

## Understanding Scotland's New Planning System

Association Protection Rural Scotland / Planning Democracy – 15 Nov 2023

The graphic is a promotional poster for a webinar. On the left, there is a circular portrait of Alasdair Edwards, a man with glasses and a beard, wearing a blue shirt and tie. Below the portrait, text identifies him as the Principal Reporter at the Planning and Environmental Appeals Division of the Scottish Government (DPEA). The main title 'Understanding Scotland's new planning system' is prominently displayed in white on a dark teal background. Below the title, a section titled 'Future webinars' lists three events: 06 Dec 2023 (19:00 - 20:30) on NPF4, 17 Jan 2024 (19:00 - 20:30) on Green Belts and NPF4, and 31 Jan 2024 (19:00 - 20:30) on having a say in the future of an area. Logos for Planning Democracy and APRS (Scotland's countryside charity) are at the bottom.

Today's session

### Understanding Scotland's new planning system

Future webinars

- 06 Dec 2023** 19:00 - 20:30 NPF4 – How have things changed
- 17 Jan 2024** 19:00 - 20:30 Green Belts and NPF4
- 31 Jan 2024** 19:00 - 20:30 Having a say in the future of your area

Alasdair Edwards: Principal Reporter at the Planning and Environmental Appeals Division of the Scottish Government (DPEA)

PLANNING DEMOCRACY

APRS Scotland's countryside charity

NPF4 – Move from focus on GDP growth to environment, climate, nature and biodiversity.  
Local Authorities required to build LDPs and community development around NPF 4

Host of relevant links

<https://www.planningdemocracy.org.uk/2023/local-place-plans-why-both/>

<https://aprs.scot/ldps>

<https://www.planningdemocracy.org.uk/newsletter-2/>

<https://aprs.scot/bulletin/>

<https://www.dpea.scotland.gov.uk/>

<https://www.youtube.com/watch?v=p3tHPhun5-l&t=1862s>

<https://aprs.scot/ldps>

### Introduction and Overview

- Understanding Scotland's New Planning System – An Individual's Perspective
- Who am I?
- The role of a reporter – appeals and examinations.
- Setting the scene – a swift planning history.
- Recent changes and guidance.
- The Development Plan – past, present and future.
- National Planning Framework 4 – content and application.
- Local Development Plans – a process.
  - Local Place Plans.
  - Regional Spatial Strategies.
  - Other related strategies and guidance.
- Applying for planning permission and other consents and routes to appeal.
- Wider DPEA caseload.
- Decisions and Recommendations.
- Questions and Answers.

## An Individual's Perspective



- A caveat.
- New System is still being implemented.
- No experience as yet of the new Gatecheck process but that will soon change...
- The following represents my summary as a Scottish Government Reporter. The detail is provided in the referenced documents and published guidance.
- Not able to discuss individual appeals or cases.

## Who am I?

- 1<sup>st</sup> class honours Master of Arts degree in Town Planning, Heriot-Watt University.
- Chartered Member of the Royal Town Planning Institute (and Assessor).
- Past volunteer for Planning Aid for Scotland – advice and community training sessions.
- Previously worked for The City Of Edinburgh Council:
  - Development plans – Local and Major Applications – Departmental Convenor to Planning Convenor.
- Working as a Scottish Government Reporter since 2009:
  - Over 200 Delegated Cases (and 32 expenses claims).
  - Six Section 36 Wine Farms.
  - 13 Development Plan Examinations (8 as Lead Reporter).
  - Held over 70 days of inquiry/hearing sessions.



## What is a "Reporter"?

- An appointed person either employed or contracted by the Scottish Government.
- Working for the Planning and Environmental Appeals Division (DPEA).
- Part of the Core Scottish Government Legal Directorate but at "arms-length".
- 23 salaried reporters and a pool of 15 self-employed reporters.
- Various backgrounds –planning; ecology; architecture; heritage; design; law; surveying
- And past employment – Countryside Commission; APRS; HES; SEPA; National Parks; local authorities; private consultancies; legal firms; other parts of the civil service.
- Planning and Environmental Appeals Division (DPEA) Annual Review 2024-25 (scotland.gov)



See the link above to the DPEA Annual Review

## The Planning System – A (Very) Swift History

- Pre-1900 a system of bye-laws and landowner control.
- Enlightened model and garden city communities – New Lanark (1786); Saltaire (1853); Bournville (1878); Port Sunlight (1887); Rosyth (1915).
- Eminent thinkers – Ebenezer Howard (1850-1928); Raymond Unwin (1863-1940); Patrick Geddes (1854-1932); Octavia Hill (1938-1912).
- Response to issues of pollution, urban sprawl and ribbon development.

*"In these small towns [Lochgelly, Cowdenbeath, and other Fife mining villeges] in spite of the plentiful supply of cheap land, housing conditions are little better than in the slums of large cities: and even the presence of fresh air does little to counteract the evils of bad sanitation and uncontrolled development". Dunfermline Journal, 30 May 1903.*



## The Planning System – A (Very) Swift History (2)

- Housing and Town Planning Acts 1909 and 1919; the Town Planning Act 1925 and the Town and Country Planning Act 1932 – initial movement to reform.
- Post WW2 – New Towns Act 1946 and the Town and Country Planning Act 1947.

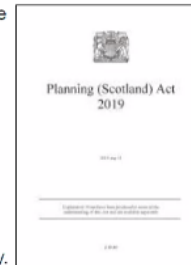
*'[The Act] has established a code for the control of property which not only affects its use and development, but also lays down a new principle for the valuation of land by removing development values from private ownership'.*

- Effect of 1947 Act nationalised the right to develop land.
  - The Town and Country Planning (Scotland) Acts 1972 and 1997.
  - Planning etc. (Scotland) Act 2006.
  - Planning (Scotland) Act 2019.
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- Effectively a circular system of evaluate + monitor – plan – review – assess.
  - **Key point:** A discretionary planning system in Scotland.



