

Planning (Scotland) Bill

4th Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 27	Schedule 1
Sections 28 to 33	Schedule 2
Sections 34 and 35	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 10

Kevin Stewart

- 232** In section 10, page 9, line 23, leave out <*Simplified development zones*> and insert <*Masterplan consent areas*>

Kevin Stewart

- 233** In section 10, page 9, line 26, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 234** In section 10, page 9, line 32, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 235** In section 10, page 9, line 33, leave out <zone> and insert <area>

Kevin Stewart

- 236** In section 10, page 10, leave out lines 22 to 34

Graham Simpson

Supported by: Andy Wightman

- 12** In section 10, page 10, line 34, at end insert—

<54CA Scheme may also make provision for land value capture by compulsory purchase of land

- (1) A scheme, if it so provides, has the effect of permitting a local authority to purchase land within the zone to which the scheme relates.
- (2) The Scottish Ministers must, by regulations, make—
 - (a) further provision about—

- (i) land that may be purchased under subsection (1),
 - (ii) the process the local authority must follow in the purchase of such land,
 - (b) provision for the compensation that is payable in respect of land purchased under this section.
- (3) Provision made in regulations under subsection (2) must include provision—
- (a) that the compensation payable is to be calculated so as to ensure that the person from whom the land is purchased receives a sum reflecting—
 - (i) the value of the person’s interest in the land taking no account of any value that is attributable to the fact that the carrying out of development is authorised by the scheme,
 - (ii) any reasonable costs, attributable to the purchase of land under this section, that the person may have to establish a place of business in a new location, and
 - (ii) an amount representing a portion (that portion to be no more than one quarter) of the difference between—
 - (A) the combined total of the amounts described in subparagraphs (i) and (ii), and
 - (B) the market value of the person’s interest in the land taking account of the fact that the carrying out of development is authorised by the scheme,
 - (b) disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of the Land Compensation (Scotland) Act 1963.>

Andy Wightman

295 In section 10, page 10, line 34, at end insert—

<54CB Scheme may also make provision for compulsory purchase of land to meet housing need

- (1) Where a planning authority—
 - (a) make a scheme, and
 - (b) intend as part of that scheme to include provision with the effect mentioned in subsection (2),
 they must assess the value of the land in the area to which the scheme relates.
- (2) A scheme, if it so provides, has the effect of permitting a local authority to purchase land within the area to which the scheme relates at the value assessed under subsection (1).
- (3) A local authority may exercise the power in subsection (2) only where the authority consider that the land is required—
 - (a) to meet the housing needs of the community in that area, and

- (b) to uphold the right of every person in that area to housing, as set out in article 25 of the Universal Declaration of Human Rights, adopted by resolution 217A of the General Assembly of the United Nations on 10 December 1948, and article 11 of the International Covenant on Economic, Social and Cultural Rights, adopted by resolution 2200A of the General Assembly of the United Nations on 16 December 1966.
- (4) The Scottish Ministers must by regulations make further provision—
 - (a) about how the land is to be valued,
 - (b) disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of the Land Compensation (Scotland) Act 1963,

for the purposes of this section.
- (5) Regulations making provision under subsection (4) must include provision that the value of the land is to—
 - (a) be assessed at the date the scheme is made,
 - (b) be based on its use at the date the scheme is made, and
 - (c) take no account of any value that is attributable to the fact that—
 - (i) the land is in an area to which the scheme relates,
 - (ii) the carrying out of development is authorised by the scheme.>

Kevin Stewart

237 In section 10, page 11, line 19, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

238 In section 10, page 11, line 28, leave out <SIMPLIFIED DEVELOPMENT ZONES> and insert <MASTERPLAN CONSENT AREAS>

Kevin Stewart

239 In section 10, page 12, line 2, leave out <zone> and insert <area>

Kevin Stewart

240 In section 10, page 12, line 12, leave out <zone> and insert <area>

Kevin Stewart

241 In section 10, page 12, line 18, leave out <Land> and insert <Places>

Kevin Stewart

242 In section 10, page 12, line 19, leave out from <land> to end of line 21 and insert <any place which sub-paragraph (4) applies to at the time the scheme is made.>

Graham Simpson

- 13 In section 10, page 12, line 19, after <made,> insert<—
() in a conservation area,
() in a National Scenic Area,
() identified in the development plan for the area as part of a green belt,
() in a site of special scientific interest,
() in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 has effect,
() other land>

Kevin Stewart

- 243 In section 10, page 12, line 22, leave out from <land> to end of line 24 and insert <a place that is, at the time the alteration is made, a place to which sub-paragraph (4) applies.>

Kevin Stewart

- 244 In section 10, page 12, line 26, leave out <land> and insert <a place>

Kevin Stewart

- 245 In section 10, page 12, line 26, leave out <a zone> and insert <an area>

Kevin Stewart

- 246 In section 10, page 12, line 27, leave out first <land> and insert <place>

Kevin Stewart

- 247 In section 10, page 12, line 27, leave out from second <land> to end of line 28 and insert <a place to which sub-paragraph (4) applies,>

Kevin Stewart

- 248 In section 10, page 12, line 29, leave out <land> and insert <place>

Kevin Stewart

- 249 In section 10, page 12, line 29, leave out <zone> and insert <area>

Kevin Stewart

- 250 In section 10, page 12, line 29, at end insert—
<(4) This sub-paragraph applies to—
(a) any place that is or forms part of—
(i) a European site as defined in regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716),

- (ii) a marine protected area,
 - (iii) a National Scenic Area (see section 263A),
 - (iv) a Ramsar site as defined in section 37A of the Wildlife and Countryside Act 1981,
 - (v) a site of special scientific interest as defined in section 58 of the Nature Conservation (Scotland) Act 2004,
 - (vi) a site included in the World Heritage List (“a world heritage site”) or an area identified in the World Heritage List as a buffer zone for a world heritage site, or
- (b) any place in respect of which either of the following has effect—
- (i) a nature conservation order made under Part 2 of the Nature Conservation (Scotland) Act 2004,
 - (ii) a land management order made under that Part of that Act.
- (5) In sub-paragraph (4)—
- “marine protected area” means an area designated by an order under section 67 of the Marine (Scotland) Act 2010 as—
- (a) a nature conservation area,
 - (b) a demonstration and research marine protected area, or
 - (c) a historic marine protected area,
- “World Heritage List” means the list kept in accordance with article 11(2) of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16 November 1972.
- (6) The Scottish Ministers may by regulations modify sub-paragraphs (4) and (5).>

