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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 97**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2023**

<i>Made</i>	- - - -	<i>22nd March 2023</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>24th March 2023</i>
<i>Coming into force</i>	- -	<i>19th May 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16D(2) of the Town and Country Planning (Scotland) Act 1997<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2023 and come into force on 19 May 2023.

**Interpretation**

2. In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997,

“children” means persons under the age of 18 years,

“formal play spaces” means play spaces which are specifically designed and maintained for the purposes of play,

“informal play spaces” means play spaces which—

(a) are, or are within areas of open space, and

(b) are not specifically designed and maintained for the purposes of play,

“locality” has the meaning given in section 9(2) of the Community Empowerment (Scotland) Act 2015<sup>(2)</sup>,

“open space” has the meaning given in section 3G(4) of the Act,

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(1) 1997 c. 8. Section 16D was inserted by section 7 of the Planning (Scotland) Act 2019 (asp 13) and was commenced on 8 November 2019 by regulation 2 and schedule 1 of S.S.I. 2019/314 for the purposes of making regulations.

(2) 2015 asp 6. S.S.I. 2016/364 was made in exercise of the power conferred by section 9(2) of that Act.

“play spaces” means outdoor spaces which are accessible by the public and which offer play opportunities for children,

“play sufficiency assessment” means the assessment carried out by a planning authority under section 16D of the Act.

### **Form and content of play sufficiency assessment**

**3.**—(1) The play sufficiency assessment must be a written report, incorporating maps as required in accordance with this regulation, setting out the assessment required under section 16D of the Act by a planning authority of the sufficiency of play opportunities in its area for children.

(2) The play sufficiency assessment must show, by means of a map, the location of formal play spaces within its area.

(3) The play sufficiency assessment must, in respect of each locality within the planning authority’s area, include statements as regards the overall—

- (a) quality,
- (b) quantity, and
- (c) accessibility,

of formal play spaces and informal play spaces in that locality.

(4) The play sufficiency assessment must include statements as regards the overall—

- (a) quality,
- (b) quantity, and
- (c) accessibility,

of formal play spaces and informal play spaces in the planning authority’s area.

### **Consultation**

**4.** In preparing the play sufficiency assessment the planning authority must consult—

- (a) children,
- (b) parents and carers,
- (c) community councils within the planning authority’s area established under Part IV of the Local Government (Scotland) Act 1973(3), and such other community bodies or persons whom the planning authority consider should be consulted, and
- (d) the public.

### **Publication**

**5.** The planning authority must publish the play sufficiency assessment by electronic means.

St Andrew’s House,  
Edinburgh  
22nd March 2023

*TOM ARTHUR*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in connection with the preparation of a play sufficiency assessment under section 16D of the Town and Country Planning (Scotland) Act 1997 (“the Act”). Planning authorities must carry out a play sufficiency assessment as part of the evidence report which must be prepared under section 16B of the Act before the preparation of a local development plan.

Regulation 3 sets out the form and content of a play sufficiency assessment. Regulation 4 provides who the planning authority must consult in the preparation of the play sufficiency assessment. Regulation 5 specifies that the play sufficiency assessment must be published electronically.