

Business and Regulatory Impact Assessment

Title of Proposal

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

Purpose and Intended Effect

Background

1. Section 14 of the Planning (Scotland) Act 2019¹ (the 2019 Act) amends the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) to introduce a new right for communities to produce Local Place Plans (LPPs). This is a new right for communities, should they wish, to produce plans setting out proposals for the development and use of land, with scope for these to form a part of the statutory development plan. The regulations form part of a wider package of measures on improving community engagement in planning matters and building public trust arising from the 2019 Act.
2. Whilst there are already examples of community led plans, there has been no statutory link between such plans and the development plan for an area. Provisions deriving from the 2019 Act make that link.
3. The 2019 Act did not contain certain provisions for the preparation, submission and registration of LPPs. It was considered appropriate that they were dealt with through secondary legislation rather than on the face of the Bill.^{2 3} This Business and Regulatory Impact Assessment (BRIA) relates solely to the financial implications of the proposed Town and Country Planning (Local Place Plans) Regulations 2021, rather than wider requirements which are set out in the 1997 Act.

Objective

4. The aim of the provisions is to significantly enhance engagement in development planning, effectively empowering communities to play a proactive role in defining the future of their places.
5. Recognising that community bodies are likely to be staffed wholly, or in part by volunteers, the provisions seek to provide a robust framework of legislation without imposing unnecessary financial and administrative burdens on them.

¹ <https://www.legislation.gov.uk/asp/2019/13/section/14/enacted>

² <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/delegated-powers-memorandum-planning-scotland-bill.pdf>

³ https://external.parliament.scot/S5_Delegated_Powers/SPBill23ADPMS052018.pdf

Rationale for Government Intervention

6. The independent planning review panel's report⁴ recommended the introduction of LPPs. Its view was that communities should be empowered to bring forward their own plans, and those plans should form part of the statutory development plan. The recommendation was based on evidence gathered by the panel that suggested that more can and should be done to involve people in planning. In its response⁵ to the report, the Scottish Government stated that it would focus on more effective methods of engaging people at an earlier stage in the planning process.

7. These measures contribute to the following performance indicators contained in the National Performance Framework:

- We live in communities that are inclusive, empowered, resilient, and safe.
- We value enjoy and protect and enhance our environment.

Consultation

Within Government

8. As procedural matters, responsibility for these issues lies mainly with the Scottish Government's Planning and Architecture Division (PAD). However, with regard to measures pertaining to the relationship with community planning, PAD discussed these proposals with colleagues within the Government's Public Service Reform, Public Bodies & Third Sector Team.

Public Consultation

9. LPPs formed part of the wider review of the Scottish Planning System undertaken by the independent panel. This involved evidence gathering sessions and a general call for information. Since the panel reported in 2016, there were two public consultations on the way ahead^{6 7}, before a Bill was introduced to the Scottish Parliament in 2017 which became the Planning (Scotland) Act 2019. Communities responded throughout the Parliament's scrutiny of the Bill.

10. As part of the arrangements for developing proposals, the Scottish Government created a community engagement working group. The proposals were shared with this group in advance of the formal consultation.

⁴ Recommendation 44 <https://www.gov.scot/publications/empowering-planning-to-deliver-great-places/> (May 2016)

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/correspondence/2016/07/planning-review-sg-response/documents/review-planning-scottish-government-response-pdf/review-planning-scottish-government-response-pdf/govscot%3Adocument/review%2Bof%2Bplanning%2Bscottish%2Bgovernment%2Bresponse.pdf> (July 2016)

⁶ <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/> (January 2017)

⁷ <https://www.gov.scot/publications/places-people-planning-position-statement/> (June 2017)

11. There was a further public consultation between March and June 2021 on proposals for the regulations required for detailed implementation. This attracted over 200 responses, including a wide range of community councils and trusts (37 respondents), planning authorities and other public bodies (43 respondents), representative groups (37 respondents), developers (24 respondents) plus 62 individual respondents. The responses, where the respondent agreed to have them published, are available online⁸. An independent analysis of the responses has also been published⁹.

Community Bodies

12. The primary impact of the regulations on preparing and submitting LPPs will be on community bodies which wish to take forward an LPP. Thirty seven community councils or trusts responded to the consultation.

