

Planning (Scotland) Bill

Revised 2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Open space strategy

171

Housing needs of older people: parliamentary report

188, 188A, 188B, 188C, 188D, 188E, 188F, 188G, 188H, 188I, 188J, 188K, 188L

Low Carbon Infrastructure Commission

220

Strategic development plans

42, 85, 85A, 189, 221, 46, 47, 48, 49, 50

Notes on amendments in this group

Amendment 48 pre-empts amendment 155 in group “National Planning Framework” (already debated)

Local development plan: form and content

86, 86A, 107, 172, 34, 161, 162, 173, 222, 223, 163, 35, 52, 174, 73, 82, 190, 36, 224, 37, 54, 54A, 108, 109, 191, 117, 192, 225, 175, 110, 7, 75, 111, 176

Local development plan: consultation and participation

74, 112, 194, 118, 118A, 197, 198, 121, 201, 202, 77

Local development plan: main issues report/evidence report

193, 8, 76, 195, 196, 119, 120, 226, 199, 200, 227, 203

Notes on amendments in this group

Amendment 199 pre-empts amendment 200

Local development plan: procedure

9, 122, 123, 124, 125, 126, 127, 153, 278

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66, 67, 68, 131, 132, 133, 134, 135, 136, 69, 70

Remove scope for key agencies to be broadened

10

Amending the local development plan

11, 28, 130, 29

Directions etc.: form and publication

55, 56, 57, 61, 148, 149, 150, 62, 63, 151

Notes on amendments in this group

Amendment 56 is pre-empted by amendment 93 in group “Simplified development zones: procedure”

Amendment 57 is pre-empted by amendment 95 in group “Simplified development zones: procedure”

Amendment 150 pre-empts amendments 62 and 63

Local place plans

177, 129, 78, 137, 138, 178, 179, 204, 180, 205, 206, 139, 87

Agent of change

2, 305, 181, 306, 258, 1

Simplified development zones: renaming

232, 233, 234, 235, 237, 238, 239, 240, 245, 249, 251, 252, 253, 254, 255, 279, 280, 281, 282, 283, 285, 286, 287, 288, 289

Simplified development zones: control of advertisements

236, 284

Simplified development zones: land value capture

12, 295, 20

Notes on amendments in this group

Amendment 20 is pre-empted by amendment 156 in group “Simplified development zones: land which may or may not be included”

Simplified development zones: land which may or may not be included

241, 242, 13, 243, 244, 246, 247, 248, 250, 293, 156

Notes on amendments in this group

Amendment 242 pre-empts amendment 13

Amendment 156 pre-empts amendment 20 in group “Simplified development zones: land value capture”

Simplified development zones: when they may be established

296, 297, 298, 299, 300, 301

Simplified development zones: procedure

93, 14, 302, 94, 303, 95, 96, 97, 304, 256

Notes on amendments in this group

Amendment 93 pre-empts amendment 56 in group “Directions etc.: form and publication”

Amendment 14 pre-empts amendment 252 in group “Simplified development zones: renaming”

Amendment 303 pre-empts amendment 293 in group “Simplified development zones: land which may or may not be included” and amendment 253 in group “Simplified development zones: renaming”

Amendment 95 pre-empts amendment 57 in group “Directions etc.: form and publication”

Amendment 96 pre-empts amendments 254 and 255 in group “Simplified development zones: renaming”

Amendment 304 pre-empts amendment 256

Meaning of “development”

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Declining to determine an application

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Determination of applications and conditional grant of permission

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Development orders: private ways

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90, 91

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Amendments already debated

Chief planning officer

With 184 – 158

National Planning Framework

With 185 – 128, 41, 154, 155

Notes on amendments in this group

Amendment 128 pre-empts amendment 41

Amendment 155 is pre-empted by amendment 48 in group “Strategic development plans”

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Amendments in debating order

Open space strategy

Andy Wightman

171 After section 1, insert—

<Open space strategy

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 3F insert—

“3G Open space strategy

- (1) A planning authority is to prepare and publish an open space strategy.
- (2) An open space strategy is to set out a strategic framework of the planning authority’s policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks.
- (3) An open space strategy must contain—
 - (a) an audit of existing open space provision,
 - (b) an assessment of current and future requirements,
 - (c) any other matter which the planning authority consider appropriate.
- (4) An audit referred to in subsection (3)(a) is to record in relation to green infrastructure its—
 - (a) type,
 - (b) functions,
 - (c) size,
 - (d) condition,
 - (e) location,
 - (f) maintenance requirements, and
 - (g) level of use.
- (5) In this section—

“green infrastructure” means features of the natural and built environments that provide a range of ecosystem and social benefits,

“green networks” means connected areas of green infrastructure and open space,

“open space” means space within and on the edge of settlements comprising green infrastructure or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.
- (6) The Scottish Ministers may by regulations make further provision on—
 - (a) how planning authorities are to discharge their functions,

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- (b) the meaning of “green infrastructure”, “green networks” and “open space”,
for the purposes of this section.
- (7) For the purposes of this section a national park authority is not a planning authority.”.>

Housing needs of older people: parliamentary report

Alexander Stewart

188 After section 1, insert—

<Housing needs of older people: parliamentary report

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 3C insert—

“3CA Duty of Scottish Ministers to report on housing needs of older people

- (1) The Scottish Ministers must, as soon as practicable after the end of each 2-year period, lay before the Scottish Parliament a report on how the planning system is operating to help ensure that the housing needs of older people are met.
- (2) A report under subsection (1) must, in particular, contain information about—
 - (a) the extent to which the planning system is operating to ensure that new housing that meets the needs of older people is constructed,
 - (b) the extent to which the planning system is operating to ensure that existing housing is adapted to meet the housing needs of older people,
 - (c) the extent to which any other actions taken by the Scottish Ministers in relation to the planning system are ensuring that the housing needs of older people are being met, and
 - (d) such other matters relating to the planning system as appear to the Scottish Ministers to be relevant to meeting the housing needs of older people.
- (3) In preparing the report, the Scottish Ministers must consult—
 - (a) older people, and their families,
 - (b) such persons as appear to the Scottish Ministers to be representative of the interests of older people, including organisations working for and on behalf of older people,
 - (c) carers,
 - (d) planning authorities,
 - (e) a body registered under section 20 (registered social landlords) of the Housing (Scotland) Act 2010,
 - (f) developers,
 - (g) such persons as they consider appropriate having functions in relation to—

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- (i) older people, and their families,
 - (ii) carers,
 - (iii) housing,
 - (iv) social work,
 - (v) health and social care, and
 - (h) such other persons as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must, as soon as practicable after the report has been laid before the Scottish Parliament, publish the report in such manner as they consider appropriate.
- (5) For the purposes of this section, the “2-year period” means—
- (a) the period of 2 years beginning with the day on which section (*Housing needs of older people: parliamentary report*) of the Planning (Scotland) Act 2018 comes into force, and
 - (b) each subsequent period of 2 years.”.>

Kenneth Gibson

188A As an amendment to amendment 188, line 2, after <people> insert <and disabled people>

Kenneth Gibson

188B As an amendment to amendment 188, line 5, at end insert <and disabled people>

Kenneth Gibson

188C As an amendment to amendment 188, line 8, after <people> insert <and disabled people>

Kenneth Gibson

188D As an amendment to amendment 188, line 11, after <people> insert <and disabled people>

Kenneth Gibson

188E As an amendment to amendment 188, line 13, after <people> insert <and disabled people>

Kenneth Gibson

188F As an amendment to amendment 188, line 16, after <people> insert <and disabled people>

Kenneth Gibson

188G As an amendment to amendment 188, line 18, after <people> insert <and disabled people>

Kenneth Gibson

188H As an amendment to amendment 188, line 20, after <people> insert <and disabled people>

Kenneth Gibson

188I As an amendment to amendment 188, line 22, after <people> insert <and disabled people>

Kenneth Gibson

188J As an amendment to amendment 188, line 23, after <people> insert <and disabled people>

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Kenneth Gibson

188K As an amendment to amendment 188, line 30, after <people> insert <and disabled people>

Kenneth Gibson

188L As an amendment to amendment 188, line 41, after <people> insert <*and disabled people*>

Low Carbon Infrastructure Commission

Claudia Beamish

220 After section 1, insert—

<Low Carbon Infrastructure Commission

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 3F insert—

“3G Low Carbon Infrastructure Commission

- (1) The Low Carbon Infrastructure Commission (in this Act, referred to as “the Commission”) is established.
- (2) The function of the Commission is to—
 - (a) identify low carbon infrastructure needs and priorities in relation to the development and use of land,
 - (b) make recommendations for how the identified low carbon infrastructure needs and priorities should be addressed,
 - (c) issue guidance to a planning authority on climate change and low carbon energy efficiency matters in relation to the development and use of land and that authority must have regard to any guidance so issued,
 - (d) prepare and publish a national infrastructure needs assessment report,
 - (e) make recommendations in the preparation of other plans and reports which the Scottish Ministers consider appropriate to do so.
- (3) The Scottish Ministers may by regulations make further provision about the governance and membership of the Commission.
- (4) The Scottish Ministers must bring forward regulations under this section within one year after section (*Low Carbon Infrastructure Commission*) of the Planning (Scotland) Act 2018 comes into force.

