EXPLANATORY NOTES

PLANNING (SCOTLAND) ACT 2019

INTRODUCTION

OVERVIEW OF THE ACT

PART 1 – DEVELOPMENT PLANNING

Development planning

Section 1: Purpose of planning

Section 2: National Planning Framework

Section 3: Open space strategy

Section 4: Housing needs of older people and disabled people: parliamentary report

Sections 5 & 6: Strategic development: regional spatial strategies and removal of requirement to prepare strategic development plans

Section 7: Local development plans

Evidence report for preparation of local development plan

Preparation and publication of proposed local development plan

Examination of proposed local development plan

Section 8: List of person seeking self-build land for housing

Section 9: Supplementary guidance

Section 10: Key agencies

Section 11: Delivery programmes

Section 12: Amendment of National Planning Framework and local development plans

Section 13: Development plan

Local place plans

Section 14: Local place plans

Preparation of local place plans

Submission of local place plans

Register and map of local place plans

Meaning of 'community body'

PART 2 – MASTERPLAN CONSENT AREAS

Section 15: Masterplan consent area schemes

Making and alteration of schemes

Scheme grants planning permission, etc.

Content of schemes: self-build housing

Effect of altering scheme

Further provision about effect of scheme

Interpretation of provisions about schemes

Schedule 5A of the 1997 Act: Masterplan consent areas

PART 1: CONTENT OF SCHEMES

General

Further provision about conditions, limitations and exceptions

Land that cannot be included in a scheme

PART 2: MAKING AND ALTERING OF SCHEMES BY PLANNING AUTHORITIES

Power to make or alter scheme

Duty to periodically consider making scheme

Duty to seek to make or alter scheme when directed to do

PART 3: PROCESS FOR PLANNING AUTHORITY MAKING OR ALTERING SCHEME

Chapter 1: Process for all cases

Consultation on possible proposals

Publicity for proposals

Consideration of representations

Chapter 2: Further process for some cases

PART 4: SCOTTISH MINISTERS' POWERS TO MAKE AND ALTER SCHEMES AND STOP PROPOSALS

Chapter 1: Calling in planning authorities' proposals

Chapter 2: Making or altering scheme following paragraph 6 direction

PART 5: FURTHER POWERS OF SCOTTISH MINISTERS

Chapter 1: Excluding kinds of development from schemes

Chapter 2: Powers in relation to procedure, etc.

Application of section 54F

Calculation of periods

Section 16: Bar to creation of new simplified planning zones

PART 3 – DEVELOPMENT MANAGEMENT

Meaning of "development"

Section 17: Meaning of "development": use of dwellinghouse for short term holiday lets

Applications

Section 18: Pre-application consultation

Section 19: Assessment of health effects

Section 20: Regulations about procedure for certain applications

Section 21: Removal of requirement to recover costs before determining certain applications

Section 22: Declining to determine an application

Notice by planning authority of certain applications made to them

Section 23: Notice by planning authority of certain applications made to them

Assessment of environmental effects

Section 24: Assessment of environmental effects

Conditional grant of planning permission: noise-sensitive developments

Section 25: Conditional grant of planning permission: noise-sensitive developments

Conditional grant of planning permission: provision of toilet facilities within certain large developments

Section 26: Conditional grant of planning permission: provision of toilet facilities within certain large developments

Delegation of development decisions

Section 27: Delegation of development decisions

Section 28: Schemes of delegation

Call-in of applications by Scottish Ministers: further provision

Section 29: Call-in of applications by Scottish Ministers: further provision

Determination of applications: statement to accompany notification

Section 30: Determination of applications: statement to accompany notification

Agreements relating to period before which an appeal may be made

Section 31: Agreements relating to period before which an appeal may be made

Duration of planning permission

Section 32: Duration of planning permission and planning permission in principle

Section 33: Completion notices

Planning obligations

Section 34: Planning obligations: financial agreements

Section 35: Planning obligations: publication

Section 36: Planning obligations: annual report

Section 37: Planning obligations: modification or discharge

Declining to determine an application: further provision

Section 38: Declining to determine an application: further provision

Development orders

Section 39: Withdrawal of planning permission granted by development order

PART 4 – OTHER MATTERS

Promotion and use of mediation etc.

Section 40: Promotion and use of mediation etc.

Charges and fees

Section 41: Fees for planning applications etc.

Enforcement

Section 42: Fines: increases and duty of court in determining amount

Section 43: Liability for expenses under enforcement notice

Section 44: Enforcement charters: statement on major developments

Training for taking planning decisions

Section 45: Power to impose training requirements: planning authorities

Performance of planning authorities

Section 46: Annual report by planning authorities on performance

Section 47: National performance monitoring

Regulations

Section 48: Regulations

Ministerial directions

Section 49: Publication of directions

Chief planning officers

Section 50: Chief planning officers

National Scenic Areas

Section 51: National Scenic Areas

Notice by planning authority of applications for listed building consent

Section 52: Notice by planning authority of applications for listed building consent

Forestry and Woodland Strategy

Section 53: Forestry and woodland strategy

PART 5 – INFRASTRUCTURE LEVY

Section 54: Power to provide for a levy

Schedule 1: Infrastructure-levy regulations

Who is liable for what

Relief where relevant planning obligations

Local exemptions and discounts

Collection and enforcement

Financial penalty for late payment

Stopping development

Remission and repayment

Appeals

Accounting requirements

Expenditure of levy income

Use of planning and development powers

Maximum penalties

Section 55: Guidance

Section 56: Interpretation of Part and schedule

Section 57: Power to change meaning of "infrastructure"

Section 58: Lapsing of power to provide for levy

PART 6 – FINAL PROVISIONS

Section 59: Ancillary provision

Section 60: Power to replace descriptions with actual dates

Section 61: Regulation-making powers

Section 62: Minor and consequential amendments and repeals

Section 63: Commencement

Section 64: Short title

PARLIAMENTARY HISTORY