Planning (Scotland) Bill – Stage 3

Graham Simpson

113 Leave out section A1

Graham Simpson

114 In section A2, page 1, line 16, leave out from beginning to end of line 7 on page 2 and insert—

<(1) The purpose of planning is to manage the development and use of land in the long term public interest.

(2) Without limiting the generality of subsection (1), anything which—

(a) contributes to sustainable development, or

(b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment Act),

is to be considered as being in long term public interest.

(3) This section applies only to the Scottish Ministers’ and planning authorities’ exercise of functions under Parts 1A and 2.”.>

Section 1

Mark Ruskell

35A As an amendment to amendment 35, line 20, at end insert—

<() any national strategy in respect of the improvement of air quality prepared by the Scottish Ministers, and>

Section 1A

Kevin Stewart

115 In section 1A, page 8, leave out lines 14 to 22

Kevin Stewart

116 In section 1A, page 8, line 31, leave out from <make> to end of line 35 and insert <—

(a) make provision about how planning authorities are to discharge their functions under this section including, in particular—

(i) how they conduct an audit under subsection (3)(a), and

(ii) how they assess current and future requirements for the purposes of subsection (3)(b),

(b) amend subsection (5) by adding a definition or amending or omitting a definition for the time being specified there.>
Graham Simpson

117 In section 3, page 15, line 27, at end insert—

"(a) are to have regard to the list published under section 16D of persons seeking to acquire land in the authority's area for self-build housing.”>

Graham Simpson

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

"( ) in subsection (8), in the opening words, after “subsection (3)” insert, “, unless section 19ZA applies,”>

Graham Simpson

119 In section 3, page 20, line 15, at end insert—

"( ) After section 19 insert—

“19ZA Examination under section 19(3): further provision

(1) This section applies where—

(a) a person appointed under subsection (3) of section 19 is conducting an examination of a proposed local development plan under that subsection, and

(b) the person is not satisfied that the amount of land allocated for housing in the proposed local development plan is sufficient to meet the targets it includes in relation to the housing needs of people living in the part of the district to which it relates (see section 15(1B)).

(2) The appointed person may, instead of preparing a report under section 19(8), issue a notice to the planning authority requiring it to prepare another proposed local development plan under section 18(1).

(3) A notice under subsection (2) must include—

(a) a statement that the proposed local development plan is unsatisfactory due to its failure to address the identified housing needs,

(b) the appointed person’s reasons for coming to that conclusion.

(4) The appointed person must—

(a) send a copy of a notice issued under subsection (2) to the Scottish Ministers,

(b) publish it, and

(c) notify the persons mentioned in paragraph (b) of section 19(6), and any person who made representations by virtue of section 19A that a notice has been given under subsection (2) (and its effect).

(5) A planning authority that receive a notice under subsection (2)—
(a) may not take any further action in respect of the unsatisfactory proposed local development plan, and

(b) must prepare another proposed local development plan in accordance with section 18.

(6) The planning authority may use the evidence report prepared and assessed in respect of the unsatisfactory proposed local development plan for the purpose of subsection (5)(b).

(7) In subsection (4)(b), “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).

After section 3

Graham Simpson

120 After section 3, insert—

“List of persons seeking land for self-build housing

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

(2) After section 16C insert—

“16D Publication of list of persons seeking land for self-build housing

(1) A planning authority are to prepare and maintain a list of persons who have registered interest with the authority with the intention of acquiring land in the authority’s area for self-build housing.

(2) A planning authority are to publish the list in such manner as the authority consider appropriate (as for example by means of the internet).

(3) For the purpose of subsection (1), self-build housing is where an individual commissions or (whether acting alone or with other individuals) is personally involved in the design and construction of a dwelling that is intended to be the individual’s main residence once it is built.”.

Section 7

Kevin Stewart

121 In section 7, page 23, line 23, leave out from <and> to end of line 26

Section 9

Graham Simpson

122 In section 9, page 26, line 11, at end insert—

“(1B) It may also identify land and buildings that the community body considers to be of particular significance to the local area.”
Section 10

Graham Simpson

123 In section 10, page 28, line 28, at end insert—

<54BA Content of schemes: self-build housing

(1) A masterplan consent area scheme may, under section 54B(1)(a), specify—

(a) development in the form of self-build housing, or

(b) a description of development which includes self-build housing.