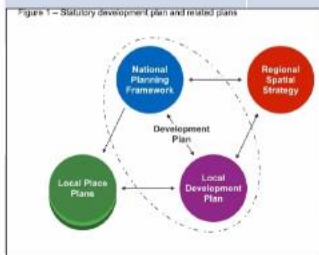
## Recent Changes and Guidance

- **Planning (Scotland) Act 2019**
  - “Anything that contributes to sustainable development or achieves the national outcomes is be considered to be in the long term public interest”.
  - NPF4 now part of statutory development plan (and includes housing targets).
  - Removal of Strategic Development Plans.
  - Removal of statutory supplementary guidance.
  - NEW Local Place Plans.
  - NEW Regional Spatial Strategies (2 or more authorities).
  - NEW LDP Evidence Report and Gatecheck.
  - Requirement for Delivery Programmes.
  - Requirement of local authorities to produce open space strategies and assess play sufficiency.
  - Introduction of Masterplan Consent Areas.
  - Allows for regulations to introduce an infrastructure levy and consideration for health effects.
  - More delegation of decision-making (development orders, CLUDs, advertisements).
  - Introduction of short term let control areas.
- Scottish Government publications on LDP guidance and Circular 1/2022 Local Place Plans.



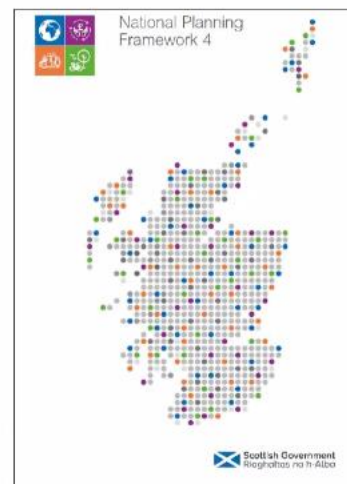
## The Development Plan – past, present and future

	Past (2006 Act)	Transitional (Now)	Future (2024>)
DEVELOPMENT PLAN	Strategic Development Plans	National Planning Framework 4	National Planning Framework 4
	Local Development Plans	Local Development Plans	Local Development Plans
	Supplementary Guidance	Supplementary Guidance	
NON-STATUTORY	Planning Advice / Guidance	Planning Advice / Guidance	Regional Spatial Strategies
	Masterplans / Briefs	Masterplans / Briefs	Local Place Plans
			Planning Advice / Guidance
			Masterplans / Briefs



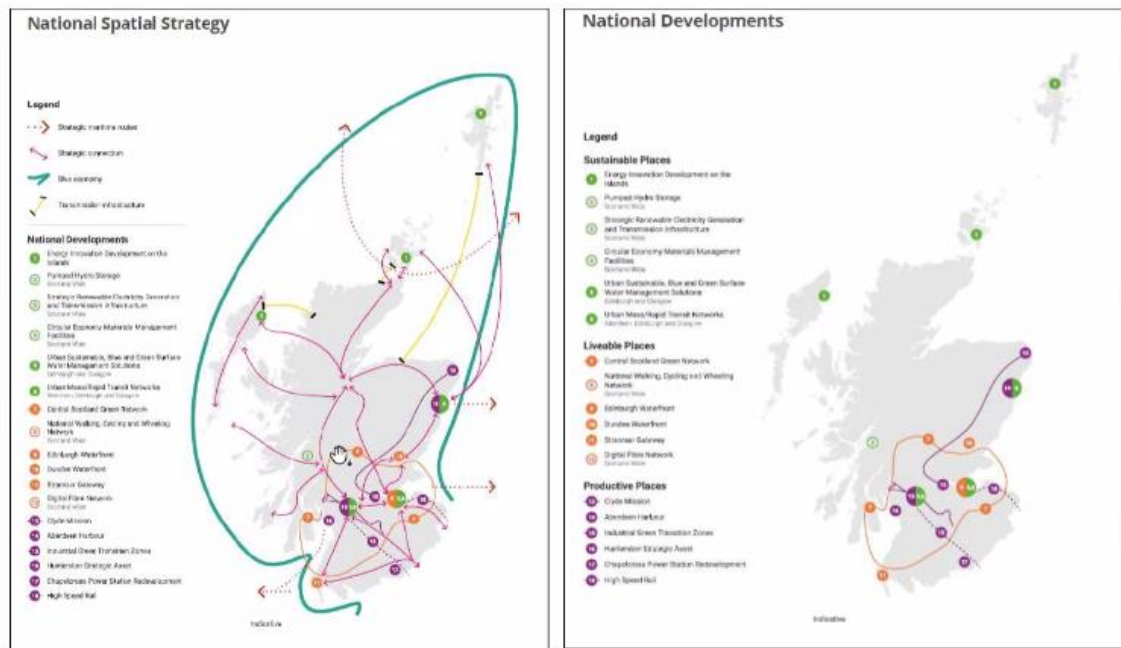
## National Planning Framework 4 – content and application

- **Part 1 – A National Spatial Strategy for Scotland 2045**
  - Spatial principles (6).
  - National Spatial Strategy Map / National Developments Map
  - Regional Spatial Strategies.
- **Part 2 – National Planning Policy**
  - Sustainable places.
  - Liveable places.
  - Productive places.
- **Part 3 – Annexes**
  - National Developments Statements of Need.
  - Spatial planning priorities.
  - Six qualities of successful places.
  - Minimum all-tenure housing land requirement.



