

The background of the slide features a large, light blue watermark of the University of Alberta crest. The crest is a shield divided into four quadrants. The top-left quadrant shows a building, the top-right shows a stag's head with antlers, the bottom-left shows a three-masted sailing ship on waves, and the bottom-right shows a beaver. Above the shield is a crown with four floral motifs. Below the shield is a banner with the motto 'ANNE FOR A'.

# **Agenda Item 8**

## **Future Development Planning System**

Falkirk Council

**Title:** Future Development Planning System  
**Meeting:** Executive  
**Date:** 15 March 2022  
**Submitted By:** Director of Place Services

**1. Purpose of Report**

1.1 The purpose of this report is to inform Members of significant changes to the system of development planning in Scotland, as introduced by the Planning (Scotland) Act 2019, and to seek approval for early actions to prepare the Council for these changes.

**2. Recommendations**

**2.1 It is recommended that the Executive:**

- (1) notes the ongoing discussions with Clackmannanshire and Stirling Councils exploring the potential to jointly prepare a Forth Valley Regional Spatial Strategy;**
- (2) notes the changes to procedures for the preparation of Local Development Plans and authorises officers to submit detailed comments in response to the current consultation on the draft development plan guidance and regulations;**
- (3) agrees that work be commenced to prepare and consult on a Development Plan Scheme, setting out timescales and a participation statement for Falkirk Development Plan 3 (LDP3);**
- (4) agrees that officers continue to raise awareness of Local Place Plans with communities and assess the resource implications for communities to help them prepare such plans; and**
- (5) assess the resource implications of all the changes to the development planning system and report back to Executive on these implications.**

**3. Climate Change Impacts**

3.1 The development planning system, and planning policy in general, will be a key driver to ensure that new development and land use change delivers net zero outcomes and creates places which are climate resilient.

**4. Background**

4.1 The Planning (Scotland) Act 2019 is a central part of the Scottish Government's ongoing programme of change to strengthen the planning system in Scotland. The Act was passed by the Scottish Parliament in June

2019, and work is continuing to implement it and wider planning reforms, notwithstanding delays which have occurred as a result of the Covid-19 pandemic.

- 4.2 Changes to the system of development planning are a major element of the Act, the key features of which are as follows:
- 4.3 The **National Planning Framework** (NPF) is given significantly enhanced status as part of the new system. It will now incorporate Scottish Planning Policy and will become part of the statutory development plan alongside Local Development Plans. As well as a National Spatial Strategy and a list of National Developments, it will contain a National Planning Policy handbook providing most of the day to day planning policies against which planning applications will be assessed.
- 4.4 Strategic Development Plans, which currently only cover the four city regions in Scotland, are to be abolished. They are being replaced by **Regional Spatial Strategies** (RSS) which will have to be prepared by all planning authorities in Scotland, acting either singly or in regional groupings. They will not form part of the statutory Development Plan, but Local Development Plans must have regard to them
- 4.5 The process for preparing **Local Development Plans** (LDP), and the scope of matters they must address, has changed significantly. Among the most major changes are:
  - The timescale for review has been changed from five to ten years;
  - The Main Issues Report stage, which was the first formal stage of plan preparation, has been removed and replaced by the requirement to produce an Evidence Report;
  - A Gate Check Examination has been introduced to test the Evidence Report. This is in addition to the Examination of the Proposed Plan;
  - Provisions for participation have been strengthened, with a particular focus on children and young people, and other equality groups; and
  - Following consultation on the Proposed Plan, the planning authority may make modifications without the need to republish and reconsult on the plan.
- 4.6 Draft development planning guidance issued by Scottish Government emphasises that new style LDPs should be more place-based, delivery focused, and people centred, with the spatial strategy being expressed through maps and site briefs, and only limited policy content.
- 4.7 Communities now have the right to produce their own **Local Place Plans** which must be taken into account in preparing Local Development Plans. Local Place Plans may be prepared by constituted community bodies and may contain proposals for the use or development of land, or identify land or buildings that are considered to be of particular significance to the local area.

## 5. Considerations

- 5.1 The changes to the development planning system will have a range of implications for the Council as Planning Authority, and it is important that these changes are anticipated and planned for. Actions in respect of the various elements of the new system are outlined below.

## National Planning Framework (NPF4)

- 5.2 The Draft NPF4 is currently the subject of consultation until 31 March 2022. While welcoming the ambition and intent of the document, there remain matters of concern particularly around the clarity and deliverability of the national policies. Officers are currently in the process of providing comment with regard to the draft content. The Scottish Government's timescale seeks to approve NPF4 by Parliament this summer (2022). This is considered an ambitious timescale and it should be noted that the Council will require to be in a position to apply the new policies to planning decision making as soon as it is approved/adopted.