3H National infrastructure needs assessment

- (1) The Low Carbon Infrastructure Commission is to prepare a national infrastructure needs assessment.
- (2) A national infrastructure needs assessment is to set out in relation to the development and use of land—
 - (a) an analysis of long-term infrastructure needs,
 - (b) recommendations for how the identified infrastructure needs and priorities should be implemented,

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- (c) any other matter by way of regulation which the Scottish Ministers consider it appropriate to include.
- (3) In preparing the national infrastructure needs assessment, the Commission is to consult—
 - (a) persons with experience or knowledge of—
 - (i) social and economic development in Scotland,
 - (ii) ecological and environmental sustainability,
 - (iii) the interests of owners and occupiers of land,
 - (iv) the interest of communities,
 - (v) the needs of agriculture,
 - (vi) the needs of conservation sites of archaeological or historical interest,
 - (b) such other persons the Scottish Ministers consider as appropriate.
- (4) The Commission is to submit the assessment to the Scottish Ministers.
- (5) In preparing the National Planning Framework, the Scottish Ministers must have regard to the national infrastructure needs assessment.”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
 - “(7C) Regulations under section 3G are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Strategic development plans

Andy Wightman

Supported by: Alex Cole-Hamilton, Monica Lennon

42 Leave out section 2

Andy Wightman

Supported by: Monica Lennon

85 After section 2, insert—

<Statement in strategic development plan with regard to gender

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 7(1) (form and content of strategic development plan) insert—
 - “(1A) A strategic development plan is to include a statement setting out how the policies and proposals as to the development and use of land will—
 - (a) take targeted account of the different needs and interests, and
 - (b) evaluate the impact such policies and proposals will have,with respect to gender within the population of the area to which the plan relates.

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- (1B) The Scottish Ministers must issue guidance to local authorities dealing with the matters to be addressed under subsection (1A).
- (1C) Local authorities must have regard to any guidance under subsection (1A) that is addressed to them.
- (1D) Guidance under subsection (1A) may be addressed to—
 - (a) an authority, or more than one authority, identified in the guidance, or
 - (b) all authorities.
- (1E) The Scottish Ministers must make guidance issued under subsection (1A) publicly available.
- (1F) The power under subsection (1A) 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.”.>

Monica Lennon

85A As an amendment to amendment 85, line 9, after <gender> insert <and equality>

Monica Lennon

189* After section 2, insert—

<Evidence report for preparation of strategic development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 4(10)(b), for “main issues” substitute “evidence”.
- (3) In section 8(1), for “main issues” substitute “evidence”.
- (4) After section 8 insert—

“8A Evidence report for preparation of strategic development plan

- (1) Before preparing a strategic development plan, a strategic development planning authority are to prepare an evidence report.
- (2) The evidence report is to set out—
 - (a) the strategic development planning authority’s views on—
 - (i) the matters listed in section 7(4) for development in the boundary of the strategic development plan area to which the strategic development plan will relate,
 - (ii) any matters or development on an area which is contiguous to the boundary of the strategic development plan area to which the strategic development plan will relate,
 - (b) the consultation process undertaken in order to comply with subsection (3),
 - (c) the ways in which views expressed during the consultation process have been taken account of in preparing the evidence report,
 - (d) include such other matters as are prescribed.

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- (3) For the purposes of assisting the strategic development planning authority in preparing the evidence report, the strategic development planning authority may request a local authority that is not part of the strategic development planning authority but whose district is contiguous to the area to which the strategic development plan will relate, to provide information about matters in relation to subsection (2)(a)(ii).
- (4) In preparing an evidence report, the strategic development planning authority must—
 - (a) publish a draft of the evidence report and include information sufficient to ensure that what is proposed can readily be understood by any person who may wish to make representations to the authority with respect to the evidence report,
 - (b) consult such persons, authorities or bodies mentioned in schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as they consider appropriate,
 - (c) consult with the general public.
- (5) The planning authority are to submit the evidence report to the Scottish Ministers.
- (6) On receiving an evidence report submitted under subsection (5), the Scottish Ministers are to appoint a person to assess whether the report contains sufficient information to enable the strategic development planning authority to prepare a strategic development plan.
- (7) If, having completed the assessment, the appointed person is satisfied that the evidence report contains sufficient information to enable the strategic development planning authority to prepare a strategic development plan, the person is to notify the Scottish Ministers and the strategic development planning authority accordingly.
- (8) In any other case, the appointed person is to—
 - (a) prepare a report (an “assessment report”) setting out the reasons for not being so satisfied and recommendations for improving the evidence report received under subsection (5),
 - (b) send a copy of the assessment report to the planning authority and the Scottish Ministers.
- (9) On receipt of an assessment report, the strategic development planning authority are to revise the evidence report submitted under subsection (5) and resubmit it to the Scottish Ministers.
- (10) Subsections (6) to (9) apply to an evidence report submitted under subsection (9) as they do to an evidence report submitted under subsection (5).
- (11) The Scottish Ministers may make regulations as to—
 - (a) meeting general administrative costs, staff costs and overheads incurred in relation to an assessment under subsection (6),
 - (b) the procedure to be followed in such an assessment (including by making provision that the procedure is to be at the discretion of the appointed person), and

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- (c) what is to be assessed and matters by reference to which the assessment is to be made.”.
- (5) Section 9 (main issues report for preparation of strategic development plan) is repealed.
- (6) In section 10—
 - (a) in subsection (1) for “main issues” substitute “evidence”,
 - (b) in subsection (5) for “main issues” substitute “evidence”.
- (7) Section 12 (examination of proposed strategic development plan) is repealed.
- (8) Section 12A (further provision as regards examination under section 12(2)) is repealed.
- (9) Section 13 (proposed strategic development plan: approval or rejection) is repealed.
- (10) In section 23B(1)(a), for “main issues” substitute “evidence”.>

Monica Lennon

- 221** In section 3, page 2, line 22, at end insert—
<() after subsection (1)(a), insert—
“(aa) the planning authority’s strategic and cross boundary policies and proposals for the development and use of land,”.>

Andy Wightman

- 46** In schedule 2, page 50, line 9, leave out paragraph 1

Andy Wightman

- 47** In schedule 2, page 52, leave out line 15

Andy Wightman

- 48** In schedule 2, page 52, leave out lines 21 to 24

Andy Wightman

- 49** In schedule 2, page 52, leave out lines 38 and 39

Andy Wightman

- 50** In schedule 2, page 53, leave out lines 6 to 8

Local development plan: form and content

Andy Wightman

Supported by: Monica Lennon

- 86** In section 3, page 2, line 22, at end insert—
<() after subsection (1) insert—
“(1A) A local development plan is to include a statement setting out how the policies and proposals as to the development and use of land will—
(a) take targeted account of the different needs and interests, and

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- (b) evaluate the impact such policies and proposals will have, with respect to gender within the population of the district.
- (1B) The Scottish Ministers must issue guidance to local authorities dealing with the matters to be addressed under subsection (1A).
- (1C) Local authorities must have regard to any guidance under subsection (1A) that is addressed to them.
- (1D) Guidance under subsection (1A) may be addressed to—
 - (a) an authority, or more than one authority, identified in the guidance, or
 - (b) all authorities.
- (1E) The Scottish Ministers must make guidance issued under subsection (1A) publicly available.
- (1F) The power under subsection (1A) 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.”>

Monica Lennon

86A As an amendment to amendment 86, line 7, after <gender> insert <and equality>

Monica Lennon

107 In section 3, page 2, line 22, at end insert—

<() after subsection (1) insert—

“(1A) A local development plan must include a statement about the consideration of the likely health effects of development in accordance with the plan on those living in the part of the district to which it relates.”>

Kenneth Gibson

172 In section 3, page 2, line 22, at end insert—

<() after subsection (1) insert—

“(1A) The local development plan must also include targets for the provision of housing for older people and disabled people for the part of the district to which it relates.

