

Effective Community Engagement in Local Development Planning Guidance

Consultation Draft

May 2023

Acknowledgements

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Section 1 – Background to the Consultation

Introduction

1. This consultation is about draft guidance on effective community engagement in the local development planning process. It is for planning authorities and communities. The guidance forms part of the Government’s work on reform of the planning system and implementation of the Planning (Scotland) Act 2019¹ (the 2019 Act). Provision for the guidance is through new section 16C of the Town and Country Planning (Scotland) Act 1997², introduced by section 7 of the 2019 Act. The reforms overall aim to reduce conflict, improve community engagement and build trust in planning matters.

2. We provided an outline of the approach to the guidance to a working group of relevant stakeholders and Heads of Planning Scotland (HoPS) in 2022. A range of comments were provided including on scope, clarity, audience, expectations, legal requirements, the spectrum of participation, ownership, and proportionality. These views have informed this draft guidance for further consultation. We thank all those who shared their views to assist in the preparation of the guidance.

3. Information in this section is provided to assist those reading and responding to the consultation, given the relative newness of National Planning Framework 4³ and associated Local Development Planning Guidance.⁴ Consultation questions are set out in Section 2 (the draft guidance).

4. Once finalised, the guidance will set out the Scottish Government’s high-level expectations on how planning authorities can comply with their legal duties to engage with the public when preparing their local development plans.

Underlying principles

5. A number of key principles inform the preparation of this guidance:
- engagement is key in building consensus and relationships between people involved in development;
 - the National Standards for Community Engagement⁵ and the International Association for Public Participation⁶ approaches form the basis of the guidance;
 - the guidance will not identify the methods for community engagement on the whole but will focus on compliance with statutory duties and degree of influence of views;
 - the guidance will support opportunities to avoid or reduce consultation fatigue through linking processes where appropriate;
 - the guidance will not address processes where engagement is not involved;
 - the guidance is not intended to replace other existing guidance and policy; and

¹ [Planning \(Scotland\) Act 2019](#)

² [Town and Country Planning \(Scotland\) Act 1997](#)

³ [National Planning Framework 4](#) (2023)

⁴ [Local Development Planning Guidance](#) (2023)

⁵ [National Standards for Community Engagement](#)

⁶ [International association for public participation](#)

- the guidance is not designed to duplicate the content of the Local Development Planning Guidance, which contains information about the purpose and content of different stages of the preparation of a local development plan.

Background

Legal requirements

6. The 2019 Act provides the most recent updates to the primary legislation that controls the planning system. It amends the Town and Country Planning (Scotland) Act 1997 (the 1997 Act).

7. Section 16C of the 1997 Act gives the Scottish Ministers the power to prepare guidance about effective community engagement in relation to local development plans and requires planning authorities to have regard to it.

8. The changes made by the 2019 Act (new section 3ZA of the 1997 Act) link the exercise of functions by a planning authority in relation to the preparation of development plans under Part 2 of the 1997 Act, to the achievement of outcomes in the National Performance Framework.⁷ In this context, anything that achieves the national outcomes is considered to be in the long-term public interest.

9. One of the National Performance Framework outcomes is that people “live in communities that are inclusive, empowered, resilient and safe”. It encourages people to volunteer, take responsibility for their community and engage with decisions about it. Another National Performance Framework outcome is around human rights, with an indicator: “Percentage of people who agree with the statement ‘I can influence decisions affecting my local area’”. The percentage of people agreeing with the statement has decreased since 2007.⁸

10. A range of duties to undertake impact assessments apply to the preparation of local development plans, and these should inform and be informed by the plan as it is prepared. They include:

- Strategic Environmental Assessment;
- Public Sector Equality Duty Assessment;
- Fairer Scotland Duty Assessment;
- Island Communities Impact Assessment (where appropriate); and
- Habitats Regulations Appraisal.

11. Separate guidance is available for these assessments and is not superseded by this guidance. There is no legislative requirement for public engagement in the preparation of a Habitats Regulation Appraisal.

⁷ [National Performance Framework | National Performance Framework](#)

⁸ [National Indicator Performance | National Performance Framework](#)

12. There is no formal assessment procedure for the consideration of human rights matters. However, information about the human rights based approach to policy development and decision making is available⁹. This includes information on joint equality and human rights impact assessment.

13. Whilst it is non-statutory, a Child Rights and Wellbeing Impact Assessment^{10,11} can be used to research, analyse and record the impact of proposed policies on children's human rights.

14. Practice also continues to develop around Health Inequalities Impact Assessment,¹² which is a tool for assessing the impact of policy on people and includes human rights, societal and economic aspects.

Place Principle

15. We promote the Place Principle¹³ as a more collaborative approach to services and assets in a place to improve outcomes for people. Those who are responsible for planning services and looking after assets need to work together and with communities to improve the lives of people and create more successful places.

Planning policy

16. National Planning Framework 4¹⁴ is part of the development plan. It sets out a spatial strategy and national policies for Scotland's future development.

17. National Planning Framework 4 contains a cross-cutting outcome for a fair and inclusive planning system. This includes the expectation that everyone involved in planning takes steps to ensure that a wide range of people are involved in shaping their future places. Opportunities for engagement in development planning should be early, collaborative, meaningful, and proportionate.

18. National Planning Framework 4 recognises that some people can find it more challenging to engage with planning. It is essential that people with 'protected characteristics'¹⁵ (including disability, race, age, sex, and sexual orientation) as well as people from a range of socio-economic backgrounds are given particular support to express their views on plans and decisions. Consultations are to be designed to meet the communication needs of people.

