Planning (Scotland) Bill – Stage 3

Section 1

Kevin Stewart

19 In section 1, page 2, line 15, leave out “<, and> and insert —

“(ba) a statement about how the Scottish Ministers consider that development
will contribute to each of the outcomes listed in subsection (3ZA), and>"

Kevin Stewart

20 In section 1, page 2, leave out lines 17 to 22

Kevin Stewart

21 In section 1, page 2, leave out lines 23 to 26

Kevin Stewart

22 In section 1, page 2, line 26, at end insert—

<( ) After section 3A(3) insert—

“(3ZA)The outcomes are—

(a) meeting the housing needs of people living in Scotland including, in
particular, the housing needs for older people and disabled people,
(b) improving the health and wellbeing of people living in Scotland,
(c) increasing the population of rural areas of Scotland, and
(d) securing positive effects for biodiversity.”.>

Kevin Stewart

23 In section 1, page 2, line 27, leave out from beginning to end of line 2 on page 3

Kevin Stewart

24 In section 1, page 3, leave out lines 3 to 6

Kevin Stewart

25 In section 1, page 3, leave out lines 7 to 20

Kevin Stewart

26 In section 1, page 3, leave out lines 21 to 27

Kevin Stewart

27 In section 1, page 3, line 33, at end insert—
<“(5ZA) For the avoidance of doubt, this section does not prevent the Scottish Ministers from setting out policies or proposals that relate to the development or use of land outwith the National Planning Framework.”>.

Kevin Stewart
28 In section 1, page 3, line 33, at end insert—
<“(5ZB)In this section, “biodiversity” has the same meaning as “biological diversity” in the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or in any United Nations Convention replacing that Convention).”>.

Kevin Stewart
29 In section 1, page 3, leave out lines 34 to 39

Kevin Stewart
30 In section 1, page 3, line 39, at end insert—
<” ) In section 3A, subsections (6) to (9) are repealed.

Kevin Stewart
31 In section 1, page 3, line 40, leave out subsections (3) and (4)

Kevin Stewart
32 In section 1, page 4, line 6, leave out subsection (5) and insert—
<” ) Section 3A(10) is repealed.”

Kevin Stewart
33 In section 1, page 4, line 34, leave out from beginning to end of line 6 on page 5

Kevin Stewart
34 In section 1, page 5, line 6, at end insert—
<“3ZAB Duty to review the National Planning Framework

(1) The Scottish Ministers are to keep the National Planning Framework under review.

(2) Without limit to subsection (1), the Scottish Ministers are to—

(a) review the framework no later than 23 June 2024 (being 10 years from the date on which the framework was last published before this section came into force), and

(b) thereafter, review the framework at least once in every period of 10 years beginning with the most recent date on which—

(i) a revised framework prepared under subsection (3)(a) was adopted and published under section 3CZA, or
(ii) an explanation was published under subsection (3)(b) of this section.

(3) Following such a review, the Scottish Ministers are to—
(a) prepare a revised framework, or
(b) publish an explanation of why they have decided not to revise it.

**Kevin Stewart**

35 In section 1, page 5, line 6, at end insert—

<“3ZAC Revising the framework: participation statement and considerations

(1) This section applies where a revised National Planning Framework is to be prepared following a review under section 3ZAB.

(2) Before preparing the revised framework, the Scottish Ministers must prepare and publish their participation statement.

(3) In preparing the revised framework, the Scottish Ministers must—
(a) have regard to relevant policies and strategies, including, in particular—
   (i) any national strategy and action plan for housing prepared by the Scottish Ministers,
   (ii) any infrastructure investment plan prepared by the Scottish Ministers to set out their priorities for the development of public infrastructure,
   (iii) any national transport strategy prepared by the Scottish Ministers,
   (iv) any strategic transport projects review prepared by the Scottish Ministers to set out their priorities for transport investment,
   (v) the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009,
   (vi) the programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act 2009, and
   (vii) the national marine plan prepared under section 5 of the Marine (Scotland) Act 2010, and
(b) have regard to the desirability of—
   (i) resettling rural areas that have become depopulated,
   (ii) preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements.

(4) In this Part, “participation statement” means an account by the Scottish Ministers of—
(a) when consultation as regards the proposed revised framework is likely to take place,
(b) with whom they intend to consult, which must include—
   (i) planning authorities,
   (ii) key agencies (within the meaning of section 23D),
(iii) the appropriate body under subsection (5), and
(iv) such persons or bodies who the Scottish Ministers consider have a role in the delivery of the outcomes mentioned in section 3A(3ZA),

(c) the steps to be taken to involve the public at large in the consultation, and
(d) the likely form of the review.