13. Several comments on the partial BRIA related to the estimated overall cost of £15,000 to prepare an LPP. It was suggested that this is a substantial amount for a community body to meet, or that it is likely to be unaffordable for some groups, with a risk that, unless resources are provided, existing inequalities between communities may be exacerbated. Disparities in expertise or experience within communities were also suggested to have the potential to affect outcomes or widen inequalities. Responses lead to a revision of the estimated cost of preparing an LPP.

Planning authorities

14. Forty three planning authorities and other public bodies responded to the consultation. The Royal Town Planning Institute (RTPI) also provided information¹⁰ on its assessment of the costs of implementing LPPs. The costs and resource implications for planning authorities were highlighted in the responses to the consultation. The assumption that, other than with respect to maintaining the LPP register, there will be minimal additional costs for planning authorities was questioned, and LPP pilots were reported to have resulted in significant costs in terms of resources and staffing. Reference was made to the costs associated with inviting local communities to prepare LPPs and assisting them to do so. Acting as a 'key supporting partner' to communities as they develop their LPPs was thought likely to be a significant cost for which no additional funding has been identified.

Business

15. Twenty four respondents were described in the typology as either Developer or Other - Private Sector. These included a number of house builders plus community engagement practitioners and wider property companies.

16. The partial BRIA noted that there may be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities in preparing an LPP. In response to the

⁸ [Published responses for Local Place Plan Regulations consultation - Scottish Government - Citizen Space](#)

⁹ [Proposals for Regulations on Local Place Plans: Consultation Analysis - gov.scot \(www.gov.scot\)](#)

¹⁰ [rtpi-scotland-financial-implications-of-implementing-the-planning-scotland-act-2019.pdf](#)

consultation, a number of developers responded that businesses may have an interest in the proposals contained in LPPs. They noted that it was not possible to pinpoint or assume any positive or negative financial implications at this stage. On the Scottish Firms Impact Test statement, a number agreed in principle that this legislation should not significantly affect the overall costs for individual businesses of engaging in the planning system (as it is clear there is to be no mandatory cost to any businesses associated with their preparation) and that local businesses may see value in engaging voluntarily in the preparation of LPPs.

17. To support the development of this BRIA, six community engagement practitioner businesses were contacted to provide additional information on costs. The responses have fed into this final BRIA.

Options

18. This section looks at each of the measures and the options for each proposal.

Introduction of requirements on community bodies to have regard to any Locality Plan which may be in place within an area

Option 1: Do nothing

19. In this option, the Regulations would remain silent about the inclusion of additional matters which the community body would have to have regard to. Requirements would remain as they are in primary legislation.

Option 2: Require community bodies to have regard to the Locality Plan

20. As well as spatial planning documents, community bodies should also have regard to community planning documents. It was considered that the minimum requirement should be for the community body to have regard to any Locality Plan which is in place covering the area of the LPP. This was set out in the Policy Memorandum¹¹ which was published alongside the Planning Bill.

21. Locality Plans are prepared by Community Planning Partnerships and set out local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes in the locality.

Option 3: Extend the requirement to a wider range of documents

22. The Scottish Government additionally considered if there are further matters which the community body should have regard to. This included: scope to consider the plans and strategies of community planning partners; having regard to the Local Outcome Improvement Plan (LOIP) for the area; and having regard to community action plans prepared by development or community trusts.

¹¹ Paragraph 76 <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/policy-memorandum-planning-scotland-bill.pdf>

23. With the community body having to have regard to both the National Planning Framework (NPF) and Local Development Plan (LDP) in preparing the LPP, a wide range of public sector national and local plans, strategies and projects should have already been considered / reflected in the LPP. In addition, the 2019 Act will require the planning authority to take into account the LOIP when preparing its LDP.

24. The Scottish Government sees the value of community bodies using the community action plans that have been prepared in their area as they are likely to give an initial steer as to the community's aspirations. However, it is planned that this is placed in guidance rather than making it a legal requirement.

25. The Scottish Government is therefore not proposing to include other plans, programmes or strategies other than the Locality Plan, where one is in place and so proposing Option 2.

Requirements on the form and content of an LPP

Option 1: Do nothing

26. In this option, the Regulations would remain silent about the form and content of the LPP. Community led plans tend to be in writing but are supplemented through the use of diagrams, maps, photographs and illustrations. Any matters pertaining to this option would be provided in guidance.