(1B) The targets are to include—

- (a) targets for how, through the exercise of their functions, the planning authority will ensure the adaptation of existing housing to meet the housing needs of older people and disabled people,
- (b) targets for how, through the exercise of their functions, the planning authority will ensure the building of new housing to meet the needs of older people and disabled people, and
- (c) such other targets as the planning authority consider appropriate to ensure that, through the exercise of their functions, the housing needs of older people and disabled people will be addressed.

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- (1C) A planning authority must, in setting targets under subsections (1A) and (1B), take into account any national targets for the provision of housing for older people and disabled people contained in the National Planning Framework.”.>

Graham Simpson

34 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

“(2A) A local development plan is to be based on the presumption that land that the planning authority consider to be brownfield land should be developed before any land designated by the authority as green belt land.

(2B) A planning authority are to maintain, and publish in such manner as they consider appropriate, a register of land they consider to be brownfield land for the purposes of subsection (2A).

(2C) In this section, “brownfield land” means such land as—

(a) has previously been developed, and

(b) the authority consider—

(i) is suitable for residential development, and

(ii) otherwise has no intrinsic natural or cultural heritage value.”.>

Alison Johnstone

161 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

“(2A) A local development plan is to include a statement of the planning authority’s policies and proposals as to the provision of public conveniences.”.>

Alison Johnstone

162 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

“(2A) A local development plan is to include a statement of the planning authority’s policies and proposals as to the provision of water refill locations.”.>

Andy Wightman

173 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

“(2A) A local development plan is to include, for the part of the district to which it relates, a statement of the planning authority’s policies and proposals as to the use to which a listed building (within the meaning given by section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) can be put.”.>

Pauline McNeill

222 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

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“(2A) A local development plan is to include—

- (a) a summary of the action taken by the planning authority to support and promote the use of accessible design in the construction and adaptation of housing to meet the housing needs of disabled people,
- (b) an analysis of the extent to which the use of accessible design has helped to meet the housing needs of disabled people within the planning authority’s area,
- (c) an estimate of the new housing for disabled people scheduled for construction in each year of the local development plan which will use accessible design in its construction, and
- (d) an estimate of the existing housing which will be adapted using accessible design in each year of the local development plan.

(2B) In subsection (2A), “accessible design” means the design of housing for disabled people which takes into account the needs, including the mental health and wellbeing needs, of disabled people in the construction or adaption of the housing.”.>

Pauline McNeill

223 In section 3, page 2, line 23, at end insert—

<() after subsection (2) insert—

“(2A) A local development plan is to include—

- (a) a summary of the action taken by the planning authority to support and promote the use of age and dementia friendly design in the construction and adaptation of housing to meet the housing needs of older people,
- (b) an analysis of the extent to which the use of age and dementia friendly design has helped to meet the housing needs of older people within the planning authority area,
- (c) an estimate of the new housing for older people scheduled for construction in each year of the local development plan which will use age and dementia friendly design in its construction, and
- (d) an estimate of the existing housing which will be adapted using age and dementia friendly design in each year of the local development plan.

(2B) In subsection (2A), “age and dementia friendly design” means the design of housing for older people which takes into account the needs, including the mental health and wellbeing needs, of older people in the construction or adaptation of the housing.”.>

John Finnie

163 In section 3, page 2, line 23, at end insert—

<() after subsection (3) insert—

“(3A) A local development plan must have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements.”.>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

- 35 In section 3, page 2, line 23, at end insert—
<() in subsection (4), after “prescribed,” at the end of paragraph (a) insert—
“(aa) a list of sites that it considers suitable for self-build projects.”>

Jeremy Balfour

Supported by: Kenneth Gibson

- 52 In section 3, page 2, line 23, at end insert—
<() after subsection (4) insert—
“(4A) A local development plan is to include, for the land in the part of the district to which it relates—
(a) consideration of how the current and future housing needs for older people and people with disabilities are to be met,
(b) how the authority intend to ensure that sufficient and appropriate sites are allocated for housing suitable for older people and people with disabilities.”>

Kenneth Gibson

- 174 In section 3, page 2, line 23, at end insert—
<() after subsection (4) insert—
“(4A) A local development plan is to include the steps the planning authority intend to take to contribute towards the meeting of targets set out in the National Planning Framework for—
(a) the building of new housing to meet the needs of older people and disabled people,
(b) such other matters as the Scottish Ministers have specified in the framework as necessary to meet the housing needs of older people and disabled people.”>

Graham Simpson

- 73 In section 3, page 2, line 24, at end insert—
<() in paragraph (a), after “social” insert “, built heritage”>

Claire Baker

- 82 In section 3, page 2, line 24, at end insert—
<() in paragraph (a), after “physical,” insert “cultural,”>

Monica Lennon

- 190 In section 3, page 2, line 24, at end insert—
<() in paragraph (c), after “composition” insert “, health”>

Graham Simpson

- 36 In section 3, page 2, line 24, at end insert—

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<() after paragraph (c) insert—

“(ca) the housing needs of the population of the area.”.>

Rhoda Grant

224 In section 3, page 2, line 24, at end insert—

<() after paragraph (c), insert—

“(ca) the desirability of allocating land for the purposes of resettlement.”.>

Graham Simpson

37 In section 3, page 2, line 24, at end insert—

<() after paragraph (ca) insert—

“(cb) the capacity of education services in the area.”.>

Alexander Stewart

54 In section 3, page 2, line 24, at end insert—

<() after paragraph (c) insert—

“(ca) the housing needs of older people in the district.”.>

Kenneth Gibson

54A As an amendment to amendment 54, line 3, after <people> insert <and disabled people>

Monica Lennon

108 In section 3, page 2, line 24, at end insert—

<() after paragraph (c), insert—

“(ca) the capacity of health services in the district.”.>

Monica Lennon

109 In section 3, page 2, line 24, at end insert—

<() after paragraph (c), insert—

“(ca) the health needs of the population of the district.”.>

Alasdair Allan

191 In section 3, page 2, line 24, at end insert—

<() after paragraph (c), insert—

“(ca) the extent to which there are rural areas within the district in relation to which there has been a substantial decline in population.”.>

Kevin Stewart

117 In section 3, page 2, line 24, at end insert—

<() in paragraph (d), for “and systems for the supply of water and energy” substitute “, systems for the supply of water and energy and education facilities”,

THIS IS NOT THE MARSHALLED LIST

- () the “and” immediately following paragraph (e) is repealed,
- () after paragraph (e) insert—
 - “(ea) the availability of land in the district for housing,
 - (eb) the availability of, and requirements for, housing in the district, and”
- () in paragraph (f), for “(e)” substitute “(eb)”.>

Alasdair Allan

- 192** In section 3, page 2, line 24, at end insert—
- <() after subsection (5) insert—
 - “(6) In subsection (5)(ca), “rural areas” and “substantial decline” are to be construed in accordance with any regulations made under section 3AG(4).”>

Claudia Beamish

- 225** In section 3, page 2, line 24, at end insert—
- <() After subsection (5) insert—
 - “(5A) In subsection (2)(d), references to systems for the supply of energy include in particular land available for the development and use of facilities for renewable sources of energy.”>

Kenneth Gibson

- 175** In section 3, page 2, line 24, at end insert—
- <() After section 15 insert—
 - “**15A Local development plans: designation of land for housing suitable for older people and disabled people**
 - (1) A local development plan is to include a detailed statement identifying any land which has been designated for the development of housing suitable for older people and disabled people.
 - (2) A local development plan is, for the purpose of illustrating any plans to develop land designated for the development of housing suitable for older people and disabled people, to contain or be accompanied by such maps, diagrams, illustrations and other descriptive matter as the planning authority consider appropriate.”>

Monica Lennon

- 110** In section 3, page 2, line 26, at end insert—
- <() after subsection (1) insert—
 - “(1A) Before complying with subsection (1) a planning authority are to—
 - (a) carry out a health assessment (in accordance with regulations under section 40A), and
 - (b) set out the ways in which the assessment outcomes have been taken into account in preparing the local development plan.”>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

- 7 In section 3, page 2, line 28, leave out from beginning to <any> in line 30 and insert—
- <(i) for the words “are to take into account” substitute “are to ensure that the plan prepared is consistent with”,
 - (ii) after paragraph (a) insert—
 - “(aa) are to take into account any>

Graham Simpson

- 75 In section 3, page 2, line 33, at end insert—
- <() after subsection (2)(a) insert—
 - “(aa) are to take into account any locally significant buildings (within the meaning of section 24A) in the part of their district to which the local development plan relates.”.>

Monica Lennon

- 111 In section 3, page 2, line 33, at end insert—
- <() after subsection (2)(a) insert—
 - “(aa) are to take into account any health assessments (in accordance with regulations under section 40A) in the part of their district to which the local development plan relates.”.>