(5) For the purpose of subsection (4)(b)(iii), the “appropriate body” is—

(a) the advisory body designated by an order under section 24(1) of the Climate Change (Scotland) Act 2009, or

(b) if no such order has been made, the Committee on Climate Change established under section 32 of the Climate Change Act 2008.

Kevin Stewart
36 In section 1, page 5, line 35, leave out subsection (6A)

Kevin Stewart
37 In section 1, page 6, line 25, leave out <bring into effect the> and insert <adopt a revised>

Kevin Stewart
38 In section 1, page 6, line 28, after <draft> insert <of the revised>

Kevin Stewart
39 In section 1, page 6, line 30, leave out <proceeded in accordance with subsections (3) to (6)> and insert <complied with section 3ZAC and subsections (3) to (6) of this section>

Kevin Stewart
40 In section 1, page 6, line 31, leave out <following that procedure,>

Kevin Stewart
41 In section 1, page 6, line 33, leave out from <Without> to <3A(10),>

Kevin Stewart
42 In section 1, page 6, line 34, leave out from <consult> to end of line 2 on page 7 and insert <—
(za) consult in accordance with their participation statement,>

Kevin Stewart
43 In section 1, page 7, line 3, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart
44 In section 1, page 7, leave out lines 5 to 8
Kevin Stewart

45 In section 1, page 7, line 9, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

46 In section 1, page 7, line 11, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

47 In section 1, page 7, line 14, leave out <(4)(c)> and insert <(3)(d)>

Kevin Stewart

48 In section 1, page 7, line 24, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

49 In section 1, page 7, leave out lines 26 to 38

Kevin Stewart

50 In section 1, page 7, leave out lines 39 and 40

Kevin Stewart

51 In section 1, page 7, line 40, at end insert—

<(12) As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it.>.

Kevin Stewart

52 In section 1, page 7, line 40, at end insert—

<Duties to assist in shaping the National Planning Framework

3CZB Key agencies to co-operate

It is the duty of a key agency to co-operate with the Scottish Ministers in—

(a) the review of the National Planning Framework,

(b) the preparation of a revised framework, and

(c) the preparation of any amendment to the framework.”.>

Section 1B

Kevin Stewart

53 Leave out section 1B
Kevin Stewart

54 After section 1B insert—

Strategic development: regional spatial strategies

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) Before section 4 insert—

“4ZA Regional spatial strategies

(1) A planning authority, or two or more such authorities acting jointly, are to prepare and adopt a regional spatial strategy.

(2) A regional spatial strategy is a long-term spatial strategy in respect of the strategic development of an area (or areas) which must, in particular—

(a) specify the area (or areas) of the planning authority (or authorities) to which it relates (“the region”), and

(b) identify, in relation to the region—

(i) the need for strategic development,

(ii) the outcomes to which the authority (or authorities) consider that strategic development will contribute,

(iii) priorities for the delivery of strategic development, and

(iv) proposed locations for strategic development, which must be shown in the strategy in the form of a map or diagram.

(3) Before adopting a regional spatial strategy, a planning authority (or authorities) must—

(a) publish, by such means as they consider appropriate—

(i) a draft of the strategy,

(ii) a summary of the information taken into account in preparing the draft of the strategy, and

(iii) a statement inviting representations in relation to the strategy by a date specified in the statement,

(b) as soon as practicable after publishing the documents mentioned in paragraph (a), send a copy of them to—

(i) the planning authority (other than one involved in producing the report) for any area in which future development is likely to be significantly impacted by the strategic development to which the strategy is to relate,

(ii) the key agencies, and

(iii) any other person the planning authority (or authorities) producing the strategy consider appropriate, and

(c) otherwise, consult such persons as they consider are likely to have an interest in the strategy.
(4) As soon as practicable after a strategy under subsection (1) is adopted, the planning authority (or authorities) must—
   (a) publish the strategy by such means as they consider appropriate, and
   (b) submit it to the Scottish Ministers.

(5) In this section, “strategic development” means development that is likely to have a significant impact on future development within the area of more than one planning authority.

4ZB Duties to have regard to regional spatial strategies

(1) In exercising their functions of preparing, revising or amending the National Planning Framework, the Scottish Ministers must have regard to any adopted regional spatial strategy submitted to them under section 4ZA(4)(b).

