

Planning (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 27	Schedule 1
Sections 28 to 33	Schedule 2
Sections 34 and 35	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 1

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,
 - (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.”.>

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—

5 “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—

- 10 (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,
- 15 (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—

- 20 (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,

- 25 (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—
- 30 (i) older people, and their families,
- (ii) carers,
- (iii) housing,
- (iv) social work,
- (v) health and social care, and
- 35 (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—
- 40 (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>

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*>

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,
 - (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).”.>

Section 2

Andy Wightman

Supported by: Alex Cole-Hamilton, Monica Lennon

42 Leave out section 2

After 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—

5 “(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,

10 with respect to gender within the population of the area to which the plan relates.

(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.

15 (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.

20 (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.
- (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
 - (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”.>

Section 3

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

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—

- 5 (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 district.
- (1B) The Scottish Ministers must issue guidance to local authorities dealing with the
matters to be addressed under subsection (1A).
- 10 (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.
- 15 (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.

(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—

“(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.”.>

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—
<() 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”,

() 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.”.>

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,

(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.”.>

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.”.>

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.”>

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).”>

Alex Cole-Hamilton

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

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,
- 5 (b) such other persons as may be prescribed, and
- (c) the public at large.>

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,>

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,>

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

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.>

Monica Lennon

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

- <() 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.>

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

- (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

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.”.>

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.”.>

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—
- “(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

(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.”.>

Section 4

Andy Wightman

66 Leave out section 4

Section 5

Graham Simpson

10 Leave out section 5

Section 7

Kevin Stewart

128 In section 7, page 5, line 34, leave out subsection (2)

Graham Simpson

41 In section 7, page 6, line 2, at end insert—

<() The Scottish Ministers must by regulations set out the circumstances in which they consider that an amendment would result in a significant change to the policies and proposals for the development and use of land of the most recent National Planning Framework such that would require that the National Planning Framework should be revised under section 3A.>

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.>

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.>

Kevin Stewart

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

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,>

Kevin Stewart

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

Alex Cole-Hamilton

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

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,
 - (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

Section 8

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>

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)>

Section 9

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),>

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.>

Andy Wightman

Supported by: Monica Lennon

87 Leave out section 9

Section 10

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

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

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.
- (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,
 - (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.>

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

- 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>

Kevin Stewart

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

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

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

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).>

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>

Kevin Stewart

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

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

Andy Wightman
Supported by: Monica Lennon

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

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.>

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

Kevin Stewart

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

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

Kevin Stewart

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

Kevin Stewart

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

Andy Wightman
Supported by: Monica Lennon

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

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.>

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

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>

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.>

After section 11

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
 - (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

- (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.”.>

Before section 12

Andy Wightman

43 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: agriculture and forestry

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) in subsection (2), paragraph (e) is repealed,
 - (b) subsection (2A) is repealed.>

Andy Wightman

44 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: change of use of dwellinghouse

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) after paragraph (a) of subsection (3) insert—
 - “(aa) the change of use of a dwellinghouse from being the sole or main residence of any person to being used for any other purpose (including, in particular, to being used as a holiday or second home) involves a material change in the use of the building,”
 - (b) after subsection (7), insert—
 - “(8) The Scottish Ministers may issue guidance on the interpretation of subsection (3)(aa).”.>

Andy Wightman

45 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: use of dwellinghouse for short-term holiday lets

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) after paragraph (a) of subsection (3) insert—
 - “(aa) the use of a dwellinghouse for the purpose of providing short-term holiday lets involves a material change in the use of the building,
 - (ab) for the purposes of subsection (3)(aa), “providing short-term holiday lets” does not include—
 - (i) the letting of a residential property under a residential lease,
 - (ii) the letting of part or the whole of a residential property where the property is the sole or main residence of the landlord or occupier.”,
 - (b) after subsection (7) insert—
 - “(8) The Scottish Ministers may issue guidance on the interpretation of “providing short-term holiday lets” for the purposes of subsection (3)(aa).”.>

Claudia Beamish

140 Before section 12, insert—

<Meaning of “development”

Meaning of “development”

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) in subsection (2), at the beginning of the introductory words insert “Subject to subsection (2ZAA)”,
 - (b) after subsection (2) insert—
 - “(2ZAA)The operations or uses of land mentioned in subsection (2) will be taken for the purposes of this Act to involve development of the land if, in the opinion of the planning authority—
 - (a) there is reliable information that—
 - (i) any flood has occurred in the immediate vicinity of the proposed operations or uses and which had significant adverse consequences for human health, the environment, cultural heritage or economic activity, or
 - (ii) a significant flood risk exists or is likely to exist in the immediate vicinity of the proposed operations or uses, and
 - (b) the proposed operations or uses would—

- (i) remove any artificial structures or natural features, the proposed removal of which has been considered by the Scottish Environment Protection Agency and certified by it as significantly increasing the risk of flooding from a body of surface water, or
- (ii) affect any natural features or characteristics which can assist in the retention of flood water, whether on a permanent or temporary basis (such as flood plains, woodlands and wetlands) or in slowing the flow of such water (such as woodlands and other vegetation).”.>

