
To: Communities, Housing and Planning Policy Board

On: 10 March 2020

Report by: Director of Communities, Housing and Planning

Heading: Planning (Scotland) Act 2019 – Update

1. Summary

- 1.1 This report seeks to update to the Board on the Planning (Scotland) Act 2019 which received Royal Assent on the 25th July 2019.
 - 1.2 The Planning Act sets out high level changes to the Planning System intended to strengthen its contribution to promoting inclusive growth and empowering communities. The detail of how the new provisions will work in practice will be contained within secondary legislation and guidance provided by the Scottish Government.
 - 1.3 The Scottish Ministers have been introducing some new provisions contained in the Act through Regulations and will continue to do so in phases over the next few years. The first phases of the provisions were introduced on the 8th November 2019, 1st December 2019, 20th December 2019 and 1st March 2020 and the elements that are relevant to the activity of the Communities, Housing & Planning Board are summarised in the report below.
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2. Recommendations

- 2.1 It is recommended that the Board:
 - (i) notes the update on the Planning (Scotland) Act 2019 and the new provisions now in place.
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3. **Background**

- 3.1 The Planning Bill was passed by the Scottish Parliament on the 20 June 2019 and the Planning (Scotland) Act 2019 received Royal Assent on the 25 July 2019.
 - 3.2 The majority of the provisions of the Act are not yet in force but Scottish Ministers have been introducing some of the provisions through Regulations and will continue to do so in the coming years.
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4. **Key Provisions of the Planning (Scotland) Act 2019 that have come into force**

- 4.1 The Planning Act introduced a new purpose for Planning which is '*The purpose of planning is to manage the development and use of land in the long term public interest.*' This is now in force and relevant to all planning decisions.
- 4.2 New parameters have been set out as to what should be included within the National Planning Framework for Scotland. The National Planning Framework is a long term plan for development and investment across Scotland.
- 4.3 The fourth National Planning Framework (NPF4) will seek to present a framework for development in Scotland up to 2050 and will do so via national planning policies. The National Planning Framework is at this stage subject to consultation and engagement but when written by the Planning & Architecture Division of the Scottish Government will be laid before the Scottish Parliament around Autumn 2020.
- 4.4 There is now a requirement for Planning Authorities to prepare a Forestry and Woodland Strategy. At present there is no timescales set out by the Scottish Government of when a Forestry and Woodland Strategy requires to be prepared and it is noted that no funding is available to Local Authorities to deliver this new obligation.
- 4.5 Notwithstanding this, following the adoption of the Proposed Renfrewshire Local Development Plan, Officers will commence preparation of a Forestry and Woodland Strategy which will be presented to a future Board.
- 4.6 Increases to the maximum fines for enforcement notices came into effect on 20th December 2019. This includes the failure to comply with an enforcement notice or the contravention of a stop notice fine being increased from £20,000 to £50,000.
- 4.7 For planning applications received after 1st March 2020, notice must now be given for any major development to each local authority Councillor, MSP and MP. As such applications which are defined as Major within the terms of the Planning Acts will now be the subject of a separate email to Councillors, MSP's and MP's which will provide details of the application. This will be in addition to the existing suite of weekly lists that are already distributed to all Councillors, MSP's and MP's.

- 4.8 Members should also be aware that Decision Notices issued by the Planning Authority after 1 March 2020 must include a statement as to whether the applications accords with the Development Plan. While this will be covered in the Report of Handling produced by Officers, it should be noted that if a member of the Communities, Housing & Planning Board seeks to promote a decision on a Planning Application that is contrary to that suggested by Officers, they will be asked whether they consider the proposal is in accordance or contrary to the policies contained in the Development Plan and if so which particular Policies are relevant.
- 4.9 Further updates will be presented to the Board when significant sections of the Act come into force. Training and information sessions will also be organised throughout the implementation of the Planning Act for all members.
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Implications of the Report

1. **Financial** – Financial implications in relation to implementing the provisions of the Planning (Scotland) Act 2029 will be confirmed once all of the Regulations are outlined by the Scottish Government.
2. **HR & Organisational Development** - Resource implications will be confirmed once the Regulations are outlined by the Scottish Government.
3. **Community/Council Planning** – None
4. **Legal** – Potential legal implications which will be confirmed once the Regulations are outlined by the Scottish Government.
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - None
9. **Procurement** - None
10. **Risk** - None
11. **Privacy Impact** - None

12. **COSLA Policy Position** – The implications will require further analysis and engagement through COSLA as the details in relation to the Regulations are outlined by the Scottish Government.
 13. **Climate Risk** - None
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List of Background Papers:

- (i) Planning (Scotland) Act 2019 –
<http://www.legislation.gov.uk/asp/2019/13/contents/enacted>
 - (ii) The Scottish Government work programme 'Transforming Planning in Practice'
<https://www.gov.scot/publications/transforming-planning-practice-post-bill-work-programme/>
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FC/SM
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