

ISLAND COMMUNITIES IMPACT SCREENING ASSESSMENT

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

Background

1. This assessment relates to secondary legislation contained in The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 (the Regulations) on administrative issues relating to the introduction of Local Place Plans (LPPs) into the Scottish planning system. Provisions relating to LPPs were introduced in the Planning (Scotland) Act 2019 which amended the Town and Country Planning (Scotland) Act 1997¹ (the 1997 Act).
2. The background to LPPs and what led to those proposals was set out in the Local Place Plan consultation paper² published in March 2021.

The Islands (Scotland) Act 2018 (the 2018 Act)

3. Section 7 of the Islands (Scotland) Act 2018 provides for a duty on the Scottish Ministers that they must have regard to island communities in exercising their functions and in the development of legislation.
4. Section 8 states that Scottish Ministers must prepare an Island Communities Impact Assessment (ICIA) in relation to a policy, strategy, or service, which, in its opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. These provisions came into force on 23 December 2020.
5. In December 2020 the Scottish Government published guidance and a toolkit for the preparation of ICIAs³.
6. The 2018 Act lists the following areas that are relevant considerations for islands and islands communities:
 - Depopulation
 - Economic development
 - Environmental protection
 - Health and wellbeing
 - Community empowerment
 - Transport
 - Digital connectivity
 - Fuel poverty
 - Land management

¹ [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [Local place plans - proposals for regulations: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot)

³ <https://www.gov.scot/publications/island-communities-impact-assessments-guidance-toolkit/>

- Biodiversity
7. The planning system has a role to play in the development and use of land in the long term public interest, including the future development of communities, and so may have a relevance to each of the considerations listed above.

Developing a clear understanding of policy objectives

8. Improving community involvement in the planning system was a key aim of planning reform⁴ from the outset. It is vital that local people have the opportunity to engage meaningfully and have a positive influence in the future planning of development in their areas. The independent planning review recommended that communities should be empowered to bring forward their own LPPs, and these should form part of the development plan⁵.
9. Island communities are well placed to express their aspirations for the future of their local places. Many have already been actively involved in shaping where they stay through charrettes or by preparing community action plans. Examples of island communities being involved in developing locally based plans can be found in:
- Argyll and Bute: SURF Alliance for Action: Rothesay⁶
 - Highland: Isle of Rum Community Land Use Plan⁷
 - North Ayrshire: Millport Charrette, Cumbrae⁸
 - Orkney: Stromness Local Place Plan⁹
 - Shetland: Scalloway Local Place Plan¹⁰
 - Western Isles: Galson Estate Trust Strategic Plan 2017-37¹¹
10. These Regulations will cover all Scotland. However, they are permissive in nature. The Regulations provide the administrative framework for LPPs. But it will be for local communities themselves to consider whether LPPs are appropriate in their local circumstances.

Data Gathering

11. Desk top analysis was undertaken of the evidence gathered for the development of the Planning Bill, including the Equality Impact Assessment¹² and ICIA¹³, plus

⁴ Places, People and Planning (January 2017) <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/>

⁵ Empowering planning to deliver great places (May 2016) [Empowering planning to deliver great places: independent review report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/empowering-planning-to-deliver-great-places-independent-review-report-gov.scot/)

⁶ <https://www.surf.scot/projects/alliance-for-action/rothesay/>

⁷ [Isle of Rum Community Land Use Plan | \(highland.gov.uk\)](http://highland.gov.uk/planning/isle-of-rum-community-land-use-plan/)

⁸ <http://northayrshire.com/wp-content/uploads/2018/05/tourism-and-economy-final-boards.pdf>

⁹ <https://www.pas.org.uk/wp-content/uploads/2020/06/20.05.26-Whats-Next-for-Stromness-Local-Place-Plan.pdf>

¹⁰ [Scalloway Local Place Plan \(arcgis.com\)](http://arcgis.com/scotland/planning/scalloway-local-place-plan/)

¹¹ https://af53f456-f8ff-4269-8f0d-9f9ef9f6820e.filesusr.com/ugd/682f71_f94c61f241044838b29a99fcd4c44aa2.pdf

¹² <https://www.gov.scot/publications/planning-bill---post-stage-2-equality-impact-assessment/>

¹³ <https://www.gov.scot/publications/planning-bill---post-stage-2-island-communities-impact-assessment/>

the integrated impact assessment accompanying the early engagement¹⁴ on National Planning Framework 4. This has been updated with additional evidence.