Monica Lennon

296 In section 10, page 12, line 35, leave out <At any time,>

Monica Lennon

297 In section 10, page 12, line 35, leave out <(in> and insert <(subject to sub-paragraphs (2) and (3) and in>

Kevin Stewart

251 In section 10, page 12, line 37, leave out <a zone> and insert <an area>

Monica Lennon

298 In section 10, page 12, line 37, at end insert—

- <(2) A planning authority may exercise the power in sub-paragraph (1)—
 - (a) when preparing a local development plan for the part of their district to which the proposed scheme relates, or

- (b) in accordance with sub-paragraph (3).
- (3) Where a planning authority exercises the power in sub-paragraph (1) otherwise than in accordance with sub-paragraph (2)(a), they must amend, under section 20AA, the local development plan for the part of their district to which the proposed scheme relates.>

Adam Tomkins

- 299** In section 10, page 13, line 2, leave out from <from> to the end of line 3 and insert <at least once in each 5-year period, consider whether it would be desirable to—
- (a) make a scheme for a part or parts of their district,
 - (b) alter a scheme that relates to a zone in their district.
- (1A) In sub-paragraph (1), the “5-year period” means—
- (a) the period of 5 years beginning with the day on which the Bill for the Planning (Scotland) Act 2018 received Royal Assent, and
 - (b) each subsequent period of 5 years beginning with the day on which the authority last published a statement under sub-paragraph (2).>

Adam Tomkins

- 300** In section 10, page 13, line 4, leave out <that question in accordance with> and insert <the matters mentioned in>

Adam Tomkins

- 301** In section 10, page 13, leave out lines 9 and 10

Andy Wightman

Supported by: Monica Lennon

- 93** In section 10, page 13, leave out lines 17 to 27

Alexander Stewart

- 56** In section 10, page 13, line 22, at end insert—
- <() A direction under sub-paragraph (1) must—
 - (a) be in writing, and
 - (b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Graham Simpson

Supported by: Andy Wightman

- 14** In section 10, page 13, line 28, leave out from beginning to end of line 39 on page 14

Kevin Stewart

- 252** In section 10, page 13, line 31, leave out <a zone> and insert <an area>

Monica Lennon

302 In section 10, page 15, line 5, leave out from beginning to end of line 2 on page 17

Andy Wightman

Supported by: Monica Lennon

94 In section 10, page 17, leave out lines 3 to 20

Monica Lennon

303 In section 10, page 17, leave out lines 21 to line 39

Kevin Stewart

293 In section 10, page 17, line 27, leave out <land> and insert <a place>

Kevin Stewart

253 In section 10, page 17, line 27, leave out <zone> and insert <area>

Andy Wightman

Supported by: Monica Lennon

95 In section 10, page 18, leave out lines 1 to 38

Alexander Stewart

57 In section 10, page 18, line 11, at end insert—

<() A direction under sub-paragraph (1) must—

(a) be in writing, and

(b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Andy Wightman

Supported by: Monica Lennon

96 In section 10, page 19, line 1, leave out from beginning to end of line 9 on page 20

Kevin Stewart

254 In section 10, page 19, line 26, leave out <zone> and insert <area>

Kevin Stewart

255 In section 10, page 20, line 8, leave out <zone> and insert <area>

Andy Wightman

97 In section 10, page 20, line 32, leave out from beginning to end of line 3 on page 21

Monica Lennon

- 304 In section 10, page 21, line 4, leave out from beginning to end of line 18 on page 22

Kevin Stewart

- 256 In section 10, page 22, leave out lines 9 to 13 and insert—
- <(a) if the final month has a day corresponding to the day of the month on which the period began, the period ends at the end of that day of the final month,
 - (b) if the final month is shorter than the month in which the period began and so does not have a corresponding day, the period ends on the last day of the final month.>

After section 11

Lewis Macdonald

- 305 After section 11, insert—

<PART

CULTURALLY SIGNIFICANT ZONES

Culturally significant zones

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 16 (preparation and monitoring of local development plans), after subsection (2)(a), insert—
 - “(aa) are to take into account any culturally significant zones (within the meaning of section 56A) for the part of their district to which the local development plan relates,”
- (3) In section 29 (granting of planning permission: general), in subsection (1)—
 - (a) the word “or” at the end of paragraph (c) is repealed,
 - (b) after paragraph (d), insert “or
 - (e) in accordance with any conditions, limitations or exceptions of any culturally significant zone designated in accordance with section 56A.”.
- (4) After section 56 (effect on planning permission of modification or termination of scheme), insert—

“Culturally significant zones

56A Designation of culturally significant zones

- (1) Each planning authority must—
 - (a) from time to time determine which parts of their district are culturally significant zones, and
 - (b) designate such parts as culturally significant zones.
- (2) A culturally significant zone is an area in which it is desirable to—
 - (a) identify, preserve or enhance existing cultural venues, facilities and uses,
 - (b) identify and support the development of new cultural venues, facilities and uses, and

- (c) ensure no unreasonable adjustments be required for the operation of existing cultural venues or facilities in relation to new development (within the meaning of section 26(1)) within or adjacent to the zone.
- (3) A culturally significant zone may consist of—
 - (a) one or more buildings;
 - (b) a designated area, or
 - (c) any combination of (a) and (b).
- (4) A planning authority must designate a culturally significant zone within its district if requested so to do in accordance with subsection (5).
- (5) A request is valid, for the purpose of subsection (4), if the requirements prescribed in regulations made by the Scottish Ministers under this subsection have been met in relation to the request.
- (6) Regulations under subsection (5) may, in particular, include requirements as to—
 - (a) how a request is to be made, and
 - (b) steps that must be taken before a request may be made.
- (7) The Scottish Ministers may by regulations make further provision on
 - (a) how planning authorities are to discharge their functions,
 - (b) the meaning of “culturally significant zone”,
 for the purposes of this section.
- (8) References in this section to cultural venues and facilities include in particular venues and facilities used for the performance of live music.

56B Designation of culturally significant zones: supplementary provisions

- (1) A planning authority must give notice to the Scottish Ministers of the designation of any part of their district as a culturally significant zone under section 56A, and of any variation or cancellation of any such designation.
- (2) A notice under subsection (1) must contain sufficient information to identify the area in question to the Scottish Ministers.
- (3) Notice of any such designation, variation or cancellation, with particulars of its effect, must be published in the Edinburgh Gazette and in at least one newspaper circulating in the district of the planning authority.
- (4) Each planning authority must compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list of any parts of their district which have been designated as a culturally significant zone.
- (5) A list compiled under subsection (4) must contain such particulars as the Scottish Ministers may by regulations prescribe.