After section 12

Pauline McNeill

207 After section 12, insert—

<Applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 32(3) (applications for planning permission)—
 - (a) in the introductory words to paragraph (a), the words “(either or both and if both then either in one document or two)” are repealed,
 - (b) after sub-paragraph (ii) insert—
 - “(iii) including evidence of how the development would achieve an energy performance certificate asset rating of C or above (in accordance with the way of expressing asset energy performance approved by the Scottish Ministers under regulation 7(b) of the Energy Performance of Buildings (Scotland) Regulations 2009 S.S.I 2008/309),”.>

Claudia Beamish

228 After section 12, insert—

<Applications for planning permission

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 32 (applications for planning permission) after subsection (3), insert—
 - “(3A) The regulations or development order must require that an application for planning permission for a national development or a major development is to include a national infrastructure needs assessment (within the meaning of section 3H).”.>

John Finnie

229 After section 12, insert—

<Applications for planning permission: considerations

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 32 (applications for planning permission) insert—

“32A Applications for planning permission: considerations

- (1) Where an application for planning permission is made by a local authority or a health board, the application must include evidence that matters of population growth and population projection have been considered in relation to the development to which the application relates.
- (2) The evidence provided to comply with the duty in subsection (1) may include information previously published in—
 - (a) the local development plan for the area to which the application relates,
 - (b) a local housing strategy prepared under section 89 of the Housing (Scotland) Act 2001 for the area to which the application relates.”.>

Graham Simpson

79 After section 12, insert—

<Notice by planning authorities of certain applications made to them

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 34 (notice by planning authorities of certain applications made to them), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1), 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 give notice of applications mentioned in subsection (2) to the Network.”.>

Monica Lennon

113 After section 12, insert—

<Assessment of health effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 40 insert—

“40A Assessment of health effects

The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 40A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Alex Rowley

114 After section 12, insert—

<Report on, and assessment of, likely effects of development

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

(2) After section 40 insert—

“40A Report on, and assessment of, likely effects of development

(1) Before submitting an application for planning permission for a major development, the prospective applicant is to prepare a report setting out the likely effects of the proposed development on the capacity of—

- (a) education services,
- (b) health services,
- (c) leisure and recreation services,
- (d) such other public amenities as appear to the prospective applicant to be relevant,

in the area in which the proposed development is located.

(2) The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a major development is granted, to the likely effects of the proposed major development on the matters listed in subsection (1).

(3) Regulations under subsection (2) must include provision that the relevant planning authority or the Scottish Ministers—

- (a) must not grant planning permission for a major development unless they have first taken those effects into consideration, and
- (b) must state in their decision that they have done so.”.

(3) In section 75 (planning obligations), after subsection (3) insert—

“(3A) Without prejudice to the generality of subsection (1), a planning authority are to consider a report under section 40A before they reach agreement with a person on an obligation.”.

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

“(7C) Regulations under section 40A(2) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

After section 14

Kevin Stewart

181 After section 14, insert—

<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,”.>

Kevin Stewart

257 After section 14, insert—

<Declining to determine an application

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1) (declining to determine an application), in each of the following paragraphs, for “two” substitute “5”—
- (a) paragraph (a)(i),
- (b) paragraph (b)(i),
- (c) paragraph (c)(i),
- (d) paragraph (d)(i),
- (e) paragraph (e)(i).>

Daniel Johnson

307 After section 14, insert—

<Notice by planning authority of certain applications made to them

Notice by planning authority of certain applications made to them

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 34 (notice by planning authority of certain applications made to them), after subsection (2), insert—
- “(2A) Where an application under subsection (2) is for a major development, a planning authority must give notice of the application to each—
- (a) councillor of the local authority,
- (b) member of the Scottish Parliament,
- (c) member of the House of Commons,

representing the district to which the application relates.”.>

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.
- (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.”.>

Mark Ruskell

21 After section 14, insert—

<Determination of applications: air quality considerations

Determination of applications: air quality considerations

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission, a planning authority may not grant planning permission if the application would, in their opinion, be likely to—
 - (a) have an adverse effect on the achievement of the limit value or target value in relation to an area for which there is drawn up and implemented an air quality plan (within the meaning given in the Air Quality Standards (Scotland) Regulations 2010 (S.I. 2010/204) (“the 2010 Regulations”)), or
 - (b) increase the level of pollutants in ambient air in any zone to the extent that the Scottish Ministers would be required to draw up and implement an air quality plan for that zone under regulation 24(1) of the 2010 Regulations.
 - (1B) In subsection (1A), “ambient air”, “limit value”, “pollutant” and “target value” have the same meanings as in the 2010 Regulations.”.>

Jeremy Balfour

80 After section 14, insert—

<Determination of applications: housing for older people and people with disabilities

Determination of applications: housing for older people and people with disabilities

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for the development of housing suitable for—
 - (a) older people,
 - (b) people with disabilities,the planning authority must proceed on the assumption that such an application will normally be granted permission.”.>