12. Key data from the analysis included:

National Plan for Scotland's Islands¹⁵: was published in December 2019. It noted the following:

- island communities face many different transport challenges when carrying out their daily lives compared to those living in less rural areas of the mainland and urban areas.
- the importance of community was a key theme from the consultation and respondents provided a range of examples that highlighted the uniqueness of the islands and the strengths they provide for cultivating innovative initiatives and projects on a small scale.
- many of the islanders said that they felt remote from where decisions were taken and expressed a desire for more considered decision-making which included them.
- island communities indicated that although the progress with broadband connectivity was a positive, further advancement was needed given the variation of both mobile and broadband connection between, and within, the islands of Scotland.
- islanders feel strongly about preserving built heritage and the natural environment, not just for their economic value through tourism, but for the quality of life they support and as a legacy for future generations.

Planning Bill Island Communities Impact Assessment¹³: was published in June 2019. The main theme that emerged through all the discussions was the need to allow flexibility for the islands.

It also noted that there were mixed views on the proposal for LPPs. Whilst the principle was understood, the group shared some concerns about delivery. Challenges included resourcing to support communities who want to bring forward plans, putting pressure on small teams. It was expected that many communities on the islands would be interested but that expectations would need to be managed in light of resourcing constraints. It recommended that flexibility would be helpful, and any powers should avoid being prescriptive / introducing a new system of plans, to allow wider plans (e.g. Locality Plans) to become LPPs.

Population demographics: National Records of Scotland Mid-Year Population Estimates Scotland, Mid-2019 (2020)¹⁶ indicated that Na h-Eileanan Siar and the Orkney Islands are among the local authority areas with an older population in Scotland, with Shetland closer to the overall figures for Scotland.

¹⁴ <https://www.transformingplanning.scot/national-planning-framework/resources/> (under impact assessment tab)

¹⁵ [The National Plan for Scotland's Islands - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-plan-for-scotland-islands-2019/pages/introduction/) (2019)

¹⁶ <https://www.nrscotland.gov.uk/files//statistics/population-estimates/mid-19/mid-year-pop-est-19-report.pdf> - Figure 13, page 26

Settlements data: National Records of Scotland - Population Estimates for Settlements and Localities in Scotland, Mid-2016 (2018)¹⁷ states that:

“The council areas with the lowest proportion of people living in a settlement¹⁸ are Na h-Eileanan Siar (30%) and Shetland Islands (38%). Many communities in these islands are sparser than those in the rest of Scotland, due to crofting and other factors, and so do not fulfil the density requirements needed to be counted as a settlement.”

Internet use: is less in older age groups than younger, and that there is a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland.

The National Islands Plan Survey Final Report (2021)¹⁹: Island residents generally perceive that they have little influence over decisions made by local and national organisations, and more influence over community organisations and community councils, particularly in the Outer Isles of Orkney and Shetland, where around half of residents feel they can influence decisions made by their community council. 42% of younger people (aged 18 to 35) compared to 30% of older people (aged 66 and over) report that they can influence decisions made by community organisations such as Development Trusts and community groups.

Young People and the Highlands and Islands (2018)²⁰: levels of community participation varied by geography, with the highest levels reported by young people in Orkney (81%), Shetland (72%) and the Outer Hebrides (70%).

Consultation

13. Following ongoing engagement throughout the course of the planning review, an intensive island proofing exercise was undertaken through a collaborative workshop, held in September 2017 and in advance of publication of the Planning Bill. The results of this workshop are set out below.

14. Specific to this consultation, the following primary stakeholders were identified:

- Community bodies, including community councils, development trusts, and other individuals and organisations with an interest in shaping the development of local communities;
- Relevant local authorities; and
- Other public sector bodies, particularly those with an involvement in community planning.

¹⁷ <https://www.nrscotland.gov.uk/files//statistics/settlements-localities/set-loc-16/set-loc-2016-publication-updated.pdf>

¹⁸ A settlement is defined to be a group of high density postcodes whose combined population rounds to 500 people or more. They are separated by low density postcodes

¹⁹ [National Islands Plan Survey: final report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-islands-plan-survey-final-report-2021/pages/12.aspx)

²⁰ [Highlands and Islands Enterprise | HIE](https://www.hie.gov.uk/)