Culturally significant zones: general duties of planning authorities

56C Proposals for preservation and enhancement of culturally significant zones

- (1) Each planning authority are from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their district which are culturally significant zones.
- (2) In preparing proposals under this section, a planning authority are to—
 - (a) publish the proposals in such a manner as they consider sufficient to ensure that the proposals are brought to the attention of residents of the parts of their district to which the proposals relate,
 - (b) ensure that sufficient opportunities and means are made available to such residents to allow them to make representations about the proposals.
- (3) The planning authority must have regard to any representations received regarding the proposals.

56D General duty as respects culturally significant zones in exercise of planning functions

In the exercise, with respect to any buildings or other land in a culturally significant zone, of any powers under this Act, a planning authority are to give particular consideration to the desirability of preserving or enhancing the purposes set out in section 56A(2).

56E Publicity for applications affecting culturally significant zones.

- (1) This section applies where an application for planning permission for any development of land is made to a planning authority and the land or any part of it is within a culturally significant zone or within 100 metres of the boundary of a zone.
- (2) The planning authority must—
 - (a) publish in a local newspaper circulating in the locality in which the land is situated, and
 - (b) for not less than 7 days display on or near the land,

a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice under paragraph (a).
- (3) The application must not be determined by the planning authority before the expiry of the later of—
 - (a) 21 days referred to in subsection (2), and
 - (b) 21 days beginning with the date on which the notice required by that subsection to be displayed was first displayed.
- (4) In determining any application for planning permission to which this section applies, the planning authority must take into account any representations relating to the application which are received by them before the periods mentioned in subsection (3) have elapsed.”.>

Before section 12

Andy Wightman

43 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: agriculture and forestry

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) in subsection (2), paragraph (e) is repealed,
 - (b) subsection (2A) is repealed.>

Andy Wightman

44 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: change of use of dwellinghouse

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) after paragraph (a) of subsection (3) insert—

“(aa) the change of use of a dwellinghouse from being the sole or main residence of any person to being used for any other purpose (including, in particular, to being used as a holiday or second home) involves a material change in the use of the building,”
 - (b) after subsection (7), insert—

“(8) The Scottish Ministers may issue guidance on the interpretation of subsection (3)(aa).”>

Andy Wightman

45 Before section 12, insert—

<Meaning of “development”

Meaning of “development”: use of dwellinghouse for short-term holiday lets

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) after paragraph (a) of subsection (3) insert—
 - (aa) the use of a dwellinghouse for the purpose of providing short-term holiday lets involves a material change in the use of the building,
 - (ab) for the purposes of subsection (3)(aa), “providing short-term holiday lets” does not include—
 - (i) the letting of a residential property under a residential lease,

- (ii) the letting of part or the whole of a residential property where the property is the sole or main residence of the landlord or occupier.”,
- (b) after subsection (7) insert—
- “(8) The Scottish Ministers may issue guidance on the interpretation of “providing short-term holiday lets” for the purposes of subsection (3)(aa).”>

Claudia Beamish

140 Before section 12, insert—

<Meaning of “development”

Meaning of “development”

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) in subsection (2), at the beginning of the introductory words insert “Subject to subsection (2ZAA)”,
 - (b) after subsection (2) insert—
 - “(2ZAA)The operations or uses of land mentioned in subsection (2) will be taken for the purposes of this Act to involve development of the land if, in the opinion of the planning authority—
 - (a) there is reliable information that—
 - (i) any flood has occurred in the immediate vicinity of the proposed operations or uses and which had significant adverse consequences for human health, the environment, cultural heritage or economic activity, or
 - (ii) a significant flood risk exists or is likely to exist in the immediate vicinity of the proposed operations or uses, and
 - (b) the proposed operations or uses would—
 - (i) remove any artificial structures or natural features, the proposed removal of which has been considered by the Scottish Environment Protection Agency and certified by it as significantly increasing the risk of flooding from a body of surface water, or
 - (ii) affect any natural features or characteristics which can assist in the retention of flood water, whether on a permanent or temporary basis (such as flood plains, woodlands and wetlands) or in slowing the flow of such water (such as woodlands and other vegetation).”>

After section 12

Pauline McNeill

207 After section 12, insert—

<Applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) In section 32(3) (applications for planning permission)—
- (a) in the introductory words to paragraph (a), the words “(either or both and if both then either in one document or two)” are repealed,
 - (b) after sub-paragraph (ii) insert—
 - “(iii) including evidence of how the development would achieve an energy performance certificate asset rating of C or above (in accordance with the way of expressing asset energy performance approved by the Scottish Ministers under regulation 7(b) of the Energy Performance of Buildings (Scotland) Regulations 2009 S.S.I 2008/309).”>

Claudia Beamish

228 After section 12, insert—

<Applications for planning permission

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 32 (applications for planning permission) after subsection (3), insert—
 - “(3A) The regulations or development order must require that an application for planning permission for a national development or a major development is to include a national infrastructure needs assessment (within the meaning of section 3H).”>

John Finnie

229 After section 12, insert—

<Applications for planning permission: considerations

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 32 (applications for planning permission) insert—
 - “32A Applications for planning permission: considerations**
 - (1) Where an application for planning permission is made by a local authority or a health board, the application must include evidence that matters of population growth and population projection have been considered in relation to the development to which the application relates.
 - (2) The evidence provided to comply with the duty in subsection (1) may include information previously published in—
 - (a) the local development plan for the area to which the application relates,
 - (b) a local housing strategy prepared under section 89 of the Housing (Scotland) Act 2001 for the area to which the application relates.”>

Monica Lennon

113 After section 12, insert—

<Assessment of health effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) After section 40 insert—

“40A Assessment of health effects

The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.”.

- (3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 40A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Alex Rowley

- 114** After section 12, insert—

<Report on, and assessment of, likely effects of development

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) After section 40 insert—

“40A Report on, and assessment of, likely effects of development

- (1) Before submitting an application for planning permission for a major development, the prospective applicant is to prepare a report setting out the likely effects of the proposed development on the capacity of—

- (a) education services,
- (b) health services,
- (c) leisure and recreation services,
- (d) such other public amenities as appear to the prospective applicant to be relevant,

in the area in which the proposed development is located.