⁹ Scottish Human Rights Commission; Equality and Human Rights Commission Scotland; [EQHRIA Home - SHRC - Equality & Human Rights Impact Assessment](#)

¹⁰ [Children's Rights and the UNCRC in Scotland: An Introduction](#) (2021)

¹¹ [Children's Rights and Wellbeing Impact Assessment guidance](#) (2021)

¹² [What is an HIIA - Health Inequalities Impact Assessment \(HIIA\) - Tools and resources - Public Health Scotland](#)

¹³ [Place Principle: introduction](#) (2019)

¹⁴ [National Planning Framework 4](#) (2023)

¹⁵ [Equality and Human Rights Commission: Protected Characteristics](#)

19. The effective delivery of National Planning Framework 4 will depend on fair and inclusive engagement. This underlines the need for continued promotion of best practice and innovation, including through this guidance on effective community engagement in local development plans.

20. National Planning Framework 4 defines a community as ‘A body of people’. This can be based on common factors:

- location (for example people who live or work in or use an area);
- identity (for example a shared ethnicity, language, or age); and
- interest (for example the business community, amenity, sports, social or heritage groups).

Local development plan

21. A local development plan sets out how places will change, importantly identifying where and what development should and should not happen. Planning authorities are required by the 1997 Act to prepare a local development plan.

22. The development plan is the starting point for making decisions on whether to approve or refuse planning applications. The National Planning Framework and the local development plan together form the development plan for the area and will be considered in making decisions on planning applications.

23. The effective community engagement guidance does not address what needs to be included in local development plans, which should reflect the content of National Planning Framework 4 as supported by the Local Development Planning Guidance.

Community engagement in the planning system

24. A key aim of reform to the planning system¹⁶ is improving community involvement. Further provisions to support community engagement in the development plan process were introduced by the 2019 Act, as set out in Table S1 below.

¹⁶ [Places, people and planning: consultation on the future of the Scottish planning system](#) (2017)

Table S1: Local development plan engagement duties

Section	Requirement summary
20B(4A)	Planning authorities to seek views of and have regard to views expressed by the public about the content of the Participation Statement.
15A	Planning authorities to publish an invitation to local communities to prepare a local place plan.
16C(2) and (5)	Scottish Ministers to prepare guidance on effective community engagement in local development plans. Planning authorities must have regard to the guidance.
16A	Planning authorities to promote and facilitate participation by children and young people in the preparation of the local development plan.
16B(2)	Planning authorities to seek and have regard to views of the public and children and young people in preparing the local development plan evidence report.
16B(4)	Planning authorities to provide a statement on the steps taken to seek views of the public including those of disabled people, Gypsies and Travellers, children and young people, community councils; and the extent to which those have been taken into account in the preparation of the local development plan evidence report.

25. There are also provisions resulting from reforms for matters that influence local development plans, but that have distinct community engagement requirements, identified in Table S2 below.

Table S2: Engagement requirements for other strategies as a result of planning system reform

Section	Requirement summary
A159	Forestry and Woodland Strategies - Planning authorities to consult with persons considered appropriate.
3G	Open Space Strategies – Regulations to set out how planning authorities are to discharge their statutory duties, including specific consultation requirements.
16D	Play Sufficiency Assessments - Regulations set out those who must be consulted.

26. Research on community engagement¹⁷ ahead of the Planning Bill in 2017 included workshops which identified:

- there is a lack of trust, respect and confidence in the system;
- the system is not considered to be fair and equitable;
- there is a gap between the rhetoric of community empowerment and communities' experience of trying to influence the planning system;
- there is a lack of clarity about the purpose of engagement;
- experience suggests that engagement rarely changes planning outcomes;
- planning is complex and some tensions are inevitable; and
- the planning system should recognise the rights of all parties but also their responsibilities.

27. The Equality Impact Assessment¹⁸ for the Planning Bill recognised factors that can discriminate against some people during community engagement, in particular women, minority ethnic groups, young people, old people, and disabled people. The factors were:

- language;
- lack of confidence; and
- dominant characters.

28. The Draft National Planning Framework 4 Integrated Impact Assessment¹⁹ indicated that these factors remain valid.

29. However, we know that people are keen to be a part of decisions that affect them including:

- children and young people^{20,21} including young Gypsy/Travellers²²;
- island residents²³; and
- disabled people or those with long-term illnesses²⁴.

30. This guidance does not set out particular methods of engagement to be used but is clear that methods used should be appropriate to their context.

¹⁷ [Barriers to community engagement in planning: a research study](#) (2017)

¹⁸ [Planning Bill - post stage 2: equality impact assessment](#) (2019)

¹⁹ [Supporting documents - Scotland 2045: fourth National Planning Framework - draft: society and equalities impact assessment](#) (2021)

²⁰ [Health Inequalities: Peer research into the role of communities](#) (2020)

²¹ [Planning Review: Young Scot survey results](#) (2017)

²² [Young Gypsy/Travellers Discuss the United Nations Convention on the Rights of the Child - Children and Young People's Evidence Bank](#) (2018)

²³ [The National Plan for Scotland's Islands](#) (2019)

²⁴ [Scottish Social Attitudes Survey 2015: Attitudes to Social Networks, Civic Participation and Co-production](#) (Table A16; 2016)

Wider guidance on community engagement

31. This guidance aims to work with, rather than replace, wider Scottish Government guidance and policy on effective community engagement, such as Planning Advice Note 3/2010: Community Engagement.²⁵ Seven National Standards for Community Engagement²⁶ are published by the Scottish Community Development Centre (SCDC) as good practice principles: inclusion, support, planning, working together, methods, communication, and impact. These have been used as the basis of the approach to the guidance on effective community engagement in local development plans.