Option 2: Place requirements on the form and content of LPPs

27. As noted above, community led plans tend to be in writing but are supplemented through the use of diagrams, maps, photographs and illustrations. Whilst the Scottish Government would not want to stifle the creative preparation of LPPs, it is considered that there is scope for the form and content to be prescribed to ensure that the proposals contained within LPPs can be readily communicated to the wider community and to the planning authority. The Scottish Government therefore proposes that the focus should be on a clearly expressed statement combined with a spatial representation of the community's proposals for the area contained in a map which shows the community's boundary of its LPP. As noted above, an LPP which is clear and visual, using graphics, photographs, and maps is envisaged. The Scottish Government is proposing to take forward Option 2.

Steps to be taken before preparing the Local Place Plan

Option 1: Do nothing

28. In this option, the Regulations would remain silent about the steps to be taken before preparing the LPP. The main consideration has been on community engagement. Community bodies take engagement with their communities seriously and take positive steps to engage with their communities to ensure that they have evidence of their community's aspirations and views. Whilst this is already taking place without a requirement in law, concerns were expressed in the consultation about the engagement undertaken, particularly with societal group such as women, BAME groups and disabled people.

Option 2: Require community bodies to seek views of the community in legislation

29. Evidence shows that people are keen to be involved in decisions about their local places. The consultation paper noted a number of examples across Scotland. Inserting a requirement to engage provides an opportunity to capture that aspiration. Additionally, not providing a statutory link could provoke concerns that the community body may not be acting in a representative or transparent manner.

30. Whilst respondents to the consultation were generally supportive of a requirement in legislation, those who did not support such a requirement sometimes raised similar points to those who had agreed. It was suggested that a very light touch is needed, that a statutory requirement would be too prescriptive, and that guidance would be preferable to regulation. Countering that view, comments suggested that engagement should be prescribed in order to aid transparency, and promote consistency across LPP areas.

31. In light of the comments, the Scottish Government is not proposing to include a legal requirement on community bodies to engage in preparing their LPP at this stage and will take forward Option 1. Community engagement will be supported through the provision of guidance. Regulations will require communities to prepare a statement setting out what engagement took place, plus how that engagement shaped the final LPP.

Taking on board the views of councillors

Option 1: Do nothing

32. In this option, Regulations would remain silent about how community bodies take on board the views of councillors.

Option 2: Community bodies to send information on the proposed LPP, and how to make representations to councillors, before submitting the LPP. A minimum time would be set out in legislation.

33. Local councillors have a key role in establishing planning policies for their area. They might also be able to draw on their experiences of representing people in the area, or act as important intermediaries for community bodies as they seek to prepare or garner support for their LPPs. They may also be residents within a community.

34. A majority of respondents – 72% of those answering the question – agreed with the proposal that the community body should seek the views of ward councillors when preparing the LPP. A common perspective amongst those disagreeing was that seeking the views of ward councillors should probably be a matter for guidance or good practice rather than a requirement.

35. The Scottish Government can see the value in a community body seeking the views of the ward councillors for the area of the LPP in advance of submitting the LPP and are therefore proposing Option 2. With regard to earlier engagement with

councillors, community bodies will be encouraged through guidance to make such links.

Steps to be taken before the submission of a Local Place Plan

Option 1: Do nothing

36. In this option, Regulations would remain silent about the steps which must be taken before submitting an LPP.

Option 2: Provision of evidence of engagement on LPPs

37. Requiring community bodies to inform ward councillors and adjoining community councils of plans to seek representation on any proposed LPP is a suitable minimum. It is recognised that the preparation of this notice may prompt the community body to undertake additional engagement but this will be for the community body to consider in light of local circumstances. Option 2 is therefore being proposed.

Information to be submitted with a Local Place Plan

Option 1: Do nothing

38. In this option, Regulations would remain silent about the information that should be submitted alongside the LPP.

Option 2: Set out information requirements in legislation

39. The Scottish Government proposes to require additional information to be included with the LPP. Most of the information requested relates to the community body providing such information to assist the planning authority in assessing the validity of the LPP. However, additionally the Regulations include a requirement to include information on the consultation undertaken by the community body. The Scottish Government is therefore proposing Option 2.