(2) In exercising their functions of preparing, revising or amending a local development plan, a planning authority must have regard to their adopted regional spatial strategy (or strategies) submitted to the Scottish Ministers under section 4ZA(4)(b).

4ZC Regional spatial strategies: first strategy, review and revision

(1) A planning authority must adopt a regional spatial strategy under section 4ZA(1) as soon as reasonably practicable after section (Strategic development: regional spatial strategies) of the Planning (Scotland) Act 2018 comes into force.

(2) A planning authority—
   (a) are to keep their adopted regional spatial strategy (or strategies) under review, and
   (b) if they consider it appropriate, may at any time prepare and adopt a replacement strategy.

(3) Without limit to the generality of subsection (2), a planning authority (or authorities) must review their adopted regional spatial strategy (or, if more than one, each adopted strategy) at least once in every period of 10 years beginning with the most recent date on which they—
   (a) adopted the strategy, or
   (b) published an explanation under subsection (4)(b).

(4) Following such a review, a planning authority are to—
   (a) prepare and adopt a replacement regional spatial strategy, or
   (b) publish an explanation of why they have decided not to do so.

(5) Section 4ZA(2) to (4) and sections 4ZB and 4ZE apply to a replacement regional spatial strategy as they apply in relation to the strategy being replaced (and references in this Part to a regional spatial strategy include references to such a replacement strategy).

4ZD Directions to prepare or review regional spatial strategies
(1) The Scottish Ministers may direct a planning authority, or two or more such authorities, to—
   (a) prepare and adopt a regional spatial strategy under section 4ZA(1) in relation to a region specified in the direction, or
   (b) review an adopted regional spatial strategy.

(2) A direction under subsection (1) may require the planning authority (or authorities) to take into account such matters (if any) as are specified in the direction when preparing or reviewing the strategy.

(3) Where a direction under this section requires two or more planning authorities to prepare and adopt a regional spatial strategy, they are to co-operate with one another.

4ZE Guidance for regional spatial strategies

(1) The Scottish Ministers may issue guidance in relation to the preparation, adoption, review and content of regional spatial strategies.

(2) A planning authority must have regard to any guidance issued under subsection (1) when preparing or adopting a regional spatial strategy.

(3) Before issuing guidance under this section, the Scottish Ministers must consult—
   (a) each planning authority, and
   (b) such other persons as they consider appropriate (if any).

(4) The Scottish Ministers must make guidance issued under subsection (1) publically available.

(5) The power under subsection (1) to issue guidance includes the power to—
   (a) issue guidance that varies guidance issued under that subsection, and
   (b) revoke guidance issued under that subsection.”.>

Kevin Stewart

55 After section 1B, insert—

<Removal of requirement to prepare strategic development plans

Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997 are repealed.>

Section 2A

Kevin Stewart

56 Leave out section 2A

Section 3

Kevin Stewart

57 In section 3, page 12, leave out lines 6 to 8
In section 3, page 12, leave out lines 9 to 12

In section 3, page 12, line 14, leave out from second <the> to second <for> in line 15 and insert <meeting the housing needs of people living in>

In section 3, page 12, leave out lines 17 to 29

In section 3, page 12, line 37, leave out from beginning to end of line 12 on page 13

In section 3, page 13, leave out lines 13 to 29

In section 3, page 13, leave out lines 30 to 33

In section 3, page 13, leave out lines 34 and 35

In section 3, page 13, leave out lines 36 to 43

In section 3, page 14, leave out lines 1 to 9

In section 3, page 14, line 16, after <area> insert <, including, in particular, the needs of persons undertaking further and higher education, older people and disabled people>

In section 3, page 14, line 16, at end insert—

<“(caa) the availability of land in the district for housing,”>

In section 3, page 14, leave out line 17

In section 3, page 14, leave out lines 19 and 20
Kevin Stewart  
71  In section 3, page 14, leave out lines 21 and 22

Kevin Stewart  
72  In section 3, page 14, leave out line 23

Kevin Stewart  
73  In section 3, page 14, line 24, after <district> insert <and the likely effects of development and use of land on those health needs>

Kevin Stewart  
74  In section 3, page 14, leave out line 25

Kevin Stewart  
75  In section 3, page 14, line 29, after <energy> insert <, and health care>