15. The Scottish Government consulted on proposals for secondary legislation between March and June 2021. A consultation paper² on proposals for the framework of regulations was issued on 15 March 2021, with responses requested by 25 June. This paper was the subject to an e-mail alert to those signed up, social media announcement and blog post. The consultation was also promoted with local authority Community Council Liaison Officers and by a news article on www.communitycouncils.scot. The consultation was drawn to the attention of each local authority's Third Sector Interface and Community Planning Partnership. During June 2021, the Scottish Government held five online events for community members and other interested stakeholders. This included two events supported by SURF and the Development Trust Association Scotland for their members. The primary aim of the events was to support attendees in responding to the consultation.
16. All relevant Island authorities, five island community organisations plus Bòrd na Gàidhlig responded to the consultation. The organisations represented Island communities in Argyll and Bute, Orkney, Shetland and Western Isles council areas.
17. Respondents noted:
- Inclusion of an ICIA was welcomed. Specific points in relation to LPPs and island communities included highlighting the added pressure on small island planning authorities, where it was thought high existing levels of community engagement in relation to community land ownership will create significant momentum for LPPs. It was not felt the assessment sufficiently addresses this issue.
 - Greater clarity was also suggested to be necessary as to how authorities are to assess LPPs in relation to community plans that are already 'in place'. Existing action plans, such as those produced by community trusts in areas of high community land ownership were referenced, and it was suggested it might be incongruous for LPPs to contradict relevant land use sections of such plans.
 - Although acknowledgement of the differing transport challenges faced by island communities was welcomed, it was argued that there should be a reference to active travel as an essential component, alongside public transport, of improving connectivity and transport options in island communities.

Assessment

18. The assessment process requires that the Scottish Government must determine whether in its opinion the policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).
19. The following sections considers the potential for differential impacts on island communities of each element of the Regulations.

Links between spatial and community planning

20. The National Planning Framework covers the whole of Scotland and will therefore be relevant to all island communities. In addition, all of the relevant local authorities (Comhairle nan Eilean Siar, Highland Council, Shetland Islands Council, Orkney Islands Council, Argyll & Bute Council and North Ayrshire Council) are covered by local development plans (LDPs) prepared under the provisions contained in the amended Town and Country Planning (Scotland) Act 1997. Locality Plans are prepared by Community Planning Partnerships under section 10 of the Community Empowerment (Scotland) Act 2015. Locality Plans can be found in each of the six local authority areas covered by the 2018 Act.
21. It may be useful for relevant island communities to have regard to the National Islands Plan in addition to the National Planning Framework and LDP. Whilst we don't propose to legislate, the Scottish Government sees the value of the community body considering if the National Islands Plan is relevant in their local circumstances and will include in guidance.
22. Proposals for the additional requirement for community bodies to have regard to Locality Plans, where they are in place, should provide for the same policy framework for island communities.

Form and content of the Local Place Plan

23. Proposals would require community bodies to provide a statement setting out the community's proposals for the future development or use of land within the area covered by the LPP plus a map of the area covered by the LPP, which must be annotated to provide the LPP boundary. These requirements for community bodies should provide for the same policy framework for island communities.
24. Bòrd na Gàidhlig noted concern that the proposed regulations do not ensure that the needs of Gaelic speaking communities will be accounted for in LPPs. The Scottish Government consider that the nature of the Regulations, leaving much to local circumstances, will provide scope for the needs of Gaelic speaking communities to be reflected in LPPs. We will also look at how these communities can be supported through guidance.

Steps to be taken before preparing the Local Place Plan

25. The 2019 Act requires the community body to comply with any prescribed requirements as to steps which must be taken before preparing the plan. In order to provide for flexibility and reflect local circumstances, the Scottish Government is not proposing to include any requirements, but through the use of appropriate guidance will provide a steer as to the range of requirements for the preparation of a successful LPP.

Steps to be taken before the submission of Local Place Plans

26. The 2019 Act sets out that a community body must comply with a range of prescribed requirements in advance of submitting the LPP to the planning authority. The Regulations set out a minimum requirement for engagement with local councillors and community councils. The Regulations also require the community body to submit a statement on its consultation activities. The Regulations provide for flexibility attuned to local circumstances.
27. The Scottish Government has not identified any significant differences for island communities. The requirements should provide for the same policy framework for island communities.

Taking on board the views of councillors

28. A community body must comply with any prescribed requirements as to 'how the views of councillors for the area to which the local place plan relates are to be taken into account in the preparation of the local place plan'. The Scottish Government is proposing that the community body notifies ward councillors in advance of submitting their LPP. We will encourage communities to engage with councillors in preparing the LPP through guidance.
29. It is noted that the 2018 Act inserts section 2A into section 1 of the Local Governance (Scotland) Act 2004 providing an exception to the usual three or four member rule for electoral wards in relation to wards which consist either wholly or partly of one or more inhabited islands. In these circumstances the Local Government Boundary Commission for Scotland will have the flexibility to propose wards of one or two members.
30. We are proposing that the community body notifies local ward councillors. These requirements for community bodies should provide for the same policy framework for island communities irrespective of the number of councillors.