(2) For the purpose of subsection (1), self-build housing is where an individual commissions or (whether acting alone or with other individuals) is personally involved in the design and construction of a dwelling that is intended to be the individual’s main residence once it is built.

(3) Nothing in this section is to be construed as limiting the development or a description of development that may be specified under section 54B(1)(a).>

Kevin Stewart

124 In section 10, page 32, line 36, leave out from beginning to end of line 2 on page 33

Kevin Stewart

125 In section 10, page 35, line 11, at end insert—

<Requirement to notify the Scottish Ministers of certain proposals

15 (1) The Scottish Ministers may direct a planning authority to notify them, as soon as reasonably practicable, of any proposals for making or altering a scheme that the authority have publicised in accordance with paragraph 12.

(2) Where a planning authority are required by a direction under this paragraph to notify the Scottish Ministers of their proposals, the authority may not make the proposed scheme or alteration (whether in the terms proposed or otherwise) until the period provided for in the direction has ended.

(3) A direction under this paragraph may—

(a) be addressed to a particular authority or all authorities,

(b) require that the Scottish Ministers be notified of proposals if—

(i) the proposals are of a description specified in the direction, or

(ii) an event specified in the direction occurs in connection with the proposals,

(c) provide for the period in the direction to be either—

(i) a specified period of time, or

(ii) an indefinite period that ends only when the Scottish Ministers tell the authority it has ended.>

Kevin Stewart

126 In section 10, page 35, line 32, at end insert—
Chapter 1
Calling in Planning Authorities’ Proposals

Power to call in proposals

17 (1) For the purposes of this Chapter, a call-in direction is a direction given to a planning authority by the Scottish Ministers in relation to the authority’s proposals for making or altering a scheme.

(2) A call-in direction may be given in relation to an authority’s proposals at any time prior to the authority making the proposed scheme or alteration (whether in the terms proposed or otherwise).

(3) Once a planning authority have been given a call-in direction, the authority—

(a) may not make the proposed scheme or alteration (whether in the terms proposed or otherwise), and

(b) must not begin, or as the case may be proceed with, any hearings in relation to the proposals that would (but for this paragraph) be required by regulations under paragraph 14(1).

Powers after calling in

18 (1) Where a call-in direction has been given in relation to a planning authority’s proposals for making or altering a scheme, the Scottish Ministers may—

(a) make the scheme or alteration proposed,

(b) make a scheme or alteration that is different from what the authority proposed, or

(c) decline to make any scheme or alteration.

(2) In considering what to do under sub-paragraph (1), the Scottish Ministers may take matters into account despite their not having been taken into account by the planning authority in formulating their proposals.

(3) The Scottish Ministers may, for the purpose of deciding what to do under sub-paragraph (1), cause a local inquiry or other hearing to be held by a person appointed by them.

(4) If—

(a) the Scottish Ministers decide to alter a scheme under sub-paragraph (1), and

(b) the alteration they intend to make would have one of the effects described in paragraph 16(1)(b), they may not make the alteration until the end of the day that falls 12 months after the day on which they decided to make the alteration.

Section 11A

Kevin Stewart

127 Leave out section 11A
Section 12A

Kevin Stewart
128  In section 12A, page 44, line 11, leave out subsection (3)

Section 14C

Kevin Stewart
129  Leave out section 14C

Section 14D

Kevin Stewart
130  Leave out section 14D

Section 14E

Kevin Stewart
131  Leave out section 14E

Section 14G

Kevin Stewart
132  In section 14G, page 47, line 36, leave out <a toilet> and insert <an accessible public facility>

Kevin Stewart
133  In section 14G, page 48, line 6, leave out <toilet>

Kevin Stewart
134  In section 14G, page 48, leave out lines 27 to 30

Section 16

Kevin Stewart
135  In section 16, page 53, line 6, leave out <(1),> and insert <(1)—
    (i) the “or” at the end of paragraph (a) is repealed,
    (ii)>
Section 16A

Kevin Stewart

136 In section 16A, page 53, line 2, leave out <by regulations set> and insert <lay before the Scottish Parliament and publish, in such manner as they consider appropriate, a statement setting>

Kevin Stewart

137 In section 16A, page 53, line 27, leave out subsection (3) and insert—

<(2) The Scottish Ministers may from time to time publish a revised or replacement statement under subsection (1).”.