Andy Wightman

- 176 In section 3, page 2, line 33, at end insert—
- <() after subsection (2)(a) insert—
 - “(aa) are to take into account the open space strategy prepared under section 3G for their district.”.>

Local development plan: consultation and participation

Graham Simpson

- 74 In section 3, page 2, line 24, at end insert—
- <() After section 15 insert—
 - “**15A Scheme for participation in preparation of local development plan**
 - (1) Before preparing a local development plan, a planning authority are to prepare a statement setting out—
 - (a) the stages in the preparation of the plan at which they will provide an opportunity for the general public in their district to comment on and contribute to the preparation of the plan,
 - (b) the manner in which such opportunities will be provided,

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- (c) how they will provide opportunities for the general public in their district to comment on and contribute to the preparation of any amendment to the plan under section 20AA.
- (2) A planning authority is, before preparing a local development plan, to—
 - (a) publish the statement prepared under subsection (1) in such manner as they consider appropriate,
 - (b) issue a copy of the statement to each household in their district.”.>

Monica Lennon

112 In section 3, page 2, line 33, at end insert—

<() after subsection (2) insert—

- “(2A) A planning authority are to publish and promote a local development plan 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 local development plan relates.
- (2B) A planning authority are to publish, as soon as practicable after 31 March each year, a statement setting out the steps they have taken to promote the local development plan as required under subsection (2A).”.>

Monica Lennon

194 In section 3, page 2, line 34, at end insert—

<() After section 15 insert—

“16ZA Participation of children and young people in local development plan

- (1) A planning authority must make such arrangements as they consider appropriate to promote and facilitate participation by children and young people (meaning for the purpose of this section a person aged 25 or under) in the preparation of the local development plan.
- (2) Without prejudice to the generality of subsection (1), planning authorities must first consider discharging their duty under subsection (1) by means of contact with schools, youth councils and youth parliament representatives within their district.
- (3) A planning authority must—
 - (a) publish information about its arrangements under subsection (1), and
 - (b) keep the information published up to date.>

Kevin Stewart

118 In section 3, page 3, line 4, at end insert—

- <() In preparing the evidence report the planning authority are to seek the views of, and have regard to any views expressed by—
 - (a) the key agencies,
 - (b) such other persons as may be prescribed, and
 - (c) the public at large.>

THIS IS NOT THE MARSHALLED LIST

Monica Lennon

118A As an amendment to amendment 118, line 4, at end insert—

<() children and young people, in particular school pupils, youth councillors and youth parliament representatives.>

Monica Lennon

197 In section 3, page 3, line 9, at end insert—

<(2A) In preparing an evidence report, the planning authority must—

- (a) publish a draft of the evidence report and include information sufficient to ensure that what is proposed can readily be understood by any person who may wish to make representations to the authority with respect to the evidence report,
- (b) consult such persons, authorities or bodies mentioned in schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as they consider appropriate,
- (c) consult with the general public.>

Monica Lennon

198 In section 3, page 3, line 9, at end insert—

<(2A) In preparing an evidence report, the planning authority must—

- (a) publish a draft of the evidence report and include information sufficient to ensure that what is proposed can readily be understood by any person who may wish to make representations to the authority with respect to the evidence report,
- (b) facilitate the participation of children and young people in the evidence report by means of contact with schools, youth councils and youth parliament representatives within their district,
- (c) consult such persons, authorities or bodies mentioned in schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as they consider appropriate,
- (d) consult with the general public.>

Kevin Stewart

121 In section 3, page 3, line 38, at end insert—

<() In subsection (2A)—

“children and young people” mean persons aged 25 or under,

“Gypsies and Travellers” has the meaning specified in regulations made by the Scottish Ministers.”>

Graham Simpson

201 In section 3, page 3, line 38, at end insert—

<16B **Effective community engagement: guidance**

THIS IS NOT THE MARSHALLED LIST

- (1) The Scottish Ministers may issue guidance to planning authorities about undertaking effective community engagement in relation to the local development plan.
- (2) Guidance under subsection (1) may include in particular guidance on—
 - (a) how, in preparing a local development plan, planning authorities are to undertake effective community engagement,
 - (b) ways in which planning authorities should consult communities and encourage them to contribute to the preparation of a local development plan,
 - (c) any other matters relevant to the functions of planning authorities in relation to community engagement in local development plans.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The Scottish Ministers must publish in such manner as they consider appropriate any guidance issued under this section.
- (5) A planning authority must have regard to any guidance issued to them under this section.
- (6) The Scottish Ministers may vary or revoke guidance issued under this section.”.>

Monica Lennon

202 In section 3, page 4, line 7, at end insert—

<() in subsection (1)(d), after “agencies” insert “, community councils and access panels representing the part of the district to which the plan relates”,>

Graham Simpson

77 In section 3, page 4, line 8, at end insert—

<“(1ZA)Without prejudice to the generality of subsection (1)(d), a planning authority for a district all or part of which falls within the boundary identified by the Central Scotland Green Network Partnership are (for so long as such a body is included in the National Planning Framework as a national development) to consult the Network on the proposed local development plan.”.>

Local development plan: main issues report/evidence report

Alex Cole-Hamilton

193 In section 3, page 2, leave out line 34

Graham Simpson

8 In section 3, page 3, line 8, at end insert—

<() in particular, demonstrate the viability for housing of sites identified for that purpose to which the local development plan will relate,>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

76 In section 3, page 3, line 8, at end insert—

<() set out—

- (i) how the planning authority have invited local communities in their district to prepare local place plans in accordance with schedule 19,
- (ii) the assistance provided by the planning authority to local communities to assist them to prepare local place plans,>

Monica Lennon

195 In section 3, page 3, line 8, at end insert—

<() include a statement setting out—

- (i) the consultation process undertaken in order to comply with subsection (2A),
- (ii) the ways in which views expressed during that process have been taken account of in preparing the evidence report,>

Daniel Johnson

196 In section 3, page 3, line 8, at end insert—

<() assess the demand for, and availability of, student housing accommodation,>

Kevin Stewart

119 In section 3, page 3, line 9, at end insert—

<(2A) The evidence report is also to include a statement on—

- (a) the steps taken by the planning authority in preparing the report to seek the views of the public at large, including in particular the views of—
 - (i) Gypsies and Travellers, and
 - (ii) children and young people, and
- (b) the extent to which the views expressed have been taken into account in the report.>

Graham Simpson

120 In section 3, page 3, line 9, at end insert—

<() Before submitting a proposed evidence report under subsection (3), the planning authority must approve the proposed evidence report.

() Section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities) does not apply to the function of approving a proposed evidence report.>

Monica Lennon

226 In section 3, page 3, line 9, at end insert—

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- <() A planning authority that is not part of a strategic development planning authority must—
- (a) consider the relationship between the matters listed in section 15(5) for land in the part of the authority’s district to which the local development plan will relate and the development and use of land in the district of adjacent planning authorities, and
 - (b) subject to the planning authority’s view on the matters considered under paragraph (a), include in the evidence report a statement setting out—
 - (i) the strategic and cross boundary policies and proposals for the development and use of land in the planning authority’s district to which the local development plan will relate,
 - (ii) the geographic area in relation to matters in sub-paragraph (i),
 - (iii) any planning authority they will partner with in relation to matters in sub-paragraph (i),
 - (iv) such staff and resources for any joint working under sub-paragraph (iii) on any strategic and cross boundary policies and proposals, and
 - (v) the reasons (if any) of not having regard to strategic and cross boundary policies and proposals for the development and use of land.>

Alex Cole-Hamilton

199 In section 3, page 3, line 12, leave out subsections (4) and (5)

Monica Lennon

200 In section 3, page 3, line 15, at end insert—

- <() In carrying out the assessment, the appointed person must have regard to the views of a panel of people appointed by the planning authority to represent the interests of communities living within the plan area.>

Monica Lennon

227 In section 3, page 3, line 38, at end insert—

<16B Play sufficiency assessment

- (1) A planning authority must assess the sufficiency of play opportunities in its area for children in preparing an evidence report.
- (2) The Scottish Ministers must by regulations make provisions about—
 - (a) the form and content of the assessment,
 - (b) such persons who must be consulted in relation to the assessment,
 - (c) publication of the assessment.”.>

Alex Cole-Hamilton

203 In section 7, page 7, line 1, leave out <16A> and insert <17>

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Local development plan: procedure

Graham Simpson

- 9 In section 3, page 4, line 14, leave out <<“8”> and insert <<“12”>

Kevin Stewart

- 122 In section 3, page 4, leave out lines 15 to 20

Kevin Stewart

- 123 In section 3, page 4, line 21, at end insert—

<() in subsection (4)(a)—

(i) the word “and” immediately preceding sub-paragraph (ii) is repealed,

(ii) at the end of sub-paragraph (ii) insert “and

(iii) if modifications have been made to the proposed plan under subsection (3), a report setting out—

(A) the modifications made, and

(B) the reasons for making them.”,

() paragraphs (b) and (c) of subsection (4) are repealed,>

Kevin Stewart

- 124 In section 3, page 4, line 22, at end insert—

<() In section 19 (examination of proposed local development plan)—

(a) after subsection (5) insert—

“(5A) When a request is made under subsection (1), or an appointment is made under subsection (3) without a request having been made, the planning authority must publish in the prescribed manner—

(a) the proposed plan, and

(b) if modifications were made to the proposed plan under section 18(3) or 19A(5)(b)(i), a report setting out—

(i) the modifications made, and

(ii) the reasons for making them.”,

(b) in subsection (9), for “subsection” substitute “subsections (5A) and”,

(c) in subsection (10), paragraphs (b) to (d) are repealed,

(d) subsection (12) is repealed.

