative Body wished to see a more joined up approach to Urban/Rural classification across Scottish Government policy.
- 3.35.9 One Professional & Representative Body suggested that additional guidance should be provided on how the Evidence Report can inform the Proposed Plan regarding managing land use such as flood risk, carbon sequestration and renewable energy development. They noted that this section could be strengthened with reference to the Land Use Strategy.

Detailed Comments

City, Town, Commercial and Local Centres (Paras 425-437)

- 3.35.10 A large number of Planning Authorities supported Town Centre strategies in principle, but clarification was sought on a few points and phrasing.

Paragraph 431

- 3.35.11 One Planning Authority supported the preparation of Town Centre strategies but felt this could be widened to include local neighbourhood centres, dependent on scale. They suggested that reference should be included to identifying a network of centres, through the Regional Spatial Strategy, to allow for consideration of wider retail markets, trends and cross boundary movements.

Paragraph 433

- 3.35.12 Several respondents (a Planning Authority, Key Agency & Public Sector Body and a Professional & Representative Body) suggested the first sentence in this paragraph is clarified, so that it is clear it is talking about town centres, and therefore relates to the rest of the paragraph.

Paragraph 434

- 3.35.13 One Planning Authority noted that plans should take into account Historic Environment Scotland's Scottish Burgh Survey series and a full understanding of the historic dimension of Scotland's urban landscapes.
- 3.35.14 Two Planning Authorities and a Professional & Representative Body were unsure what is meant by "urban heat island effect" and requested a definition.

Historic Assets and Places (Paras 438 – 441)

- 3.35.15 Key Agencies and Professional & Professional & Representative Bodies largely welcomed the guidance with suggestions to strengthen wording. Planning Authority opinion was divided regarding historic environment assets.

Paragraph 438

- 3.35.16 One Key Agency & Public Sector Body recommended replacing the wording "protects and enhances locally, regionally, nationally and internationally valued historic assets and places" with "protect and enhances valued historic assets and places".
- 3.35.17 One Professional & Representative Body strongly supported the inclusion of "valued places" but would welcome improved reference to "all valued designated and non-designated historic environment assets and places of local, regional, national, or international significance", which provides more clarity as to the scope.

Paragraph 439

- 3.35.18 One Professional & Representative Body commented that the text should recognise 'non-designated assets' as well as designations and should also reference 'areas of high archaeological potential' which are important in understanding the likelihood of discovery of below ground heritage assets. They

commented this is necessary because around 95% of known assets are undesignated, and many below ground assets are unknown prior to evaluation undertaken ahead of development proposals.

3.35.19 A further Planning Authority called for further consideration of all historic environment assets instead of only designated ones. However another Planning Authority does not consider the mapping of all listed buildings and Scheduled Monuments in the Development Plan is necessary when these are readily available in an up to date format at source, and fall within the remit of Historic Environment Scotland. Another Planning Authority noted that the guidance which states that historic environment designations need to be identified at an appropriate scale along with key issues, is unclear about what is meant by key issues.

3.35.20 One Key Agency & Public Sector Body welcomed the inclusion of Conservation Area Regeneration Schemes (CARS). However, a Planning Authority and a Professional & Representative Body were unsure why the plan would identify heritage projects such as a CARS scheme, as they suggested that type of detail is perhaps better suited to the Delivery Programme. The Key Agency & Public Sector Body highlighted that while existing CARS schemes will continue these have now been replaced by the new Heritage & Place Programme (launched on 30th March 2022) and the guidance should therefore be updated to include the new Programme.

Paragraph 440

3.35.21 One Planning Authority noted that there is no mention of contaminated land in the guidance, but that there should be. They suggested that any LDP guidance on contaminated land needs to stress that contaminated land, almost always has a degree of historic/ cultural/archaeological significance to it insofar as it is almost always past human activity that has caused the contamination.

3.35.22 A Third Sector Body suggested inserting the word “sensitive” to read “encourage the re-use and sensitive adaptation of historic environment assets and places”.

3.35.23 One Third Sector Body noted the Buildings At Risk Register is limited in scope in terms of what it includes, and therefore risks creating a policy barrier to investment within poorer communities which may lack a conservation area or Listed Building on the BARR. They suggested that to reference the BARR but not the HERs creates a significant gap and missed opportunity in terms of implementing policy.