- (2) The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a major development is granted, to the likely effects of the proposed major development on the matters listed in subsection (1).

- (3) Regulations under subsection (2) must include provision that the relevant planning authority or the Scottish Ministers—

- (a) must not grant planning permission for a major development unless they have first taken those effects into consideration, and
- (b) must state in their decision that they have done so.”.

- (3) In section 75 (planning obligations), after subsection (3) insert—

“(3A) Without prejudice to the generality of subsection (1), a planning authority are to consider a report under section 40A before they reach agreement with a person on an obligation.”.

- (4) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 40A(2) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

After section 14

Kevin Stewart

181 After section 14, insert—

<Determination of applications

Determination of applications: noise impact

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 32 (applications for planning permission), in subsection (3)—
 - (a) after paragraph (a) insert—

“(aa) require that an application for planning permission for development to which section 40A applies be accompanied by a statement about the likely impact of noise from existing uses of land in the vicinity of the development on occupants and other users of the development,”
 - (b) in paragraph (b), after “paragraph (a)” insert “or (aa)”.
- (3) After section 40 insert—

“40A Assessment of noise impact

 - (1) Before planning permission is granted by a planning authority for development of a prescribed class or in prescribed circumstances, the authority must consider the likely impact of noise from existing uses of land in the vicinity of the proposed development (particularly land used for the performance of live music) on occupants and other users of the proposed development.
 - (2) Where a planning authority grant planning permission for development of a prescribed class or in prescribed circumstances, the notice referred to in section 43(1A) must specify why the authority are satisfied that the likely impact of the noise will be acceptable.”.
- (4) In section 46 (call-in of applications), in subsection (4)(a), after “38(1) to (3),” insert “40A,”.
- (5) In section 48 (determination of appeals), in subsection (5)(a), after “38(1) to (3),” insert “40A,”.>

Kevin Stewart

257 After section 14, insert—

<Declining to determine an application

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1) (declining to determine an application), in each of the following paragraphs, for “two” substitute “5”—
 - (a) paragraph (a)(i),
 - (b) paragraph (b)(i),

- (c) paragraph (c)(i),
- (d) paragraph (d)(i),
- (e) paragraph (e)(i).>

Daniel Johnson

307 After section 14, insert—

<Notice by planning authority of certain applications made to them

Notice by planning authority of certain applications made to them

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 34 (notice by planning authority of certain applications made to them), after subsection (2), insert—
 - “(2A) Where an application under subsection (2) is for a major development, a planning authority must give notice of the application to each—
 - (a) councillor of the local authority,
 - (b) member of the Scottish Parliament,
 - (c) member of the House of Commons,
 representing the district to which the application relates.”.>

Lewis Macdonald

306 After section 14, insert—

<Determination of applications: cultural venues, facilities and uses

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 37 (determination of applications: general considerations), insert—
 - “**37A Determination of applications: cultural venues, facilities and uses**
 - (1) Without prejudice to the generality of section 37, where an application is made to a planning authority for planning permission, a planning authority may not grant planning permission if, in their opinion—
 - (a) the development that is the subject of the application would be likely to require unreasonable adjustments to the operation of existing cultural venues, facilities or uses in the vicinity of the development, or
 - (b) the application does not include sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues, facilities or uses, or dwellings or businesses in the vicinity of the development.
 - (2) For the purposes of subsection (1), where the development that is the subject of the application—
 - (a) comprises or includes residential development, and
 - (b) the land to which the development relates or any part of it is within a culturally significant zone or within 100 metres of the boundary of a zone,

the planning authority are to presume, unless proven otherwise, that the development would require unreasonable adjustments on the operation of existing cultural venues, facilities and uses within that zone.

- (3) It is for the person who made the application for planning permission in respect of the development, to prove the presumption in subsection (2) otherwise.
- (4) Where a development is proposed within a culturally significant zone or within 100 metres of the boundary of that zone, a planning authority may specify different conditions, limitations or exceptions, including any features or acoustic design measures, in order to mitigate, minimise or manage the effects of noise as may appear to them necessary in order to ensure that there are no unreasonable adjustments for existing cultural venues, facilities or uses within the zone arising from the development.
- (5) In this section—
 - (a) “culturally significant zone” means a zone designated under section 56A,
 - (b) references in this section to “cultural venues and facilities” include in particular venues and facilities used for the performance of live music.”.>

Mark Ruskell

318 After section 14, insert—

<Determination of application for major development: air quality considerations

Determination of application for major development: air quality considerations

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for a major development, a planning authority may not grant planning permission if the application would, in their opinion, be likely to—
 - (a) have an adverse effect on the achievement of the limit value or target value in relation to an area for which there is drawn up and implemented an air quality plan (within the meaning given in the Air Quality Standards (Scotland) Regulations 2010 (S.I. 2010/204) (“the 2010 Regulations”)), or
 - (b) increase the level of pollutants in ambient air in any zone to the extent that the Scottish Ministers would be required to draw up and implement an air quality plan for that zone under regulation 24(1) of the 2010 Regulations.
 - (1B) In subsection (1A), “ambient air”, “limit value”, “pollutant” and “target value” have the same meanings as in the 2010 Regulations.”.>

Jeremy Balfour

80 After section 14, insert—

<Determination of applications: housing for older people and people with disabilities

Determination of applications: housing for older people and people with disabilities

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1) insert—

“(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for the development of housing suitable for—

- (a) older people,
- (b) people with disabilities,

the planning authority must proceed on the assumption that such an application will normally be granted permission.”>

Claudia Beamish

141 After section 14, insert—

<Determination of applications: flood risk

Determination of applications: flood risk

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 37 (determination of applications: general considerations) insert—

“37A Determination of applications: flood risk

- (1) Without prejudice to the generality of section 37, planning permission may not be granted if—