() In section 19A (further provision as regards examination under section 19(4))—

(a) subsections (7) and (8) are repealed,

(b) in subsection (9), for “so submitted” substitute “submitted under subsection (5)(b)(ii)”.>

Kevin Stewart

- 125 In section 3, page 4, leave out lines 24 to 39 and insert <, for subsections (2) to (7) substitute—

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- “(1A) A proposed local development plan may not be adopted before the end of the period that—
- (a) begins on the day it is submitted to the Scottish Ministers under section 18(4)(a) or (as the case may be) 19A(5)(b)(ii), and
 - (b) ends at the end of the day that falls 28 days later.
- (1B) Where—
- (a) a request is made under section 19(1) when a proposed local development plan is submitted to the Scottish Ministers, or
 - (b) no such request is made but, within the 28 day period described in subsection (1A), the Ministers appoint a person under section 19(3),
- the proposed local development plan may not be adopted until the planning authority have received a report in relation to the plan submitted under section 19(8)(b).”>

Kevin Stewart

126 In section 3, page 4, line 39, at end insert—

<() In section 20A (publication of and publicity for local development plan)—

(a) after subsection (1) insert—

“(1A) In addition to taking the steps required by subsection (1), as soon as reasonably practicable after the local development plan is constituted the planning authority must—

- (a) in the circumstances described by subsection (1B), publish in the prescribed manner a recommended-modification statement, and
- (b) in the circumstance described by subsection (1C), publish in the prescribed manner a report on modifications (but this requirement is qualified by subsection (1D)).

(1B) The circumstances referred to in subsection (1A)(a) are—

- (a) a person appointed under section 19(3) recommended a modification to a proposed version of the plan, and
- (b) the modification was not made.

(1C) The circumstance referred to in subsection (1A)(b) is that the constituted plan differs from the proposed plan published under section 18(1)(a) as a result of modifications made under section 18(3), 19(10) or 19A(5)(b)(i).

(1D) In a case where a report in relation to a proposed version of the plan has been published as required by section 19(5A)—

- (a) if no modifications were subsequently made, a report on modifications need not be published,
- (b) if modifications were subsequently made, the report on modifications need only set out those modifications.

(1E) In this section—

- (a) “recommended-modification statement” means a statement that—
 - (i) sets out the modification mentioned in subsection (1B), and

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- (ii) explains, by reference to the grounds prescribed for the purposes of section 19(10)(a)(i), why the modification was not made,
- (b) “report on modifications” means a report that sets out—
 - (i) the modifications mentioned in subsection (1C), and
 - (ii) the reasons for making them.”,
- (b) in subsection (2), for “subsection (1)(b)” substitute “this section”.>

Kevin Stewart

127 In section 3, page 4, line 39, at end insert—

<() In section 20B (development plan schemes), after subsection (4) insert—

“(4A) In preparing the development plan scheme the planning authority are to seek the views of, and have regard to any views expressed by the public at large as to the content of the participation statement.”.>

Kevin Stewart

153 In schedule 2, page 51, leave out lines 32 and 33

Kevin Stewart

278 In schedule 2, page 51, line 33, at end insert—

<() In section 20B(2)(b), for “plan” substitute “scheme”.>

Supplementary guidance and the development plan

Andy Wightman

66 Leave out section 4

Andy Wightman

67 In section 8, page 7, line 11, at end insert—

<() any strategic development plan for the time being applicable to the area, together with—

- (i) the Scottish Ministers’ notice of approval of that plan, and
- (ii) any supplementary guidance issued in connection with that plan, and>

Andy Wightman

68 In section 8, page 7, line 12, at end insert <, together with—

- (i) the planning authority’s resolution of adoption of, or as the case may be the Scottish Minister’s notice of approval of, that plan, and
- (ii) any supplementary guidance issued in connection with that plan.>

Kevin Stewart

131 In section 8, page 7, line 16, after <between> insert <a provision of>

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Kevin Stewart

132 In section 8, page 7, line 17, after <and> insert <a provision of>

Kevin Stewart

133 In section 8, page 7, leave out lines 20 to 23 and insert—

<(a) the date of a provision of the National Planning Framework is the later of—

(i) the latest date on which the framework was published under section 3AD(1),

(ii) where the provision was amended or added to the framework by an amendment, the date on which the as so amended framework was first published under section 3AD(2),

(b) the date of a provision of a local development plan is the later of—

(i) the date on which the plan was constituted under section 20,

(ii) where the provision was amended or added to the plan by an amendment, the date on which the amendment took effect by virtue of regulations made under section 20AA(6).”>

Kevin Stewart

134 In section 8, page 7, line 30, leave out <or revised> and insert <, revised framework or amended>

Kevin Stewart

135 In section 8, page 8, line 4, leave out < 3A(8)> and insert <3AD(1)>

Kevin Stewart

136 In section 8, page 8, line 7, leave out <amendment took effect> and insert <as so amended framework was first published under section 3AD(2)>

Andy Wightman

69 In schedule 2, page 52, leave out lines 29 and 30

Andy Wightman

70 In schedule 2, page 53, leave out lines 9 to 11

Remove scope for key agencies to be broadened

Graham Simpson

10 Leave out section 5

THIS IS NOT THE MARSHALLED LIST

Amending the local development plan

Graham Simpson

11 In section 7, page 6, line 15, at end insert—

<() A planning authority must amend a local development plan constituted for their district if it becomes apparent that insufficient supply of land is available for housing.>

Daniel Johnson

28 In section 7, page 7, line 4, at end insert—

<20AB Review and amendment of local development plan where sale of, or change to, major public site

- (1) Without prejudice to the generality of section 20AA(1), a planning authority must review and consider amending a local development plan constituted for their district where subsection (2) applies.
- (2) This subsection applies where the planning authority become aware that a body mentioned in subsection (9)(a) is considering a proposal for the sale or change of use of a major public site within the area to which the local development plan relates.
- (3) The Scottish Ministers must issue guidance on how and when a body mentioned in subsection (9)(a) is to bring to the attention of a planning authority the fact that it is considering a proposal for the sale or change of use of such a site.
- (4) In reviewing and considering any amendment to a local development plan, a planning authority—
 - (a) are to take into account—
 - (i) the National Planning Framework, and
 - (ii) any local outcomes improvement plan (within the meaning of section 6 of the Community Empowerment (Scotland) Act 2015) for the part of their district to which the local development plan relates,
 - (b) are to have regard to—
 - (i) any local place plan for the part of their district to which the local development plan relates, and
 - (ii) such information and considerations as are prescribed, and
 - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (5) In reviewing and considering any amendment to a local development plan, a planning authority are to—
 - (a) consult such persons and organisations as they consider appropriate,
 - (b) publish details of the proposed sale or change of use in such a manner as they consider sufficient to ensure that the proposed sale or change of use is brought to the attention of residents of the area to which the local development plan relates,

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- (c) ensure that sufficient opportunities and means are made available to such residents to allow them to make representations about the future use of the major public site,
 - (d) publish, in such manner as they consider appropriate, details of representations made to them,
 - (e) include in any amended plan a statement demonstrating how such representations have been taken account of in the amended plan.
- (6) The Scottish Ministers may by regulations make further provision about reviews and amendments under subsection (1).
- (7) Regulations under subsection (6) may in particular make provision—
- (a) about the procedures to be followed,
 - (b) subject to subsection (5), about the consultation to be undertaken on proposed amendments,
 - (c) about when the amendments take effect,
 - (d) about the publication of the amended plan.
- (8) Regulations under subsection (6) may provide that sections 16A to 20A apply to an amendment to a local development plan as they apply to a local development plan subject to such modifications as are specified in the regulations.
- (9) For the purposes of this section, a “major public site” is a site—
- (a) which is owned by—
 - (i) the Scottish Ministers,
 - (ii) a local authority,
 - (iii) any other public authority, and
 - (b) which has a total area—
 - (i) of gross floor space of buildings, structures or other erections on the site of or exceeding 5,000 square metres, or
 - (ii) of or exceeding 2 hectares.
- (10) The Scottish Ministers may by regulations modify the definition of “major public site” in subsection (9).”>