Kevin Stewart  
76  In section 3, page 14, leave out lines 32 to 34

Kevin Stewart  
77  In section 3, page 14, leave out lines 36 to 38

Kevin Stewart  
78  In section 3, page 15, line 2, leave out <(2)(d)> and insert <(5)(d)>

Kevin Stewart  
79  In section 3, page 15, leave out lines 5 to 15

Kevin Stewart  
80  In section 3, page 15, leave out lines 26 and 27

Kevin Stewart  
81  In section 3, page 15, line 27, at end insert—

   "(ab) are to have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements,",

Kevin Stewart  
82  In section 3, page 15, leave out lines 29 to 41
Kevin Stewart

83 In section 3, page 16, line 15, at end insert—

<(aza) set out—

(i) a summary of the action taken by the planning authority to support and promote the construction and adaptation of housing to meet the housing needs of older people and disabled people in the authority’s area,

(ii) an analysis of the extent to which the action has helped to meet those needs.>

Kevin Stewart

84 In section 3, page 16, line 15, at end insert—

<(azb) set out—

(i) a summary of the action taken by the planning authority to meet the accommodation needs of Gypsies and Travellers in the authority’s area,

(ii) an analysis of the extent to which the action has helped to meet those needs.>

Kevin Stewart

85 In section 3, page 16, line 20, leave out <by the planning authority>

Kevin Stewart

86 In section 3, page 16, leave out lines 22 to 26

Kevin Stewart

87 In section 3, page 16, leave out lines 27 and 28

Kevin Stewart

88 In section 3, page 16, line 32, at end insert—

<(zi) disabled persons,>

Kevin Stewart

89 In section 3, page 16, line 34, at end insert—

<(aa) the steps taken by the planning authority in preparing the report to seek the views of community councils, and>

Kevin Stewart

90 In section 3, page 16, line 35, after <expressed> insert <under paragraphs (a) and (aa)>
In section 3, page 16, line 37, leave out from beginning to end of line 7 on page 17

In section 3, page 17, leave out lines 13 to 32

In section 3, page 18, line 20, leave out <subsection (2A)> and insert <this section>

In section 3, page 18, line 20, at end insert—

<“accommodation needs” includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed.>

In section 3, page 18, line 21, at end insert—

<“community council” means a community council established by a local authority under Part 4 of the Local Government (Scotland) Act 1973, “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010.>

In section 3, page 18, line 23, at end insert—

<(11) Before making regulations under subsection (10) specifying the meaning of “Gypsies and Travellers”, the Scottish Ministers must consult such persons as they consider appropriate.>

In section 3, page 19, leave out lines 19 and 20

In section 3, page 20, line 12, at end insert—

<( ) in subsection (8)(a)(i), the words from “(which” to “plan)” are repealed,>

In section 3, page 20, line 12, at end insert—

<( ) after subsection (8), insert—

“(8A) Recommendations under subsection (8)(a)(i) may include—

(a) recommendations that the planning authority make modifications to the proposed local development plan,
(b) in a case where the appointed person considers that a change required is not suitable to be dealt with by such modification, a recommendation that, if adopted, the planning authority should amend the local development plan under section 20AA in relation to such matters as may be specified in the report.

(8B) Where a report prepared under subsection (8)(a) includes a recommendation of the type described in subsection (8A)(b), the appointed person must send a copy of the report to the Scottish Ministers.”;

Section 5

Kevin Stewart

100 In section 5, page 21, line 37, after <agency”)> insert <—

(a) after “of” where it first occurs insert “Part 1A or”,

(b)>

Section 7

Kevin Stewart

101 In section 7, page 22, line 31, leave out <Sections 3A(11) and 3AA apply> and insert <Section 3AA applies>

Kevin Stewart

102 In section 7, page 22, line 32, leave out <they apply> and insert <it applies>

Kevin Stewart

103 In section 7, page 22, line 37, leave out <revised under section 3A> and insert <reviewed and revised under sections 3ZAB to 3CZA>

Section 9

Kevin Stewart

104 In section 9, page 25, line 29, leave out <from the planning authority>

Section 14E

Jeremy Balfour

105 In section 14E, page 46, line 31, at end insert—

<( ) In section 38, after subsection (1A), insert—

“(1B) Without prejudice to the generality of subsection (1), regulations or a development order are to prescribe that, before determining an application for planning permission for a major development within their district, the planning authority must consult the access panel for their local authority area.
(1C) In subsection (1B), “access panel” means a group of volunteers including disabled people, residing in a local authority area, whose aim is to improve access and independent living in their local communities within their local authority area.”

