

Consultation Response

Development plan
amendment regulations:
consultation

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Planning Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation: *Development plan amendment regulations* (the "**Consultation**").¹ It has the following comments to put forward for consideration.

General Remarks

As a preliminary comment, since the National Planning Framework (**NPF**) and the Local Development Plan (**LDP**) for each planning authority comprise the "development plan", amendments to one can impact on the other. Whilst we acknowledge the need for proportionate processes and flexibility where appropriate, adopting a consistent approach to who is consulted, and amendment procedures, would be welcomed. In this regard, we note that, whilst the consultation requirements for amendment of an LDP replicate the consultation requirements for preparing the LDP, the consultation requirements for amending the NPF are more limited. We do not see the justification for the narrower approach for NPF consultation and consider that such consultation should mirror the consultation that requires to take place in the preparation of the NPF (as is proposed for amendment of the LDP).

We anticipate that if the changes are of a more minor nature, there will be a lower level of engagement with consultation processes. We consider that having consistent processes would still be welcomed to avoid unintended consequences.

In relation to the procedure for amending the LDP, there should be a consistent approach to the preparation of the LDP. In particular, if it is considered appropriate for a full council to approve an LDP prior to its publication for consultation then a consistent approach would be welcomed in relation to other potentially significant changes to the LDP.

We highlight the importance of undertaking an appropriate consultation process to capture the views of interested parties. Whilst we note that the six week period would be a minimum timescale, we anticipate that this could cause challenges in relation to planning committee meeting cycles, depending on when the consultations are opened.

¹ [Development plan amendment regulations: consultation](#)



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