- (a) the Scottish Environment Protection Agency has objected to the application in relation to concerns of flood risk likely to arise as a consequence of the proposals in the application and to the area to which the application relates,
- (b) the development would affect any natural features or characteristics which can assist in the retention of flood water, whether on a permanent or temporary basis (such as flood plains, woodlands and wetlands) or in slowing the flow of such water (such as woodlands and other vegetation), or
- (c) the development is otherwise not consistent with any plans for the management of flood risk set out or described in any—
 - (i) flood risk assessment,
 - (ii) flood hazard map,
 - (iii) flood risk map,
 - (iv) flood risk management plan, or
 - (v) flood protection scheme,

as defined in the Flood Risk Management (Scotland) Act 2009.”>

Alex Cole-Hamilton

208 After section 14, insert—

<Determination of applications: brownfield land

Determination of applications: brownfield land

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for development on land designated as green belt land, a planning authority may not grant planning permission—
 - (a) if the applicant has not included in the application for planning permission a statement setting out—
 - (i) why the development cannot be achieved on land the planning authority consider brownfield land,
 - (ii) the brownfield land that was considered and why it was not considered suitable to the development, or
 - (b) if the application would, in their opinion, be likely to have an adverse effect on any intrinsic natural or cultural heritage value of the proposed green belt land.”.>

John Finnie

294 After section 14, insert—

<Determination of applications: demolition

Determination of applications: demolition

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), after subsection (1), insert—
 - “(1A) Without prejudice to the generality of subsection (1), where an application is made to a planning authority for planning permission for a development that involves the demolition of a building, the planning authority must not grant planning permission where the building proposed to be demolished—
 - (a) is the subject of a repairing standard enforcement order (within the meaning given in section 24(2) of the Housing (Scotland) Act 2006), and
 - (b) the work required by that order has not been completed.”.>

Graham Simpson

324 After section 14, insert—

<Determination of applications: biodiversity effects

Determination of applications: biodiversity effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) In section 37 (determination of applications: general considerations), in subsection (1)(a), after “27B(2)” insert “, 37A”.
- (3) After section 37 insert—

“37A Determination of applications: biodiversity effects

- (1) Where it appears to a planning authority that a development that is the subject of an application for planning permission may have an effect on biodiversity in the area to which the application relates, the authority must consider the possible biodiversity effects.
- (2) Having considered the possible biodiversity effects, a planning authority may grant planning permission only where they are satisfied that the applicant has taken in the design of the development, or proposes to take in the course of the development, sufficient measures to ensure net positive effects on biodiversity would be likely to result from the development.”.>

Lewis Macdonald

- 258** After section 14, insert—

<Consultation in connection with determination of applications

Consultation in connection with determination of applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 38 (consultation in connection with determination of applications), after subsection (1) insert—
 - “(1A) Without prejudice to the generality of subsection (1), regulations or a development order are to prescribe that, before determining an application for planning permission where the development involves any land on which there is a music venue, the planning authority must consult the Music Venues Trust (registered charity number 1159846).”.>

Adam Tomkins

- 1** After section 14, insert—

<Conditional grant of planning permission: noise-sensitive developments

Conditional grant of planning permission: noise-sensitive developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 41 insert—

“41A Conditional grant of planning permission: noise-sensitive developments

- (1) A development that is the subject of an application for planning permission is a “noise-sensitive development” if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development (a “noise source”).
- (2) Without prejudice to the generality of section 41(1), a planning authority may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.”.>

Jeremy Balfour

323 After section 14, insert—

<Conditional grant of planning permission: provision of toilet facilities within certain large developments

Conditional grant of planning permission: provision of toilet facilities within certain large developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 41 insert—

“41A Conditional grant of planning permission: provision of toilet facilities within certain large developments

- (1) Without prejudice to the generality of section 41(1), a planning authority may grant planning permission for a development that falls within subsection (2) only on condition that the development includes at least one toilet facility described in subsection (3).
- (2) A development that is the subject of an application for planning permission falls within this subsection if it is for the construction of a building, structure or other erection for use for any of the following purposes—
- (a) as a school, college or university,
 - (b) as a community centre, sports and leisure centre, or similar public building,
 - (c) as a hospital or other facility for the provision of health services,
 - (d) as a retail outlet the gross floor space of which is or exceeds 10,000 square metres.
- (3) The toilet facility mentioned in subsection (1) is a toilet which—
- (a) has sufficient space, being not less than 12 square metres, to allow up to two carers to assist an adult to use the toilet and the equipment mentioned in paragraph (c),
 - (b) has a centrally-placed toilet with sufficient space, being not less than 1 metre, from the wall on either side for carers to assist an adult to use the toilet,
 - (c) includes—
 - (i) a height-adjustable changing bench of a size suitable for an adult,
 - (ii) a tracking hoist able to cover the full floor area of the toilet facility,
 - (d) is equipped with—
 - (i) a non-slip floor surface,
 - (ii) a screen or curtain,
 - (iii) a supply of hygienic disposable covering for the changing bench,
 - (iv) suitable waste disposal facilities,

- 40 (v) a shelf suitable for temporary placing of colostomy bags and related equipment.
- (4) The Scottish Ministers may by regulations—
- (a) amend subsection (2) so as—
- 45 (i) to add, amend or remove a purpose, or
- (ii) to describe other types of development that fall within subsection (2), (whether or not by reference to the development’s use for a particular purpose) and to amend or remove such types,
- (b) specify that the requirement in subsection (1) does not apply—
- 50 (i) to a particular building, structure or erection,
- (ii) to such descriptions of buildings, structures or erections as may be prescribed, or
- (iii) in such circumstances as may be prescribed,
- (c) amend the description of toilet facility in subsection (3).”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
- 55 “(7C) Regulations under section 41A(4) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010)”.>

Mary Fee

323A As an amendment to amendment 323, line 22, at end insert—

- <() as a cultural centre, such as a museum, concert hall or art gallery,
() as a stadium or large auditorium,
() as a major transport terminus or interchange,
() as a motorway service facility.>

Claudia Beamish

230 After section 14, insert—

<Conditional grant of planning permission: community open space

Conditional grant of planning permission: community open space

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 41 (conditional grant of planning permission) insert—

“41A Conditional grant of planning permission: community open space

- (1) Without prejudice to the generality of section 41, in relation to a planning application for the development of four or more dwellinghouses, the condition that the proposed development must include community open space must be imposed.