Kevin Stewart

130 Move section 7 to after section 3

Daniel Johnson

29 In schedule 2, page 52, line 8, at end insert—

<() In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 20AB(6) and (10) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

THIS IS NOT THE MARSHALLED LIST

Directions etc.: form and publication

Alexander Stewart

55 In section 7, page 6, line 19, at end insert—

<() A direction under subsection (2) must—

(a) be in writing, and

(b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Alexander Stewart

56 In section 10, page 13, line 22, at end insert—

<() A direction under sub-paragraph (1) must—

(a) be in writing, and

(b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Alexander Stewart

57 In section 10, page 18, line 11, at end insert—

<() A direction under sub-paragraph (1) must—

(a) be in writing, and

(b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Alexander Stewart

61 In section 25, page 39, line 33, at end insert—

<() A direction under subsection (1) or (3) must—

(a) be in writing, and

(b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Kevin Stewart

148 In section 26, page 42, line 25, at end insert—

<() In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).>

Kevin Stewart

149 In section 26, page 43, line 4, at end insert—

<() In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).>

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Kevin Stewart

- 150 In section 26, page 43, line 19, leave out from <vary> to end of line 26 and insert <, by direction, vary or revoke a direction issued under subsection (1).>.”.>

Alexander Stewart

- 62 In section 26, page 43, line 20, at end insert—
<() A direction issued under subsection (1) or any variation or revocation of such a direction must be in writing.>

Alexander Stewart

- 63 In section 26, page 43, line 21, after <publish> insert <in such manner as they consider appropriate and as soon as reasonably practicable after it is given>

Kevin Stewart

- 151 After section 26, insert—

<Ministerial directions

Publication of directions

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 275A insert—

“275B Directions

- (1) Having given a direction in exercise of a power conferred by virtue of this Act, the Scottish Ministers are to publish—
 - (a) the direction, and
 - (b) their reasons for giving it.
- (2) Subsection (1) does not apply in relation to the following—
 - (a) a direction under section 265A,
 - (b) a direction given before the day that section (*Publication of directions*) of the Planning (Scotland) Act 2018 comes into force,
 - (c) a direction given in the form of a regulation or order (see, for example, section 173(1)).
- (3) In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).”.>

Local place plans

Kevin Stewart

- 177 In section 7, page 6, line 23, leave out <and>

Kevin Stewart

- 129 In section 7, page 6, leave out lines 29 and 30

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

78 In section 9, page 8, line 17, at end insert—

<() After section 15 insert—

“15A Preparation of local development plan: invitation to prepare local place plans

Before preparing a local development plan, a planning authority are to publish, in such manner as they consider appropriate—

- (a) an invitation to local communities in their district to prepare local place plans in accordance with schedule 19,
- (b) information on—
 - (i) the manner in which and date by which such local place plans are to be prepared in order to be taken into account in the preparation of the local development plan,
 - (ii) the assistance available from the planning authority for local communities to prepare local place plans.”.>

Kevin Stewart

137 In section 9, page 8, line 19, leave out from <(2)(b)> to end of line 24 and insert <(2)(a), after sub-paragraph (ii), insert—

“(iii) any registered local place plan (see schedule 19) that is for the part of their district to which the local development plan relates,”.

(2A) If there is no sub-paragraph (ii) of section 16(2)(a) of the Town and Country Planning (Scotland) Act 1997 on the day that subsection (2) comes into force, subsection (2) applies as though for the words “sub-paragraph (ii)” there were substituted “sub-paragraph (i)”.>

Kevin Stewart

138 In section 9, page 8, line 24, at end insert—

<() In section 20AA (amendment of local development plan), after subsection (4)(a)(ii), insert—

“(iii) any registered local place plan (see schedule 19) that is for the part of their district to which the local development plan relates,”.>

Kevin Stewart

178 In section 9, page 8, line 25, leave out subsection (3)

Kevin Stewart

179 In section 9, page 8, leave out line 31 and insert <(introduced by sections 16 and 20AA)>

Monica Lennon

204 In section 9, page 8, line 34, after <may> insert <, after the expiry of the period of 5 years after the adoption of the local development plan under section 20(1),>

THIS IS NOT THE MARSHALLED LIST

Kevin Stewart

180 In section 9, page 8, line 34, at end insert—

<() A local place plan is a proposal as to the development or use of land.>

Monica Lennon

205 In section 9, page 9, line 1, at end insert—

<() set out reasons for considering that the local development plan should be amended,>

Monica Lennon

206 In section 9, page 9, line 7, at end insert—

<() how the views of councillors for the area to which the local place plan relates are to be taken into account in the preparation of the local place plan,>

Kevin Stewart

139 In section 9, page 9, line 11, at end insert—

<Register of local place plans

- (1) Every planning authority must keep a register of local place plans.
- (2) When a valid local place plan relating to their district is submitted to them by a community body, a planning authority must—
 - (a) include it in their register, and
 - (b) inform the community body that submitted the plan that it has been registered.
- (3) If a planning authority decide not to register a local place plan on the basis that it is not valid, the authority must give their reasons for reaching that view to the community body that submitted the plan.
- (4) A local place plan is valid, for the purpose of this paragraph, if the requirements under paragraphs 1(2) and 2(1) have been complied with in relation to it.
- (5) The Scottish Ministers may by regulations make provision about—
 - (a) the manner in which a register must be—
 - (i) kept, and
 - (ii) made available to the public,
 - (b) the information about a local place plan that must be included in a register,
 - (c) when a planning authority may, or must, remove a local place plan from their register, causing it to cease to be a registered local place plan.

Map of local place plans

Every planning authority must make publicly available, in the manner prescribed, a map of their district that shows the land to which the local place plans in their register of local place plans relate.>

THIS IS NOT THE MARSHALLED LIST

Andy Wightman
Supported by: Monica Lennon

87 Leave out section 9

Agent of change

Lewis Macdonald

2 In section 7, page 6, line 27, at end insert <and
() any culturally significant zones (within the meaning of section 56A) for the part of their district to which the local development plan relates,>

Lewis Macdonald

305 After section 11, insert—

<PART

CULTURALLY SIGNIFICANT ZONES

Culturally significant zones

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 16 (preparation and monitoring of local development plans), after subsection (2)(a), insert—
 - “(aa) are to take into account any culturally significant zones (within the meaning of section 56A) for the part of their district to which the local development plan relates,”
- (3) In section 29 (granting of planning permission: general), in subsection (1)—
 - (a) the word “or” at the end of paragraph (c) is repealed,
 - (b) after paragraph (d), insert “or
 - (e) in accordance with any conditions, limitations or exceptions of any culturally significant zone designated in accordance with section 56A.”.
- (4) After section 56 (effect on planning permission of modification or termination of scheme), insert—

“Culturally significant zones

56A Designation of culturally significant zones

- (1) Each planning authority must—
 - (a) from time to time determine which parts of their district are culturally significant zones, and
 - (b) designate such parts as culturally significant zones.
- (2) A culturally significant zone is an area in which it is desirable to—
 - (a) identify, preserve or enhance existing cultural venues, facilities and uses,
 - (b) identify and support the development of new cultural venues, facilities and uses, and

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- (c) ensure no unreasonable adjustments be required for the operation of existing cultural venues or facilities in relation to new development (within the meaning of section 26(1)) within or adjacent to the zone.
- (3) A culturally significant zone may consist of—
 - (a) one or more buildings;
 - (b) a designated area, or
 - (c) any combination of (a) and (b).
- (4) A planning authority must designate a culturally significant zone within its district if requested so to do in accordance with subsection (5).
- (5) A request is valid, for the purpose of subsection (4), if the requirements prescribed in regulations made by the Scottish Ministers under this subsection have been met in relation to the request.
- (6) Regulations under subsection (5) may, in particular, include requirements as to—
 - (a) how a request is to be made, and
 - (b) steps that must be taken before a request may be made.
- (7) The Scottish Ministers may by regulations make further provision on
 - (a) how planning authorities are to discharge their functions,
 - (b) the meaning of “culturally significant zone”,for the purposes of this section.
- (8) References in this section to cultural venues and facilities include in particular venues and facilities used for the performance of live music.