Register of Local Place Plans and associated maps

31. Primary legislation provides that every planning authority must keep a register of LPPs. Planning authorities already have experience of maintaining registers for development management purposes and we therefore don't envisage that there are specific issues pertaining to island communities.

Potential issues and mitigation

32. We envisage that there are two potential issues for island communities: how they can become involved in the development of the LPP; and the status of existing community led plans.
33. There is the potential that in locations with more scattered and / or older communities, there may be difficulties in identifying interested members of the public. However, this is potentially countered by the suggestion that there is

already an existing level of community engagement in relation to community land ownership.

34. A more scattered and older population and the availability of, and reliance upon, public transport, may mean island populations may be less able to attend events linked to the preparation of an LPP, or that it is more difficult and costly to do so. However, it is hard to make any conclusion as to the significance of any such challenges compared to other more remote parts of mainland Scotland, where populations may also be more scattered, older and where access to public transport at least may be more difficult compared to larger urban areas.
35. There is scope for guidance to indicate online measures for engagement should be used where feasible. This may provide some opportunity for more scattered and older populations to engage.
36. This would not necessarily be a total solution for island communities. Whilst setting out the way to try to close the gap in digital connectivity, The National Plan for Scotland's Islands (2019) section on Digital Connectivity¹⁵ does indicate a gap between premises in the islands able to access superfast and fibre broadband when compared to premises in other parts of rural Scotland. Also, in their response to the 'Call for Ideas' on the Scottish Government's National Planning Framework 4 (NPF4), Orkney Islands Council indicated "the islands still experience some of the poorest broadband and mobile phone connectivity speeds in the UK. Improved digital connectivity and investment in digital infrastructure to ensure equal coverage across Scotland should remain as a key objective in NPF4"²¹.
37. In addition, above we indicated that Na h-Eileanan Siar and the Orkney Islands have a higher proportion of older people in their population, and that older people are less likely or able to travel. The Scottish Household Survey 2020²² refers to a clear relationship between age and use of internet, with lower rates of internet use among older adults. In 2019, nearly 100 per cent of adults aged 16 to 24 reported using the internet compared to 43 per cent of those aged 75 and over. This gap is, however, narrowing.
38. There also remains opportunities for more traditional methods such as local media and posters in community spaces to be used as would fit local circumstances. These options will be open to community bodies.
39. As noted above, action plans, produced by community trusts in areas of high community land ownership, currently exist. It was suggested it might be incongruous for LPPs to contradict relevant land use sections of such plans. We recognise the work that has gone into the preparation of such plans and will encourage community bodies to consider the evidence and proposals contained in such plans.

²¹ <https://www.transformingplanning.scot/media/1692/305-orkney-islands-council.pdf> - paragraph 1.20

²² <https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/pages/8/>

40. We were also asked to consider how these plans might be integrated into local place planning.

41. In coming to a view, we considered two potential options:

- non-legislative, through guidance: encourage communities to submit their action plans to the planning authority as it begins preparation of its LDP; and encourage the planning authority to give them due weight as expressions of the community's voice.
- legislative: consider what scope there might be for regulations to allow such plans to be considered as LPPs.

42. The Scottish Government considered that any legislative approach is likely to be overly complicated due to the likely variety of methods for preparing such plans. We are therefore proposing that community bodies are encouraged to submit any such plans to the planning authority at the appropriate time. Through guidance, authorities will have scope to attach the weight they consider to be appropriate.

Conclusion

43. It is likely that island communities will welcome the opportunities provided by the Regulations on LPPs. There may be some issues around ability to attend public events, given the specific nature of island communities. But the proposals offer flexibility for individual circumstances relating to island communities.

44. Our conclusion is that there are not significant implications from the proposed legislation for island communities specifically. It is our opinion that the Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 do not require a full Islands Communities Impact Assessment.

ICIA completed by: Graham Robinson

Position: Policy Manager

Signature: Graham Robinson

Date completed: 21 September 2021

ICIA approved by: Dr Fiona Simpson

Position: Chief Planner

Signature: Dr Fiona Simpson

Date approved: 21 September 2021