Paragraph 441

3.35.24 A Professional & Representative Body considered that the requirement in the draft guidance for LDPs to avoid ‘significant impact’ to the cultural significance of assets is an overly negative approach. They commented that this approach oversimplifies the process of managing change to heritage assets, resulting in practice where impacts on significance are considered and weighed against other benefits. They suggested that this paragraph, at a minimum, should instead recognise the desirable potential for cultural significance of heritage assets to be enhanced by development.

- 3.35.25 One Planning Authority noted that the draft guidance has an outdated, site-specific approach to the interpretation of heritage. They argued that throughout the document there should be recognition that the historic environment is often much more than simply the sum of its parts.
- 3.35.26 One Key Agency & Public Sector Body welcomed and supported the guidance contained in this section on the approach to be taken in the identification of land for development, that considers impacts on and identifies opportunities for historic assets and places.

Urban Edges and the Green Belt (paras 442 - 446)

- 3.35.27 One Planning Authority supported the clear position in the guidance that green belts continue to have an important role to play to help protect and enhance the character and landscape setting of existing settlements, as well as providing access to multifunctional open space and helping to address climate change adaption and mitigation.
- 3.35.28 One Development, Property & Land Management Body enquired if the Scottish Government intend to publish guidance on Green Belt review methodology, to support consistency across all Planning Authorities.

Paragraph 442

- 3.35.29 One Key Agency & Public Sector Body welcomed and support the updated description at paragraph 442 of the role of the green belt in: “protecting and enhancing the character, landscape and natural setting and identity of settlements, providing outdoor access to green networks which link urban and rural areas and supporting Nature Networks.”
- 3.35.30 One Planning Authority noted the draft guidance is confusing insofar as it states that green belts will not be necessary for most settlements, yet highlights numerous opportunities where green belts can be beneficial. They commented that climate change mitigation as a function of green belts was welcome, however if the intention is that green belts should be more widely applied, this should be made clear in the final guidance.

Paragraph 444

- 3.35.31 There was support for the inclusion of the functions and purpose of the green belt, and one Planning Authority considered this was missing from the draft NPF4.
- 3.35.32 One Third Sector Body supported the statement: ‘redirects development pressure to the most appropriate sustainable locations, making effective use of land and supporting regeneration - prioritising the re-use or re-development of brownfield land first, before new development takes place on greenfield sites’. They commented that this should be repeated in the section of the thematic guidance which addresses the Proposed Plan and Sustainable Places.
- 3.35.33 One Development, Property & Land Management Body noted that the bullet point ‘where infrastructure is available, e.g., transport and social infrastructure’ is potentially subjective and open to interpretation. One Planning Authority noted an inconsistency with regard to the purpose of green belts, as the text

does not align with the draft NPF4. They commented that this is an example of the confusion caused by having guidance for LDPs in both NPF4 and this Local Development Planning Guidance. This was echoed by One Development, Property & Land Management Body who questioned whether there will be Scottish Government guidance on Green Belt review methodology.

Paragraph 446

3.35.34 One Development, Property & Land Management Body noted that there is no advice/guidance on what will provide a robust boundary. They suggested that it would also be helpful to consider planned new boundaries e.g. landscape belts to define development edges which will mature over time.

3.35.35 A Third Sector respondent noted that whilst they support most of the wording relating to Green Belts and the Urban Edge they have concerns regarding the third bullet in paragraph 446, about establishing clearly identifiable visual boundary markers based on landscape features. They considered this could undermine the important role of designated Green Belt areas as space for local communities to access for exercise. They felt that whilst the ease of having clear boundaries on a map is obvious, on the ground main roads and railway lines as boundary markers can act as solid or impermeable landscape features which reduce wellbeing and access benefits of green belts.

Vacant and Derelict Land (paras 447 - 451)

3.35.36 Some Planning Authorities and Professional & Representative Bodies suggested methods to facilitate Vacant and Derelict Land funding such as reclassification. A Key Agency & Public Sector Body suggested the inclusion of solutions such as SUDs and nature based approaches as redevelopment opportunities within this section.