32. The International Association for Public Participation²⁷ has developed a model for understanding how participation can be encouraged and supported for different purposes. The approach - which has wide international acceptance - helps clarify how different levels of engagement offer people different levels of influence. The appropriate level of engagement should be used for different stages in development plan making so each serves a particular purpose, it is not that one is better or worse at securing engagement. The levels of engagement are: inform, consult, involve, collaborate, and empower. This guidance is based on a version of the 'Spectrum of Participation', as set out in Section 2.

²⁵ [Planning Advice Note 3/2010: Community engagement](#) (2010)

²⁶ [National Standards for Community Engagement | SCDC - We believe communities matter](#)

²⁷ International Association for Public Participation www.iap2.org: [Core Values, Ethics, Spectrum – The 3 Pillars of Public Participation - International Association for Public Participation \(iap2.org\)](#)

Section 2 – Consultation Draft Guidance

Effective Community Engagement in Local Development Planning Guidance

Purpose and scope of this guidance

1. Effective community engagement is an essential part of local development plan preparation. This guidance sets out the Scottish Government’s high-level expectations on how planning authorities can comply with their legal duty to engage with the public when preparing their local development plans. It sets out the levels of engagement that could be applied at different stages of the development plan process.
2. The guidance is intended to be used by planning authorities as a sense check when planning their engagement to support the preparation of local development plans.
3. It will also be helpful to communities, organisations and individuals in understanding when they can engage in the local development plan process, and what influence on the plan making that engagement may have.
4. This guidance is not intended to detail the approaches to or methods of engagement that may be taken at any particular stage in the local development plan process. Approaches and methods for engagement are in place and will continue to develop over time. It remains important that those undertaking engagement exercises consider methods that are appropriate to the subject, context and groups being engaged.
5. To complement this guidance, we will consider opportunities to signpost examples of engagement practice, including through the [Our Place](#) website.
6. The Town and Country Planning (Scotland) Act 1997²⁸ Section 16C (introduced by the Planning (Scotland) Act 2019²⁹) gives the Scottish Ministers the power to prepare this guidance. It also requires planning authorities to have regard to this guidance.
7. Ongoing planning reform aims to enhance engagement in the planning system and this guidance aims to support this.

²⁸ [Town and Country Planning \(Scotland\) Act 1997](#)

²⁹ [Planning \(Scotland\) Act 2019](#)

8. National Planning Framework 4³⁰ contains a cross-cutting outcome for ‘a fair and inclusive planning system’. This includes the expectation that everyone involved in planning takes steps to ensure that a wide range of people are involved in shaping their future places. Opportunities for engagement in development planning ‘should be early, collaborative, meaningful and proportionate’.

9. It is recognised that some people can find it more challenging to engage with planning. It is essential that people with ‘protected characteristics’³¹ (including disability, race, age, sex, and sexual orientation) as well as people from a range of socio-economic backgrounds are given particular support to express their views on plans and decisions. Consultations are to be designed to meet the communication needs of people.

10. In designing engagement approaches and methods, those undertaking engagement should take into account the potential for those to be directly or indirectly discriminatory through factors including language barriers, confidence of people who desire to be engaged with, and the impact of dominant characters within engagement exercises. The discrimination may be felt in particular by individuals and groups due to characteristics relating to age, sex, and race. Some groups may need particular physical aspects to be considered, such as seating for in-person events including for those who are pregnant.

Question 1 – Do you agree that the purpose and scope of the guidance is clear?

- Yes
- No
- No view
- Please comment on your answer (particularly if you do not agree).

Levels of engagement

11. Different levels of engagement are appropriate to policy preparation activity. Terms used by the International Association for Public Engagement³² and the National Standards for Community Engagement³³ help clarify how different forms of engagement offer participants different levels of influence. The International Association for Public Engagement terms these levels the ‘Spectrum of Participation’ ((c) International Association for Public Participation www.iap2.org). This is replicated in Table 1 below along with additional information on the purpose and degree of influence these levels enable. The term ‘consult’ in this context should not be confused with references to consultation requirements in the Planning Act.

³⁰ [National Planning Framework 4](#) (2023)

³¹ [Equality and Human Rights Commission: Protected Characteristics](#)

³² International Association for Public Participation: [Spectrum of Public participation](#)

³³ [National Standards for Community Engagement | SCDC - We believe communities matter](#)