Claudia Beamish

141 After section 14, insert—

<Determination of applications: flood risk

Determination of applications: flood risk

- (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: flood risk

- (1) Without prejudice to the generality of section 37, planning permission may not be granted if—
 - (a) the Scottish Environment Protection Agency has objected to the application in relation to concerns of flood risk likely to arise as a consequence of the proposals in the application and to the area to which the application relates,
 - (b) the development would affect any natural features or characteristics which can assist in the retention of flood water, whether on a permanent or temporary basis (such as flood plains, woodlands and wetlands) or in slowing the flow of such water (such as woodlands and other vegetation), or
 - (c) the development is otherwise not consistent with any plans for the management of flood risk set out or described in any—
 - (i) flood risk assessment,
 - (ii) flood hazard map,
 - (iii) flood risk map,
 - (iv) flood risk management plan, or
 - (v) flood protection scheme,
- as defined in the Flood Risk Management (Scotland) Act 2009.”>

Alex Cole-Hamilton

- 208** After section 14, insert—

<Determination of applications: brownfield land

Determination of applications: brownfield land

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

“(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for development on land designated as green belt land, a planning authority may not grant planning permission—

 - (a) if the applicant has not included in the application for planning permission a statement setting out—
 - (i) why the development cannot be achieved on land the planning authority consider brownfield land,
 - (ii) the brownfield land that was considered and why it was not considered suitable to the development, or
 - (b) if the application would, in their opinion, be likely to have an adverse effect on any intrinsic natural or cultural heritage value of the proposed green belt land.”>

John Finnie

294 After section 14, insert—

<Determination of applications: demolition>

Determination of applications: demolition

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1), insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for a development that involves the demolition of a building, the planning authority must not grant planning permission where the building proposed to be demolished—
 - (a) is the subject of a repairing standard enforcement order (within the meaning given in section 24(2) of the Housing (Scotland) Act 2006), and
 - (b) the work required by that order has not been completed.”.>

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—
 - “**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.”.>

Jeremy Balfour

53 After section 14, insert—

<Conditional grant of planning permission: provision of toilet facilities within certain large developments

Conditional grant of planning permission: provision of toilet facilities within certain large developments

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

“41A Conditional grant of planning permission: provision of toilet facilities within certain large developments

(1) Without prejudice to the generality of section 41(1), a planning authority may grant planning permission for a development that falls within subsection (2) only on condition that the development includes at least one toilet facility described in subsection (3).

(2) A development that is the subject of an application for planning permission falls within this subsection if it is for the construction of a building, structure or other erection for use for any of the following purposes—

- (a) as a school, college or university,
- (b) as a community centre, sports and leisure centre, or similar public building,
- (c) as a hospital or other facility for the provision of health services,
- (d) as a retail outlet the gross floor space of which is or exceeds 10,000 square metres.

(3) The toilet facility mentioned in subsection (1) is a toilet which—

- (a) has sufficient space, being not less than 12 square metres, to allow up to two carers to assist an adult to use the toilet and the equipment mentioned in paragraph (c),
- (b) has a centrally-placed toilet with sufficient space, being not less than 1 metre, from the wall on either side for carers to assist an adult to use the toilet,
- (c) includes—
 - (i) a height-adjustable changing bench of a size suitable for an adult,
 - (ii) a tracking hoist able to cover the full floor area of the toilet facility,
- (d) is equipped with—
 - (i) a non-slip floor surface,
 - (ii) a screen or curtain,

- (iii) a supply of hygienic disposable covering for the changing bench,
 - (iv) suitable waste disposal facilities,
 - (v) a shelf suitable for temporary placing of colostomy bags and related equipment,
- (e) has such other features, equipment and supplies as the Scottish Ministers may by directions prescribe.”.>

Mary Fee

53A As an amendment to amendment 53, line 22, at end insert—

- <() cultural centres, such as museums, concert halls and art galleries,
- () stadia and large auditoria,
- () major transport termini and interchanges,
- () motorway service facilities.>

Claudia Beamish

230 After section 14, insert—

<Conditional grant of planning permission: community open space

Conditional grant of planning permission: community open space

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

“41A Conditional grant of planning permission: community open space

- (1) Without prejudice to the generality of section 41, in relation to a planning application for the development of four or more dwellinghouses, the condition that the proposed development must include community open space must be imposed.
- (2) In this section “community open space” means space within or 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.
- (3) For the purposes of this section, “other paved or hard landscaped areas with a civic function” does not include a parking space.”.>

Section 16

Kevin Stewart

259 In section 16, page 27, leave out lines 2 to 5 and insert <the relevant period,>

Kevin Stewart

260 In section 16, page 27, line 8, leave out from first <period> to <paragraph> in line 9 and insert <relevant period>

Kevin Stewart

261 In section 16, page 27, line 33, at end insert—

- <() For the purposes of this section, the “relevant period” is—
- (a) such period as may be prescribed by regulations or a development order, or
 - (b) such other period as may be agreed in writing between the applicant and the planning authority (or the appointed person on their behalf) in respect of the application (whether before or after it is made).>

After section 16

Graham Simpson

15 After section 16, insert—

<Call-in of applications by Scottish Ministers

Call-in of applications by Scottish Ministers

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 46 (call-in of applications by Secretary of State)—
 - (a) in subsection (1)—
 - (i) for “any” substitute “only”,
 - (ii) after “section 34(2)” insert “relating to “national developments” (within the meaning of section 26A(1) of this Act)”.>

Monica Lennon

144 After section 16, insert—

<Call-in of applications by Scottish Ministers

Call-in of applications by Scottish Ministers

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 46 (call-in of applications by Secretary of State), after subsection (1) insert—

“(1ZA)A direction under subsection (1) may not be given in respect of an application until the expiry of the period prescribed by regulations or a development order within which the authority must give notice to the applicant of their determination or referral of the application to the Scottish Ministers.”.>

Mark Ruskell

22 After section 16, insert—

<Call-in of applications by Scottish Ministers: further provision

Call-in of applications by Scottish Ministers: further provision

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 46 insert—

“46A **Call-in of applications by Scottish Ministers: further provision**

The Scottish Ministers must by regulations set out the circumstances in which they consider it appropriate to give directions as mentioned in section 46(1).”.