Paragraph 448

3.35.37 One Key Agency & Public Sector Body suggested that there is a need to better clarify and promote the 'brownfield first' approach. They were unclear that aligning the Spatial Strategy with a brownfield first approach would be achieved using the guidance as currently set out.

Paragraph 449

3.35.38 One Planning Authority and Professional & Representative Body suggested that buildings at risk could be reclassified to ensure that they are included in a local authority Vacant and Derelict Land Register and can therefore more easily access related funding streams such as the Vacant and Derelict Land Fund. They noted that the re-use of vacant and derelict land can tie well to the key objectives of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the Scottish Energy Strategy (2017).

3.35.39 One Key Agency & Public Sector Body suggested that examples of potential redevelopment may be useful in this section, including SuDS and nature-based solutions. They also recommended that this paragraph should highlight the role of surveys before any potentially costly 'greening' plans are developed. Vacant and derelict land often hosts natural assets that have local and regional importance and this resource should be considered as part of a design-led approach to planning in the long-term public interest. Good, lower cost, lower

maintenance, and higher biodiversity outcomes might be achieved through working with what is on site already.

Paragraph 450

- 3.35.40 One Planning Authority supported the reference to spatial strategy decisions avoiding creating future redundancies, such as out of town shopping centres leading to vacancies in town centres.
- 3.35.41 Three Planning Authorities and a Professional & Representative Body supported the principle of re-using vacant and derelict land and buildings, but are unsure about and seek clarity on what is meant by “end of life buildings and sites” and how they would be identified in the strategy.

Rural Places (paras 452 - 457)

- 3.35.42 One Planning Authority argued there should be more reference to protecting rural character, landscape assets, and prime agricultural land in the guidance, which all need to be balanced against the aims of accommodating development and supporting repopulation.
- 3.35.43 Planning Authorities and Professional & Representative Bodies asked for an explanation of how the three classes of Accessible, Remote, and Very Remote areas of Rural Scotland relate to one another.

Natural Places (paras 458 - 462)

Paragraph 458

- 3.35.44 One Third Sector Body suggested the inclusion of a consistent interpretation of the statement ‘identify and protect locally, regionally, nationally and internationally valued natural assets, landscapes, species and habitats’, including a definition or an expanded list of what counts as these natural assets.

Paragraph 459

- 3.35.45 One Third Sector Body agreed with this paragraph which supports a strategic approach to nature and explains that this requires planning for nature connectivity across habitat types and landscapes. One Third Sector Body welcomed the advocacy for a strategic approach to nature. They noted however that no further guidance is provided on how this should be done.
- 3.35.46 One Planning Authority supported the strategic approach to nature in which wildlife sites, corridors, landscape features, watercourses, and green and blue spaces come together to form integrated Nature Networks. They commented that this will assist in protecting and restoring biodiversity and allow ecosystems and natural processes to adapt and respond to climate change.
- 3.35.47 One Key Agency & Public Sector Body recommended that paragraph 459 is amended to make the role of landscapes clearer, including their role in providing character, setting and supporting health and wellbeing. They considered this section risks being misaligned with paragraphs 442 and 444 of Urban Edges and the Green Belt, in which more appropriate attention is paid to

character. The respondent commented that this is an aspect that we know matters to people and which planning has an important role in.

- 3.35.48 Two Third Sector Bodies have called for a Scottish Nature Network, mapping habitats, which could help guide investment in nature and identify connections and opportunity for enhancement.

Paragraph 460

- 3.35.49 One Third Sector Body sought an amendment to the wording of the draft guidance, so that it considers protecting the interdependencies between ecological features: They noted that doing so reduces loss of nature caused by interdependencies within an ecosystem being broken and subsequent loss or fragmentation of habitat through land use changes.

Paragraph 462

- 3.35.50 One Third Sector Body was not opposed to the approach of taking developer contributions in relation to this, but suggested that further guidance is needed for Planning Authorities on when this should be used.
- 3.35.51 One Planning Authority welcomed the requirement for LDPs to set out the circumstances in which developer contributions to enhancing biodiversity may be required. They commented that this could be a positive step to address the nature crisis, however, the guidance should set out examples of when a contribution might be appropriate and the method for calculating the contribution.