Table 1 – Levels of Engagement / Spectrum of Participation

	Activity	Offer to participants	Purpose / degree of influence
Inform / Informing	To provide the public with balanced and objective information.	<ul style="list-style-type: none"> • we will keep you informed; • we will provide information openly and transparently; and • we will not withhold relevant information. 	To inform those with an interest in the outcome (i.e. the public and stakeholder groups).
Consult / Consulting	To obtain feedback on analysis, alternatives, proposals and / or decisions.	<ul style="list-style-type: none"> • we will keep you informed; • we will listen to and acknowledge your concerns and aspirations; • we will give serious consideration to your contributions; • we will be open to your influence; and • we will provide feedback on how your input has influenced the outcome. 	To inform those making the decision or developing proposals.
Involve / Involving	To work directly with participants throughout the policy / decision-making process to ensure that their concerns and aspirations are consistently understood and considered.	<ul style="list-style-type: none"> • we will keep you informed; • we will work with you to ensure that your concerns and aspirations are directly reflected in the outcome / alternatives developed; and • we will provide feedback on how your input has influenced the outcome. 	To enable participants to directly influence the decision / options developed.
Collaborate / Collaborating	To partner with participants in each aspect of the decision, including defining the issue, developing alternatives and identifying preferred solutions.	<ul style="list-style-type: none"> • we will look to you for advice and innovation in formulating solutions; and • we will incorporate your advice and recommendations into decision / implementation to the maximum extent possible. 	To share the development and decision-making process (as much as possible).
Empower / Empowering	To place final decision-making in the hands of the participants - to delegate.	<ul style="list-style-type: none"> • we will implement what you decide. 	To hand over the ability to make decisions and / or take action.

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

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

- Yes
- No
- No view
- Please comment on your answer (particularly if you do not agree).

Local development plan

13. A local development plan sets out how places will change, importantly identifying where and what development should and should not happen. Planning authorities are required by law to prepare a local development plan.

14. The development plan is the starting point for making decisions on whether to approve or refuse planning applications. The National Planning Framework and the local development plan together make up the 'statutory development plan' which forms the basis of decisions on planning applications.

15. There are three key stages in the process of preparing a local development plan:

- evidence gathering;
- plan preparation; and
- delivery.

16. The evidence gathering stage is about **informing** people about the process and **involving** them. Through **consultation**, stakeholders provide planning authorities with information about the area. By preparing local place plans, communities may also be **empowered** to set out their proposals for their area, to be taken into account in the local development plan as it is being prepared.

17. The plan preparation stage is about **involving** and **collaborating** with participants in preparing the spatial strategy and policy approach. Formal **consultation** is also required by the planning legislation to provide people with an opportunity to give feedback on the proposed local development plan.

18. The delivery stage is about **informing** people about the finalised local development plan approach and **collaborating** with people to take forward identified actions in the delivery programme. People are also **consulted** on decision-making for individual planning applications, but this is beyond the scope of this guidance.

19. Table 2 identifies the key stages in the preparation of a local development plan and the associated anticipated level of engagement. This is provided here to help communities identify when they may have most influence on the plan making process and therefore most effective engagement.

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

Table 2: Local development plan preparation stages and level of engagement

Stage	Activity	Engagement Level	Statutory Timing
Evidence Gathering	Publishing the Development Plan Scheme and Participation Statement	Inform, Involve	Annual
	Inviting communities to prepare a local place plan	Inform, Involve, Empower	28 day period for community bodies to seek comments before submitting it for validation and registration.
	Evidence report	Inform, Involve	-
	Gate check	Consult (where necessary)	-
Plan Preparation	Preparing the proposed local development plan	Involve, Collaborate	-
	Consulting on the proposed local development plan	Inform, Consult	-
	Modifying the proposed local development plan including examination	Inform, Consult Involve	-
Delivery	Adopting the local development plan	Inform	Minimum 28 day period between submitting the plan to be adopted to Scottish Ministers and adopting it locally.
	Delivery programme	Inform, Collaborate	Within 3 months of local development plan adoption and then every 2 years.

21. The remainder of this guidance gives some further details on the local development plan stages of preparation as set out in the table above. In addition, associated impact assessments are considered at stage 10.

Stage By Stage Engagement

1. Preparing the Development Plan Scheme and Participation Statement³⁴

Stage: Evidence Gathering

Timing: Annual (minimum) - or as directed by Scottish Ministers.

Engagement Level: Inform / Involve

1.1. The purpose at this stage is to **involve** people by seeking and having regard to views of the public on the Participation Statement.

1.2. The first Development Plan Scheme (DPS) and Participation Statement before the beginning of the local development plan preparation cycle will be the focus for engagement activity. Advance stakeholder analysis by the planning authority can help identify relevant interests. Stakeholders can tell the planning authority how they think they can support the plan preparation and what effective forms of engagement with them are.

1.3. Subsequent DPS may require fewer forms of engagement. They may be more about **informing** stakeholders but still offer an opportunity to improve effectiveness of engagement through **involvement**, enabling the exchange of views on the effectiveness of engagement methods so far and for including stakeholders not previously identified.

1.4. A 'you said we did' type approach to reporting on the engagement ahead of publishing the DPS, could help provide transparency and confidence in the process.

1.5. The DPS Participation Statement will be the means of reporting (publishing) that the planning authority has met its statutory engagement requirements for children and young people.³⁵

1.6. Stakeholders approached should be relevant to the local circumstances but could include:³⁶

- disabled people and representative organisations - such as local access panels;
- Gypsies and Travellers and representative organisations;
- children and young people and representative organisations - including: schools, youth councils, youth parliament representatives, further and higher education establishments, parents and carers, families with young children;
- women and girls - plus representative organisations;
- men and boys - plus representative organisations;
- older people and representative organisations;

³⁴ [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#) (Section 20B(4A))

³⁵ [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#) (Section 16A(3))

³⁶ [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#) (Sections 16A and 16B)

- Black, Asian, and Minority Ethnic (BAME) people and representative organisations;
- other protected characteristics - individuals and representative organisations;
- communities impacted by socio-economic disadvantage;
- Showpeople;
- community bodies - including those who have registered a local place plan³⁷ or - where known - expressed an interest in registering a local place plan;
- community councils;
- development trusts;
- tenants and residents associations; and
- amenity organisations - including for: built environment, sports, heritage, cultural, and natural environment.