Section 16B

Kevin Stewart

138 Leave out section 16B

Section 16D

Kevin Stewart

139 Leave out section 16D

Section 19A

Kevin Stewart

140 In section 19A, page 58, line 9, leave out <and promote>

Kevin Stewart

141 In section 19A, page 58, line 12, at end insert—

<( ) In section 75A (modification and discharge of planning obligations), after subsection (5) insert—

“(5A) A planning authority are to publish—

(a) an agreement under subsection (1)(a), and
(b) a notice of a determination under subsection (4),

in such a manner as they consider sufficient to ensure that it is brought to the attention of residents of the area or district to which the relevant planning obligation relates.”.

Section 19B

Kevin Stewart

142 In section 19B, page 58, line 26, leave out subsection (3)
Section 20

Kevin Stewart

143 In section 20, page 59, line 4, after ⟨(a)⟩ insert —
(A) after “agreement” insert “in writing”,
(B)⟩

Kevin Stewart

144 In section 20, page 59, line 4, at end insert—
⟨(C) for “a person” substitute “the person or persons”,⟩

Kevin Stewart

145 In section 20, page 59, line 32, at end insert—
⟨(fa) in subsection (6), after “where” insert “an agreement under subsection (1)(a) or”,
(fb) in subsection (7), after “applies” insert —
(a) in a case relating to an agreement under subsection (1)(a), the agreement
does not take effect until the date on which it is recorded in the Register
of Sasines or registered in the Land Register, and
(b) in a case relating to a determination under subsection (4)(b) or (c),”⟩

Before section 21

Graham Simpson

146 Before section 21, insert—
⟨Promotion and use of mediation etc.

Promotion and use of mediation etc.

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 268 insert—

“Promotion and use of mediation etc.

268A Promotion and use of mediation etc.

(1) The Scottish Ministers may issue guidance in relation to the promotion and use
of mediation in relation to the following—
(a) the preparation of local development plans and related evidence reports
under Part II,
(b) a prospective applicant’s compliance with any requirements in respect of
pre-application consultation imposed under or by virtue of section 35B,
(c) assisting in the determination of an application for planning permission,
(d) any other matter related to planning that they consider appropriate.
(2) Guidance under subsection (1) may include provision about—

268A
(a) the form of mediation that is to be used in a particular circumstance, and
(b) the procedure to be followed in any such mediation.

(3) Local authorities must have regard to any guidance issued under subsection (1).

(4) Before issuing any guidance under subsection (1), the Scottish Ministers must consult—
   (a) planning authorities, and
   (b) such other persons that the Scottish Ministers consider appropriate.

(5) The Scottish Ministers must make any guidance issued under subsection (1) publicly available.

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

(7) For the purposes of this section, “mediation” includes any means of exploring, resolving or reducing disagreement between persons involving an impartial person that the Scottish Ministers consider appropriate.

(8) The Scottish Ministers must issue guidance under subsection (1) within the period of two years beginning with the date on which the Planning (Scotland) Act 2019 received Royal Assent.”.>

Section 21

Kevin Stewart

147 In section 21, page 61, leave out subsection (1A)

Section 26E

Kevin Stewart

148 In section 26E, page 68, line 5, leave out from <after> to end of line 36 and insert <in subsection (3), after paragraph (ab) insert—
   “(ac) the planning authority giving notice of such applications made to them—
      (i) to such persons or categories of person as may be prescribed,
      (ii) in such manner as may be prescribed,
      (iii) for such period as may be prescribed, and
      (iv) on such number of occasions as may be prescribed,
   (ad) the applicant providing such person or persons as may be prescribed such information with respect to the application as may be prescribed,”.>

Section 30A

Kevin Stewart

149 In section 30A, page 70, line 9, leave out <10> and insert <7>
Schedule 1

Kevin Stewart
150 In schedule 1, page 73, leave out lines 17 to 22

Schedule 2

Kevin Stewart
151 In schedule 2, page 78, line 29, leave out “road” and insert “major developments”

Kevin Stewart
152 In schedule 2, page 80, line 15, after <[ ]> insert <3G(6)>

Kevin Stewart
153 In schedule 2, page 80, line 15, after <[ ]> insert <40A>

Kevin Stewart
154 In schedule 2, page 80, line 15, after <[ ]> insert <41B(4)>

Kevin Stewart
155 In schedule 2, page 80, line 15, after <[ ]> insert <77A(1)>