Peat and Carbon Rich Soils (

Paragraph 463

- 3.35.52 One Third Sector Body asked for further detailed guidance on undertaking assessments of emissions from degraded or disturbed peatlands. They commented that Local Planning Authorities need to be able to take decisions in the interests of protecting irrecoverable carbon for the long term.
- 3.35.53 One Planning Authority commented that they would appreciate guidance of how to use information gathered at the Evidence Report stage to inform Proposed Plan preparation.
- 3.35.54 One Third Sector Body was extremely disappointed that no additional guidance is given in this section, both on soils and peat, given the importance of this issue in terms of climate and nature.

Trees, Woodland and Forestry

Paragraph 464

- 3.35.55 One Key Agency & Public Sector Body considered that there is a need for Forestry and Woodland Strategies to be more directive on woodland priorities. They noted that this could provide a more ambitious direction that Planning Authorities can use to support decisions on where development should and should not occur.

- 3.35.56 One Planning Authority commented that the guidance on trees, woodland, and forestry should be linked back to other priorities such as potential for carbon sequestration.
- 3.35.57 One Planning Authority requested that The Right Tree in the Right Place be updated to reflect the latest planning guidance and Scottish Forestry Strategy.

Coasts (paras 465 – 466)

- 3.35.58 One Key Agency & Public Sector Body noted that the guidance on Coasts needs to acknowledge the cross-cutting risks to other policy areas and the need for adaptation and resilience actions across multiple related topics. For example, Habitats Regulations Appraisal (HRA) of allocations needs to consider the cumulative effects of coastal change and the individual development impacts on those areas affected by coastal change.

Paragraph 465

- 3.35.59 One Planning Authority was not clear if the guidance on coasts should identify communities and areas at risk of coastal flooding and include consideration for protection or managed retreat.
- 3.35.60 One Planning Authority noted the lack a definition for unspoiled coasts, and suggested that such a definition would be helpful so there is a consistency of approach to identifying these areas. SPP 2014 referred to the unspoiled coasts as possessing special environmental or cultural qualities, such as wild land. The Authority commented that the definition could clarify that unspoiled coasts are wild coastal areas remote from settlement, the road network and railway, or other signs of human infrastructure/activity.

Paragraph 466

- 3.35.61 One Key Agency & Public Sector Body thought that the paragraph addresses a narrow aspect of the coast in relation to development and should be clearer that integration between terrestrial and marine planning will be a key aspect of planning for the coast.
- 3.35.62 One Planning Authority sought clarification on what could substantiate appropriate development in largely unspoiled coastal areas.

**3.36 Question 32: Do you agree with the proposed thematic guidance on the Delivery Programme?
(paragraphs 467 – 482)**

Quantitative Analysis

- 3.36.1 29 written responses were received.
17 respondents voted “yes”, 13 “no” and 14 had “no view”.
- 3.36.2 Of those 17 that voted “yes” 11 were Planning Authorities, 1 Energy Company, 2 Key Agencies & Public Sector, 2 Professional & Representative Bodies and 1 Community response.
- 3.36.3 Of the 13 that did not agree, 5 were Planning Authorities, 3 Development, Property & Land Management Bodies, 1 Professional & Representative Bodies, 3 Third Sector Bodies and 1 Key Agency & Public Sector Body.

Summary / Themes

- 3.36.4 Respondents were generally supportive of the thematic guidance for the Delivery Programme.
- 3.36.5 A significant number of Planning Authorities requested the language of the “Sustainable Transport and Travel” section be made stronger. They supported a public transport network designed around the integration of demand responsive transport, mobility hubs and e-mobility.
- 3.36.6 A Development, Property & Land Management Body noted that guidance should include a methodology and calculation for identifying shortfalls in delivery of housing. A Planning Authority noted the detail on monitoring the housing land pipeline does not suggest actions to be taken when the LHS sense-check suggests that the HLR is no longer be appropriate.
- 3.36.7 One Planning Authority noted that it is crucial to the success of Scotland’s planning system that Planning Authorities are properly resourced. They commented that delivery of the LDP will require collaborative partnership with a range of organisations and stakeholders who will assist with professional knowledge on needs, future provision, finance and provision of infrastructure. The alignment of resources, plans, strategies and funding over the short, medium and long term is critical.