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

“(7C) Regulations under section 46A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Claudia Beamish

142 After section 16, insert—

<Call-in of application by Scottish Ministers: flood risk

Call-in of application by Scottish Ministers: flood risk

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

(2) In section 46 (call-in of applications by Secretary of State)—

(a) after subsection (1) insert—

“(1ZA) Without prejudice to the generality of subsection (1), the Scottish Ministers must give directions requiring such applications as are mentioned in subsection (1ZB) to be referred to them instead of being dealt with by planning authorities.

(1ZB) The applications are those to which the Scottish Environment Protection Agency has objected on the grounds of concerns in relation to flood risk.

(1ZC) Where an application mentioned in subsection (1ZB) is referred to them, the Scottish Ministers must—

(a) before determining whether or not to grant planning permission, request such further information and carry out such further investigation and consultation as they consider appropriate,

(b) after considering information provided under paragraph (a)—

(i) grant planning permission (in whole or in part and with or without modifications), or

(ii) refuse to grant planning permission,

(c) advise the Scottish Environment Protection Agency in writing of the reasons for their determination under paragraph (b),

(d) publish their advice under paragraph (c) in such manner as they see fit.”,

(b) in subsection (1A), after “(1)” insert “or (1ZA)”.>

John Finnie

164 After section 16, insert—

<Development orders: use of land as Gypsy and Traveller site

Development orders: use of land as Gypsy and Traveller site

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

(2) In section 30 (development orders: general), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1), the Scottish Ministers must by regulations or by order provide for the granting of planning permission for a development which consists of the use of land as a Gypsy and Travellers site, where such use is in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Andy Wightman

165 After section 16, insert—

<Development orders: private ways

Development orders: private ways

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 30 insert—

“30A Development orders: private ways

A development order under section 30 may not grant planning permission for development which consists of the formation or alteration of a private way on land which is—

- (a) used for shooting or other field sports,
- (b) in—
 - (i) a national park,
 - (ii) a designation under the Nature Conservation (Scotland) Act 2004,
 - (iii) a battlefield included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979,
 - (iv) a national scenic area.”.>

Andy Wightman

Supported by: Monica Lennon

58 After section 16, insert—

<Determination of applications: statement to accompany notification

Determination of applications: statement to accompany notification

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

10 “(2A) The notice of the planning authority’s decision on an application must include a statement as to whether the authority consider that the application is for a development that is in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Monica Lennon

58A As an amendment to amendment 58, line 10, after <relates> insert <together with an explanation of why the authority have reached that view>

Kevin Stewart

262 After section 16, insert—

<Agreements relating to period before which an appeal may be made

Agreements relating to period before which an appeal may be made

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 47 (right to appeal against planning decisions and failure to take such decisions)—
 - (a) in subsection (2), in the closing words, for the words from “such” where it first occurs to the end substitute “the relevant period.”,
 - (b) in subsection (4)(b), for the words from “period” where it first occurs to the end substitute “relevant period”.
 - (c) after subsection (5) insert—

“(6) For the purposes of subsection (2), the “relevant period” is—

 - (a) such period as may be prescribed by regulations or a development order, or
 - (b) such other period as may be agreed in writing between the applicant and the authority in respect of the application (whether before or after it is made).”.>

Alex Rowley

51 After section 16, insert—

<Appeal rights

Third party right of appeal against planning decisions not in accordance with local development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 47A, insert—

“47B Third party right of appeal against planning decisions not in accordance with local development plan

 - (1) Subject to subsection (2), any person may appeal to the Scottish Ministers against a decision of a planning authority to—
 - (a) grant an application for planning permission,
 - (b) grant an application for planning permission subject to conditions,
 - (c) refuse an application for planning permission.
 - (2) The right of appeal under subsection (1) applies only—
 - (a) to a person who made a submission on the planning application to which the decision relates,
 - (b) where the grounds of appeal are that the person appealing considers that the decision of the planning authority is not in accordance with that authority’s local development plan in force at the time the decision was made.