Registration of Local Place Plans and the establishment and maintenance of a Register

Option 1: Do nothing

40. In this option, Regulations would remain silent about the establishment and maintenance of the register of LPPs.

Option 2: Provisions to support the register of LPPs

41. The planning authority must place a valid LPP on its register. The Scottish Government does not consider that the primary legislation provides sufficient detail for planning authorities to establish and maintain such registers. The Scottish Government is looking to build upon the requirements that planning authorities already have for their planning registers for planning applications. It is therefore

expected that the LPP register to be kept and publicised in a similar manner, and are therefore proposing Option 2.

Sectors and groups affected

Communities

42. LPPs offer the opportunity for a community led but collaborative approach to creating great local places. LPPs can support community aspirations on the big challenges for a future Scotland, such as responding to the global climate emergency and tackling inequalities. Local people will have the opportunity to engage meaningfully and have a positive influence in the future planning of development in their areas. And this opportunity will be followed through into the LDP.

Planning authorities

43. Planning authorities may be a key supporting partner for communities as they develop their LPPs. While the Regulations focus primarily on administrative requirements for community bodies, the planning authority will play a key role in validating LPPs and placing them onto their registers.

44. Councillors will also have an opportunity to share their views in the preparation of LPPs. Local councillors might be able to draw on their experiences of representing people in the area, or act as important intermediaries for community bodies as they seek to prepare or garner support for their LPPs. They may also be residents within a community.

Business

45. Business will have some interest in the development of LPPs as the proposals contained within an LPP will influence the development plan for an area, and therefore decisions made by the planning authority on planning applications.

46. There may be some tangential implications for community engagement practitioners and planning consultants who may see the opportunity to support communities in preparing an LPP.

Benefits

Introduction of requirements on community bodies to have regard to any Locality Plan which may be in place within an area

47. There is a significant opportunity to link LPPs with wider Locality Plans that have emerged in some areas as a result of the Community Empowerment (Scotland) Act 2015. As with the wider provision on aligning the LDP with LOIPs, this could create efficiencies, reduce duplication and prioritise resources to areas where there could be particularly significant benefits for communities and inclusive growth.

Requirements on the form and content of a Local Place Plan

48. The Scottish Government is envisaging an LPP which is clear and visual, using graphics, photographs, and maps. The requirement to prescribe the form and content of an LPP should ensure that the proposals contained within LPPs can be readily communicated to the wider community and to the planning authority when it is taking the proposals into account.

Steps to be taken before preparing the Local Place Plan

49. Evidence shows that people are keen to be involved in decisions about their local places. It also shows that community bodies take engagement with their communities seriously and take positive steps to engage. By recognising this in guidance rather than legislation, this will provide for creative engagement with the wider community. The Scottish Government will ensure that the guidance reflects comments in the consultation which support the inclusion of all sectors of society in decision-making.

Steps to be taken before the submission of a Local Place Plan

50. The Scottish Government sees value in a light-touch approach to statutory provisions on community engagement. With their key role in establishing policies for their area, local councillors can provide an invaluable bridge between the local authority and the community body. The Scottish Government can see the value in a community body notifying ward councillors for the area of the LPP in advance of its submission. With regard to earlier engagement with councillors, community bodies will be encouraged through guidance to make such links. This notification is extended to adjoining community councils.

Registration of Local Place Plans and the establishment and maintenance of a Register

51. Requiring community bodies to submit information alongside their proposals will provide evidence that they form a valid LPP. This will benefit the community body as it should reduce the chances that the planning authority will have insufficient information to validate the LPP.

52. The 2019 Act requires that the planning authority must have a register and place any valid LPP on such register. We are looking to build upon the requirements that planning authorities already have for their planning registers for planning applications. This will benefit the development of the registers and also provide for transparency for community bodies.

Costs

Preparing and submitting a Local Place Plan

Communities

53. There is limited information in the public domain on the costs of individual elements of developing an LPP. Defining the costs is made more challenging as it will be for the community body to develop the LPP within a light-touch regulatory framework. LPPs are likely to vary in costs depending on the complexity and size of the proposal and the resources each community body can draw upon.