- (2) In this section “community open space” means space within or on the edge of settlements compromising green infrastructure or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.
- (3) For the purposes of this section, “other paved or hard landscaped areas with a civic function” does not include a parking space.”.>

Section 16

Kevin Stewart

259 In section 16, page 27, leave out lines 2 to 5 and insert <the relevant period,>

Kevin Stewart

260 In section 16, page 27, line 8, leave out from first <period> to <paragraph> in line 9 and insert <relevant period>

Kevin Stewart

261 In section 16, page 27, line 33, at end insert—

- <() For the purposes of this section, the “relevant period” is—
- (a) such period as may be prescribed by regulations or a development order, or
 - (b) such other period as may be agreed in writing between the applicant and the planning authority (or the appointed person on their behalf) in respect of the application (whether before or after it is made).>

After section 16

Graham Simpson

15 After section 16, insert—

<Call-in of applications by Scottish Ministers

Call-in of applications by Scottish Ministers

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 46 (call-in of applications by Secretary of State)—
 - (a) in subsection (1)—
 - (i) for “any” substitute “only”,
 - (ii) after “section 34(2)” insert “relating to “national developments” (within the meaning of section 26A(1) of this Act).>

Monica Lennon

144 After section 16, insert—

<Call-in of applications by Scottish Ministers

Call-in of applications by Scottish Ministers

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 46 (call-in of applications by Secretary of State), after subsection (1) insert—
 - “(1ZA)A direction under subsection (1) may not be given in respect of an application until the expiry of the period prescribed by regulations or a development order within which the authority must give notice to the applicant of their determination or referral of the application to the Scottish Ministers.”.>

Mark Ruskell

- 22** After section 16, insert—

<Call-in of applications by Scottish Ministers: further provision

Call-in of applications by Scottish Ministers: further provision

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 46 insert—
 - “**46A Call-in of applications by Scottish Ministers: further provision**
 The Scottish Ministers must by regulations set out the circumstances in which they consider it appropriate to give directions as mentioned in section 46(1).”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—
 - “(7C) Regulations under section 46A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Claudia Beamish

- 142** After section 16, insert—

<Call-in of application by Scottish Ministers: flood risk

Call-in of application by Scottish Ministers: flood risk

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 46 (call-in of applications by Secretary of State)—
 - (a) after subsection (1) insert—
 - “(1ZA)Without prejudice to the generality of subsection (1), the Scottish Ministers must give directions requiring such applications as are mentioned in subsection (1ZB) to be referred to them instead of being dealt with by planning authorities.
 - (1ZB)The applications are those to which the Scottish Environment Protection Agency has objected on the grounds of concerns in relation to flood risk.
 - (1ZC)Where an application mentioned in subsection (1ZB) is referred to them, the Scottish Ministers must—
 - (a) before determining whether or not to grant planning permission, request such further information and carry out such further investigation and consultation as they consider appropriate,
 - (b) after considering information provided under paragraph (a)—

- (i) grant planning permission (in whole or in part and with or without modifications), or
 - (ii) refuse to grant planning permission,
 - (c) advise the Scottish Environment Protection Agency in writing of the reasons for their determination under paragraph (b),
 - (d) publish their advice under paragraph (c) in such manner as they see fit.”,
- (b) in subsection (1A), after “(1)” insert “or (1ZA)”.>

John Finnie

164 After section 16, insert—

<Development orders: use of land as Gypsy and Traveller site

Development orders: use of land as Gypsy and Traveller site

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 30 (development orders: general), after subsection (2) insert—
 - “(2A) Without prejudice to the generality of subsection (1), the Scottish Ministers must by regulations or by order provide for the granting of planning permission for a development which consists of the use of land as a Gypsy and Travellers site, where such use is in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Andy Wightman

165 After section 16, insert—

<Development orders: private ways

Development orders: private ways

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 30 insert—

“30A Development orders: private ways

A development order under section 30 may not grant planning permission for development which consists of the formation or alteration of a private way on land which is—

- (a) used for shooting or other field sports,
- (b) in—
 - (i) a national park,
 - (ii) a designation under the Nature Conservation (Scotland) Act 2004,
 - (iii) a battlefield included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979,
 - (iv) a national scenic area.”.>

Patrick Harvie

316 After section 16, insert—

<Development orders: drinking establishments

Development orders: drinking establishments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 30 insert—

“30A Development orders: drinking establishments

A development order under section 30 may not grant planning permission for development which consists of the demolition of a building used as a public house, wine-bar or other drinking establishment.”.>

Andy Wightman

Supported by: Monica Lennon

58 After section 16, insert—

<Determination of applications: statement to accompany notification

Determination of applications: statement to accompany notification

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- 5 (2) In section 37 (determination of applications: general considerations), after subsection (2) insert—
 - 10 “(2A) The notice of the planning authority’s decision on an application must include a statement as to whether the authority consider that the application is for a development that is in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Monica Lennon

58A As an amendment to amendment 58, line 10, after <relates> insert <together with an explanation of why the authority have reached that view>

Kevin Stewart

262 After section 16, insert—

<Agreements relating to period before which an appeal may be made

Agreements relating to period before which an appeal may be made

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 47 (right to appeal against planning decisions and failure to take such decisions)—
 - (a) in subsection (2), in the closing words, for the words from “such” where it first occurs to the end substitute “the relevant period.”,
 - (b) in subsection (4)(b), for the words from “period” where it first occurs to the end substitute “relevant period”.

(c) after subsection (5) insert—

“(6) For the purposes of subsection (2), the “relevant period” is—

- (a) such period as may be prescribed by regulations or a development order, or
- (b) such other period as may be agreed in writing between the applicant and the authority in respect of the application (whether before or after it is made).”>

Alex Rowley

51 After section 16, insert—

<Appeal rights

Third party right of appeal against planning decisions not in accordance with local development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 47A insert—

“47B Third party right of appeal against planning decisions not in accordance with local development plan

- (1) Subject to subsection (2), any person may appeal to the Scottish Ministers against a decision of a planning authority to—
 - (a) grant an application for planning permission,
 - (b) grant an application for planning permission subject to conditions,
 - (c) refuse an application for planning permission.
- (2) The right of appeal under subsection (1) applies only—
 - (a) to a person who made a submission on the planning application to which the decision relates,
 - (b) where the grounds of appeal are that the person appealing considers that the decision of the planning authority is not in accordance with that authority’s local development plan in force at the time the decision was made.
- (3) Section 47A applies to an appeal under subsection (1) as it applies to an appeal under section 47(1).
- (4) Subsection (1) does not apply in relation to any such action on the part of a planning authority as is mentioned in section 237(3A).
- (5) An appeal under this section is to be made by notice served within such time and in such manner as may be prescribed by the Scottish Ministers by regulations.
- (6) The time prescribed for the service of such a notice must not be less than 28 days from the date of the notification of the decision.
- (7) The Scottish Ministers may by regulations make such further provision as they consider appropriate in relation to—
 - (a) the form and manner in which an appeal under subsection (1) is to be made,

(b) the procedure by which the Scottish Ministers are to determine an appeal under subsection (1).”.