Detailed Comments

Design, Quality and Place (paras 468 - 469)

Paragraph 468

- 3.36.8 One Key Agency & Public Sector Body believed that this paragraph should provide more direction on who will be responsible for preparing more detailed design briefs and design codes. In a plan-led system that delivers for long-term public interest they stated that they would expect that Planning Authorities will lead on design briefs and design codes, working collaboratively with others in their preparation and subsequent delivery. This position was supported by three Planning Authorities and two Professional & Representative Bodies who also noted that reference to Masterplans and design frameworks is missing within this paragraph.
- 3.36.9 One Planning Authority and Professional & Representative Body believed that there should be a facility for additional detailed design briefs and design codes to be added into the Delivery Programme where they have been identified as desirable following the adoption of the LDP.

Infrastructure First

Paragraph 470

- 3.36.10 One Planning Authority noted that the guidance should recognise that development viability expertise is often an area of weakness within local authorities and so training, recruitment, or consultancy may be required. They commented that there will need to be a robust and transparent planning obligations and infrastructure process and resource within councils.
- 3.36.11 One Planning Authority noted that previous experience shows that it can be very difficult to address each infrastructure requirement in full at the outset of the Plan making process and so a degree of flexibility may be required in some cases.
- 3.36.12 Two Planning Authorities and two Professional & Representative Bodies requested reference to other requirements set out within the guidance document in this paragraph. They are concerned about the significant resource implications for Planning Authorities to provide information on development viability and suggest a robust and transparent planning obligations and infrastructure process to support this. One of the authorities believed that some of the information suggested by the guidance for inclusion is both unrealistic and unnecessary.
- 3.36.13 One Key Agency & Public Sector Body suggested the text “where developer contributions are sought, details of the contribution mechanism being used” could be expanded on to provide specific examples of contribution mechanics.

Quality Homes (paras 471- 476)

Paragraph 471

- 3.36.14 One Third Sector Body noted that there is also no clear definition of 'quality' and that homes being designed to high quality and being implemented at high quality are two different things. The respondent considered that making links to Building Standard Legislation within the LDP is an opportunity which could make a real and lasting difference to people and places.
- 3.36.15 One Development, Property & Land Management Body agreed with the common approach, but noted that this guidance should also include a methodology and calculation for identifying shortfalls in delivery of housing against the Housing Land Requirement.
- 3.36.16 One Planning Authority commented that the detail on monitoring the housing land pipeline seems to be left for further guidance. They commented that this draft guidance does not suggest actions to be taken in cases where the LHS sense-check suggests that the HLR is no longer appropriate.
- 3.36.17 One Planning Authority asked for an amendment that requires island authorities to prepare a Housing Land Audit every two years, due to the lack of development pressure and the nature of the housing market.

Paragraph 474

- 3.36.18 One Planning Authority and Professional & Representative Body suggested that this paragraph be reviewed in order to provide clarity on potential implications on the pipeline and Housing Land Requirement of bringing sites forward before the programming expected by the LDP.
- 3.36.19 One Planning Authority suggested that this paragraph should be deleted, as it sets out a process for over-allocation of housing land which will be very hard to address through the plan process and is unnecessary when aiming to meet the housing needs of the area.
- 3.36.20 One Planning Authority noted that it is not clear why, if housing delivery is happening faster than programmed, additional allocations should be made through plan review or amendment. The obligation of the plan is to meet the housing land requirement which reflects the needs of the area.
- 3.36.21 One Development, Property & Land Management Body agreed that sites should be capable of being introduced as new allocations, however, this should not only be by review of the Plan. They suggested that a bank of safeguarded alternative sites should be formed and drawn from if necessary. They also believe a trigger for review of the LDP should also be established in instances where there has been consistent under-delivery.
- 3.36.22 One Planning Authority asked why sites programmed for later development need to be brought forward when other sites have been completed ahead of assumed programming. The programming of later sites may have been dependent of future infrastructure provision and they may not be able to be brought forward sooner. As this may ultimately result in additional allocations

following fast build outs this approach could again undermine the plan-led system in favour of a development-led system.

