

Joint Forum of West Lothian Community Councils

Local Place Plans – Draft Briefing Note – February 2020

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament on 20 June 2019 and received Royal Assent on 25 July 2019. The Act makes amendments to the Town and Country Planning (Scotland) Act 1997 (TCPA97). One of the many amendments concerns local place plans and includes in part 1ZA, paragraph 14 a direction to amend TCPA97 section 15 with a new section, section 15A entitled “Preparation of Local Development Plan: invitation to prepare local place plans”. The invitation is to be sent by the planning authority to a community-controlled body defined as a Community Council or a body within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015.

Section 15A refers to Schedule 19 which is a proposal as to the development or use of land. It may also identify land and buildings that the community body considers to be of particular significance to the local area.

Section 15A, requires the planning authority, before preparing a local development plan, to publish:

1. Information on the manner in which and the date by which, local place plans are to be prepared in order to be taken into account in the preparation of the local development plan.
2. Planning authorities must also publish the assistance available for local communities to prepare local place plans.
3. An invitation to local communities in their district to prepare local place plans in accordance with the following rules:
 - a. a community body may prepare a local place plan
 - b. In preparing a local place plan, a community body must have regard to:
 - i. the [current] local development plan for the land, or any part of the land, to which the local place plan relates.
 - ii. The National Planning Framework and any other prescribed matters.
 - c. The community body must comply with any prescribed requirements as to the form and content of the local place plan and any steps which must be taken before preparing the local place plan.
4. A community body must comply with any prescribed requirements as to:
 - a. the steps that must be taken before submitting a local place plan
 - b. 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, and
 - c. information which must be submitted alongside a local place plan.
5. Having complied with the above requirements the community body may submit a local place plan to the planning authority. The planning authority must include the community body submission in a register of local place plans and inform the community body that the submitted plan has been registered.

6. In the event that the planning authority consider that the local place plan is not valid then they must give their reasons for reaching that conclusion to the community body.
7. The planning authority must make publicly available a map of their district that shows the land to which the local place plans on the register of local place plans relate.

Implied Requirements

1. A case should be made by the Joint Forum of West Lothian Community Councils (JFWLCC) that the community area to be the subject of a local place plan in West Lothian should be consistent with current Community Council areas.
2. Any Community Council who wishes to be the community-controlled body, for the purposes of preparing local place plans, should contact the planning authority in the first instance to present a case supporting their application to be recognised as the community-controlled body. A pro-forma case in support will be prepared by the JFWLCC.
3. A Community Council representing urban and rural areas must ensure that both are properly represented in the preparation of a local place plan.
4. Procedures for dealing with boundary issues and facilities such as Beecraigs Country Park which falls into one Community Council area but used by many will be drafted by the JFWLCC.
5. It is recommended that the JFWLCC maintain a register of:
 - a. Community Councils who wish to be the community-controlled body and will partake in the preparation of a local place plan.
 - b. Community Councils who do not wish to be the community-controlled body for the preparation of a local place plan.
 - c. In the situation b. above the name and contact details of a community-controlled body within the definition given in section 19 of the Community Empowerment (Scotland) Act 2015 who wish to prepare a local place plan.
 - d. Community Council areas which have neither a Community Council or other community-controlled body able or willing to prepare a local place plan.
6. It is assumed that only one community-controlled body will represent a geographical area and that they will have a legal right to prepare the local place plan.
7. A satisfactory level of involvement (geographically, ethnically, and by age groups) and a representative diversity of perspectives (residents, businesses and non-resident employees) may be specified.
8. It is recommended that the JFWLCC maintain a list of people willing to assist Community Councils in the preparation of a local place plan. This list may include volunteers and consultants. It is accepted that the preparation of local place plans cannot rely solely on volunteers since the production of the plan is governed by a strict timetable. Some Community Councils may require more outside assistance than others.
9. It is recommended that the JFWLCC maintain a database of recent charrettes, regeneration studies, etc. which may form the basis of a local place plan.

10. Before commencing the preparation of the West Lothian Local Development Plan² the planning authority must provide information on the manner in which, and the date by which, local place plans are to be prepared. Additionally, the planning authority should describe the assistance available for local communities to prepare local place plans.
11. The planning authority must provide information on the implications of the National Planning Framework and any other prescribed matters, particularly with regard to housing numbers which may impact local place plans.
12. Since Community Councils must comply with:
 - a. any planning authority prescribed requirements as to the form and content of the local place plan, and
 - b. any steps which must be taken before preparing the local place plan;then a description of requirements must be provided by the planning authority to Community Councils.
13. The aspirations and issues to be addressed in a local place plan should be capable of being listed under three headings:
 - a. Social – how community need is met through improvement.
 - b. Economic – identifying the economic structure of the community i.e. is it primarily dormitory (homes for commuters) or based on local agricultural, industrial and/or commercial employment? Is there sufficient retail capacity to sustain the community without travelling? What are the current (previously identified) development opportunities? What future actions are required to improve economic sustainability?
 - c. Environmental – addressing issues such as green space, air quality, water quality, greenhouse gas emissions, traffic flow, public transport provision, etc.
14. Listing the aspirations and issues to be addressed will require identification and cooperation of key stakeholders. A stakeholder is an individual or an organisation who is likely to be affected by, or can influence, a decision to change.
15. Early involvement with elected members and the local planning authority is vital in the preparation of local place plans. Strategies must be in place to determine those aspirations likely to be paid from West Lothian Council's capital budget, those which are dependent on developer contributions and those aspirations which are unlikely to be funded during the period of the forthcoming Local Development Plan. Where funding is dependent on a section 75 agreement then a guarantee scheme must be evolved such that developer payments are made at commencement or, if during the progression of the development, are paid by predetermined installments into a dedicated West Lothian Council bank account.
16. The JFWLCC should monitor the map of areas covered by local place plans

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