(3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 47B(5) or (7) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Andy Wightman

Supported by: Monica Lennon

59 After section 16, insert—

<Right to appeal against planning decisions

Right to appeal against planning decisions

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) In section 47 (right to appeal against planning decisions and failure to take such decisions), in subsection (1A)—

(a) the words from “in relation” to the end become paragraph (a),

(b) after that paragraph insert—

“(b) where the notice of the planning authority’s decision on the application for planning permission includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Andy Wightman

Supported by: Monica Lennon

60 After section 16, insert—

<Right to appeal against planning decisions

Community right to appeal against certain planning decisions

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) In section 47 (right to appeal against planning decisions and failure to take such decisions), after subsection (2) insert—

“(2A) Where a planning authority—

(a) decide an application for planning permission, and

(b) any of the circumstances listed in subsection (2B) applies,

a person or body listed in subsection (2C) may appeal to the Scottish Ministers against the decision.

(2B) The circumstances are—

(a) the planning authority’s decision to grant the application includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates,

- (b) the decision by the planning authority is in respect of a development on land in which the planning authority has an interest,
- (c) the decision by the planning authority is in respect of a development of a description contained in schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999 (SI 1999/1),
- (d) the decision by the planning authority is in respect of an application on which there is an objection by a person, body or authority consulted in accordance with regulation 25 and schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (SI 2013/155), and that the grounds for objection have not, in the opinion of the appellant, been addressed.

(2C) The persons or bodies are—

- (a) a person who made representations to the planning authority in respect of the application,
- (b) a community council representing the area to which the application relates.”.

(3) In section 47A (matters which may be raised in an appeal under section 47(1))—

- (a) in subsection (1), for “47(1)” substitute “47”,
- (b) the title of the section becomes “**Matters which may be raised in an appeal under section 47**”.>

Alex Rowley

92 After section 16, insert—

<Appeal rights

No right of appeal for development on land not allocated for development

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 47(1A) (right of appeal against planning decisions and failure to take such decisions), after “to” insert—
 - “(a) any application for development on land that has not been allocated for development in the local development plan for the time being applicable to the area, or
 - (b)”.>

Monica Lennon

143 After section 16, insert—

<Appeal rights

Community right of appeal against certain planning decisions not in accordance with local development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 47A insert—

“**47B Community right of appeal against certain planning decisions not in accordance with local development plan**

- (1) Subject to subsections (2) to (4), a person may appeal to the Scottish Ministers against a decision of a planning authority.
- (2) The right of appeal under subsection (1) applies only—
 - (a) to a decision of a planning authority on—
 - (i) a national development,
 - (ii) a major development,
 - (b) to—
 - (i) a person who made a submission on the planning application to which the decision relates,
 - (ii) a community council representing the area to which the application relates.
- (3) In the case of a decision by the planning authority to—
 - (a) grant an application for planning permission, or
 - (b) grant an application for planning permission subject to conditions,
 the right of appeal under subsection (1) applies only where the notice of the planning authority's decision on the application includes a statement that the authority consider that the application is for a development that is not in accordance with the development plan for the time being applicable to the area to which the application relates.
- (4) In the case of a decision by the planning authority to refuse an application for planning permission, the right of appeal under subsection (1) applies only where the notice of the planning authority's decision on the application includes a statement that the authority consider that the application is for a development that is in accordance with the development plan for the time being applicable to the area to which the application relates.
- (5) Section 47A applies to an appeal under subsection (1) as it applies to an appeal under section 47(1).
- (6) Subsection (1) does not apply in relation to any such action on the part of a planning authority as is mentioned in section 237(3A).
- (7) An appeal under this section is to be made by notice served within such time and in such manner as may be prescribed by the Scottish Ministers by regulations.
- (8) The time prescribed for the service of such a notice must not be less than 28 days from the date of the notification of the decision.
- (9) The Scottish Ministers may by regulations make such further provision as they consider appropriate in relation to—
 - (a) the form and manner in which an appeal under subsection (1) is to be made,
 - (b) the procedure by which the Scottish Ministers are to determine an appeal under subsection (1)."
- (3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 47B(7) or (9) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Andy Wightman

325* After section 16, insert—

<Right to appeal: maladministration or criminal activity

Right to appeal: maladministration or criminal activity

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 47A insert—

“47B Right to appeal: maladministration or criminal activity

- (1) Where a member of a planning authority is found guilty of maladministration or criminal activity in relation to the authority’s specified functions in consideration of planning applications, a person or body listed in subsection (2) may appeal to the Scottish Ministers for a review of the planning decision.
 - (2) The person or body are—
 - (a) the applicant,
 - (b) a person who made representations to the planning authority in respect of the application,
 - (c) a community council representing the area to which the application relates.
 - (3) The Scottish Ministers may request such further information and carry out such further investigation and consultation as they consider appropriate to aid their determination of the review.
 - (4) The Scottish Ministers may—
 - (a) grant the application for planning permission,
 - (b) uphold the decision to grant planning permission,
 - (c) modify the decision to grant planning permission in whole or in part, or
 - (d) revoke the decision to grant planning permission in whole.
 - (5) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed by regulations or a development order.
 - (6) The Scottish Ministers may by regulations or a development order make such further provision as they consider appropriate in relation to—
 - (a) the form and manner in which an appeal under subsection (1) is to be made,
 - (b) the procedure by which the Scottish Ministers are to determine an appeal under subsection (1).”.
- (3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 47A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Alex Cole-Hamilton

319 After section 16, insert—

<Determination of appeals

Determination of appeals

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 48 (determination of appeals)—
 - (a) in the introductory words to subsection (1) after “may” insert “, subject to subsection (1A)”,
 - (b) after subsection (1), insert—
 - “(1A) The Scottish Ministers may reverse or vary the decision of the planning authority (or any part of it) only if they consider that the decision (or any part of it) is manifestly unreasonable in all the circumstances.
 - (1B) Without prejudice to the generality of subsection (1A), a decision of the planning authority is manifestly unreasonable if it is so unreasonable or irrational that no reasonable person acting reasonably in those circumstances could have made that decision.”>

Daniel Johnson

209 After section 16, insert—

<Interpretation of neighbouring land

Interpretation of neighbouring land

- (1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013/155 are amended as follows.
- (2) In regulation 3 (interpretation) for “20 metres” substitute “100 metres”>

