

2021 No. 353

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Local Place Plans) (Scotland)
Regulations 2021**

<i>Made</i>	- - - -	<i>5th October 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>7th October 2021</i>
<i>Coming into force</i>	- -	<i>22nd January 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(4), 2(1), 3(5) and 4 of schedule 19 and section 275 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 and come into force on 22 January 2022.

(2) In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997,

“community council” means a community council established in accordance with the provisions of Part IV of the Local Government (Scotland) Act 1973(b),

“local place plan area”, in relation to a local place plan, means the land to which the local place plan relates,

“locality plan” means a locality plan published under section 10 of the Community Empowerment (Scotland) Act 2015(c),

“planning authority” means the planning authority for the local place plan area.

Matters to which a community body must have regard to in preparing a local place plan

2. A locality plan published for the area to which a proposed local place plan relates is, for the purposes of paragraph 1(4) of schedule 19 of the Act (matters to which a community body must have regard to in preparing a local place plan), a matter to which a community body must have regard to in preparing the local place plan.

(a) 1997 c. 8. Schedule 19 was inserted by section 14 of the Planning (Scotland) Act 2019 (asp 13). The functions of the Secretary of State under the Town and Country Planning (Scotland) Act 1997 transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(b) 1973 c. 65. Part IV was relevantly amended by section 180(2) and schedule 14 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(c) 2015 asp 6.

Form and content of a local place plan

- 3.—(1) A local place plan is to—
- (a) identify the community body by whom it is prepared,
 - (b) contain a map that shows the land to which the local place plan relates,
 - (c) contain a statement of the community body’s proposals as to the development or use of land within the local place plan area.
- (2) Where—
- (a) that statement contains a proposal as to the development or use of land which relates to a specific area of land or particular building,
 - (b) the local place plan identifies land or building that the community body considers to be of particular significance to the local area,

the local place plan is to contain a map or maps which identify the location of the land or building.

(3) The map showing the local place plan area is to be sufficiently detailed so as to enable the boundaries of the local place plan area to be identified.

Steps required to be taken before submission of a local place plan

4.—(1) Before submitting a local place plan to the planning authority the community body must send a copy of the proposed local place plan and a notice containing the information specified in paragraph (2) to—

- (a) each councillor for the local place plan area,
- (b) a community council any part of whose area is within, or adjoins, the local place plan area.

(2) The information is—

- (a) a brief description of the content and purpose of the proposed local place plan,
- (b) information as to how and to whom any representations on the content of the proposed local place plan should be made and the date by which they should be made.

(3) The date by which representations should be made must be a date which is not less than 28 days after the date on which the notice is sent.

Information to be submitted with a local place plan

5.—(1) The following information must be submitted to the planning authority alongside a local place plan—

- (a) if the local place plan is submitted by a community body which is a community-controlled body (as defined in section 19 of the Community Empowerment (Scotland) Act 2015), a copy of the written constitution of the community body,
- (b) the contact details for the community body,
- (c) evidence of compliance with the requirements of regulation 4,
- (d) a statement explaining how the community body has, in preparing the local place plan, had regard to—
 - (i) the local development plan for the local place plan area,
 - (ii) the National Planning Framework, and
 - (iii) (if applicable) any locality plan for the local place plan area,
- (e) a statement setting out why the community body considers that the local development plan should be amended,
- (f) a statement setting out—
 - (i) the community body’s view of the level and nature of support for the local place plan,

- (ii) the basis on which the community body has reached that view, including a description of any consultation by the community body in respect of the proposed local place plan,
- (g) a copy of any document which is referred to in the local place plan (other than a document which is prepared or published by the planning authority to whom the local place plan is submitted).

(2) In this regulation “contact details” means the address (including any email address) to which the community body wish correspondence with the community body to be sent by the planning authority.

(3) A requirement under paragraph (1)(g) to submit a copy of a document may, in respect of document which is publically available online and free of charge, be satisfied by submitting sufficient information (for example a hyperlink) to the planning authority to enable the planning authority to view the document.

Register of local place plans

- 6.—(1) The register of local place plans to be kept under paragraph 3 of schedule 19 must—
- (a) be kept in the manner specified in paragraph (2),
 - (b) be made available to the public in accordance with paragraph (3).
- (2) The register must, in respect of each registered local place plan—
- (a) contain a copy of the local place plan,
 - (b) contain a copy of the information submitted alongside the local place plan in accordance with regulation 5(1)(c) to (f).
- (3) The register must be available for inspection by the public free of charge—
- (a) at all reasonable hours at an office of the planning authority,
 - (b) on a website maintained for that purpose.

Removal of local place plans from the Register

7.—(1) The planning authority must remove a local place plan from the register in the circumstances specified in paragraph (2).

- (2) The circumstances are—
- (a) if the community body which prepared the local place plan requests that the local place plan is removed from the register,
 - (b) if the community body which prepared the local place plan submits a subsequent local place plan which the community body state is to replace or supersede the local place plan.

Map of registered local place plans

8.—(1) The manner prescribed for the purposes of paragraph 4 of schedule 19 (map of local place plans) is as specified in paragraph (2).

- (2) The register must be available for inspection by the public free of charge—
- (a) at all reasonable hours at an office of the planning authority,
 - (b) on a website maintained for that purpose.

TOM ARTHUR
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th October 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the preparation of local place plans under schedule 19 of the Town and Country (Scotland) Act 1997 (“the Act”) as introduced by section 14 of the Planning (Scotland) Act 2019.

Regulation 2 provides that a community body in preparing a local place plan must have regard to any locality plan published for the area to which the local place plan is to relate. Regulation 3 sets out matters, including a map or maps, which a local place plan is to contain.

Regulation 4 sets out steps that must be taken by the community body preparing a local place plan before the local place plan is submitted to the planning authority. Regulation 5 sets out the information which must be submitted to the planning authority with the local place plan.

Regulation 6 makes provisions for the manner in which the register of local place plans is to be kept and made available for inspection. Regulation 7 sets out the circumstances when a local place plan must be removed from the register. Regulation 8 sets out how the planning authority are to make available for inspection a map of their district that shows the land to which registered local place plans relate.

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