54. In support of the Scottish Parliament's scrutiny of the 2017 Planning Bill the Scottish Government prepared an accompanying Financial Memorandum¹². This was updated following the Stage 2 scrutiny¹³.

55. In terms of estimating the cost of preparing LPPs, it noted that the nearest equivalent is neighbourhood planning in England, under the Localism Act 2011. Locality published a number of case studies of neighbourhood planning which found the average cost to be around £13,000¹⁴ ¹⁵. This is a monetised cost of all the effort required, some of which will be covered by volunteering or support from public or third sector bodies. This figure appears to match well with the level of grant understood to have been received by communities supported by the Coalfields Regeneration Trust, of between £10,000 and £15,000.

56. Evaluation of Community-led Design Initiatives: impacts and outcomes of the Charrettes and Making Places funds¹⁶ noted that the total cost of projects ranged from just over £8,000 to under £75,000. The variance in total costs was due to a wide range of factors, including the number of design events being run through each project (ranging from one to many), geography, facilitation costs, and the focus of the projects.

57. More recently the Scottish Communities Alliance published a report on community action planning¹⁷. In coming to an estimated cost of around £17,000 for plan preparation, it noted that 'there are significant variables depending on approach, nature of community, size of the site and purpose for the plan....' The primary costs associated with this estimate could be attributed to consultants' fees.

58. The partial BRIA assumed that the average cost of preparing an LPP will be in the region of £15,000, though many of these costs are intrinsic in the 2019 Act.

¹² <https://beta.parliament.scot/-/media/files/legislation/bills/previous-bills/planning-scotland-bill/introduced/financial-memorandum-planning-scotland-bill.pdf> (December 2017)

¹³ [https://www.parliament.scot/S5_Bills/Planning%20\(Scotland\)%20Bill/SPBill23AFMS052019.pdf](https://www.parliament.scot/S5_Bills/Planning%20(Scotland)%20Bill/SPBill23AFMS052019.pdf) (May 2019)

¹⁴ <https://mycommunity.org.uk/neighbourhood-planning>

¹⁵ An update provided in the linked FAQ document suggested case studies ranged from £4,000 - £20,000 (May 2020)

¹⁶ [People, Communities and Places: Evaluation of Community-led Design Initiatives: impacts and outcomes of the Charrettes and Making Places funds \(www.gov.scot\)](https://www.gov.scot/publications/evaluation-of-community-led-design-initiatives-impacts-and-outcomes-of-the-charrettes-and-making-places-funds/pages/12_to_14.pdf) (December 2019)

¹⁷ <https://scottishcommunityalliance.org.uk/wp-content/uploads/2020/10/Community-Action-Planning-a-process-CE-0920.pdf> (September 2020)

Some respondents to the consultation paper disputed this figure, and a figure as high as £25,000 was suggested as a reasonable cost. It was also suggested that the estimate of three LPPs per year within each local authority area was too low. However, the RTPI suggested, based on figures in England, that 328 LPPs may be produced in ten years. This would be around a third of the 92 per year estimated in the Bill's Financial Memorandum.

59. Taking this into account the comments above the estimated overall cost of preparing an LPP has been updated to £17,000 giving a total estimated cost of around £1.6M per year for communities.

Planning authorities

60. With regard to planning authorities, the partial BRIA focussed on the costs of preparing and maintaining the register of LPPs. Consultation responses made reference to a number of provisions which form part of the wider requirements under the 1997 Act, including wider support for community bodies to prepare LPPs.

61. In addition, the Regulations provide for additional requirements on the planning authority in relation to the validation of the material being submitted by the community body. The validation will require both objective (whether the organisation is a community body) and subjective (whether the community body has had regard to the NPF) assessments. We have estimated that this could be in the region of £800 per LPP, or in the region of £74,000.

62. The costs set out below are estimates of the additional costs which can be attributed to the regulations. Some of these costs will form part of the overall estimated cost of preparing an LPP which have been prepared previously.

Introduction of requirements on community bodies to have regard to any Locality Plan which may be in place within an area

63. Locality Plans for an area should be readily accessible from the website of the Community Planning Partnership. We would not envisage that an additional requirement to have regard to the Locality Plan would have a significant additional cost to the community body, within the context of what is already required within the 2019 Act.