- (3) Section 47A applies to an appeal under subsection (1) as it applies to an appeal under section 47(1).
 - (4) Subsection (1) does not apply in relation to any such action on the part of a planning authority as is mentioned in section 237(3A).
 - (5) An appeal under this section is to be made by notice served within such time and in such manner as may be prescribed by the Scottish Ministers by regulations.
 - (6) The time prescribed for the service of such a notice must not be less than 28 days from the date of the notification of the decision.
 - (7) The Scottish Ministers may by regulations make such further provision as they consider appropriate in relation to—
 - (a) the form and manner in which an appeal under subsection (1) is to be made,
 - (b) the procedure by which the Scottish Ministers are to determine an appeal under subsection (1).”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
- “(7C) Regulations under section 47B(5) or (7) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Andy Wightman

Supported by: Monica Lennon

59 After section 16, insert—

<Right to appeal against planning decisions

Right to appeal against planning decisions

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 47 (right to appeal against planning decisions and failure to take such decisions), in subsection (1A)—
 - (a) the words from “in relation” to the end become paragraph (a),
 - (b) after that paragraph insert—
 - “(b) where the notice of the planning authority’s decision on the application for planning permission includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Andy Wightman

Supported by: Monica Lennon

60 After section 16, insert—

<Right to appeal against planning decisions

Community right to appeal against certain planning decisions

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

- (2) In section 47 (right to appeal against planning decisions and failure to take such decisions), after subsection (2) insert—
- “(2A) Where a planning authority—
- (a) decide an application for planning permission, and
 - (b) any of the circumstances listed in subsection (2B) applies,
- a person or body listed in subsection (2C) may appeal to the Scottish Ministers against the decision.
- (2B) The circumstances are—
- (a) the planning authority’s decision to grant the application includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates,
 - (b) the decision by the planning authority is in respect of a development on land in which the planning authority has an interest,
 - (c) the decision by the planning authority is in respect of a development of a description contained in schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999 (SI 1999/1),
 - (d) the decision by the planning authority is in respect of an application on which there is an objection by a person, body or authority consulted in accordance with regulation 25 and schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (SI 2013/155), and that the grounds for objection have not, in the opinion of the appellant, been addressed.
- (2C) The persons or bodies are—
- (a) a person who made representations to the planning authority in respect of the application,
 - (b) a community council representing the area to which the application relates.”.

(3) In section 47A (matters which may be raised in an appeal under section 47(1))—

 - (a) in subsection (1), for “47(1)” substitute “47”,
 - (b) the title of the section becomes “**Matters which may be raised in an appeal under section 47**”.>

Alex Rowley

92 After section 16, insert—

<Appeal rights

No right of appeal for development on land not allocated for development

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 47(1A) (right of appeal against planning decisions and failure to take such decisions) after “to” insert—

- “(a) any application for development on land that has not been allocated for development in the local development plan for the time being applicable to the area, or
(b)”.>

Monica Lennon

143 After section 16, insert—

<Appeal rights

Community right of appeal against certain planning decisions not in accordance with local development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 47A insert—

“47B Community right of appeal against certain planning decisions not in accordance with local development plan

- (1) Subject to subsections (2) to (4), a person may appeal to the Scottish Ministers against a decision of a planning authority.
- (2) The right of appeal under subsection (1) applies only—
 - (a) to a decision of a planning authority on—
 - (i) a national development,
 - (ii) a major development,
 - (b) to—
 - (i) a person who made a submission on the planning application to which the decision relates,
 - (ii) a community council representing the area to which the application relates.
- (3) In the case of a decision by the planning authority to—
 - (a) grant an application for planning permission, or
 - (b) grant an application for planning permission subject to conditions,
 the right of appeal under subsection (1) applies only where the notice of the planning authority’s decision on the application includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates.
- (4) In the case of a decision by the planning authority to refuse an application for planning permission, the right of appeal under subsection (1) applies only where the notice of the planning authority’s decision on the application includes a statement that the authority consider that the application is for a development that is in accordance with the development plan for the time being applicable to the area to which the application relates.
- (5) Section 47A applies to an appeal under subsection (1) as it applies to an appeal under section 47(1).

- (6) Subsection (1) does not apply in relation to any such action on the part of a planning authority as is mentioned in section 237(3A).
- (7) An appeal under this section is to be made by notice served within such time and in such manner as may be prescribed by the Scottish Ministers by regulations.
- (8) The time prescribed for the service of such a notice must not be less than 28 days from the date of the notification of the decision.
- (9) The Scottish Ministers may by regulations make such further provision as they consider appropriate in relation to—
 - (a) the form and manner in which an appeal under subsection (1) is to be made,
 - (b) the procedure by which the Scottish Ministers are to determine an appeal under subsection (1).”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
 - “(7C) Regulations under section 47B(7) or (9) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Daniel Johnson

209 After section 16, insert—

<Interpretation of neighbouring land

Interpretation of neighbouring land

- (1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013/155 are amended as follows.
- (2) In regulation 3 (interpretation) for “20 metres” substitute “100 metres”.>

Andy Wightman

88 After section 16, insert—

<Meaning of “material considerations”

Meaning of “material considerations”

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 277(1) (interpretation), after the entry for “major developments” insert—
 - ““material considerations” has the meaning prescribed by the Scottish Ministers.”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
 - “(7C) Regulations under section 277(1) prescribing the meaning of “material considerations” are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Section 17

Kevin Stewart

- 263 In section 17, page 29, line 38, leave out <paragraph (ca) is> and insert <paragraphs (c) and (ca) are>

Section 19

Andy Wightman

- 98 Leave out section 19

After section 19

John Finnie

- 166 After section 19, insert—

<Planning obligations: publication

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 75 (planning obligations), after subsection (4), insert—
 - “(4A) A planning authority are to publish and promote a relevant instrument 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.”.>

After section 20

Claudia Beamish

- 145 After section 20, insert—

<Declining to determine an application

Declining to determine an application

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1)(declining to determine an application)—
 - (a) in sub-paragraph (a)(i), for “two” substitute “ten”,
 - (b) in paragraph (b)—
 - (i) in sub-paragraph (i)—
 - (A) for “two” substitute “ten”,
 - (B) for “more than one” substitute “a”,
 - (ii) in sub-paragraph (ii) for “against either (or as the case may be any) of those refusals” substitute “that refusal”,
 - (iii) in sub-paragraph (iii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,

- (c) in paragraph (c)—
 - (i) in sub-paragraph (i)—
 - (A) for “two” substitute “ten”,
 - (B) for “more than one” substitute “a”,
 - (ii) in sub-paragraph (ii) for “against either (or as the case may be any) of those refusals” substitute “that refusal”,
 - (iii) in sub-paragraph (iii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,
- (d) in paragraph (d)—
 - (i) in sub-paragraph (i)—
 - (A) for “two” substitute “ten”,
 - (B) for “more than one” substitute “a”,
 - (ii) in sub-paragraph (ii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,
- (e) in paragraph (e)(i) for “two” substitute “ten”.>

Claudia Beamish

146 After section 20, insert—

<Declining to determine an application: further provision

Declining to determine an application: further provision

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 39 insert—

“39A Declining to determine an application: further provision

The Scottish Ministers must publish guidance outlining what constitutes a “similar application” and a “significant change” for the purposes of section 39.”.>

Section 21

Claudia Beamish

147 In section 21, page 34, line 37, at end insert—

<() After subsection (1A)(d) insert—

“(dza)make provision for the payment of a higher level of charge or fee in regard to an application that is deemed by the planning authority to be similar to an application the planning authority have refused under section 39 or the Scottish Ministers have refused under section 46.”.>

Kevin Stewart

264 In section 21, page 35, line 2, after <planning authority> insert <or the Scottish Ministers>

Kevin Stewart

- 265 In section 21, page 35, line 3, after <planning authority> insert <or the Scottish Ministers>

Kevin Stewart

- 266 In section 21, page 35, line 11, after <relates> insert <but those regulations may not provide for the imposition of a surcharge greater than the fee that would be payable otherwise in relation to the application>

Graham Simpson

- 16 In section 21, page 35, line 15, at end insert—

<() After subsection (4) insert—

“(4A) Without prejudice to the generality of subsection (3), where regulations contain provision of a kind mentioned in subsection (4)(b), the regulations must provide that the planning authority must refund in full to the applicant any charge or fee paid, unless the applicant and the authority have agreed otherwise.

(4B) For the purposes of subsection (4)(b), unreasonable delay has occurred if an authority has not determined an application within 26 weeks of it being made.”.>

Section 23

Kevin Stewart

- 267 In section 23, page 38, line 19, at end insert—

<() A discharge of a registered charging order may not be registered unless it is in the form prescribed by the Scottish Ministers in regulations.>

Section 24

Graham Simpson

- 23 Leave out section 24

Section 25

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.>

Graham Simpson

- 24 Leave out section 25

Section 26

Kevin Stewart

- 268 In section 26, page 42, leave out lines 7 to 10

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).>

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>

Graham Simpson

Supported by: Monica Lennon

- 17 Leave out section 26

After section 26

Kevin Stewart

269 After section 26, insert—

<Regulations

Regulations

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 275 (regulations and orders), in subsection (2A) after “purposes” insert “and areas”.>

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).”.>

Kevin Stewart

158 After section 26, insert—

<Chief planning officers

Chief planning officers

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

“1A Planning authorities: chief planning officer

- (1) Each planning authority must have a chief planning officer.

- (2) The role of an authority’s chief planning officer is to advise the authority about the carrying out of—
 - (a) the functions conferred on them by virtue of the planning Acts, and
 - (b) any function conferred on them by any other enactment, insofar as the function relates to development.
- (3) A planning authority may not appoint a person as their chief planning officer unless satisfied that the person has appropriate qualifications and experience for the role.
- (4) In deciding what constitutes appropriate qualifications and experience for the role of chief planning officer, a planning authority must have regard to any guidance on the matter issued by the Scottish Ministers.”.>

Graham Simpson

18 After section 26, insert—

<Annual report on determination of applications

Annual report on determination of applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 45 insert—

“45A Annual report on determination of applications

- (1) As soon as reasonably practicable after the end of each financial year, a planning authority are to prepare a report detailing—
 - (a) the number of applications made to the planning authority for planning permission during that year,
 - (b) the notice of their decision on the applications,
 - (c) the number of applications made during that year which have not yet received their determination at the time of the report, and
 - (d) the number of planning authority staff hours on average to process the applications.
- (2) The planning authority are to—
 - (a) submit a copy of the report to the Scottish Ministers, and
 - (b) publish the report.
- (3) In this section a financial year is the period of 12 months beginning with 1 April.”.>