56B Designation of culturally significant zones: supplementary provisions

- (1) A planning authority must give notice to the Scottish Ministers of the designation of any part of their district as a culturally significant zone under section 56A, and of any variation or cancellation of any such designation.
- (2) A notice under subsection (1) must contain sufficient information to identify the area in question to the Scottish Ministers.
- (3) Notice of any such designation, variation or cancellation, with particulars of its effect, must be published in the Edinburgh Gazette and in at least one newspaper circulating in the district of the planning authority.
- (4) Each planning authority must compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list of any parts of their district which have been designated as a culturally significant zone.
- (5) A list compiled under subsection (4) must contain such particulars as the Scottish Ministers may by regulations prescribe.

Culturally significant zones: general duties of planning authorities

56C Proposals for preservation and enhancement of culturally significant zones

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- (1) Each planning authority are from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their district which are culturally significant zones.
- (2) In preparing proposals under this section, a planning authority are to—
 - (a) publish the proposals in such a manner as they consider sufficient to ensure that the proposals are brought to the attention of residents of the parts of their district to which the proposals relate,
 - (b) ensure that sufficient opportunities and means are made available to such residents to allow them to make representations about the proposals.
- (3) The planning authority must have regard to any representations received regarding the proposals.

56D General duty as respects culturally significant zones in exercise of planning functions

In the exercise, with respect to any buildings or other land in a culturally significant zone, of any powers under this Act, a planning authority are to give particular consideration to the desirability of preserving or enhancing the purposes set out in section 56A(2).

56E Publicity for applications affecting culturally significant zones.

- (1) This section applies where an application for planning permission for any development of land is made to a planning authority and the land or any part of it is within a culturally significant zone or within 100 metres of the boundary of a zone.
- (2) The planning authority must—
 - (a) publish in a local newspaper circulating in the locality in which the land is situated, and
 - (b) for not less than 7 days display on or near the land,
a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice under paragraph (a).
- (3) The application must not be determined by the planning authority before the expiry of the later of—
 - (a) 21 days referred to in subsection (2), and
 - (b) 21 days beginning with the date on which the notice required by that subsection to be displayed was first displayed.
- (4) In determining any application for planning permission to which this section applies, the planning authority must take into account any representations relating to the application which are received by them before the periods mentioned in subsection (3) have elapsed.”.>

Kevin Stewart

THIS IS NOT THE MARSHALLED LIST

<Determination of applications

Determination of applications: noise impact

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 32 (applications for planning permission), in subsection (3)—
 - (a) after paragraph (a), insert—

“(aa) require that an application for planning permission for development to which section 40A applies be accompanied by a statement about the likely impact of noise from existing uses of land in the vicinity of the development on occupants and other users of the development,”
 - (b) in paragraph (b), after “paragraph (a)” insert “or (aa)”.
- (3) After section 40 insert—

“40A Assessment of noise impact

 - (1) Before planning permission is granted by a planning authority for development of a prescribed class or in prescribed circumstances, the authority must consider the likely impact of noise from existing uses of land in the vicinity of the proposed development (particularly land used for the performance of live music) on occupants and other users of the proposed development.
 - (2) Where a planning authority grant planning permission for development of a prescribed class or in prescribed circumstances, the notice referred to in section 43(1A) must specify why the authority are satisfied that the likely impact of the noise will be acceptable.”.
- (4) In section 46 (call-in of applications), in subsection (4)(a), after “38(1) to (3),” insert “40A,”.
- (5) In section 48 (determination of appeals), in subsection (5)(a), after “38(1) to (3),” insert “40A,”.>

Lewis Macdonald

- 306** After section 14, insert—

<Determination of applications: cultural venues, facilities and uses

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 37 (determination of applications: general considerations), insert—

“37A Determination of applications: cultural venues, facilities and uses

 - (1) Without prejudice to the generality of section 37, where an application is made to a planning authority for planning permission, a planning authority may not grant planning permission if, in their opinion—
 - (a) the development that is the subject of the application would be likely to require unreasonable adjustments to the operation of existing cultural venues, facilities or uses in the vicinity of the development, or
 - (b) the application does not include sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues, facilities or uses, or dwellings or businesses in the vicinity of the development.

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- (2) For the purposes of subsection (1), where the development that is the subject of the application—
 - (a) comprises or includes residential development, and
 - (b) the land to which the development relates or any part of it is within a culturally significant zone or within 100 metres of the boundary of a zone,
the planning authority are to presume, unless proven otherwise, that the development would require unreasonable adjustments on the operation of existing cultural venues, facilities and uses within that zone.
- (3) It is for the person who made the application for planning permission in respect of the development, to prove the presumption in subsection (2) otherwise.
- (4) Where a development is proposed within a culturally significant zone or within 100 metres of the boundary of that zone, a planning authority may specify different conditions, limitations or exceptions, including any features or acoustic design measures, in order to mitigate, minimise or manage the effects of noise as may appear to them necessary in order to ensure that there are no unreasonable adjustments for existing cultural venues, facilities or uses within the zone arising from the development.
- (5) In this section—
 - (a) “culturally significant zone” means a zone designated under section 56A,
 - (b) references in this section to “cultural venues and facilities” include in particular venues and facilities used for the performance of live music.”.>

Lewis Macdonald

258 After section 14, insert—

<Consultation in connection with determination of applications

Consultation in connection with determination of applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 38 (consultation in connection with determination of applications), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), regulations or a development order are to prescribe that, before determining an application for planning permission where the development involves any land on which there is a music venue, the planning authority must consult the Music Venues Trust (registered charity number 1159846).”.>

Adam Tomkins

1 After section 14, insert—

<Conditional grant of planning permission: noise-sensitive developments

Conditional grant of planning permission: noise-sensitive developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 41 insert—

THIS IS NOT THE MARSHALLED LIST

“41A Conditional grant of planning permission: noise-sensitive developments

- (1) A development that is the subject of an application for planning permission is a “noise-sensitive development” if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development (a “noise source”).
- (2) Without prejudice to the generality of section 41(1), a planning authority may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.”.>

Simplified development zones: renaming

Kevin Stewart

- 232** In section 10, page 9, line 23, leave out <*Simplified development zones*> and insert <*Masterplan consent areas*>

Kevin Stewart

- 233** In section 10, page 9, line 26, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 234** In section 10, page 9, line 32, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 235** In section 10, page 9, line 33, leave out <zone> and insert <area>

Kevin Stewart

- 237** In section 10, page 11, line 19, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 238** In section 10, page 11, line 28, leave out <SIMPLIFIED DEVELOPMENT ZONES> and insert <MASTERPLAN CONSENT AREAS>

Kevin Stewart

- 239** In section 10, page 12, line 2, leave out <zone> and insert <area>

Kevin Stewart

- 240** In section 10, page 12, line 12, leave out <zone> and insert <area>

Kevin Stewart

- 245** In section 10, page 12, line 26, leave out <a zone> and insert <an area>

THIS IS NOT THE MARSHALLED LIST

Kevin Stewart

249 In section 10, page 12, line 29, leave out <zone> and insert <area>

Kevin Stewart

251 In section 10, page 12, line 37, leave out <a zone> and insert <an area>

Kevin Stewart

252 In section 10, page 13, line 31, leave out <a zone> and insert <an area>

Kevin Stewart

253 In section 10, page 17, line 27, leave out <zone> and insert <area>

Kevin Stewart

254 In section 10, page 19, line 26, leave out <zone> and insert <area>

Kevin Stewart

255 In section 10, page 20, line 8, leave out <zone> and insert <area>

Kevin Stewart

279 In schedule 2, page 53, line 22, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

280 In schedule 2, page 53, line 26, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

281 In schedule 2, page 53, line 26, leave out <zones in> and insert <parts of>

Kevin Stewart

282 In schedule 2, page 53, line 31, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

283 In schedule 2, page 54, line 3, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

285 In schedule 2, page 54, line 6, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

286 In schedule 2, page 54, line 14, leave out <simplified development zone> and insert <masterplan consent area>

THIS IS NOT THE MARSHALLED LIST

Kevin Stewart

- 287 In schedule 2, page 54, line 18, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 288 In schedule 2, page 54, line 23, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 289 In schedule 2, page 54, line 31, leave out <simplified development zone> and insert <masterplan consent area>

Simplified development zones: control of advertisements

Kevin Stewart

- 236 In section 10, page 10, leave out lines 22 to 34

Kevin Stewart

- 284 In schedule 2, page 54, line 4, at end insert—

<() In section 183(1)—

- (a) the word “and” at the end of paragraph (a) is repealed, and
- (b) after paragraph (b) insert—
“(c) with respect to masterplan consent areas.”.>

Simplified development zones: land value capture

Graham Simpson

Supported by: Andy Wightman

- 12 In section 10, page 10, line 34, at end insert—

<54CA Scheme may also make provision for land value capture by compulsory purchase of land

- (1) A scheme, if it so provides, has the effect of permitting a local authority to purchase land within the zone to which the scheme relates.
- (2) The Scottish Ministers must, by regulations, make—
 - (a) further provision about—
 - (i) land that may be purchased under subsection (1),
 - (ii) the process the local authority must follow in the purchase of such land,
 - (b) provision for the compensation that is payable in respect of land purchased under this section.

