

Development plan amendment regulations

Updated 22nd May 2024

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

Amendments to National Planning Framework: full review requirements

- 1. To what extent do you agree that it is appropriate to adopt a broad and high-level approach as to when a full review of the National Planning Framework is required? Where applicable, please give reasons for your answer.**

Strongly agree

HOPS agree that a review should not be a common occurrence and that the bar should set fairly high before a full review is required. Having changes only in exceptional circumstances will help to increase confidence and certainty in the system.

HOPS note a full review will have significant impact on the resources of Scottish Government and potentially other stakeholders in the system as there will be a need to engage.

We would note that changes may also require the review of Local Development Plans.

- 2. In cases where amendments would require changes to half or more of the contents of the National Planning Framework (NPF), to what extent do you agree that a full review of the NPF would be required? Where applicable, please give reasons for your answer.**

Agree

In principle HOPS agree to this position, on the basis set out in question one that it should be a significantly high bar set for triggering a review.

Clarity is also required on what constitutes the trigger for the review, especially if a lot of small changes are made through the amendment route.

We note that there may be exceptional circumstances where NPF4 should be reviewed when it does not meet the 50% trigger, we expect that this will include instances where significantly impactful policies such as that on climate change require changes. A caveat should be built in to allow for changes when the bar is not met but ministers think there is a requirement to do so.

Amendments to National Planning Framework: engagement and preparation

- 3. In preparing an amendment to the National Planning Framework (NPF), to what extent do you agree that the Scottish Ministers should have the same considerations as they would for a full**

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review of the NPF, where that is relevant to the proposed amendment? Where applicable, please give reasons for your answer.

Agree

HOPS would like to see a consistent approach taken.

4. To what extent do you agree with the list of those the Scottish Ministers should consult with on a proposed amendment? Where applicable, please give reasons for your answer.

Agree

HOPS agree with the list in principle. We would ask that when consulting the public at large it would be useful to specify specific stakeholders when appropriate.

5. To what extent do you agree that a copy of the proposed amendment should be laid in the Scottish Parliament during the consultation period? Where applicable, please give reasons for your answer.

Strongly agree

HOPS would like to see a consistent approach taken.

6. To what extent do you agree with the proposed minimum 6-week consultation period, understanding that the timescale may be extended when deemed appropriate given the significance and nature of the amendment? Where applicable, please give reasons for your answer

Agree

A 6-week minimum is required to allow for community and stakeholder engagement. Flexibility to extend this will be required when amendments may be of a more complicated nature. HOPS would also wish to see extensions utilised when requested by local authorities, particularly when amendments will need to be considered by committee.

Amendments to National Planning Framework: adoption

7. To what extent do you agree that the Scottish Ministers be required to publish an Explanatory Report before the amended National Planning Framework is adopted? Where applicable, please give reasons for your answer

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

8. To what extent do you agree that all amendments to the National Performance Framework should have to be approved by a resolution of the Scottish Parliament? Where applicable, please give reasons for your answer

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

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- 9. To what extent do you agree that the amended National Planning Framework should take effect when it has been adopted by Scottish Ministers? Where applicable, please give reasons for your answer.**

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

This will also provide a clear date for when amendments will take effect.

- 10. To what extent do you agree that the full updated version of the amended National Planning Framework, incorporating the amendment, should be published as soon as practicable after it has been adopted by Scottish Ministers? Where applicable, please give reasons for your answer.**

Strongly agree

HOPS agree that the version should be available as soon as practicable.

Amendments to Local Development Plans: preparation and considerations

- 11. To what extent do you agree that planning authorities should be required to have regard to community engagement guidance issued by the Scottish Ministers under section 16C when amending a Local Development Plan? Where applicable, please give reasons for your answer.**

Agree

HOPS agree that planning authorities should have regard to the community engagement guidance, as a matter for consistency in engagement processes for the LDP. Engagement should however be at the discretion of the local planning authority to consider what is appropriate to the circumstances.

- 12. To what extent do you agree that planning authorities should be required to provide a statement outlining how they intend to engage with stakeholders on an amendment to a Local Development Plan? Where applicable, please give reasons for your answer.**

Agree

HOPS agree that this should be required to provide consistency and transparency for stakeholders.