Graham Simpson

19 After section 26, insert—

<National Scenic Areas

National Scenic Areas

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 263A(2) (national scenic areas), the words “the desirability of” are repealed.>

Graham Simpson

81 After section 26, insert—

<Exemption list of locally significant buildings

Exemption list of locally significant buildings

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 24 insert—

“24A List of locally significant buildings

- (1) A planning authority must compile a list of locally significant buildings within their district.
 - (2) A planning authority must consult residents of their district before compiling the list.
 - (3) A building may be considered by the authority for inclusion in the list—
 - (a) at their own initiative,
 - (b) following nomination by a resident of their district.
 - (4) Where a building is included in the planning authority’s list of locally significant buildings, that building may not be demolished.
 - (5) The planning authority are to publish and make the list available for public inspection.
 - (6) Within 5 years after publishing the list (including each revision of it) under subsection (5), the planning authority must revise the list.
 - (7) The Scottish Ministers may by regulations make further provision for the purposes of this section on—
 - (a) the meaning of “locally significant buildings”,
 - (b) how planning authorities are to discharge their functions under this section,
 - (c) the form in which the list is to be kept,
 - (d) how consultation under subsection (1) is to be undertaken,
 - (e) the manner in which and by whom an appeal against the inclusion of a building on the list may be made, and the process by which such an appeal is to be determined.
 - (8) Provision made in regulations under subsection (7) may include provision disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of or provision made under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.”
- (3) In section 275, after subsection (7B) insert—
 - “(7C) Regulations under section 24A(4) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Andy Wightman

90 After section 26, insert—

<Tree preservation orders

Tree preservation orders

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 160 (power to make tree preservation orders), after subsection (6) insert—
 - “(6A) But nothing in subsection (6) is to be taken as permitting a development order under section 30 to authorise the uprooting, felling or lopping of trees.”.>

Andy Wightman

91 After section 26, insert—

<Preservation of trees in conservation areas

Preservation of trees in conservation areas

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 172 (preservation of trees in conservation areas)—
 - (a) after subsection (1A) insert—
 - “(1B) But nothing in subsection (1A) is to be taken as permitting a development order under section 30 to authorise the uprooting, felling or lopping of trees.”,
 - (b) for subsection (3) substitute—
 - “(3) Subsection (1) does not apply where—
 - (a) the person served notice of the person’s intention to do the act in question (with sufficient particulars to identify the tree) on the planning authority in whose area the tree is or was situated,
 - (b) the act in question is done after the expiry of the period of 6 weeks from the date of the notice but before the expiry of the period of 2 years from that date, and
 - (c) within that period of 6 weeks the planning authority within whose area the tree is or was situated—
 - (i) consented to the act in question, or
 - (ii) did not refuse consent to the act in question.”
 - (3A) For the purposes of subsection (3), section 173 does not apply.”.>

Gordon Lindhurst

152 After section 26, insert—

<Notice by planning authority of applications for listed building consent

Notice by planning authority of applications for listed building consent

- (1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is amended as follows.
- (2) In section 9 (making of applications for listed building consent), after subsection (3) insert—

- “(3A) Without prejudice to the generality of subsection (3)(b), the regulations must require that a planning authority are to give notice of an application for listed building consent to neighbouring properties.
- (3B) For the purposes of this section, giving notice to neighbouring properties means—
- (a) where there are premises situated on land neighbouring the building for which consent is sought to which the notice can be sent to the owner, lessee or occupier of such premises, by sending a notice addressed to “the Owner, Lessee or Occupier” to such premises, and
 - (b) where there are no such premises, by publication of a notice in a newspaper circulating in the locality in which the neighbouring land is situated.
- (3C) Notice in accordance with subsection (3A) is to be given—
- (a) in such manner,
 - (b) for such period, and
 - (c) on such number of occasions,
- as is prescribed in the regulations.
- (3D) For the purposes of subsection (3A), an applicant is to provide such information with respect to the application as may be prescribed in the regulations.
- (3E) No application for listed building consent is to be determined by the planning authority until the expiry of the period prescribed in accordance with subsection (3C)(b).
- (3F) The regulations are to ensure that—
- (a) notice under this section is to be given to the same categories of person, and in the same manner and time,
 - (b) persons given notice under this section have the same rights to make representations,
- as is for the time being provided in regulations or a development order under section 34 of the Town and Country Planning (Scotland) Act 1997.”>

Andy Wightman

182 After section 26, insert—

<Decision on application for listed building consent: presumption

Decision on application for listed building consent: presumption

- (1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is amended as follows.
- (2) In section 14 (decision on application), in subsection (2)—
 - (a) the words from “shall” to the end become paragraph (a),
 - (b) after paragraph (a) so formed insert—
 - “(b) must proceed on the presumption that they will refuse an application for works which—

- (i) would not preserve the building or its setting, or
- (ii) would otherwise affect a building’s character as a building of special architectural or historic interest.”.>

Rhoda Grant

231 After section 26, insert—

<Compulsory acquisition of land in connection with development and for other planning purposes

Compulsory acquisition of land in connection with development and for other planning purposes

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 189 (compulsory acquisition of land in connection with development and for other planning purposes), after subsection (1)(a), insert—
 - “(aa) has been allocated in the local development plan for the resettlement of previously inhabited settlements,”.>