See also the Glossary within NPF4

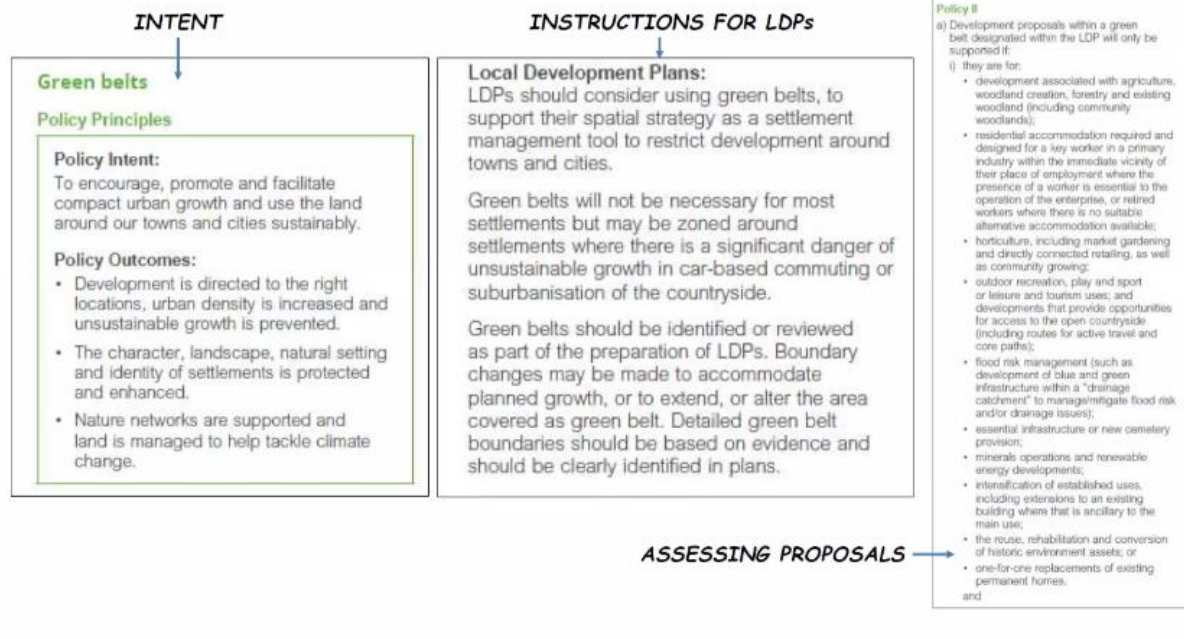
# National Planning Framework 4 – content and application



# National Planning Framework 4 – content and application

<p>36 Part 2 – National Planning Policy</p> <p><b>Sustainable Places</b></p> <ol style="list-style-type: none"> <li>Tackling the climate and nature crises</li> <li>Climate mitigation and adaptation</li> <li>Biodiversity</li> <li>Natural places</li> <li>Soils</li> <li>Forestry, woodland and trees</li> <li>Historic assets and places</li> <li>Green belts</li> <li>Brownfield, vacant and derelict land and empty buildings</li> <li>Coastal development</li> <li>Energy</li> <li>Zero waste</li> <li>Sustainable transport</li> </ol> <p><b>Liveable Places</b></p> <ol style="list-style-type: none"> <li>Design, quality and place</li> <li>Local Living and 20 minute neighbourhoods</li> <li>Quality homes</li> <li>Rural homes</li> <li>Infrastructure first</li> <li>Heat and cooling</li> <li>Blue and green infrastructure</li> <li>Play, recreation and sport</li> <li>Flood risk and water management</li> <li>Health and safety</li> <li>Digital infrastructure</li> </ol> <p><b>Productive Places</b></p> <ol style="list-style-type: none"> <li>Community wealth building</li> <li>Business and industry</li> <li>City, town, local and commercial centres</li> <li>Retail</li> <li>Rural development</li> <li>Tourism</li> <li>Culture and creativity</li> <li>Aquaculture</li> <li>Minerals</li> </ol>	<p><b>Green belts</b></p> <p><b>Policy Principle</b></p> <p><b>Policy Intent:</b> To encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.</p> <p><b>Policy Outcomes:</b></p> <ul style="list-style-type: none"> <li>Development is directed to the right locations, urban density is increased and unsustainable growth is prevented.</li> <li>The character, landscape, natural setting and identity of settlements is protected and enhanced.</li> <li>Nature networks are supported and land is managed to help tackle climate change.</li> </ul> <p><b>Local Development Plans:</b> LDPs should consider using green belts, to support their spatial strategy as a settlement management tool to restrict development around towns and cities.</p> <p>Green belts will not be necessary for most settlements but may be zoned around settlements where there is a significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside.</p> <p>Green belts should be identified or reviewed as part of the preparation of LDPs. Boundary changes may be made to accommodate planned growth, or to extend, or alter the area covered as green belt. Detailed green belt boundaries should be based on evidence and should be clearly identified in plans.</p> <p><b>Policy 8</b></p> <p>a) Development proposals within a green belt designated within the LDP will only be supported if:</p> <ol style="list-style-type: none"> <li>they are for: <ul style="list-style-type: none"> <li>development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);</li> <li>residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;</li> <li>horticulture, including market gardening and directly connected retailing, as well as community growing;</li> <li>outdoor recreation, play and sport or leisure and tourism uses; and</li> <li>developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);</li> </ul> </li> <li>flood risk management (such as development of blue and green infrastructure within a "drainage catchment" to manage/integrate flood risk and/or drainage issues);</li> <li>essential infrastructure or new cemetery provision;</li> <li>minerals operations and renewable energy developments;</li> <li>intensification of established uses, including extensions to an existing building where that is ancillary to the main use;</li> <li>the reuse, rehabilitation and conversion of historic environment assets; or</li> <li>one-for-one replacements of existing permanent homes</li> </ol> <p>and</p>
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# National Planning Framework 4 – content and application



# National Planning Framework 4 – content and application

### Statement of Need

**3. Strategic Renewable Electricity Generation and Transmission Infrastructure**

This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

**Location**  
All Scotland.

**Need**  
Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas. Island transmission connections in particular can facilitate capturing the significant renewable energy potential in those areas as well as delivering significant social and economic benefits.

**Designation and classes of development**  
A development contributing to "Strategic Renewable Electricity Generation and Transmission" in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as "major" by "The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009", is designated a national development:

- On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;
- New and/or replacement, upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
- New and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

**Lifecycle greenhouse gas emissions assessment**  
Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

**Policy Impact:**

- Local Living
- Rebalanced development
- Conserving and recycling assets
- Just transition

### MATHLR Figures

**Annex E – Minimum All-Tenure Housing Land Requirement**

The Annex sets out the Minimum All-Tenure Housing Land Requirement (MATHLR) for each planning authority in Scotland. This is to meet the requirement of Section 3A(3)(d) of the Town and Country Planning (Scotland) Act 1987, as amended. The MATHLR is the minimum amount of land, by reference to the number of housing units, that is to be provided by each planning authority in Scotland for a 10 year period. The MATHLR is expected to be exceeded in each Local Development Plan's Local Housing Land Requirement.

Local and National Park Authority	MATHLR
Aberdeen City	7,000
Aberdeenshire	7,500
Argyll	2,000
Argyll & Ross	7,100
Cairngorms National Park	100
City of Edinburgh	36,700
Clackmannanshire	1,800
Dumfries & Galloway	4,400
Dumfries City	4,000
East Ayrshire	4,000
East Dunbartonshire	2,400
East Lothian	6,000
East Northaishire	2,800
East Dunbartonshire	100
Falkirk	4,200
Fife (Central and South)	5,000
Fife (North)	1,900
All Fife	7,000
Glasgow City	21,700
Glasgow	9,000
Inverclyde	1,900
Loch Lomond & The Trossachs National Park	500
Midlothian	8,800
Moray	3,400
North Ayrshire	3,000
North East Ayrshire	7,000
Orkney	1,000
Perth & Kinross	6,000
Perth & Kinross	4,000
Scottish Borders	4,000
Shetland	500
South Ayrshire	2,000
South Lanarkshire	7,000
Stirling	3,000
West Dunbartonshire	2,100
West Lothian	9,000

\* The total consists of Fife North and Fife Central and South. This reflects that Fife was formerly part of two Strategic Development Plan areas and contributed to separate Housing Needs and Demands Assessments.

Must also include emissions statement

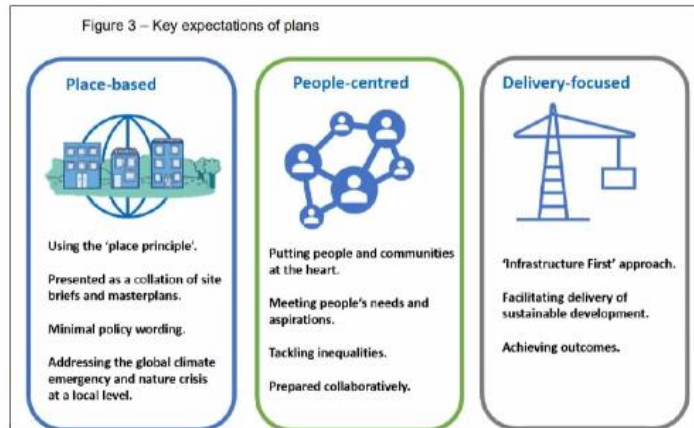
## Local Development Plans – Expectations

- Required to be produced “as soon as practicable” after 2019 Act.
- Thereafter, reviewed if required by SM or at intervals of no more than 10 years.

- “Take account of”:
  - The National Planning Framework 4
  - Any local outcomes improvements plan.
  - Any registered Local Place Plan.

- “Have regard to”:
  - Regional Spatial Strategies.

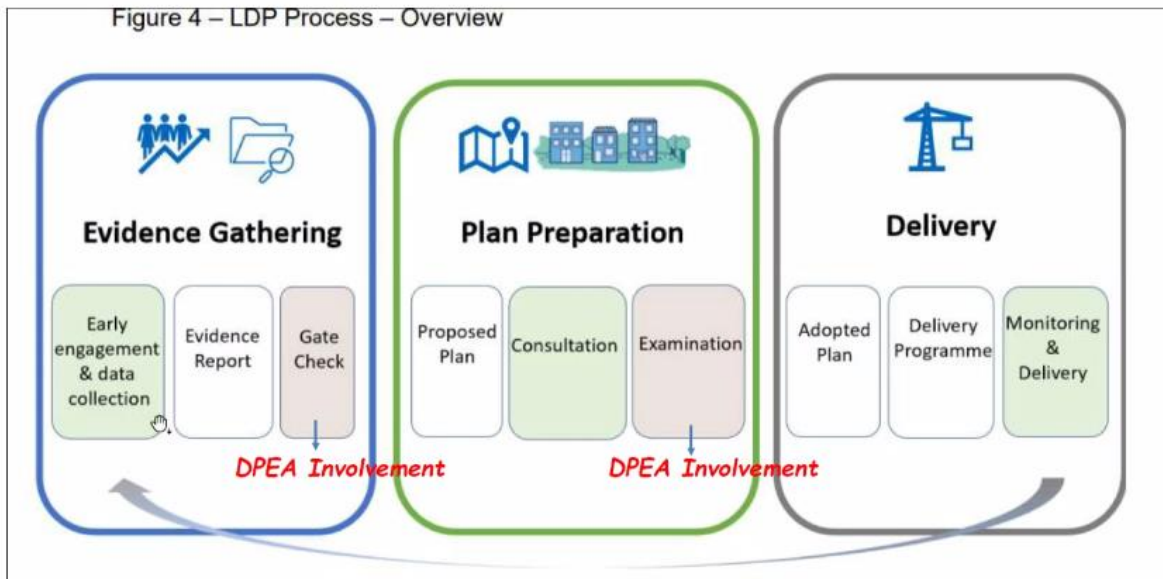
- [Local development planning guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/local-development-planning-guidance/pages/introduction.aspx)



LDPs are reviewed by Scot Ministers  
 Look at the Guidance Document above

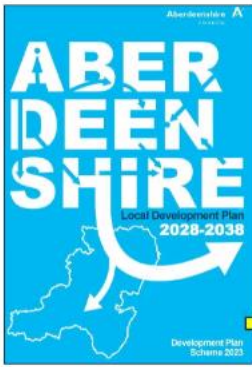
## Local Development Plans – An overview of the process

Figure 4 – LDP Process – Overview





# Local Development Plans – The Development Plan Scheme



**7 Engagement processes**

Details of the engagement process for each of the stages of the plan is shown in table 1. Detail of the engagement processes that will be used during each stage will be developed in subsequent Development Plan Schemes. Proposals for the Evidence Report are to be found in section 9 of the Report, and in the Participative statement in section 10.