Authorities have noted that this should also consider updating the Development Plan Scheme and participation statement when required.

- 13. To what extent do you agree that not every amendment to a Local Development Plan should require specific participation of children and young people? Where applicable, please give reasons for your answer.**

Agree

HOPS agree with the approach taken as it allows for flexibility. When the planning authority judges it reasonable, and engagement will not be occurring with the specific participation of children and young people it should be sufficient for the planning authority to issue a statement detailing why.

- 14. To what extent do you agree that, when preparing an amendment, a planning authority must have regard to the information and considerations set out in regulation 9 of the Town and**

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Country Planning (Scotland)(Development Planning) regulations 2023? Where applicable, please give reasons for your answer.

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

Amendments to Local Development Plans: justification

15. To what extent do you agree that an authority should be required to collate relevant evidence to inform the proposed amendment and prepare a Justification of Amendment Statement? Where applicable, please give reasons for your answer.

Agree

HOPS agreed that evidence should be produced to justify amendments. This should be proportionate to the amendments proposed.

16. To what extent do you agree that a Play Sufficiency Assessment should not be required for an amendment to a Local Development Plan? Where applicable, please give reasons for your answer.

Agree

HOPS agree that a Play Sufficiency Assessment would not be relevant to all amendments. However, in circumstances where this may be applicable consideration should be given at the discretion of the planning authority.

17. To what extent do you agree that an authority should not be required to have regard to the self-build list for every amendment to a Local Development Plan? Where applicable, please give reasons for your answer.

Agree

HOPS agree that planning authorities should not be required to have regard to the self-build list as it would not be relevant to all amendments. However, in circumstances where this may be applicable consideration should be given at the discretion of the planning authority.

Amendment to Local Development Plans: consultation

18. To what extent do you agree that approval by the full council is not always required before the publication of a proposed amendment to a Local Development Plan for consultation? Where applicable, please give reasons for your answer.

Neutral

HOPS appreciate the intention to give flexibility in decision making, we would defer to the individual responses of local planning authorities in this instance as there is variation in the ways that councils make decisions.

19. To what extent do you agree that the proposed amendment to a Local Development Plan should be published for consultation, alongside the Justification of Amendment statement and any

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statement on the consequences for the Delivery Programme which are to be published for information? Where applicable, please give reasons for your answer

Agree

HOPS agree with this proposed consistent and transparent approach.

20. To what extent do you agree that planning authorities should be required to notify Scottish Ministers and to consult with the public at large and key agencies, alongside others they consider appropriate, when amending a Local Development Plan? Where applicable, please give reasons for your answer.

Agree

HOPS agree with this proposed consistent and transparent approach.

21. To what extent do you agree with the proposed minimum 6 weeks consultation period, understanding that the timescale may be extended when deemed appropriate given the scale of the amendment? Where applicable, please give reasons for your answer.

Agree

HOPS agree that a minimum 6-week period would be required for adequate consultation. Local authority discretion is also required to ensure that the consultation is meaningful for the consultees and would meet the requirements of local authority decision making processes.

Amendment to Local Development Plans: adoption

22. To what extent do you agree with our proposed approach to independent examination? Where applicable, please give reasons for your answer

Agree

HOPS support the reasoning behind the proposal but there has been concern raised by authorities regarding costs involved and the impact this may have on LDP timescales, any process should be proportionate to the amendment made.

23. To what extent do you agree that an amendment to a Local Development Plan should take effect when it is adopted by the planning authority? Where applicable, please give reasons for your answer.

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

24. To what extent do you agree that a full, updated version of the amended Local Development Plan (LDP), incorporating the amendment, should be published in the same way as the initial LDP? Where applicable, please give reasons for your answer

Strongly agree

HOPS agree with this proposed consistent and transparent approach.

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Impact assessments

25. To what extent do you agree with our approach to the impact assessments for the proposed regulations? Where applicable, please give reasons for your answer.

Agree

We note however that there is a lack of clarity in this consultation document on proposed amendments to assessments associated with the LDP process should be addressed. HOPS hope to see guidance to provide detail on this.

About you

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Heads of Planning Scotland (HOPS)

Further information about your organisation's response

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

The Scottish Government would like your permission to publish your consultation response.

Publish response only (without name)

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes
