

Glasgow and the Clyde Valley Strategic Development Planning Authority

**To: Glasgow and the Clyde Valley Strategic Development Planning Authority
Joint Committee**

On: 11th March 2019

**Report by
Stuart Tait, Manager**

Planning (Scotland) Bill Update

1. Summary

- 1.1 The purpose of this report is to update the Joint Committee on the matters relating to the ongoing consideration by the Scottish Parliament of the Planning (Scotland) Bill.

2. Recommendation

- 2.1 It is recommended that the Joint Committee notes this report and the progress and Parliamentary scrutiny of the Planning (Scotland) Bill.

3. Context

- 3.1 The Joint Committee are aware of the most relevant aspects of the Bill as it pertains to Clydeplan, namely:
- the removal of the statutory requirement to prepare Strategic Development Plans; and,
 - a requirement on a planning authority or, two or more planning authorities, to provide information to assist the Scottish Ministers in their preparation of the National Planning Framework.

4. Parliamentary Scrutiny

Stages 1 and 2

- 4.1 The Parliamentary scrutiny process has been ongoing since the Bill's publication in December 2017. Stage 1 and 2 were scrutinised by the Scottish Parliament's Local Government and Communities Committee to which Clydeplan gave both oral and written evidence. Stage 3 is considered by the Scottish Parliament itself.
- 4.2 Stage 1 was completed on 29th May 2018 and Stage 2 on 14th November 2018. As it stands at the end of Stage 2 the statutory duty to prepare a Strategic Development Plan remains though the Minister stated at a Stage 2 hearing session it was his intention to revisit this matter at Stage 3.

Stage 3

- 4.3 It is envisaged that Stage 3 will take place in April 2019. Stage 3 is the final opportunity for MSPs to propose amendments to the Bill in order to tidy up the wording and debate important issues relating to it. Stage 3 takes place in the Chamber in two parts, usually both on the same day.

- 4.4 Firstly, the Parliament considers and decides on any Stage 3 amendments that have been lodged. Amendments at Stage 3 are dealt with in largely the same way as at Stage 2 and similar documents are produced. As at Stage 2, only MSPs can lodge amendments. Unlike Stage 2, the Presiding Officer decides which amendments can be debated at Stage 3. For example, if an amendment is lodged at Stage 3, but a similar amendment was lodged and debated at Stage 2 but received little support, the Presiding Officer may decide not to select it on the grounds that it has already been fully debated.
- 4.5 Secondly, there is a debate on the Bill. After all amendments have been dealt with, there is a debate on whether or not the Bill should be passed. If the Parliament does not agree to pass the Bill, it falls and will not become law.

Beyond Stage 3

- 4.6 If the Bill is passed, an 'as passed' version is published if any amendments were agreed to at Stage 3. There is then a four-week period when the Bill can be challenged by Law Officers on the issue of whether or not the Parliament has the power to make law on the subjects covered by the Bill (that is, whether or not it is within the legislative competence of the Parliament).
- 4.7 After this period, if there is no challenge, the Presiding Officer submits the Bill to The Queen for Royal Assent. Once the Bill receives Royal Assent, it becomes an Act of the Scottish Parliament and is part of the law of Scotland. It is anticipated that the Bill will gain Royal Assent in the summer of 2019.
- 4.8 Following Royal Assent new and amended secondary legislation and guidance will require before most of the Bill's provisions can come into force. The Scottish Government estimates that this will take a period of approximately 18 months.
- 4.9 Progress of the Bill, including any proposed Stage 3 amendments, can be viewed at www.parliament.scot/parliamentarybusiness/Bills/106768.aspx. As of 27th February there were just 2 amendments lodged for consideration at Stage 3, neither of which relate to strategic planning.
- 4.10 It is unclear whether the delay to the timetable for the Bill will have knock on consequences for the preparation of NPF4 preparation activities but this seems increasingly likely. Such delays in both the Bill and NPF4 continue to be unhelpful particularly in giving a degree of clarity and certainly around the future role of strategic planning in the new planning system for Scotland.

Financial Memorandum

- 4.11 A revised Financial Memorandum in respect of the Bill as it currently stands at the end of Stage 2 is expected soon. Given the increased number of additional statutory duties placed on both Local Authorities and Scottish Government it is anticipated that there will be a significant increase in the cost of implementing the Bill.

5. Meeting with Scottish Government Chief Planner

- 5.1 On 21st January the Steering Group Chair and Strategic Development Plan Manager met with John McNairney, Chief Planner and Fiona Simpson, Assistant Chief Planner to discuss matters in relation to the role of strategic planning as part of any new Bill.

- 5.2 The Chief Planner considered that with the number and nature of the amendments made to the Bill at Stage 2 the Bill as originally proposed had changed significantly.
- 5.3 Little clarity was given at the meeting in respect of strategic planning, other than it remains the intention of the Scottish Government to submit another amendment at Stage 3. Clydeplan have offered to work with the Scottish Government on their approach to any such an amendment, however to date that offer has not been taken up.