Table 1 Outline of engagement activities for each stage of the plan making process (Please note that the indicative timescales for later years may be subject to review and the table will be updated as part of annual reporting of the DPS scheme)

Stage	Year	Engagement proposed	Outcome
Evidence Report	May 2023 to December 2023	Public Engagement on evidence presented on the basis of topic papers and audited by a reference group. Options available for reference to the Gate Check Examination (see section 9 Preparing the Evidence Report)	Agreed evidence on which to take forward the Call for Ideas. Identification of disputed information for consideration of the gate check examination.
Gate Check Examination	Starts in May 2023. There is no prescribed length of time for the Gate Check examination	The Directorate of Planning and Environmental Appeals will conduct the Examination of disputed topics only, and will invite parties to engage with them directly. This process is not managed by Aberdeenshire Council	The Directorate of Planning and Environmental Appeals will conclude and release the Evidence Report, as mandated by the Examination
Call for ideas	March 20-24 to March 2025	The findings of the Evidence Report will be presented to Communities and other stakeholders with a request for proposals and 'ideas' on how to resolve the basic use planning issues identified. Support will be provided to communities and community groups to understand and respond to the issues presented, and to prepare Local Place Plans for the relevant areas of the protected, developed or enhanced sites. The development industry will be encouraged to engage with Communities on 'ideas' that they would wish to take forward for inclusion in the plan.	Aberdeenshire Council will subsequently evaluate and coordinate, in detail, the ideas presented and use the information as the basis for preparing the proposed plan.
Draft Development Plan	March 2026 to July 2026	The Draft Aberdeenshire Local Development Plan will be published and subject to public consultation. The Plan will be promoted and responses encouraged	From this process a set of formal objections to the Local Development plan will be collected.

**9 How You Can Get Involved (the Participation Statement)**

It is important that we engage with all those who may have an interest in the Local Development Plan during its preparation and each annual Development Plan Scheme will contain a Participation Statement setting out how this will be achieved. We aim to be open and honest in relation to engagement and consultation on the forthcoming Local Development Plan, and provide you with clear information on how you can be involved. This is a process and we need to know what you want to do.

In all our engagement on the Local Development Plan we will adopt the **Public Standards for Consultation and Evidence**. These are good practice principles designed to improve and guide the process of community engagement to build and sustain relations between public services and community groups – helping them both to understand and act on the needs or issues that communities experience. There is a seven national standards, as illustrated in Figure 3. As always we will make sure that help is provided for those with sight loss or other disabilities are assisted to understand and contribute to any engagement.

As a key stakeholder in the process we will also ensure that Community Councils are kept informed and involved at all stages of the preparation of the plan.

**Figure 3 The National Standards for Community Engagement**

Produced annually by each LA – Statutory engagement – When, How, What outcome?

## Local Development Plans – Evidence Gathering (1)

- Planning authorities required to prepare an **evidence report**.
- Seek views of key agencies; children and young people; other persons as prescribed; and the public at large.
- Should set out authority's views on:
  - principal physical, cultural, economic, social, built heritage and environmental characteristics of the district
  - principal purposes for which the land is used
  - size, composition, health and distribution of the population of the district
  - housing needs of the population of the area
  - availability of land in the district for housing, including for older and disabled people
  - desirability of allocating land for the purposes of resettlement
  - health needs of the population of the district and the likely effects of development and use of land on those health needs
  - education needs of the population of the district and the likely effects of development and use of land on those needs
  - extent to which there are rural areas within the district in relation to which there has been a substantial decline in population
  - capacity of education services in the district
  - desirability of maintaining an appropriate number and range of cultural venues and facilities
  - infrastructure of the district
  - how that infrastructure is used
  - any change which the planning authority thinks may occur in relation to any of the matters outlined above
  - play sufficiency.



## Local Development Plans – Evidence Gathering (2)

- Evidence report should also include a statement on the steps taken by the authority in preparing the report to seek the views of the public at large, including disabled persons, Gypsies and Travellers, and children and young people; the steps taken to seek the views of community councils; and the extent to which views expressed have been taken into account.
- Submitted to Scottish Ministers who will appoint a person to “**assess whether the report contains sufficient information to enable the planning authority to prepare a local development plan**”.
- **GATECHECK**
- Outcomes: satisfied or not satisfied = revision of evidence report required.
- [DPEA Reporter Guidance Note 26](#) provides advice – “will not test sufficiency of the overall engagement process but will look for evidence of engagement with the relevant stakeholders and key agencies on the relevant topics”.

## Plan Scheme

### 9 How You Can Get Involved (the Participation Statement)

It is important that we engage with all those who may have an interest in the Local Development Plan during its preparation and each annual Development Plan Scheme must contain a Participation Statement setting out how this will be achieved. We aim to be open and honest in relation to engagement and consultation on the forthcoming Local Development Plan, and provide you with clear opportunities to have your voice heard. This is your plan, and we need to know what you want it to deliver.

In all our engagement on the Local Development Plan we will adopt the [National Standards for Community Engagement](#). These are good-practice principles designed to improve and guide the process of community engagement to build and sustain relationships between public services and community groups – helping them both to understand and act on the needs or issues that communities experience. There are seven national standards, as illustrated in Figure 3. At all times we will make sure that help is provided for those with sight loss or other disabilities are assisted to understand and contribute to any engagement.

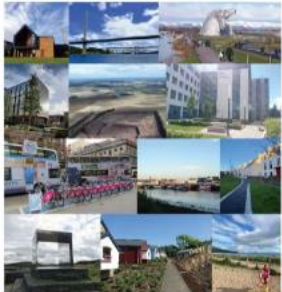
As a key stakeholder in the process we will also ensure that Community Councils are kept informed and involved at all stages of the preparation of the plan.



Figure 3 The National Standards for Community Engagement

## Local Development Plans – Evidence Gathering (3)

### Local development planning guidance



May 2023

Scottish Government  
Rough draft no 11/16/20

Step by step guide – Evidence Reports – advice on relevant evidence for NPPF policy topics

3 Green belts

**Legislative requirements**

Considerations of development planning sections of the Act or the Regulations	Other statutory requirements
<p><b>Section 156B</b></p> <p>The principal physical and environmental characteristics of the district.</p>	

**NPPF policy advice**

Information likely to be required in taking account of NPPF policy

- Green belt review / study of any existing or potential green belts.

Other information planning authorities may wish to prepare, or review for spatial implications

- Local Landscape Character Assessment.

**Relevant sources of information**

Policies / strategies / plans / guidance / designations	Data sets / spatial data resources
<ul style="list-style-type: none"> <li>Natural Scotland National Landscape Character Assessment</li> </ul>	

**Key policy connections**

1, 2, 3, 4, 6, 7, 9, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 26, 28, 29, 30, 33.

**Considerations**

Evidence is required to inform detailed green belt boundaries, which should be set in LDPs.

Boundary changes may be made to accommodate planned growth, or to extend or alter the area covered as green belt.

If the plan area contains an existing green belt, planning authorities would be expected to review whether the existing boundary remains appropriate.

If the plan area does not contain a green belt, but the planning authority wishes to gather evidence on this type of approach to inform plan-making, they may wish to carry out a green belt study linked to any wider work on landscape.

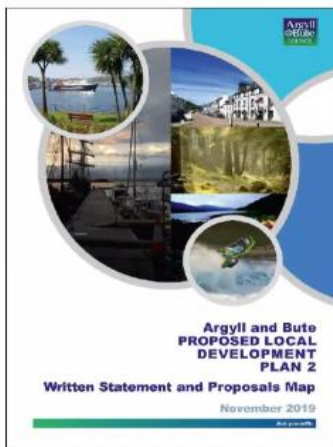
In carrying out a green belt review or study, planning authorities may wish to consider:

- identifying any existing settlements, major educational and research uses, major businesses and industrial operators, airports and Ministry of Defence

Figure 7 – Template for presenting information on issues in Evidence Report

<b>Issue: Topic / Place</b>	e.g. infrastructure, housing, X town centre etc.
<b>Information required by the Act regarding the issue addressed in this section</b>	e.g. Town and Country Planning (Scotland) (Act) 1997, as amended, section 15(5)(a) 'the principal physical, cultural, economic, social, built heritage and environmental characteristics of the district'
<b>Links to Evidence</b>	<ul style="list-style-type: none"> <li>X (hyperlinks where appropriate)</li> <li>X</li> <li>X</li> </ul>
<b>Summary of Evidence</b>	
This should provide a summary of the detailed data and information noted above.	
<b>Summary of Stakeholder Engagement</b>	
This should summarise the steps taken by the planning authority to seek the views of all relevant stakeholders.	
This should also summarise the views expressed, and explain how they have been taken account of in the Evidence Report.	
(hyperlinks to records of engagement may be added where appropriate)	
<b>Summary of Implications for the Proposed Plan</b>	
This should cover what the evidence means for the plan, e.g. the spatial strategy, the Delivery Programme or plan preparation.	
<b>Statements of Agreement / Dispute</b>	
This should include statements from stakeholders highlighting their agreement or the areas they dispute.	

## Local Development Plans – Proposed Plan and Examination



- Consultation on proposed plan (and possibly associated SEA).
- Representations received.
- Modifications where possible.
- If unresolved representations remain an **Examination** required.
- Schedule 3 templates completed by planning authority.
- Generally, split into topics / settlements.
- Appointed persons then carry out examination:
  - (1) Conformity with Participation Statement.
  - (2) Examination of issues raised in unresolved reps.
- Report of Examination submitted.
- Limited reasons to warrant departure from Recommendations.

## Local Development Plans – Examination process



- Examination limited to only assess issues raised in unresolved representations.
- Usual process to review NPF4, Evidence Report, SEA, Delivery Programme, Representations and Documents.
- Form of Examination at discretion of appointed person.
  - Inquiry unlikely.
  - Hearing(s) possible.
  - Further written submissions likely.
  - Informal requests.
- Should be accessible, transparent, succinct, proportionate and focused.
- If unsatisfied that the plan allocates sufficient land to meet the LHLR, instead of preparing an Examination Report a notice must be issued that requires the authority to prepare another proposed plan.
- Recommendations – modify the plan; or if a plan can't be modified suitably then direct that plan be amended in relation to specified matters.
- Grounds for refusing recommendations – NPF or National Park Plan inconsistency; incompatible with Habitat Regulations; or unreasonableness.



## Local Development Plans – Adoption



**Adopted Plan Policy**

**Policy R1 Special Rural Areas**

R1.1 In order to safeguard the special nature of the green belt and coastal zone, development opportunities will be restricted and subject to the considerations set out in paragraphs R1.2 to R1.5. The boundaries of the green belt are shown on the proposal maps where applicable and in detail in **Appendix 4**. Boundaries of the Green Belt. The extent of the coastal zone is shown in detail in **Appendix 5**, Coastal Zone.

R1.2 In the green belt, the following developments are permitted:

- development associated with agriculture, woodland and forestry, fishing and horticulture;
- development for a recreational use that is compatible with its agricultural or natural setting. The development of single huts not associated with a tourist proposal under Policy B3 Tourist Facilities will be prohibited;
- development meeting a national requirement or established need, if no other suitable site is available;
- intensification of an established use subject to the new development being of a suitable scale and form;
- accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to

**NPF4 Policy**

**Policy 8**

a) Development proposals within a green belt designated within the LDP will only be supported if:

i) they are for:

- development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
- residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
- horticulture, including market gardening and directly connected retailing, as well as community growing;
- outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
- flood risk management (such as development of blue and green infrastructure within a "drainage catchment" to manage/integrate flood risk and/or drainage issues);
- essential infrastructure or new cemetery provision;
- minerals operations and renewable energy developments;
- intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
- the reuse, rehabilitation and conversion of historic environment assets; or
- one-for-one replacements of existing permanent homes.

and

This working document is a summary of where all LDPs are up to.

<https://docs.google.com/spreadsheets/d/1VAzqVqxDHwQIOa2cb4zwwTozCc7IF9bi-mTo8xdURvo/edit#gid=0>

Related to a few slides ago - APRS have compiled a spreadsheet of where each local authority is at with their LDP - it's linked on our webpage on LDPs but the direct link to the spreadsheet is here <https://docs.google.com/spreadsheets/d/1VAzqVqxDHwQIOa2cb4zwwTozCc7IF9bi-mTo8xdURvo/edit#gid=0>

## From LDPs to LPPs

### Local Place Plans

- Planning authorities required to invite communities to prepare **Local Place Plans**.
- Non-statutory spatial plan.
- Once registered the LPP will be taken into account in preparation of LDP.
- Circular 1/2022 on Local Place Plans.
- Transforming Scotland Website – 'How To' Guide.