Requirements on the form and content of a Local Place Plan

64. We are envisaging an LPP which is clear and visual, using graphics, photographs, and maps. This may require the costs of a designer and for the access to photographs and mapping facilities. We would envisage this could cost up to £2,500, although these costs could be reduced through access to resources within the community.

Steps to be taken before preparing the Local Place Plan

65. Communities take engagement seriously and will take positive steps to engage. Even without a legal requirement, there will be an expectation from the

wider community that they will be engaged in the development of the LPP. Costs are likely to be accrued through venue hire and catering, support for attendees (including translators, childcare etc.), plus materials and facilitators. We would want to encourage engagement with a wider range of geographies of interest and have increased the estimated cost to be in the region of £4,000 depending on support from the community / public sector or received in kind.

Taking on board the views of councillors

66. Councillors and most community councils have an online presence, e-mail, Facebook profile etc. It is not envisaged that the requirement to send information to local ward councillors, and community councils, would have a significant cost to the community body within the context of what is already required within the 2019 Act.

Steps to be taken before the submission of a Local Place Plan

67. Requiring community bodies to submit information alongside their proposals will provide evidence that they form a valid LPP. The development of a How to Guide and guidance should assist community bodies by providing a clear steer as to the requirements for submitting the LPP. However, information will need to collated / presented and potentially consulted upon. Including potential costs additional to any consultation such as printing of documents or setting up a webpage should be added to the costs of preparing the additional information. Whilst there is no proposed legal requirement to engage with the community, the requirement for a statement on engagement provides a clear steer that community engagement is encouraged. We would envisage this could cost in the region of £4,000.

Registration of Local Place Plans and the establishment and maintenance of a Register

68. The requirement to establish and maintain a register and map of LPPs will have some costs, which will fall to planning authorities or to the Scottish Government. In line with other registers of information the updated Financial Memorandum to the Planning Bill considered that it would cost around £10,000 for each authority to set up such a register, and £5,000 per year to maintain it, costing up to £2,040,000 over a 10 year period.

69. Transforming Places Together: digital strategy for planning¹⁸ sets out the Government's intention to develop an online central register of LPPs, as part of the end to end planning system. This figure would be reduced to around £40,000 for the Scottish Government, for set-up and technical maintenance, and £680,000 for planning authorities for maintaining the information.

Scottish Firms Impact Test

70. This legislation should not affect significantly the overall costs for individual businesses of engaging in the planning system. Local businesses may see value in engaging in the development of an LPP in addition to the LDP. As noted above, a

¹⁸ [Transforming Places Together: digital strategy for planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/transforming-places-together-digital-strategy-for-planning/pages/18.aspx)

number of respondents agreed in principle that this legislation should not significantly affect the overall costs for individual businesses of engaging in the planning system.

Competition Assessment

71. There are no obvious impacts on competition of these proposals. The proposals would not favour one such business over another per se.

- Will the measure directly or indirectly limit the number or range of suppliers?

72. No. It does not involve significant additional costs in the overall context of the planning system.

- Will the measure limit the ability of suppliers to compete?

73. No. As above.

- Will the measure limit suppliers' incentives to compete vigorously?

74. No. As above

- Will the measure limit the choices and information available to consumers?

75. No. As above.

Consumer Assessment

76. The costs involved seem to have limited effect on the purchasers of goods and services. To the extent that the public are consumers of planning services, then the proposed Regulations should improve their opportunities for engagement.

- Does the policy affect the quality, availability or price of any goods or services in a market?

77. No.

- Does the policy affect the essential services market, such as energy or water?

78. No.

- Does the policy involve storage or increased use of consumer data?

79. No.

- Does the policy increase opportunities for unscrupulous suppliers to target consumers?

80. No.

- Does the policy impact the information available to consumers on either goods

or services, or their rights in relation to these?

81. Yes. In so far as the planning system is a service and the public are its consumers. The Regulations on the LPP register will provide a framework for the information available to the general public.

- Does the policy affect routes for consumers to seek advice or raise complaints on consumer issues?

82. No.

Test run of business forms

83. No new forms.

Digital Impact Test

84. The use of on/off line models of engagement are not prescribed in the Regulations. Which method is used will be for the community body to decide in the local circumstances.

- Does the measure take account of changing digital technologies and markets?

