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**To: Communities, Housing and Planning Policy Board**

**On: 20 August 2019**

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**Report by: Director of Communities, Housing and Planning**

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**Heading: Update of Planning (Scotland) Bill**

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## **1. Summary**

- 1.1 This report seeks to update to the Board on the Planning (Scotland) Bill which was passed by the Scottish Parliament on the 20<sup>th</sup> June 2019 and received Royal Assent on the 25<sup>th</sup> July 2019.
  - 1.2 The Planning Bill presents a package of measures intended to strengthen the planning system's contribution to promoting inclusive growth and empowering communities.
  - 1.3 The Bill sets out high level changes to the Planning System. The detail of how the new provisions will work in practice will be contained within secondary legislation and guidance provided by the Scottish Government.
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## **2. Recommendations**

- 2.1 It is recommended that the Board:
    - (i) Notes the Planning (Scotland) Bill was passed by the Scottish Parliament on the 20 June 2019 and that the Planning (Scotland) Act 2019 received Royal Assent on the 25 July 2019.
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### **3. Background**

- 3.1 In September 2015, the Scottish Ministers appointed a panel to undertake an independent review of the Scottish Planning System. The panel reported in May 2016. The Report contained 48 recommendations. The Scottish Government's response to the Review of Planning was issued in July 2016.
  - 3.2 On the 10 January 2017, a consultation document on the future of the Planning System in Scotland, 'Places, People and Planning' was issued by the Scottish Government. Renfrewshire Council along with a range of other stakeholders provide a response to the consultation on the 4 April 2017.
  - 3.3 Taking into account the wide range of views expressed in the consultation, the Scottish Government published a Position Statement on the 29 June 2017. The Statement proposed both legislative and non-legislative changes to the Planning System.
  - 3.4 The Planning Bill was introduced to the Scottish Parliament on the 4 December 2017. Changes to primary legislation were taken forward through the Bill. The Bill went through three stages of parliamentary scrutiny with nearly 400 amendments. The Bill was passed by the Scottish Parliament on the 20 June 2019 and received Royal Assent on the 25 July 2019.
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### **4 Key Provisions of the Planning (Scotland) Bill**

- 4.1 In summary the Bill will:

#### **(1) Development Planning**

Set a new "Purpose for Planning" which makes provision for the Development Plan to manage the development and use of land in the long term public interest, contributing to sustainable development and achieving the national outcomes.

Enhance the status of the National Planning Framework to set policies and proposals for the development and use of land nationally as well as set the framework for Local Development Plans.

Allow a planning authority, or two or more planning authorities to co-operate with one another to prepare and adopt a Regional Spatial Strategy. Regional Spatial Strategies will not have the same statutory status as a Strategic Development Plan. Regional Spatial Strategy will inform the National Planning Framework and Local Development Plans.

The National Planning Framework and Local Development Plans are to be prepared at least every 10 years rather than every 5 years.

Remove the requirement of Local Planning Authorities to prepare a Main Issues Report when preparing a Local Development Plan and replace this with an Evidence Report.

The Evidence Report will require to be Examined by an independent Reporter at the start of the process who will then decide if the information in the report is sufficient the Planning Authority to start the preparation of the Local Development Plan.

Promote and facilitate participation of children and young people in the Local Development Plan.

Encourage communities to prepare Local Place Plans for their area and for Planning Authorities to have regard to Local Place Plans when preparing a Local Development Plan.

Ensure that the Local Development Plan have a greater emphasis on delivering developments with a duty to prepare a Delivery Programme.

#### **4.2 Development Management**

Refresh Simplified Planning Zones, replacing them with Masterplan Consent Area Schemes which should be less resource intensive to prepare, with more powers to alter once the zones are in place.

Agent of Change, encouraging music and cultural venue in the right locations, wherein “noise sensitive developments” require to include consideration of measures to mitigate potential impact of noise from existing music and cultural venues.

Planning applications for certain major developments require to make provision for at least one accessible public toilet facility.

Applications for National and Major developments require to consider the likely health effects of the proposed development.

#### **4.3 Other Provisions**

There is to be specified compulsory training requirements for elected members on Planning Boards.

As part of the annual reporting of performance by Planning Authorities, the Scottish Ministers have the power to appoint a national planning improvement coordinator.

A Chief Planning Officer requires to be appointed by each Planning Authority.

Changes to the penalties for enforcement notices and introduction of charging orders.

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### **5 Implications for Planning Authorities**

5.1 As the details relating to the new duties and processes are rolled out there will be a period of change, learning and uncertainty in putting the provisions of the Act into practice.

5.2 There is uncertainty regarding how these new and amended duties will be implemented, funded and resourced.

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## 6 Next Steps

- 6.1 Officers are awaiting an indication from the Scottish Government on the delivery of the and the timetable for the transitional arrangements in relation to Regulations and further guidance.
- 6.2 Updates with be presented to the Board when significant sections of the Act come into force.

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## Implications of the Report

- 1. **Financial** – Possible financial implications which will be confirmed once the Regulations are outlined by the Scottish Government.
  - 2. **HR & Organisational Development** - Possible resource implications which 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** - None
    - (a) 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

The Planning (Scotland) Bill can be found on the Scottish Parliament's web pages at:  
[https://www.parliament.scot/S5\\_Bills/Planning%20\(Scotland\)%20Bill/SPBill23BS052019.pdf](https://www.parliament.scot/S5_Bills/Planning%20(Scotland)%20Bill/SPBill23BS052019.pdf)

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