Communities must be invited to contribute to LPP

What are their aspirations for area

LPP Tools for Beginners = 'Our Place', 'Transforming Scotland' Guide

### Regional Spatial Strategies

- Planning authorities can prepare, or SM can direct.
- A long-term non-statutory spatial strategy.
  - The need for strategic development.
  - The outcomes which authorities consider that strategic development will contribute.
  - Priorities for the delivery of strategic development.
  - Proposed locations for strategic development (map or diagram).


*"Strategic development means development that is likely to have a significant impact on future development within the area of more than one planning authority".*

- Before adoption, must publish:
  - A draft strategy.
  - A summary of information taken into account in preparation.
  - A statement inviting representations by a specified date.
- Once adopted keep under review and refresh at least every 10 years.



<https://www.planningdemocracy.org.uk/2023/local-place-plans-why-bother/>

## Development Planning – Opportunities to be Involved (1)

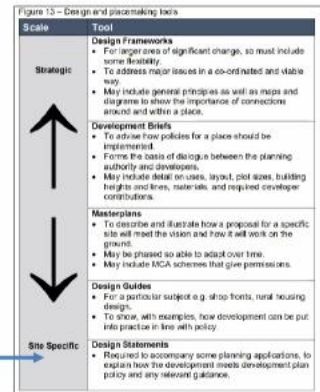
<p><b>Effective Community Engagement in Local Development Planning Guidance</b></p> <p><b>Consultation Draft</b></p> <p>May 2023</p> 	Table 1 – Levels of Engagement / Spectrum of Participation			Table 2: Local development plan preparation stages and level of engagement				
		Activity	Offer to participants	Purpose / degree of influence	Stage	Activity	Engagement Level	Statutory Timing
	Inform / Informing	To provide the public with balanced and objective information	<ul style="list-style-type: none"> <li>we will keep you informed;</li> <li>we will provide information openly and transparently, and we will not withhold relevant information.</li> </ul>	To inform those with an interest in the outcome (i.e. the public and stakeholder groups).	Evidence Gathering	Finalising the Development Plan Scheme and Participation Statement, building committees to prepare a local place plan	Inform, Involve, Empower	Annual
	Consult / Consulting	To obtain feedback on analysis, alternatives, proposals and / or decisions.	<ul style="list-style-type: none"> <li>we will keep you informed;</li> <li>we will listen to and acknowledge your concerns and aspirations;</li> <li>we will give serious consideration to your contributions;</li> <li>we will be open to your influence; and</li> <li>we will provide feedback on how your input has influenced the outcome.</li> </ul>	To inform those making the decision or developing proposals.		Evidence report	Inform, Involve	28 day period for community bodies to seek comments before submitting it for validation and registration.
	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"> <li>we will keep you informed;</li> <li>we will work with you to ensure that your concerns and aspirations are directly reflected in the outcome / alternatives developed; and</li> <li>we will provide feedback on how your input has influenced the outcome.</li> </ul>	To enable participants to directly influence the decision / options developed.	Plan Preparation	Preparing the proposed local development plan	Involve, Collaborate	-
	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"> <li>we will look to you for advice and innovation in formulating solutions; and</li> <li>we will incorporate your advice and recommendations into decision / implementation to the maximum extent possible.</li> </ul>	To share the development and decision-making process (as much as possible).		Consulting on the proposed local development plan	Inform, Consult	-
Empower / Empowering	To place final decision-making in the hands of the participants to delegate.	<ul style="list-style-type: none"> <li>we will implement what you decide.</li> </ul>	To hand over the ability to make decisions and / or take action.	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.	

[Effective community engagement in local development planning guidance: consultation - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Informed and consulted and empowered?  
Different levels of engagement

## Development Planning – Opportunities to be Involved (2)


- Invitations to prepare Local Place Plans.
- Providing representations to Regional Spatial Strategies.
- Being aware of the Development Plan Scheme and Participation Statement.
- Responding to evidence gathering engagements (see PS).
- Providing representations on proposed plans.
- Being responsive if invited to participate in Gatechecks and Examinations.
- Being aware of local development plan adoption and implementation of delivery programme.
- Involvement in other non-statutory planning guidance.



## Planning and Related Appeals

- Planning permission.
  - Listed building consent.
  - Listed building designations.
  - Conservation area consent.
  - Advertisement consent.
  - Enforcement notice.
  - Amenity notices.
  - Tree works consent.
  - High hedges.
  - Completion notices.
  - Certificates of lawful use or development.
  - Revocation orders.
- [A guide to planning appeals in Scotland - gov.scot \(www.gov.scot\)](http://www.gov.scot)
  - [Planning appeals and other cases: guidance on taking part - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Planning and Environmental Appeals Division  
 Appeal Decision Notice  
 T: 01224 096 400  
 F: 01224 096 400  
 E: [appeals@scotland.gov.uk](mailto:appeals@scotland.gov.uk)



Decision by J. Alexander Edwards, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA/2015/044
- Site address: Brown Road Hill, Broom, Aberdeenshire
- Appeal by Vertis Landcare Limited against the decision by The Moray Council
- Application for planning permission dated 29 October 2014 refused by notice dated 18 September 2015
- The development proposed: erection of 12 wind turbines (each with maximum blade tip height of 120 metres), site access, tracks, and ancillary development
- Date of site visit by Reporter: 10 March 2016

Date of appeal decision: 26 May 2016

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**Decision**

I dismiss the appeal and refuse planning permission.

**Reasoning**

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case comprises the adopted Moray Local Development Plan (2015). Having regard to the provisions of the development plan the main issue in this appeal is whether the proposed development would have an acceptable landscape and visual impact (including cumulative impact), and if not, whether these would be sufficiently mitigated by any benefits of the proposal.

2. I am also required to identify, describe and assess the direct and indirect effects of the proposal on listed buildings, built and local, and on: climate and landscape, natural assets and cultural heritage. To this end, I have taken account of the responses from statutory bodies and interested parties, and, unless otherwise stated, agree with the findings of the appellant's environmental statement in relation to the significance of the effects predicted.

