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## **Local Government, Housing and Planning Committee**

# **Report on the Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [draft]**



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# Local Government, Housing and Planning Committee

To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters within the responsibility of the Cabinet Secretary for Housing, with the exception of matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services; and matters relating to local government boundaries, local governance review and democratic renewal.



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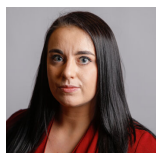
# Committee Membership



**Convener**  
**Ariane Burgess**  
Scottish Green Party



**Deputy Convener**  
**Willie Coffey**  
Scottish National Party



**Meghan Gallacher**  
Scottish Conservative  
and Unionist Party



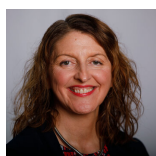
**Mark Griffin**  
Scottish Labour



**Fulton MacGregor**  
Scottish National Party



**Alexander Stewart**  
Scottish Conservative  
and Unionist Party



**Evelyn Tweed**  
Scottish National Party

# Introduction

1. The [Climate Change \(Local Development Plan\) \(Repeals\) \(Scotland\) Order 2025](#) [draft] was laid before the Scottish Parliament on 19th June 2025. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
2. The purpose of the Order is to remove requirements on planning authorities regarding greenhouse gas emissions from new buildings as those requirements are considered to now be unnecessary as a result of new policy and building regulations.
3. Section 3F of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act') was introduced by [Section 72 of the Climate Change \(Scotland\) Act 2009](#) ('the 2009 Act') and states:
  1. "A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies."
4. Section 73(1) of the 1997 Act requires Scottish Ministers to lay an annual report before the Parliament on the operation of Section 72. Section 73(2) requires those reports to include assessment of the continuing need for the relevant planning authorities to include such policies within development plans.
5. The [Fifteenth Annual Report of the Operation of Section 72 of the Climate Change \(Scotland\) Act 2009](#) (published on 27 March 2025) concluded that after 1 January 2025 the latest policy and regulatory position goes beyond what Section 3F can achieve and that the requirement to include policies within local development plans under Section 3F is no longer necessary.

# Consideration by the Delegated Powers and Law Reform Committee

6. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument on 2 September 2025 and [reported on it in its 57th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

# Consideration by the Local Government, Housing and Planning Committee

7. Motion S6M-18057 was lodged by Ivan McKee MSP, Minister for Public Finance, proposing that the Local Government, Housing and Planning Committee recommends that the Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [draft] be approved.

8. At its [meeting on 16th September 2025](#) the Committee took evidence from the Minister for Public Finance, who outlined the purpose of the Order. He explained that:

” Planning and heat policy related to building decarbonisation has progressed significantly since section 3F of the 1997 act was introduced, surpassing what section 3F can achieve. Maintaining section 3F places unnecessary and redundant resource burdens on planning authorities at a time when streamlining costs and processes in the planning system is vital.”<sup>1</sup>

9. The Minister went on to say:

” The principle of repeal was included in the 2017 consultation regarding the planning bill, which is now the Planning (Scotland) Act 2019. At that time, there was general support for the withdrawal of section 3F of the 1997 act. With the 2019 act giving the national planning framework an enhanced status as part of the statutory development plan, and national planning framework 4 now firmly established, section 3F requirements for local development plans are no longer required.”<sup>2</sup>

10. The Convener asked the Minister what steps architects and designers would be required to take under the fourth National Planning Framework (NPF4) and the new-build heat standard to ensure that new developments minimise greenhouse gas contributions. The Minister clarified that the new-build heat standard lays down the requirement to move away from heat sources that use fossil fuels, and in NPF4 climate policies 2 (Climate mitigation and adaptation), 11 (Energy), 19 (Heat and cooling) and 26 (Business and industry) are relevant.<sup>3</sup>

11. There being no further questions, the Minister moved the motion:

S6M-18057 — That the Local Government, Housing and Planning Committee recommends that the Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [draft] be approved.

12. Motion S6M-18057 was agreed to without debate or dissent.

# Recommendation

13. The Committee recommends to the Scottish Parliament that it approve the Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [draft].

**Local Government, Housing and Planning Committee**

Report on the Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025 [draft], 4th Report 2025 (Session 6)

- 1 Local Government, Housing and Planning Committee. Official Report, 16 September 2025, Col 3
- 2 Local Government, Housing and Planning Committee. Official Report, 16 September 2025, Col 3
- 3 Local Government, Housing and Planning Committee. Official Report, 16 September 2025, Col 3

