

EXECUTIVE NOTE

THE PLANNING ETC. (SCOTLAND) ACT 2006 (COMMENCEMENT NO. 10) ORDER 2010 SSI 2010/400 (C. 26)

The above instrument was made in exercise of the powers conferred by section 59(2) of the Planning etc. (Scotland) Act 2006.

Policy context/objective

The purpose of the instrument is to commence various sections of the Planning etc. (Scotland) Act 2006. There are two dates of commencement; 26 November 2010; commencement of section 28(2)(c) and section 50 1 February 2011; commencement of remainder of section 28, and of sections 23 and 24 and of various other sections as set out in the schedule to the Order.

The commencement of part of section 28 on 26 November will provide Scottish Ministers with powers to make regulations setting out the form and manner of applications for consent under tree preservation orders. Sections 23 and 24 have already been commenced to the extent required to allow regulations to be made. Commencement of sections 23, 24 and 28 on 1 February will implement legislation relating to planning obligations and good neighbour agreements.

This instrument also commences the remaining provisions at section 50¹, including powers for the Scottish Ministers to designate NSAs by direction (and to vary or revoke them by direction); special attention requirements for NSAs; matters which the Scottish Ministers must take account of in deciding whether to designate NSAs; consultation requirements; and requirements for public inspection of particulars of NSAs.

Consultation

The provisions of the Planning etc. (Scotland) Act 2006 being commenced have previously been subject to consultation through the Bill process. Where regulations are to be made in respect of provisions in the various sections, these have been subject to further separate consultation.

Financial effects

The effects of the main changes to the planning system were covered in the financial memorandum accompanying the Bill, which became the Planning etc. (Scotland) Act 2006. The regulations resulting from these powers will be accompanied by Business and Regulatory Impact Assessments.

¹ The Planning etc (Scotland) Act 2006 (Commencement No 2) Order 2007 commenced provisions at section 50 for the Scottish Ministers to make regulations and to issue guidance on NSAs

Financial memorandum for the Bill

<http://www.scottish.parliament.uk/business/bills/51-planning/index.htm>

Directorate for the Built Environment

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