

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

The main provisions of the Act

6. The Act is in 10 parts and 1 schedule.

These are:

- Part 1 – National Planning Framework – sets out arrangements for the preparation and publication of the National Planning Framework, a spatial plan for Scotland. It also describes the procedure for Parliamentary consideration of the Framework and its laying before Parliament.
- Part 2 – Development plans – replaces Part 2 of the Town & Country Planning (Scotland) Act 1997 (the 1997 Act). It sets out provisions for the preparation, examination and publication of strategic development plans and local development plans, which will replace the existing structure plans and local plans. It also defines a new duty on planning authorities to exercise their development planning functions with the objective of contributing to sustainable development.
- Part 3 – Development management – selectively amends Part 3 of the 1997 Act to bring about a range of improvements to the handling of applications for planning permission. It also revises the provisions relating to appeals and planning agreements, now known as planning obligations.
- Part 4 – Enforcement – introduces provisions for temporary stop notices, fixed penalties and enforcement charters.
- Part 5 – Trees – updates and amends the provisions in the 1997 Act relating to Tree Preservation Orders.
- Part 6 – Correction of errors – introduces new provisions to allow the correction of errors in official decision letters.
- Part 7 – Assessment – introduces new powers for the Scottish Ministers to assess the performance of planning authorities in carrying out their development management functions, and to investigate their decision making.
- Part 8 – Financial provisions – amends existing provisions relating to fees and charges and to the making of grants for advice and assistance to those who use the planning system.
- Part 9 – Business improvement districts – introduces provisions to allow local businesses to invest collectively in improvements to the area they operate in.
- Part 10 – Miscellaneous and general provisions – contains provisions for National Scenic Areas, equal opportunities and minor amendments, repeals and commencements.

*These notes relate to the Planning etc. (Scotland) Act 2006
(asp 17) which received Royal Assent on 20 December 2006*

- The schedule – sets out a list of repeals to existing primary legislation.