Paragraph 475

- 3.36.23 One Professional & Representative Body noted concern on behalf of Planning Authorities about this method of de-allocation of sites and deferred to individual Planning Authority responses on this matter.
- 3.36.24 One Planning Authority asked for clarity on the scale and nature of non-delivery which would trigger action to bring forward other sites, and what the mechanism for this would be. They suggested that LDP amendment would be the appropriate mechanism.
- 3.36.25 One Planning Authority agreed that any deallocation should be pursued through a formal review or amendment. However, they considered it insufficient for this level of detail and clarity to only be provided with respect to delivery programmes.

Sustainable Transport and Travel (paras 477 – 482)

- 3.36.26 One Key Agency & Public Sector Body considered it essential that the draft guidance enables the delivery of national objectives for sustainable transport and travel set out in National Transport Strategy 2 (NTS2) and Strategic Transport Projects Review 2 (STPR2). They commented that the Delivery Programme should facilitate delivery of their recommendations and targets at a local level, including the 20% reduction in car kilometres.

Paragraph 480

- 3.36.27 One Key Agency & Public Sector Body suggested that this paragraph is amended or expanded to be either 'transport and multimodal hubs' or 'transport interchanges and multimodal hubs' to better align with Policy 10 of draft NPF4.

Paragraph 481

- 3.36.28 Two Planning Authorities suggested the language of this paragraph should be stronger. They commented that every effort must be made to provide an appropriate level of public transport, even if not commercially viable. They suggested that the public transport network should be designed around the integration of demand responsive transport, mobility hubs and e-mobility.
- 3.36.29 One Third Sector Body strongly supported shared transport being part of the developer contributions process in rural areas, to ensure that suitable and sustainable transport provision is available that does not rely on the private car.

Paragraph 482

- 3.36.30 One Key Agency & Public Sector Body suggested that the text explicitly mentions 'mobility as a service' alongside the current examples of innovative solutions to public transport in rural settings. They commented that this addition would align with the recommendations in STPR2 and encourage planning for a wider range of solutions.
- 3.36.31 One Third Sector Body supported the inclusion of demand responsive public transport in this policy statement but suggested that this should go further and

include other forms of shared transport that may be applicable in rural areas such as EV car clubs, rideshare and ebikeshare. Inclusion of rural mobility hubs in particular within the policy wording would make an important link with the mobility hub goals in STPR 2 'Policy 22 Framework for delivery of mobility hubs'.

4. Conclusions

- 4.1.1 To guide the implementation of the changes proposed by the Planning (Scotland) Act 2019 (the 2019 Act), draft Local Development Planning Regulations and Guidance were prepared by the Scottish Government. The consultation began in December 2021 and sought feedback from those who will use the legislation and guidance, plus other interested parties and the wider public.
- 4.1.2 32 questions were asked about the content of the proposed Regulations and Guidance and the associated Interim Impact Assessments.
- 4.1.3 A total of 87 responses were received. Respondents were grouped under the following sectors:
- Planning Authority
 - Development, Property & Land Management Bodies
 - Third Sector
 - Key Agency & Public Sector
 - Professional & Representative Bodies
 - Community & Individuals
 - Energy

Main Conclusions

- 4.1.4 Respondents were generally supportive regarding the proposed Guidance and Regulations, with a series of comments on the detailed wording and around some main recurring issues. There was general support shown for minimal regulation but some key aspects where respondents called for additional regulations.
- 4.1.5 Both the new Evidence Report and Gate Check stages attracted a significant volume of comments. There were calls for minimum evidence and consultation requirements to be applied to the Evidence Report. Regulations on the scope of the Gate Check regulations would be welcomed by respondents, to establish what can be re-visited at the point of Examination.
- 4.1.6 Local variation was a recurring concern for all sectors. Respondents sought clarity that policies can be varied from national level to suit local situations. A legal framework was suggested to provide security alongside additional regulatory provisions to define the circumstances which may require a different policy approach in LDPs, and the process by which Planning Authorities are to justify any such deviations from the NPF.
- 4.1.7 The Thematic Guidance section of the consultation was subject to the highest level of engagement in the consultation process. Clarification was sought around the indicative and prescriptive elements of the guidance that would be difficult to apply across Scotland as a whole. Clarification on requirements of the guidance on issues such as evidence gathering is requested to establish

the level of output expected by a planning authority in conjunction with the requirements of the Act.