Schedule 2

Kevin Stewart

106 In schedule 2, page 75, line 31, at end insert—

<Removal of requirement to prepare strategic development plans

1 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) Section 16(6) (local development plan consistency with strategic development plan) is repealed.

(3) In section 20B (development plan schemes)—

(a) in subsection (1), the words “by each strategic development authority and” are repealed,

(b) in subsection (2), in the opening words, for “The authority in question is” substitute “An authority are”,

(c) in subsection (3), the words “their strategic development plan or as the case may be” are repealed,

(d) in subsection (5)(c), for “strategic development plan area or the area of the planning authority, as the case may be” substitute “area of the authority”.

(4) In section 21 (action programmes)—

(a) subsection (1) is repealed,

(b) in subsection (3), for “the authority in question” substitute “an authority”,

(c) paragraph (a) of subsection (4) and the “or” immediately following it are repealed,

(d) in subsection (5), for “the authority in question” substitute “an authority”,

(e) in subsection (6), for “the authority in question” substitute “an authority”,

(f) sub-paragraph (i) of subsection (10)(b) and the “and” immediately following it are repealed,

(g) in subsection (10)(b)(ii), the words “in the case of a planning authority,” are repealed.

(5) In section 23 (disregarding of representations with respect to development authorised by or under other enactments), paragraph (a) of subsection (1) and the “and” immediately following it are repealed.

(6) In section 23A(2) (directions in relation to functions under Part)—

(a) the words “or strategic development planning authority” are repealed,

(b) the words “or strategic development planning authorities” are repealed.

(7) In section 23B (default powers of the Scottish Ministers)—

(a) in subsection (1)(a)—
(i) the words “strategic development plan or” where they first occur are repealed,

(ii) the words “proposed strategic development plan or” are repealed,

(b) in subsection (2)(b), the words “strategic development plan or” are repealed,

(c) subsection (3) is repealed,

(d) subsection (4)(b) and the word “or” immediately preceding it are repealed,

(e) subsection (5)(b) and the word “and” immediately preceding it are repealed.

(8) In section 23C (reviews of plans in enterprise zones), paragraph (a) and the word “and” immediately following it are repealed.

(9) In section 237 (validity of development plans etc.), in subsection (1)(a), the words “strategic development plan or” are repealed.

(10) In section 238 (proceedings for questioning validity of development plans etc.)—

(a) in subsection (1), the words “strategic development plan or” are repealed,

(b) subsection (5)(a) is repealed.

(11) In section 255(2)(a) (contributions by local authorities and statutory undertakers), the words “a strategic development plan or” are repealed.

(12) In section 269(1)(a) (rights of entry), the words “strategic development plan or” are repealed.

(13) In section 277(1) (interpretation), the entries in the list for “strategic development plan”, “strategic development plan area” and “strategic development planning authority” are repealed.

(14) In schedule 14 (blighted land)—

(a) paragraph 1 is repealed,

(b) in paragraph 2—

(i) in sub-paragraph (1)(a), for the words “paragraph 1(1)(a)(i) or (ii)” substitute “sub-paragraph (1A)”,

(ii) after sub-paragraph (1) insert—

“(1A) The functions are—

(a) the functions of a government department, local authority or statutory undertaker,

(b) the provision by an electronic communications operator of an electronic communications code network, or

(c) the provision by a former PTO of a public electronic communications network or a public electronic communications service.”.

Kevin Stewart

107 In schedule 2, page 76, line 19, at end insert—

< (b) a strategic development plan,>
Kevin Stewart

108  In schedule 2, page 76, line 24, at end insert—

<“6  On the publication of the revised National Planning Framework under section 3A(8) after the coming into force of section 8 of the Planning (Scotland) Act 2018, all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.”>

Kevin Stewart

109  In schedule 2, page 76, line 37, at end insert—

<(9)  In paragraph 9, the words “and the strategic development planning authority for any strategic development plan area,” are repealed.>

Kevin Stewart

110  In schedule 2, page 77, line 5, at end insert—

<“strategic development plan” is to be construed in accordance with section 7 as it applied immediately before the coming into force of section (Removal of requirement to prepare strategic development plans) of the Planning (Scotland) Act 2018,>

Kevin Stewart

111  In schedule 2, page 80, line 15, leave out <[ ]> and insert <3CA(2A)>