

PLANNING (SCOTLAND) BILL:

A quick guide



Said to be the most amended Bill in the history of the Scottish Parliament, with 230 amendments adding 91 new duties, the Planning (Scotland) Bill awaits Stage 3, which will probably happen in June.

Revised Explanatory Notes have been published by the Scottish Government to reflect those amendments. This is our quick (but not exhaustive) guide to the Bill in its current form, highlighting the new provisions added during Stage 2.

Purpose of planning

- Sets out the purpose of the planning system (new) – ‘to manage the development and use of land in the best long-term public interest’

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Development planning

- Amended procedures for producing plans and the required content of those plans – eg. local development plans (LDPs) to be reviewed every 10 years, rather than 5 years
- Second purpose for planning, linked to the exercise of development plan functions (new) – adds references to sustainable development and achieving national outcomes
- Local place plans, prepared by community bodies
- Planning authorities to produce open space strategies (new)
- Scottish Ministers to report to the Scottish Parliament on how the planning system is operating to meet the housing needs of older people and disabled people (new)
- Strategic development plans to be retained (new – abolition previously proposed)

Masterplan consent areas (previously simplified development zones)

- Replacement for simplified planning zones – the provisions have been amended to provide for land value capture by compulsory purchase (new)

Culturally significant zones

- Zones in which it is desirable to identify, preserve or enhance existing cultural venues, facilities and uses, support the development of new ones, and ensure no unreasonable adjustments to the operation of existing cultural venues or facilities are required in relation to new developments (new)
- Presumption against development which includes residential use in the zone or within 100m of the boundary of the zone (new)

Development management

- Requirement for planning permission for short term holiday lets (new)
- Health effects of national or major developments to be considered (new)
- Development on green belt land not to be permitted without assessment of brownfield alternatives (new)

Other matters

- Broadens scope of regulation-making powers on planning fees
- Amendments in relation to fines and recovery of expenses for enforcement activity
- Regulations may make different provisions for different areas (new)
- Scottish Ministers to publish all directions and their reasons for making them (new)
- Each planning authority to have a chief planning officer (new)
- Amendments to provisions on National Scenic Areas (new)
- Notification of applications for listed building consent (new)
- No longer mentioned – requirement for councillor training; proposed new measures for the monitoring and assessment of planning authorities’ performance – these proposals have been removed

Infrastructure levy

- Power to introduce a levy in respect of development to fund infrastructure

Conclusion

Many of the proposed amendments to the Bill would appear to put a considerable brake on the Minister’s aspirations to create a more effective planning system with a sharper focus on delivering development. The updated Financial Memorandum reckons that the changes will increase planning authorities’ costs by up to £75m, and add more than £400m of costs to the development industry.

Further amendments are already being proposed as part of Stage 3. Whether these amendments can pull the Bill back in line with its original aims remains to be seen.

Key contacts



Neil Collar
PARTNER
+44 (0)131 656 0125
neil.collar@brodies.com



Karen Hamilton
PARTNER
+44 (0)141 245 6225
karen.hamilton@brodies.com



Elaine Farquharson-Black
PARTNER
+44 (0)1224 392 251
efb@brodies.com