- 4.1.8 Climate Change was referenced throughout the consultation as a major consideration for all sectors going forward. Respondents advocated setting targets and requirements.
- 4.1.9 There was support for the 20-minute neighbourhood (provided clarity on application was provided), infrastructure first and affordable housing approaches in principle.
- 4.1.10 Respondents welcomed the shift to a design-led, map-based approach to planning in the context of an advanced digital landscape. It was noted that this will require the upskilling of planners to prepare the new style of LDPs. Alongside this the enhancement of existing urban design skills will be required within local authorities to reduce reliance on written policy content.
- 4.1.11 Across the questions the respondents sought further cross-referencing to other plans and strategies at national, regional and local scale.
- 4.1.12 Multiple respondents noted that Planning Authorities are operating with minimal funding and resources to support good planning and delivery of development and related projects.

5. Annex A – Respondents by their response publication preference

Publish response with name

- Aberdeenshire Council
- Association of Local Government Archaeological Officers
- Barratt & David Wilson Homes Scotland
- Barratt & David Wilson Homes West Scotland
- Built Environment Forum Scotland
- CALA Homes LTD
- Campion Homes Ltd
- Chartered Institute for Archaeologists
- Clackmannanshire Council
- CoMoUK
- East Dunbartonshire Council
- East Renfrewshire Council
- Fife Council
- Galloway Mining Action Group
- Glasgow City Council
- Halliday Fraser Munro
- Historic Environment Scotland
- John Handley Associates Ltd on behalf of Shell UK Limited
- John Muir Trust
- Law Society Of Scotland
- Miller Homes LTD
- Moray Council
- NatureScot
- PAS
- Public Health Scotland
- RCGP Scotland
- RTPi Scotland
- Scottish Borders Council
- Scottish Carbon Capture & Storage
- Scottish Environment Protection Agency
- Scottish Property Federation
- Scottish & Southern Electricity Network
- Shepherd and Wedderburn LLP
- Society of Local Authority Lawyers and Administrators in Scotland
- South Ayrshire Council
- South East Scotland Transport Partnership (SESTran)
- South Lanarkshire Council
- Stirling Council Planning and Building Standards Service
- Tayside and Central Regional Transport Partnership
- The Highland Council
- West Dunbartonshire Council

Publish response only (without name)

- Aberdeen City Council
- Architecture and Design Scotland
- Architectural Heritage Society of Scotland
- Argyll and Bute Council
- City of Edinburgh Council
- Comhairle nan Eilean Siar
- Crown Estate Scotland
- Culture Counts*
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Lothian Council
- Falkirk Council
- Heads of Planning Scotland
- Homes for Scotland
- Inverclyde Council
- Meigle & Ardler Community Council
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Islands Council
- Perth and Kinross Council
- Renfrewshire Council
- RSPB Scotland
- Salmon Scotland
- Scottish Power Renewables
- Scottish Sea Farms Limited
- Shetland Islands Council
- South of Scotland Enterprise
- SP Energy Networks
- Sportscotland
- SSE Renewables
- Taylor Wimpey East Scotland
- TWUK Ltd.
- The Association for the Protection of Rural Scotland
- The National Trust for Scotland
- West Lothian Council

Do not publish response

- Culture Counts*¹⁴
- ORS Plc

¹⁴ Two separate responses were received from Culture Counts, with different publication preferences

6. Annex B – Respondents by Sector

Community & Individual

- Anonymous Response
- Alexander Walker
- Galloway Mining Action Group
- Geoff Valentine
- Gillian Anne Christie
- John Patience
- Meigle & Ardler Community Council
- Planning Aid Scotland
- Winder Farm

Development, Property & Land Management

- Barratt David Wilson Developments - East Scotland
- Barratt David Wilson Developments - North Scotland
- Barratt David Wilson Developments - West Scotland
- CALA Homes (East) Ltd
- CALA Homes (North) Ltd
- CALA Homes (West) Ltd
- Champion Homes Ltd
- Homes for Scotland
- Miller Homes
- Salmon Scotland
- Scottish Property Federation
- Scottish Sea Farms Ltd
- Taylor Wimpey (TW East)
- TWUK

Energy

- Scottish Power Renewables
- Shell UK Ltd
- SP Energy Networks
- SSE Renewables
- SSEN Transmission