## Regional Spatial Strategy (RSS)

- 5.3 The Council will be obliged to prepare a RSS, which is a significant new requirement. In 2020, at the invitation of the Scottish Government, officers in Clackmannanshire, Falkirk and Stirling Councils began working together to prepare an indicative RSS for the Forth Valley area, to provide regional input to NPF4's emerging national spatial strategy, and to test the feasibility and benefits of preparing the formal RSS on a Forth Valley basis.
- 5.4 Notwithstanding that Forth Valley has not existed as a formal regional planning unit for some 20 years, the iRSS exercise demonstrated the added value of collaboration at a Forth Valley perspective. Moreover, this aligns with the approach being taken on economic development matters, where the three authorities are working together as part of an emerging Regional Economic Partnership on transport issues, where recent local input to the Strategic Transport Projects Review took place on a Forth Valley basis and a Forth Valley Connectivity Commission has recently been formed.
- 5.5 There are, of course, a range of practical considerations to be considered in moving towards formal joint working on an RSS, not least around governance arrangements and resourcing. That said, for the reasons outlined in 5.4, it is recommended that officers in the three authorities continue to work collaboratively with further updates to come back to Elected Members. This activity will have to take cognisance of statutory guidance on RSSs which is expected to be issued by the Scottish Government later in 2022.

## Falkirk Local Development Plan (LDP3)

- 5.6 The Council adopted the Falkirk Local Development Plan 2 (LDP2) in August 2020, and its delivery is ongoing. The Scottish Government expect planning authorities to have adopted new style LDPs under the amended procedures within five years of the development plan regulations coming into force. Consequently, work on LDP3 will have to commence soon. The first step in the process is to prepare a Development Plan Scheme (DPS), setting out the timescales for plan preparation and a participation statement. There is now a requirement to consult with stakeholders in the preparation of the DPS. It is recommended that project planning should be commenced, including consultation on how stakeholders wish to be involved in the plan, with a final DPS being brought back to the Executive for approval, prior to the formal plan launch.

- 5.7 The Scottish Government is currently consulting on draft Development Plan Regulations and guidance. These deal with more detailed technical matters of process and content, and will have implications for project planning and resource requirements. Officers are preparing a response to these papers which will be submitted by the consultation deadline of 31 March 2022.

#### Local Place Plans (LPP)

- 5.8 Local Place Plans are an entirely new element being introduced to the planning system. There is still some uncertainty as to the extent to which communities will take up this opportunity, given likely issues around skills and resources. Before preparing their LDP, planning authorities are required to
- invite local communities to prepare LPPs;
  - indicate the date by which they should be submitted in order to be taken into account in the LDP; and
  - provide information on the assistance available for communities in undertaking their Local Place Plan.
- 5.9 The Council will therefore have to consider the best way in which it can support communities and the resource implications of this new workstream. In moving this work forward, a brief guide to preparing LPPs is being compiled. A survey will also be undertaken to understand the current level of awareness of, and interest in, LPPs amongst community councils and other community organisations, and what types of assistance they may look for to support preparation of plans.

### **6. Consultation**

- 6.1 The Scottish Government has an ongoing programme of engagement in respect of the various components of the new planning system which have been introduced by the Planning (Scotland) Act 2019. The Council continues to respond to consultations in order to shape the process of planning reform.

### **7. Implications**

#### **Financial**

- 7.1 The requirement for an additional Gate Check Examination as part of the LDP process, in addition to the existing Proposed Plan Examination, will have to be budgeted for. At present, it is unclear how the overall cost of the two Examinations under the new system will compare with that of the single Examination under the current one. The cost of the LDP2 Proposed Plan Examination was £53,000.

#### **Resources**

- 7.2 The Planning (Scotland) Act 2019 places a number of new duties on planning authorities which will have resource implications. For Falkirk Council, the most significant of these are likely to be the preparation of the RSS; some of the new procedures for LDPs, particularly some of the additional engagement requirements; and the support that will require to be provided to communities for LPPs.

- 7.3 There is uncertainty around each of these elements. RSS preparation will depend on arrangements and resource sharing with partner authorities. LDP pressures will be more cyclical, with the plan review period moving from five to ten years. The likely level of take up of LPPs, and the resulting workload impact on planning staff, is unclear. However, it is evident that, at least over the initial cycle of plan preparation, the new responsibilities will provide a workload pressure for existing staff in the Development Plan team. It is recommended that officers are instructed to consider the resource implications of these changes and report back on this at a future date.

### **Legal**

- 7.4 The new Development Plan system is set out in the Planning (Scotland) Act 2019. The provisions of the act are being commenced on a phased basis in conjunction with the preparation of associated regulations and statutory guidance.

### **Risk**

- 7.5 None

### **Equalities**

- 7.6 A draft Society and Equalities Impact Assessment has been prepared by the Scottish Government in conjunction with the preparation of Draft NPF4. Plans which the Council must produce under the new system will be required to undergo similar assessment in due course. There is no requirement for an assessment in relation to this report.

### **Sustainability/Environmental Impact**

- 7.7 The Scottish Government is undertaking a Strategic Environmental Assessment (SEA) for NPF4 and has prepared an Environmental Report to accompany the draft document. LDP3 will also be required to undergo SEA in due course.

## **8. Conclusion**

- 8.1 The Planning (Scotland) Act 2019 has introduced substantial changes to the system of development planning in Scotland, including a National Planning Framework with enhanced status, provision for Regional Spatial Strategies, changes to the scope and process for Local Development Plans, and the introduction of Local Place Plans. These will all have significant operational and resource implications for the Council as planning authority, and the report recommends early actions to start to address these implications.

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Date: 3 March 2022

## **Appendices**

None

## **List of Background Papers:**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- None