Section 27

Adam Tomkins

308 In section 27, page 43, line 32, leave out <may> and insert <must>

Adam Tomkins

309 In section 27, page 43, line 33, at end insert—

- <() The Scottish Ministers must lay a draft of the first regulations under subsection (1) establishing and making provision about an infrastructure levy before the Scottish Parliament before the end of the period of 1 year beginning with the day of Royal Assent.
- () Regulations under subsection (1) must in particular set out how an infrastructure levy will operate in conjunction with the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997.>

Graham Simpson

25 In section 27, page 43, line 34, at end insert—

<() to be set by a local authority,>

Graham Simpson

26 In section 27, page 43, line 38, after <funding,> insert <local>

Andy Wightman

99 Leave out section 27

Schedule 1

Kevin Stewart

270 In schedule 1, page 46, line 6, leave out <14(2),>

Kevin Stewart

271 In schedule 1, page 48, leave out line 26

Graham Simpson

27 In schedule 1, page 48, line 27, leave out paragraph 14

Kevin Stewart

272 In schedule 1, page 49, leave out line 8

Andy Wightman

183 Leave out schedule 1

Section 28

Kevin Stewart

273 In section 28, page 44, leave out lines 19 and 20

Andy Wightman

100 Leave out section 28

Section 29

Andy Wightman

101 Leave out section 29

Section 30

Alexander Stewart

64 In section 30, page 44, line 34, leave out <the schedule> and insert <schedule 1>

Andy Wightman

102 Leave out section 30

After section 30

Kevin Stewart

274 After section 30, insert—

<Lapsing of power to provide for levy

- (1) The regulation-making power conferred by section 27 ceases to be exercisable if no regulations have been made under it within the period of 10 years beginning with the day that the Bill for this Act receives Royal Assent.
- (2) If, by virtue of subsection (1), the regulation-making power conferred by section 27 ceases to be exercisable, the Scottish Ministers may by regulations repeal—
 - (a) this Part, and
 - (b) schedule 1.>

Alexander Stewart

65 After section 30, insert—

<Review of operation of Part

- (1) The Scottish Ministers must, not later than the end of the period of 3 years beginning with the day of Royal Assent, review the operation of this Part.
- (2) Not later than 1 year after the day on which the review under subsection (1) has been completed, the Scottish Ministers must lay a report on the conclusions of the review before the Scottish Parliament.
- (3) A report under subsection (2) must include a statement from the Scottish Ministers setting out—
 - (a) whether, if they have not already done so, they intend to make regulations under section 27,
 - (b) where they do not intend to do so, their reasons for this, and
 - (c) whether they intend to bring forward proposals to modify any provision of this Part.
- (4) The Scottish Ministers must, as soon as reasonably practicable, publish the report in such a manner as they consider appropriate.>

After section 31

Kevin Stewart

275 After section 31, insert—

<Power to replace descriptions with actual dates

- (1) The Scottish Ministers may by regulations amend—
 - (a) section 158B of the Town and Country Planning (Scotland) Act 1997, and
 - (b) section 23(5) of this Act,so that, instead of referring to the day on which section 23 comes into force, they specify the date on which section 23 actually came into force.

- (2) The Scottish Ministers may by regulations amend section 275B(2)(b) of the Town and Country Planning (Scotland) Act 1997 so that, instead of referring to the day on which section (*Publication of directions*) of this Act comes into force, it specifies the date on which that section actually came into force.
- (3) The Scottish Ministers may by regulations amend section (*Lapsing of power to provide for levy*)(1) so that, instead of referring to the day that the Bill for this Act receives Royal Assent, it specifies the date on which the Bill actually received Royal Assent.>

Section 32

Kevin Stewart

276 In section 32, page 45, line 15, leave out <25,>

Kevin Stewart

277 In section 32, page 45, line 15, at end insert—

- <() Before making regulations under section 27, the Scottish Ministers must consult—
- (a) any local authority that may be affected by the regulations, and
 - (b) any other persons the Ministers consider appropriate.>

Schedule 2

Andy Wightman

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

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”.>

Kevin Stewart

154 In schedule 2, page 52, leave out lines 5 to 8

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).”>

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

Kevin Stewart

155 In schedule 2, page 52, line 22, leave out <3A(8)> and insert <3AD(1)>

Andy Wightman

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

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

Andy Wightman

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

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

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.”.>

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>

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

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

Graham Simpson

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

Kevin Stewart

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

Kevin Stewart

157 In schedule 2, page 55, line 34, at end insert—

<PART 4

REGULATIONS

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 275, after subsection (7B) insert—

(7C) Regulations under sections 3AB(2) and 251B(3)(a) and paragraph 3 of schedule 5A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).>

Section 34

Daniel Johnson

210 In section 34, page 45, line 19, after <sections> insert <(Interpretation of neighbouring land),>

Kevin Stewart

290 In section 34, page 45, line 19, after <sections> insert <(Lapsing of power to provide for levy),>

Kevin Stewart

291 In section 34, page 45, line 19, after <31,> insert <(Power to replace descriptions with actual dates),>

Kevin Stewart

292 In section 34, page 45, line 25, leave out subsection (4)

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