1.7. For engaging with children and young people³⁸ planning authorities should:

- be informed by reference to 'Decision Making: Children and Young People's Participation Guidance'³⁹;
- consult local authority guidance relating to children and young people;
- tailor engagement to the needs of the groups; and
- adhere to latest guidance for protecting vulnerable groups.

1.8. For engaging with schools³⁷ planning authorities should:

- liaise with the local authority's education services department;
- utilise existing frameworks for engagement between schools and the council; and
- consider opportunities for engagement at different development plan preparation stages. These could be linked to Open Space Strategy and Play Sufficiency Assessment consultation requirements to reduce consultation load.

1.9. For engaging with youth councils³⁷ planning authorities should:

- liaise with the relevant local authority department; and
- where possible utilise existing forums / frameworks for engagement with youth councils (which may operate under a different name e.g. (local) youth parliament).

1.10. For engaging with Scottish Youth Parliament representatives³⁷ planning authorities should:

- identify the Scottish Youth Parliament constituencies covered by the local development plan;
- identify the organisations operating in the local development plan area that have a Scottish Youth Parliament representative. These can be found from the [Scottish Youth Parliament website](#) and currently include:⁴⁰ The Boys' Brigade, Carers Trust, Church of Scotland; Federation of Student Islamic Societies, Girlguiding Scotland, LGBT Youth Scotland, RNIB Haggery, Scripture Union, Scouts Scotland, Who Cares Scotland, and YMCA Scotland; and

³⁷ [Town and Country Planning \(Scotland\) Act 1997](#) (Schedule 19)

³⁸ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16A)

³⁹ [Guidance - Decision-making: children and young people's participation](#) (2021)

⁴⁰ [Our voluntary organisations - Scottish Youth Parliament](#)

- liaise with the Scottish Youth Parliament via hello@syp.org.uk, including the name / constituency / voluntary organisation of the Member of the Scottish Youth Parliament (MSYP).

Publication requirements

1.11. The planning authority will:⁴¹

- send two copies to the Scottish Ministers;
- publish the DPS (this includes publication by electronic means / on the internet); and
- place a copy in any public library in the area to which it applies.

1.12. Planning authorities are required to publish and keep the information relating to engagement with children and young people up to date.⁴² Publication and annual update of the DPS fulfils this requirement where the engagement activities with children and young people have been set out and recorded there.

⁴¹ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 20B(5))

⁴² [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16A(3))

2. Inviting Communities to Prepare a Local Place Plan⁴³

Stage: Evidence Gathering

Timing: The statutory minimum is to undertake this before the local development plan is prepared. It is suggested that the timing should ideally allow for validation and registration of a local place plan in time to inform the evidence report stage of the local development plan. The evidence report is required to set out how planning authorities have invited the preparation of local place plans and the assistance offered for their preparation.⁴⁴ Seeking local place plans beyond the evidence report stage would mean such plans could not be reflected in the evidence report, although they will still be a valid consideration.

Engagement Level: Inform / Involve / Empower
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2.1. The purpose of issuing the invitation is to **inform** community bodies that they are invited to prepare a local place plan. This is a means to **involve** communities in the preparation of the local development plan. Local place plans offer a route to **empower** communities as it is community bodies who will decide on the content of the local place plan they prepare. Planning authorities are required to take registered local place plans into account in preparing the local development plan.

2.2. The invitation is also to **inform** community bodies about the assistance available to them to prepare local place plans. Planning authorities may wish to refer community bodies to resources such as 'Circular 1/2022: Local Place Plans',⁴⁵ and the [Our Place](#) website.

2.3. It is not anticipated that planning authorities would need to engage with stakeholders specifically on the content of the invitation but may want to reach out to known groups to discuss the timing.

Publication requirements

2.4. Publication of a stand-alone invitation on the planning authority website is recommended in addition to inclusion of the timing within the Development Plan Scheme. This will **inform** community bodies of when the period to submit local place plans will be. The Development Plan Scheme / Participation Statement alone is unlikely to be sufficient to meet the invitation requirements. Other outlets (where data protection requirements are met) could include, for example:

- local authority social media;
- council newsletters;
- posters in public buildings;
- direct contact with groups and organisations - including those identified in preparing the Development Plan Scheme;
- community planning partnerships;
- local authority Third Sector Interface;

⁴³ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 15A)

⁴⁴ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16B(3))

⁴⁵ [Planning circular 1/2022: Local Place Plans](#) (2022)

- community councils;
- community bodies with registered local place plans;
- organisations previously expressing an interest in preparing a local place plan;
and
- as part of a 'call for ideas' by the planning authority - if undertaken at an appropriate point.

3. Preparing the Evidence Report⁴⁶

Stage: Evidence Gathering

Timing: The evidence report precedes plan preparation.

Engagement Level: Inform / Involve

3.1. Planning authorities should **involve** communities in the creation of the evidence report.

3.2. At this stage planning authorities are to seek the views of:

- children and young people – including school pupils, youth councillors and youth parliament representatives;
- the public;
- disabled people;
- Gypsies and Travellers;
- community councils;
- key agencies; and
- other persons prescribed.