85. Yes. The use of on/off line models of engagement are not prescribed in the Regulations. Which method is used will be for communities to decide in the local circumstances. In developing the proposals on access to the register, we have sought to ensure it is available both on and offline.

- Will the measure be applicable in a digital/online context?

86. Yes.

- Is there a possibility the measures could be circumvented by digital / online transactions?

87. No.

- Alternatively will the measure **only** be applicable in a digital context and therefore may have an adverse impact on traditional or offline businesses?

88. No.

- If the measure can be applied in an offline **and** online environment will this in itself have any adverse impact on incumbent operators?

89. No.

Legal Aid Impact Test

90. These changes would seem unlikely to affect claims for legal aid.

Enforcement, sanctions and monitoring

91. There is no requirement on a community body to prepare an LPP. However, where a community body seeks to prepare an LPP, the primary legislation in the 2019 Act sets out the framework of requirements that the community body must comply with. There is the potential that should a community body fail to comply with the requirements, then the planning authority is required to decline to validate the LPP.

92. The intention is that the Regulations will come into force on 22 January 2022. Stakeholders will receive notice of the publication through the Government's media channels such as its website, e-mail alerts and other social media channels.

Post-implementation review

93. Provisions within the 2019 Act insert section 15B into the amended 1997 Act and provide for a review of LPPs. Scottish Ministers are to prepare a report on the review and lay it in the Scottish Parliament. The provisions also require Ministers to undertake the review as soon as practicable 7 years after Royal Assent, namely July 2026. This review would provide an opportunity to consider any changes to these provisions.

Summary and recommendation

94. These Regulations have emerged to provide administrative legislative requirements for Local Place Plans as set out in the Planning (Scotland) Act 2019. This followed an extensive review of the planning system.

95. Whilst this BRIA has identified extra financial costs to all parties, the benefits of using a collaborative approach to placemaking has the potential to improve trust in the planning system and support collaboration over conflict.

Summary Costs and Benefits Table

Summary and recommendation

The Scottish Government proposes to lay regulations on the preparation, submission and registration of LPPs to help improve engagement in the Scottish planning system.

It is a challenge to estimate the costs of the development of LPPs accurately as the regulations seek to provide a light touch, leaving much to the discretion of the community body. Based on the figures estimated, the costs to communities of preparing LPPs due to these Regulations may be in the region of £970,000, with a total cost likely to be in the region of £1.6M per annum.

Costs for planning authorities to validate the extra elements introduced by the Regulations may be in the region of £74,000 per annum. Based on support from the Scottish Government to develop a centralised register, costs to all planning authorities is estimated be in the region of £70,000 per annum for maintaining the register.

The proposals, as a package, would appear to represent a proportionate response.

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1. Additional requirement on the community body having regard to the Locality Plan	Improved alignment of the LPP with community planning aspirations for the area	Minimal additional costs to community bodies
2. Prescribed Form and Content of the LPP	Improved accessibility of proposals through a concise statement and associated map	Total cost across the community sector estimated at £230,000
3. Steps to be taken before preparing the Local Place Plan	Community Bodies will have the scope to consider the consultation activities appropriate to their circumstances.	Total cost across the community sector estimated at in the region of £370,000
4. Taking on board the views of councillors	Improved opportunities for engagement for the community body with local councillors	Minimal additional costs for community bodies. Minimal additional costs for planning authorities
5. Submission of Local Place Plans	Assist the community body in submitting an LPP which is accepted by the planning authority as legally sound.	Total cost across the community sector estimated at in the region of £370,000
6. Maintenance of a register of LPPs	Validation of LPPs and maintenance a register available to the public will provide for transparency and accountability.	Increased costs for planning authorities in the region of £144,000.
7. Cost to communities of provisions in the regulations	Community body prepares a robust and rounded LPP which complies with legal requirements.	Total cost across the community sector estimated at in the region of £970,000
8. Total cost of preparing an LPP to communities	LPPs will provide communities with an opportunity for their proposals to form an integral part of the statutory planning system.	Costs in the region of £1.6M for communities.

Declaration and publication

I have read the business and regulatory impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Tom Arthur

Date: 5 October 2021

**Tom Arthur, Minister for Public Finance, Planning and Community Wealth
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