Key Agency & Public Sector

- Architecture & Design Scotland
- Historic Environment Scotland
- NatureScot
- Public Health Scotland
- SEPA
- SEStran
- South of Scotland Enterprise

- Sport Scotland
- TACTRAN

Planning Authority

- Aberdeen City Council
- Aberdeenshire Council
- Argyll & Bute Council
- Clackmannanshire Council
- City of Edinburgh Council
- Comhairlie nan Eilean Siar
- Dumfries & Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Lothian Council
- East Renfrewshire Council
- Falkirk Council
- Fife Council
- Glasgow City Council
- The Highland Council
- Inverclyde Council
- Moray Council
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Islands Council
- Perth & Kinross Council
- Renfrewshire Council
- Scottish Borders Council
- Shetland Islands Council
- South Ayrshire Council
- South Lanarkshire Council
- Stirling Council
- West Dunbartonshire Council
- West Lothian Council

Professional & Representative Bodies

- Association of Local Government Archaeological Officers: Scotland
- Chartered Institute for Archaeologists
- Halliday Fraser Munro
- Heads of Planning Scotland (HOPS)
- Law Society of Scotland
- RCGP
- Royal Town Planning Institute (Scotland) RTPI
- Shepherd & Wedderburn LLP
- SOLAR

Third sector - Culture / Environment / Heritage

- Architectural Heritage Society of Scotland
- Association for the Protection of Rural Scotland
- Build Environment Forum Scotland (BEFS)
- Culture Counts
- Culture Counts
- John Muir Trust
- National Trust for Scotland
- RSPB
- Scottish Carbon Capture & Storage

7. Annex C – Acronyms / Short hand

• the 2019 Act	the Planning (Scotland) Act 2019
• AA	appropriate assessment
• ALGAO	Association of Local Government Archaeological Officers
• approx.	approximately
• BARR	Buildings at Risk Register
• BRIA	Business and Regulatory Impact Assessment
• CARS	Conservation Area Regeneration Scheme
• CCS	Carbon Capture and Storage
• Circular 1/2022	Planning Circular 1/2022: Local Place Plans
• Covid19	Coronavirus
• CRWIA	Child Rights and Wellbeing Impact Assessment
• CSGN	Central Scotland Green Network
• DPEA	Planning and Environmental Appeals Division
• DPS(s)	Development Plan Scheme(s)
• EIA	Environmental Impact Assessment
• EQIA	Equalities Impact Assessment
• ER	Evidence Report
• EV	electric vehicle
• FIRS	Future Infrastructure Requirements for Services
• FSD	Fairer Scotland Duty
• GIS	Geographic Information System
• HERs	Historic Environment Records
• HES	Historic Environment Scotland
• HLR	Housing Land Requirement
• HNDA	Housing Need and Demand Assessment
• HRA	Habitats Regulations Appraisal
• ICIA	Island Communities Impact Assessment
• ICS	Infrastructure Commission for Scotland
• LA	Local Authority
• LBAP(s)	Local Biodiversity Action Plan(s)
• LDP(s)	Local Development Plan(s)
• LHEES	Local Heat and Energy Efficiency Strategies
• LOIPs	Local Outcome Improvement Plans
• LPA	Local Planning Authority
• LPP	Local Place Plan
• MATHLR	Minimum All-Tenure Housing Land Requirement
• MNO	Mobile Network Operator
• NFRA	National Flood Risk Assessment
• NPF4	National Planning Framework 4
• OSS	Open Space Strategy
• PAN 2/2010	Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits
• PAN63	Planning Advice Note 63: Energy from Waste
• Para(s)	Paragraph(s)
• RSLs	Registered Social Landlords
• RSS(s)	Regional Spatial Strategy / (Strategies)
• RTPi	Royal Town Planning Institute
• SAC	Special Area of Conservation

• SEA	Strategic Environmental Assessment
• SEPA	Scottish Environment Protection Agency
• SFRA	Strategic Flood Risk Assessment
• SIMD	Scottish Index of Multiple Deprivation
• SPA	Special Protection Area
• SPG	Supplementary Planning Guidance
• SPP	Scottish Planning Policy (2014)
• SSSI	Site of Special Scientific Interest
• STPR (2)	Strategic Transport Projects Review (2)
• WIPs	Wireless Infrastructure Providers



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