3.3. The evidence report is to include commentary on how communities have been invited to prepare local place plans and the assistance provided to them. It will also include a statement on how stakeholder views were sought and taken into account. This helps to **inform** communities.

3.4. The ‘evidence report structure’ set out in the Local Development Planning Guidance⁴⁷ helps provide transparency in setting out the evidence received, how it has been handled, and its implications. This is a structured form of a ‘you said we did’ approach.

Supporting information – associated consultation requirements

3.5. The following information supports the evidence report:

- Open Space Strategies⁴⁸ - Draft regulations set out further detail on minimum requirements for engagement including with children and young people, older people, disabled people, key agencies, community councils, the public, and any other persons or community bodies considered appropriate by the planning authority. If the planning authority is within the Central Scotland Green Network, then the Green Action Trust should be consulted on the Open Space Strategy. Engagement may be undertaken in parallel with that for Play Sufficiency Assessments (see below) and is to **involve** communities;

⁴⁶ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16B)

⁴⁷ [Local Development Planning Guidance](#) (2023)

⁴⁸ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 3G)

- Play Sufficiency Assessments⁴⁹ - Regulations set out requirements for engagement including with children, parents and carers, community councils, the public, and any other persons or community bodies considered appropriate by the planning authority. Engagement may be undertaken in parallel with that for the Open Space Strategy and is to **collaborate** with communities; and
- Forestry and Woodland Strategies⁵⁰ - Requirements to **consult** organisations as appropriate are set out in the Town and Country Planning (Scotland) 1997 Act (as amended).

Publication requirements

3.6. There is no requirement to undertake a formal consultation on the content of the evidence report. The completed evidence report is subsequently published alongside the proposed local development plan.

⁴⁹ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16D)

⁵⁰ [Town and Country Planning \(Scotland\) Act 1997](#) (Section A159)

4. Gate Check⁵¹

Stage: Evidence Gathering

Timing: The gate check follows submission of the evidence report to Ministers.

Engagement Level: Consult (where necessary)

4.1. A gate check about whether the evidence report contains sufficient information is undertaken by an appointed person.

4.2. Where it is considered that the evidence report does not contain sufficient information, an 'assessment report' is prepared. Community views are important in the preparation of the evidence report so that views on its sufficiency can be considered. Where stakeholders are agreed on an issue, it is unlikely that this will be considered further. Where disputes remain, different views expressed may be considered in reaching a view on the sufficiency of the information in the evidence report. The appointed person leading the gate check may **consult** with certain stakeholders either in writing or through a hearing.

Publication requirements

4.3. An assessment report is prepared only where necessary. Where such a report is not required, notification of that decision is necessary. The report or notification is provided to the planning authority and to Scottish Ministers.

⁵¹ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 16B)

5. Preparing the Proposed Local Development Plan

Stage: Plan Preparation

Timing: There is no legislative requirement on the timing of the preparation of the proposed local development plan (the proposed plan) following the evidence report.

Engagement Level: Involve / Collaborate

5.1. Planning authorities are responsible for preparing the proposed plan for consultation.

5.2. In doing so, they are encouraged to **involve** - and if possible - **collaborate** with communities. This may help to develop an understanding of any conflicting or competing views expressed at the evidence report and gate check stages.

5.3. Having regard to registered local place plans in the preparation of the proposed plan may provide an opportunity to develop engagement in this way.

5.4. **Collaboration** on options and alternatives early in this stage may be beneficial, also informing the statutory assessments, in particular the Strategic Environmental Assessment.

5.5. Planning authorities may wish to further **involve** people through an open 'Call for Ideas' to inform the proposed plan.

5.6. Certain themes, for example local living and 20 minute neighbourhoods are more likely to be of greater interest to communities for collaboration than others. Relevant issues and areas to focus on will vary depending on the local context.

5.7. Engagement at this stage could help planning authorities and communities **collaborate** to build a shared dialogue and understanding of matters raised and the decisions to be made ahead of the consultation on the proposed plan.

Publication requirements

5.8. There are no defined publication requirements at this stage.

6. Consulting on the Proposed Local Development Plan

Stage: Plan Preparation

Timing: Minimum 12 week consultation period, as set out in the Development Plan Scheme.

Engagement Level: Inform / Consult

6.1. The planning authority should **consult** with communities on the published proposed local development plan (the proposed plan). This provides an opportunity for communities to respond formally to the content of the plan.

6.2. The consultation approach should meet the needs of those being consulted, which was considered as part of the preparation of the Development Plan Scheme and Participation Statement.

6.3. The planning authority should **inform** those groups who are required as a minimum to be involved in the local development plan⁵² that the consultation is open, and **consult** in accordance with the Development Plan Scheme and Participation Statement.

6.4. The community-related groups include:

- children and young people and representative organisations - including schools / school pupils, youth councils / councillors, and youth parliament representatives. Although not required by legislation, also usefully included are further and higher education establishments, parents and carers, and families with young children;
- disabled persons;
- Gypsies and Travellers;
- community councils; and
- community bodies.

6.5. The 1997 Act also refers to other community-related groups that are affected by the planning system beyond those listed above, including:

- older people and their families;
- carers;
- social work; and
- health and social care.

⁵² [Town and Country Planning \(Scotland\) Act 1997](#) (Sections 16A and 16B)

Publication requirements

6.6. Minimum - Notice of the publication of the proposed plan for consultation to be sent to:

- key agencies;
- Scottish Ministers;
- adjoining planning authorities to the plan area;
- community councils any part of whose area is within the local development plan area; and
- published in a local newspaper and on the internet.

