

Further guidance on Local Place Plan area and Community Body area

This guidance is provided by The Highland Council to help ensure the validity and effectiveness of Local Place Plans.

We recommend that communities consider the following points at the earliest opportunity when getting organised to prepare a Local Place Plan:

- Ensure that the area represented by the Community Body, as defined in its written constitution, corresponds to (matches or at least wholly includes) their Local Place Plan area.
- If a Community Body preparing a Local Place Plan is a community-controlled body, they must submit a copy of their written constitution as part of their Local Place Plan submission – this is key evidence for compliance with Para 5(1)(a) of the [Local Place Plan Regulations 2021](#).
- Community councils do not have to submit their written constitution because this type of Community Body is exempt from this Local Place Plan submission requirement.
- We are required to check the written constitution for any community-controlled body submitting a Local Place Plan to ensure that it qualifies as a community-controlled body as defined in Section 19 of the [Community Empowerment \(Scotland\) Act 2015](#).

See the table below for the legislative and regulatory background information.

If you require further guidance in relation to Local Place Plan area and Community Body area, please contact us on lpp@highland.gov.uk

No.	Key Points	Source and Extracts
1	A Local Place Plan must relate to an area of land.	The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 1. (2) In these Regulations— “local place plan area”, in relation to a local place plan, means the land to which the local place plan relates
2	A local place plan is a proposal by a Community Body about the development and use of land.	Scottish Government Local Development Planning Guidance (2023) Annex B – Local place plans and local development plans 1. A local place plan (LPP) is a proposal by a community body about the development and use of land.
3	A Community Body can prepare a Local Place Plan for their area, i.e. the whole or part of the area that they cover, as defined in their written constitution.	Scottish Government Local Development Planning Guidance (2023) Annex B – Local place plans and local development plans 11. Community bodies can prepare LPPs for their area

No.	Key Points	Source and Extracts
4	A community-controlled body must provide a definition of the community to which the body relates.	<p>Community Empowerment (Scotland) Act 2015 asp 6</p> <p>19 Meaning of “community-controlled body”</p> <p>In this Part, a “community-controlled body” means a body (whether corporate or unincorporated) having a written constitution that includes the following—</p> <p>(a) a definition of the community to which the body relates</p>
5	A group can usually choose to represent its community by an area or set of people with a common interest or characteristic (e.g. sports clubs, clan associations). However, because a fundamental requirement for a Local Place Plan is that it must relate to an area of land, a community-controlled body preparing a Local Place Plan must define its community by area.	<p>Asset Transfer under the Community Empowerment (Scotland) Act 2015 - Guidance for Community Transfer Bodies</p> <p>(as referred to in Para 16 of the Scottish Government Circular 1/2022: Local Place Plans)</p> <p>Requirements for a community controlled body</p> <p>5.10. To qualify as a community controlled body, your constitution, Articles of Association or registered rules must include the following things:</p> <p>(a) A definition of the community to which the body relates.</p> <p>Your group may represent the community in a particular area or people who have a common interest or characteristic.</p> <p>You should make sure you define the community clearly so you can know whether a person is a member of your community or not – this is important for the membership requirements.</p>
6	Assuring local communities the right for anyone in a community to join a Community Body preparing a Local Place Plan for their area, ensures their opportunity to influence the Local Place Plan and the future planning of development for their area, through taking part in voting, leading, etc.	<p>Scottish Government Circular 1/2022: Local Place Plans</p> <p>Background</p> <p>3. 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.</p>
7	When a community-controlled body prepares a Local Place Plan for an area that corresponds with (matches or is at least wholly included within) their community area as defined in their written constitution, membership of that body is open to any member of that Local Place Plan community.	<p>Community Empowerment (Scotland) Act 2015 asp 6</p> <p>19 Meaning of “community-controlled body”</p> <p>(d) provision that membership of the body is open to any member of that community</p>

No.	Key Points	Source and Extracts
8	<p>Part of the required submission for a Local Place Plan is a statement that describes any consultation carried out by the Community Body in respect of the proposed local place plan.</p> <p>The Community Body's defined area must correspond with or at least wholly include the Local Place Plan area, otherwise any such statement of consultation will be unable to reflect the views of the community in the whole of their Local Place Plan area.</p>	<p>The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021</p> <p>Information to be submitted with a local place plan</p> <p>5. –(1) (f) a statement setting out—</p> <p>(i) the community body's view of the level and nature of support for the local place plan,</p> <p>(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</p>
9	<p>When a Local Place Plan is submitted, the planning authority must check to ensure that it has been submitted by a Community Body that qualifies as a Community Body in the 1997 Act. If it is not a qualifying Community Body, the planning authority cannot register the Local Place Plan.</p>	<p>Scottish Government Circular 1/2022: Local Place Plans</p> <p>Confirmation of the Community Body's status</p> <p>61. The 1997 Act as amended states that a Community Body may prepare a Local Place Plan. The planning authority must ensure that the Local Place Plan is being submitted by a Community Body as defined in the 1997 Act.</p> <p>80. If the organisation is not a Community Body under the terms of the legislation, or if the information provided is incomplete, then the planning authority cannot register the Local Place Plan. It is required to advise that it is not valid, giving its reasons for reaching that view.</p> <p>83. The authority should check it [the Local Place Plan submission] contains all the required information, and that the organisation submitting the Local Place Plan qualifies as a Community Body.</p>