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- (3) Provision made in regulations under subsection (2) must include provision—
- (a) that the compensation payable is to be calculated so as to ensure that the person from whom the land is purchased receives a sum reflecting—
 - (i) the value of the person's interest in the land taking no account of any value that is attributable to the fact that the carrying out of development is authorised by the scheme,
 - (ii) any reasonable costs, attributable to the purchase of land under this section, that the person may have to establish a place of business in a new location, and
 - (ii) an amount representing a portion (that portion to be no more than one quarter) of the difference between—
 - (A) the combined total of the amounts described in subparagraphs (i) and (ii), and
 - (B) the market value of the person's interest in the land taking account of the fact that the carrying out of development is authorised by the scheme,
 - (b) disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of the Land Compensation (Scotland) Act 1963.>

Andy Wightman

295 In section 10, page 10, line 34, at end insert—

<54CB Scheme may also make provision for compulsory purchase of land to meet housing need

- (1) Where a planning authority—
 - (a) make a scheme, and
 - (b) intend as part of that scheme to include provision with the effect mentioned in subsection (2),they must assess the value of the land in the area to which the scheme relates.
- (2) A scheme, if it so provides, has the effect of permitting a local authority to purchase land within the area to which the scheme relates at the value assessed under subsection (1).
- (3) A local authority may exercise the power in subsection (2) only where the authority consider that the land is required—
 - (a) to meet the housing needs of the community in that area, and
 - (b) to uphold the right of every person in that area to housing, as set out in article 25 of the Universal Declaration of Human Rights, adopted by resolution 217A of the General Assembly of the United Nations on 10 December 1948, and article 11 of the International Covenant on Economic, Social and Cultural Rights, adopted by resolution 2200A of the General Assembly of the United Nations on 16 December 1966.
- (4) The Scottish Ministers must by regulations make further provision—
 - (a) about how the land is to be valued,

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(b) disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of the Land Compensation (Scotland) Act 1963,

for the purposes of this section.

(5) Regulations making provision under subsection (4) must include provision that the value of the land is to—

(a) be assessed at the date the scheme is made,

(b) be based on its use at the date the scheme is made, and

(c) take no account of any value that is attributable to the fact that—

(i) the land is in an area to which the scheme relates,

(ii) the carrying out of development is authorised by the scheme.>

Graham Simpson

20 In schedule 2, page 54, line 27, after <under> insert <section 54CA(2) and>

Simplified development zones: land which may or may not be included

Kevin Stewart

241 In section 10, page 12, line 18, leave out <Land> and insert <Places>

Kevin Stewart

242 In section 10, page 12, line 19, leave out from <land> to end of line 21 and insert <any place which sub-paragraph (4) applies to at the time the scheme is made.>

Graham Simpson

13 In section 10, page 12, line 19, after <made,> insert<—

() in a conservation area,

() in a National Scenic Area,

() identified in the development plan for the area as part of a green belt,

() in a site of special scientific interest,

() in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 has effect,

() other land>

Kevin Stewart

243 In section 10, page 12, line 22, leave out from <land> to end of line 24 and insert <a place that is, at the time the alteration is made, a place to which sub-paragraph (4) applies.>

Kevin Stewart

244 In section 10, page 12, line 26, leave out <land> and insert <a place>

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Kevin Stewart

246 In section 10, page 12, line 27, leave out first <land> and insert <place>

Kevin Stewart

247 In section 10, page 12, line 27, leave out from second <land> to end of line 28 and insert <a place to which sub-paragraph (4) applies,>

Kevin Stewart

248 In section 10, page 12, line 29, leave out <land> and insert <place>

Kevin Stewart

250 In section 10, page 12, line 29, at end insert—

<(4) This sub-paragraph applies to—

(a) any place that is or forms part of—

(i) a European site as defined in regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716),

(ii) a marine protected area,

(iii) a National Scenic Area (see section 263A),

(iv) a Ramsar site as defined in section 37A of the Wildlife and Countryside Act 1981,

(v) a site of special scientific interest as defined in section 58 of the Nature Conservation (Scotland) Act 2004,

(vi) a site included in the World Heritage List (“a world heritage site”) or an area identified in the World Heritage List as a buffer zone for a world heritage site, or

(b) any place in respect of which either of the following has effect—

(i) a nature conservation order made under Part 2 of the Nature Conservation (Scotland) Act 2004,

(ii) a land management order made under that Part of that Act.

(5) In sub-paragraph (4)—

“marine protected area” means an area designated by an order under section 67 of the Marine (Scotland) Act 2010 as—

(a) a nature conservation area,

(b) a demonstration and research marine protected area, or

(c) a historic marine protected area,

“World Heritage List” means the list kept in accordance with article 11(2) of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16 November 1972.

(6) The Scottish Ministers may by regulations modify sub-paragraphs (4) and (5).>

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Kevin Stewart

- 293 In section 10, page 17, line 27, leave out <land> and insert <a place>

Kevin Stewart

- 156 In schedule 2, page 54, leave out lines 26 to 29

Simplified development zones: when they may be established

Monica Lennon

- 296 In section 10, page 12, line 35, leave out <At any time,>

Monica Lennon

- 297 In section 10, page 12, line 35, leave out <(in> and insert <(subject to sub-paragraphs (2) and (3) and in>

Monica Lennon

- 298 In section 10, page 12, line 37, at end insert—

- <(2) A planning authority may exercise the power in sub-paragraph (1)—
 - (a) when preparing a local development plan for the part of their district to which the proposed scheme relates, or
 - (b) in accordance with sub-paragraph (3).
- (3) Where a planning authority exercises the power in sub-paragraph (1) otherwise that in accordance with sub-paragraph (2)(a), they must amend, under section 20AA, the local development plan for the part of their district to which the proposed scheme relates.>

Adam Tomkins

- 299 In section 10, page 13, line 2, leave out from <from> to the end of line 3 and insert <at least once in each 5-year period, consider whether it would be desirable to—

- (a) make a scheme for a part or parts of their district,
 - (b) alter a scheme that relates to a zone in their district.
- (1A) In sub-paragraph (1), the “5-year period” means—
- (a) the period of 5 years beginning with the day on which the Bill for the Planning (Scotland) Act 2018 received Royal Assent, and
 - (b) each subsequent period of 5 years beginning with the day on which the authority last published a statement under sub-paragraph (2).>

Adam Tomkins

- 300 In section 10, page 13, line 4, leave out <that question in accordance with> and insert <the matters mentioned in>

Adam Tomkins

- 301 In section 10, page 13, leave out lines 9 and 10

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Simplified development zones: procedure

Andy Wightman

Supported by: Monica Lennon

93 In section 10, page 13, leave out lines 17 to 27

Graham Simpson

Supported by: Andy Wightman

14 In section 10, page 13, line 28, leave out from beginning to end of line 39 on page 14

Monica Lennon

302 In section 10, page 15, line 5, leave out from beginning to end of line 2 on page 17

Andy Wightman

Supported by: Monica Lennon

94 In section 10, page 17, leave out lines 3 to 20

Monica Lennon

303 In section 10, page 17, leave out lines 21 to line 39

Andy Wightman

Supported by: Monica Lennon

95 In section 10, page 18, leave out lines 1 to 38

Andy Wightman

Supported by: Monica Lennon

96 In section 10, page 19, line 1, leave out from beginning to end of line 9 on page 20

Andy Wightman

97 In section 10, page 20, line 32, leave out from beginning to end of line 3 on page 21

Monica Lennon

304 In section 10, page 21, line 4, leave out from beginning to end of line 18 on page 22

Kevin Stewart

256 In section 10, page 22, leave out lines 9 to 13 and insert—

- <(a) if the final month has a day corresponding to the day of the month on which the period began, the period ends at the end of that day of the final month,
- (b) if the final month is shorter than the month in which the period began and so does not have a corresponding day, the period ends on the last day of the final month.>

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