6.7. A copy of the proposed local development plan must be made available at:

- an office of the planning authority;
- in every public library in the local development plan area; and
- published on the internet.

6.8. Neighbours that may be significantly affected by development proposals will be notified of the proposed local development plan.

6.9. It is suggested that notice of the publication of the proposed plan for consultation is also sent to all those involved in the preparation of the proposed plan as well as to relevant public bodies.

6.10. The evidence report (stage 3) and proposed delivery programme (stage 9) are also published alongside the proposed plan.

Impact assessments

6.11. This is also an important stage to **inform** communities about the effects of the plan and, where required, for **consulting** on impact assessments. Further guidance on this is available:

- [Strategic Environmental Assessment](#);
- [Habitats Regulations Appraisal](#);
- [Public Sector Equality Duty](#);
- [Fairer Scotland Duty](#);
- [Island Communities Impact Assessment](#); and
- [Children's Rights and Wellbeing Impact Assessment](#).

7. Modifying the Proposed Local Development Plan and Examination⁵³

Stage: Plan Preparation

Timing: Modifications will be considered following the close of the consultation period set out in the Development Plan Scheme. A planning authority does not have to modify the plan. Where there are representations that cannot be resolved through modifications, a planning authority may seek an independent examination of the plan. Scottish Ministers may also instruct that an examination is to be undertaken where the planning authority has not modified the plan. Where an examination is held, the plan cannot be finalised until the examination is concluded.

Engagement Level: Inform / Consult / Involve
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7.1. The modifications stage is an opportunity for the planning authority to **involve** communities by working with them to understand the matters raised and what an appropriate solution may be, including consideration of differing views.

7.2. Not all matters raised will need to further involve communities, as the matters raised and a way forward may be clear and uncontentious.

7.3. Where an examination of the plan is held, the person appointed to oversee the examination may require further information to fully understand the representations made on the proposed plan that form part of the matters to be considered. This is a form of **consultation** with relevant stakeholders, where the information is usually invited in writing but in some cases a hearing may be required to enable discussion on specific matters. (There are engagement aspects related to examination in the Town and Country Planning (Scotland) Act Sections 18, 19, 19ZA and 19A).

7.4. Where an examination has been held, the Reporter (person appointed to oversee the examination) will publish an examination report, including recommendations for modifications to the proposed local development plan. This will **inform** those involved of how their comments have been addressed at examination and about the recommended further modifications to the plan.

7.5. Planning authorities will **inform** communities of the modifications made in response to the representations made to the plan, or in response to the recommendations of an examination or Direction from Scottish Ministers, by publishing a 'modification report' and notifying those who made representations to the plan about it at the adoption stage (stage 8). Where a planning authority is not accepting the recommendations of an examination, then it must publish a 'recommended modifications statement' at the adoption stage (stage 8).

⁵³ [Town and Country Planning \(Scotland\) Act 1997](#) (Section 18)

Publication requirements

7.6. Minimum - Send to the Scottish Ministers:

- the proposed local development plan (as modified);
- a report on the consultation and involvement of the public to meet or go beyond the Participation Statement;
- the proposed delivery programme; and
- a report of modifications made and reasons for making them.

The documents listed above should also be published.

7.7. Where an examination is to happen, the planning authority will:

- advertise the examination in a local newspaper;
- advertise the examination in local public libraries; and
- notify everyone who made representations to the proposed plan about the examination.

7.8. The person appointed to undertake the examination will:

- publish the examination report;
- submit it to the planning authority; and
- make relevant notifications to inform people about the examination report.

8. Adopting the Local Development Plan

Stage: Delivery

Timing: As set out in the Development Plan Scheme. The planning authority cannot adopt the local development plan until 28 days have passed since they submitted the plan to the Scottish Ministers, or until an examination report has been received following an examination of the plan.

Engagement Level: Inform

8.1. The planning authority is at this stage required to **inform** people that the local development plan has been adopted.

Publication Requirements

8.2. The planning authority will:

- send two copies to the Scottish Ministers;
- publish the plan;
- place a copy in each public library in the plan area;
- notify those that have made a representation to the proposed local development plan or the examination, stating that the plan can be seen in a public library and electronically including on the internet;
- place an advertisement in a local newspaper which states that the plan can be seen in a public library and electronically including on the internet;
- publish the 'modification report' (where needed); and
- publish the 'recommended modifications statement' (where needed).

9. Delivery Programme

Stage: Delivery

Timing: The proposed delivery programme should accompany the proposed plan. The adopted delivery programme is to be published within 3 months of the local development plan adoption and every two years after that.

Engagement Level: Inform / Collaborate
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9.1. In preparing the delivery programme, planning authorities should **collaborate** with anyone named in it and those responsible for delivering it. A proposed delivery programme must accompany the proposed plan.

9.2. Publishing notification of the delivery programme and making copies available will **inform** people about the delivery of the plan.

Publication requirements

9.3. Proposed delivery programme:

- notice in a local newspaper and on the internet;
- copy available in an office of the planning authority;
- copy available in each public library in the local development plan area; and
- copy published on the internet.

9.4. Adopted delivery programme:

- two copies sent to Scottish Ministers; and
- copy available in each public library in the local development plan area.

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

- Yes
- No
- No view
- Please comment on your answer (particularly if you do not agree).