The development plan:

3. The local development plan's vision for Moray is based on sustainable economic growth which uses state-of-the-art technology and reduced carbon emissions are sought; an attractive sustainable environment is maintained; and the natural and built heritage (which are among Moray's prime assets) are protected. The appeal site is identified in the

Planning and Environmental Appeals Division  
 4 Belfrage Court, Victoria Road, Perth, Perth & Kinross, Perth, Perth & Kinross, Perth & Kinross, Perth & Kinross  
 24/5/2016 14:06 www.scotland.gov.uk/Topics/Planning/Peac



## Wider DPEA Caseload

- Section 36 electricity generation applications (wind farms, solar, hydro) - >50MW.
  - Section 37 electricity transmission lines.
  - Wayleaves.
  - Compulsory Purchase Orders.
  - Community Asset Transfer.
  - Roads Orders.
  - Pollution Prevention Control.
  - Stopping Up Orders.
  - Traffic Regulation Orders.
- Core Path Plan Examinations.
  - Flood Prevention Schemes.
  - Extinguishment of Public Right of Way.



## **Decisions and Recommendations**

- Delegated decisions (unless recalled).
- Reports to Scottish Ministers (direct or called-in cases).
- Claims for Expenses.
- Statutory Appeals and Judicial Review.

## **Questions and Answers**

**Q. Are NPF4 policies “vague” and of little use for decision-making?**



- NPF4 provides a consistency across the 34 authorities in Scotland.
- Mix of common policies from across Scotland and new policies.
- Likely that there won't be repetition of policies between LDPs and NPF4 in the future.
- Discretionary system debate/interpretation so can occur.

## **Questions and Answers**

**Q. What is the balance between Local Place Plans and Local Development Plans?**

- One is driven directly by communities.
- One required by statute, driven by officials and approved by elected councillors.
- But LDPs must “take account” of LPPs imparting value to the process.
- LPPs could be a material consideration in decision-making.
- An interesting point about data – the LPP might come before the Evidence Report so could be using different data to inform community desires.



LDP must take account of LPP (driven by communities)



## **Questions and Answers**

**Q. Why doesn't the new system allow for local matters to be adjusted by use of supplementary guidance?**

- Local development plans could include bespoke provisions where justified to reflect local circumstances.
- Carefully crafted to ensure no incompatibility with NPF4 (unless desired).
- An authority could also opt to use non-statutory planning guidance (a material consideration).

## **Questions and Answers**

**Q. Is there a conflict between economic growth and biodiversity enhancement / community well-being? How do communities protect green space? How is biodiversity enhancement going to be written into plans and used in decision-making?**

- Terminology in NPF4 refers to "inclusive economic growth".
- Decision-making tends to balance social, economic and environmental considerations.
- Examinations have already recommended changes to LDP policy to ensure "enhancement".
- In decision-making, biodiversity enhancement already a consideration. Term "enhancement" might be debated but NPF4 policy 3 provides some examples.
- Open space strategies and other audits/strategies could be used by communities to inform the council of valued spaces.

Biodiversity enhancement is an entrenched / obligatory consideration

## **Questions and Answers**

**Q. Can housing still be released on greenfield sites? What is the commercial reality of not using greenfield release? Why is there no presumption in favour of affordable housing?**

- New system of NPF4 setting a MATHLR which LDPs can find sites to accommodate.
- It is a plan-led system where sites are allocated through the LDP.
- Housing supported on allocated sites by NPF4 and there are some exceptions in Policy 16.
- One exception could be the release of a site for affordable housing (<50 units).
- Authorities can also modify the standard 25% requirement for affordable housing where justified.
- The brownfield first, town centre first, local living, nature and climate change crises, and re-use buildings approaches could direct housing to non-greenfield locations.
- Noted that there could be potential viability issues developing urban environments.

Brownfield site use not without its own challenges and local / environmental complications.

## Questions and Answers

**Q. Why are valid concerns of rural people and local authorities ignored in regard to renewables? Does NPF4 give more weight to the nature crisis or the climate emergency? How do wind farms fit with biodiversity enhancement?**

- Reporters don't ignore individuals, communities or local authority views. Carefully consider the evidence submitted; assess the proposal against the correct tests; and come to a professional judgement based on what is before us.
- Consultation on wind farms is not a waste of time – there can be valuable insight from local knowledge and perspectives.
- The nature and climate change crises are both given "significant weight" in Policy 1 of NPF4; and Policy 11 provides significant weight to the contribution of proposals contributes to meeting emission reduction targets.
- Examples of enhancement: peatland and bog restoration; native woodland planting; bird protection and habitat enhancement.

• [Planning appeals and other cases: guidance on taking part - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Planning_appeals_and_other_cases_guidance_on_taking_part.pdf)

## Questions and Answers

**Q. Why is planning not pre-eminent in other decision-making?**

- Determination of planning applications is only one statutory function of the council.
- There could be other legal tests/duties in determining matters on roads, licencing and so on which do not allow consideration of the planning situation.
- For example, it might be possible for a unit to gain a trading licence but not get planning permission for a change of use.
- A building might get planning permission for alterations but not get listed building consent for the works as there are separate tests to be considered.

## Questions and Answers

**Q. What can local groups do to protect the greenbelt? How are trees protected on greenfield sites and in conservation areas?**

- Greenbelts don't need to encircle settlements but can take various forms.
- Greenbelt audits/reviews could be carried out by authorities which communities could inform.
- Responses to proposed plans can provide insight.
- Trees could be protected by Tree Preservation Orders or could be Ancient Woodland or of Veteran status.
- Trees in conservation areas are also protected and require notice prior to works.
- Otherwise contact your local arboricultural officer.

## **Questions and Answers**

### **Q. Are Councillors accountable for their decisions?**

- Training likely provided for new councillors on planning matters.
- Planning Committees should be impartial in decision-making.
- Supported by officers (planners, council officials, lawyers).
- Code of conduct for councillors sets out acceptable behaviours.
- Might be a justified claim for expenses if councillors make decisions against officer recommendation without sufficient evidence.

Check out the social media platforms for APRS and Planning Democracy.

### **Planning Democracy Social Media**

<https://www.facebook.com/planningdemocracy>

<https://www.instagram.com/planningdemocracy>

<https://x.com/PlanDemoc> (formally Twitter)

### **APRS Social Media**

<https://www.facebook.com/APRScotland>

<https://www.instagram.com/aprscotland>

<https://x.com/APRScotland> (formally Twitter)

60 participants

End / KR