10. Impact Assessments

10.1. This guidance does not replicate statutory requirements or associated guidance relating to statutory and non-statutory impact assessments. The broad requirements are summarised in Table 3 below.

Table 3: Local development plan preparation stages and associated statutory impact assessments summary

Assessment	Public Sector Equality Duty Assessment	Fairer Scotland Duty Assessment	Island Communities Impact Assessment	Strategic Environmental Assessment
Stage: Evidence Gathering				
Early Preparation	Screening, Scoping	Planning Evidence	Develop a clear understanding, gather data and identify stakeholders	-
Evidence Report	-	Evidence	Consult	Prepare and submit SEA Scoping Report to consultation authorities
Gate Check	-	-	-	-
Stage: Plan Preparation				
Plan Preparation	Analysing impact	Assessment and Improvement	Assessment	Prepare Environmental Report
Proposed Plan	Decision-making	Decision	Prepare assessment, make adjustments	Environmental Report consultation
Examination	-	-	-	-
Stage: Delivery				
Adoption of the local development plan	Publication	Publication	Publication	Prepare and publish post adoption statement
Publication of the delivery programme	-	-	-	-

10.2. Consultation and engagement in relevant impact assessments, from an early stage of the plan preparation process, can help to ensure relevant information is available to inform decision making. Planning authorities should undertake screening at an early stage to identify which assessments need to be undertaken, as not all are always required. Screening can also be used to help understand associated engagement requirements.

10.3. Planning authorities may wish to note the engagement needs and timing for key assessments required to support local development plans set out in Table 4.

Table 4: Key assessment engagement needs and timing

Assessment	Level	Engagement needs and timing
Strategic Environmental Assessment	Inform, Consult	<p>Legal requirement for ‘early and effective’ public engagement. Engagement is focused on the Environmental Report consultation, but earlier engagement is recommended.</p> <p>A Post Adoption Statement is prepared, published and advertised to inform people about how the assessment findings and comments received on the proposed plan and Environmental Report have been taken into account.</p>
Habitats Regulations Appraisal	Inform	<p>No requirement for public engagement.</p> <p>Report to be published at the proposed plan stage to inform people of the appraisal.</p>
Public Sector Equality Duty Assessment	Inform, Involve	<p>The timing of the publication of the assessment could usefully be set out in the Development Plan Scheme.</p> <p>Proportionate involvement is needed throughout the process, from the early preparation stage to its delivery.</p> <p>The planning authority should publish the assessment findings on their website to inform stakeholders about it. Legally the results should be published within a reasonable period, and guidance suggests this should be as soon as possible after the decision to implement (adopt) the policy is taken.</p>
Fairer Scotland Duty Assessment	Inform, Involve	<p>It is important to involve relevant communities through the stages of assessment.</p> <p>The assessment should be published to inform people about how socio-economic disadvantage is being considered.</p>

Assessment	Level	Engagement needs and timing
Island Communities Impact Assessment	Inform, Consult, Involve	<p>Early involvement and consultation of people will assist the assessment process.</p> <p>The planning authority is legally required to publish the assessment to inform people of the outcome of the assessment.</p>
Child Rights and Wellbeing Impact Assessment	Inform, Consult, Involve	<p>Opportunities to involve people may arise at both the evidence gathering and proposed plan stages.</p> <p>The assessment requires an explanation of consultation with stakeholders - including children and young people.</p> <p>Publication informs people of the outcome of the assessment.</p>

Question 4 - Do you agree that the appropriate levels of engagement have been identified for the impact assessments?

- Yes
- No
- No view
- Please comment on your answer (particularly if you do not agree).

Further Consultation Questions

Question 5 – Overall, is the approach set out in the guidance helpful?

- Yes
- No
- No view
- Please comment on your answer (Particularly if you do not think the approach is helpful).

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

- Yes
- No
- No view
- Please comment on your answer (particularly if you do have views to share).

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

- Yes
- No
- No view
- Please comment on your answer.

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

- Yes
- No
- No view
- Please comment on your answer.

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

Responding to this Consultation

We are inviting responses to this consultation by 13 September 2023.

Please respond to this consultation using the [Scottish Government's consultation hub, Citizen Space](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 13 September 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form at the end of this document and send it along with your response to communityengagementguidance@gov.scot or:

Planning, Architecture and Regeneration Division
Scottish Government
Area 2F South
Victoria Quay
Edinburgh
EH6 6QQ

Handling Your Response

You are asked to provide your name, address, phone number and e-mail address for the purposes of identifying who has provided which response and to enable them to be contacted should there be a query about how they want their response to be handled. This is not a statutory requirement. This data will be archived or deleted once the guidance is finalised.

You have the right to request access to the data, and that the data is up to date, that it is deleted, that its processing may be restricted, or to object to the processing of data. You have the right to lodge a complaint with the Scottish Information Commissioner.

You are strongly encouraged not to include information that relates to you as part of your response. If you feel you must include such information you are strongly advised to select 'Do not publish response' as part of the Respondent Information Form or on the About You page of the consultation hub.

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document, along with your response.

To find out how we handle your personal data, please see our [privacy policy](#).

Next Steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public on the Scottish Government's consultation hub, [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us finalise the guidance and impact assessments. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and Complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at communityengagementguidance@gov.scot.

Scottish Government Consultation Process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations on the Scottish Government's consultation hub, [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Respondent Information Form

Please note this form **must be completed** and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

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

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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

- Yes
 No



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