Andy Wightman

88 After section 16, insert—

<Meaning of “material considerations”

Meaning of “material considerations”

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 277(1) (interpretation), after the entry for “major developments” insert—

““material considerations” has the meaning prescribed by the Scottish Ministers.”
- (3) In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 277(1) prescribing the meaning of “material considerations” are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Section 17

Kevin Stewart

- 263** In section 17, page 29, line 38, leave out <paragraph (ca) is> and insert <paragraphs (c) and (ca) are>

Section 19

Andy Wightman

- 98** Leave out section 19

After section 19

John Finnie

- 166** After section 19, insert—

<Planning obligations: publication

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 75 (planning obligations), after subsection (4), insert—
 - “(4A) A planning authority are to publish and promote a relevant instrument in such a manner as they consider sufficient to ensure that it is brought to the attention of residents of the area or district to which the relevant planning obligation relates.”>

Alex Cole-Hamilton

- 320** After section 19, insert—

<Planning obligations: publication

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 36 (registers of applications etc.), after subsection (4), insert—
 - “(5) As soon as reasonably practicable after the end of each financial year, a planning authority are to prepare and publish a report detailing—
 - (a) the number of planning obligations that are—
 - (i) entered into in that year,
 - (ii) entered into in a previous year and not yet expired,
 - (iii) entered into in a previous year and not yet complied with,
 - (b) the development to which each planning obligation relates, and
 - (c) the name of the person that has entered into the planning obligation.

- (6) In this section a financial year is the period of 12 months beginning with 1 April.”.
- (3) In section 75 (planning obligations), after subsection (4), insert—
- “(4A) A person who enters into an obligation must publish details of the obligation in such a manner as the person considers sufficient to ensure it is brought to the attention of residents of the area to which the obligation relates.”.>

Section 20

Graham Simpson

317 In section 20, page 32, leave out line 35 and insert—

- <(i) in paragraph (a), the words “, by virtue of subsection (2),” are repealed,>

After section 20

Claudia Beamish

145 After section 20, insert—

<Declining to determine an application

Declining to determine an application

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1)(declining to determine an application)—
- (a) in sub-paragraph (a)(i), for “two” substitute “ten”,
- (b) in paragraph (b)—
- (i) in sub-paragraph (i)—
- (A) for “two” substitute “ten”,
- (B) for “more than one” substitute “a”,
- (ii) in sub-paragraph (ii) for “against either (or as the case may be any) of those refusals” substitute “that refusal”,
- (iii) in sub-paragraph (iii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,
- (c) in paragraph (c)—
- (i) in sub-paragraph (i)—
- (A) for “two” substitute “ten”,
- (B) for “more than one” substitute “a”,
- (ii) in sub-paragraph (ii) for “against either (or as the case may be any) of those refusals” substitute “that refusal”,
- (iii) in sub-paragraph (iii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,
- (d) in paragraph (d)—
- (i) in sub-paragraph (i)—

- (A) for “two” substitute “ten”,
- (B) for “more than one” substitute “a”,
- (ii) in sub-paragraph (ii) for “more (or as the case may be most) recent of the refusals” substitute “most recent refusal”,
- (e) in paragraph (e)(i) for “two” substitute “ten”.>

Claudia Beamish

146 After section 20, insert—

<Declining to determine an application: further provision

Declining to determine an application: further provision

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 39 insert—

“39A Declining to determine an application: further provision

The Scottish Ministers must publish guidance outlining what constitutes a “similar application” and a “significant change” for the purposes of section 39.”.>

Ruth Maguire

314 After section 20, insert—

<Development orders

Withdrawal of planning permission granted by development order

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 77 insert—

“77A Compensation for withdrawal of planning permission granted by development order

- (1) The Scottish Ministers may by regulations make provision about the payment of compensation by a planning authority in cases where—
 - (a) planning permission granted by a development order is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order), and
 - (b) on an application made under Part III or section 242A, planning permission for development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order.
- (2) Regulations under subsection (1) may, in particular, make provision—
 - (a) about the circumstances in which compensation is payable,
 - (b) about what compensation is payable in respect of,
 - (c) about how the amount of compensation is to be calculated,
 - (d) about how a claim for compensation must be made in order to be valid (including the form and content of a claim, and the period within which it must be made),

(e) applying, or disapplying, any of the provisions of this Part, with or without modifications.”.

- (3) Section 77 (compensation for refusal or conditional grant of planning permission formerly granted by development order) is repealed.>

Section 21

Claudia Beamish

147 In section 21, page 34, line 37, at end insert—

<() After subsection (1A)(d) insert—

“(dza)make provision for the payment of a higher level of charge or fee in regard to an application that is deemed by the planning authority to be similar to an application the planning authority have refused under section 39 or the Scottish Ministers have refused under section 46.”.>

Kevin Stewart

264 In section 21, page 35, line 2, after <planning authority> insert <or the Scottish Ministers>

Kevin Stewart

265 In section 21, page 35, line 3, after <planning authority> insert <or the Scottish Ministers>

Monica Lennon

321 In section 21, page 35, line 11, at end insert—

<“(1E) Without prejudice to the generality of paragraphs (e) and (ea) of subsection (1A), in relation to applications for planning permission, provision may be made under those paragraphs for fees and charges to be waived where the application is for a development that, in the opinion of the planning authority—

- (a) has the primary purpose of contributing to a social enterprise or not for profit enterprise,
- (b) is likely to contribute to improving the health of residents of the area to which the application relates.

(1F) For the purposes of subsection (1E)—

“not for profit enterprise” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits for society,

“social enterprise” means an organisation whose activities are wholly or mainly activities which a person might reasonably consider to be activities carried on for the benefit of society (“its social objects”), and which—

- (a) generates most of its income through business or trade,
- (b) reinvests most of its profits in its social objects,
- (c) is independent of any public authority, and

- (d) is owned, controlled and managed in a way that is consistent with its social objects.”.>

Kevin Stewart

- 266** In section 21, page 35, line 11, after <relates> insert <but those regulations may not provide for the imposition of a surcharge greater than the fee that would be payable otherwise in relation to the application>

Graham Simpson

- 16** In section 21, page 35, line 15, at end insert—

<() After subsection (4) insert—

“(4A) Without prejudice to the generality of subsection (3), where regulations contain provision of a kind mentioned in subsection (4)(b), the regulations must provide that the planning authority must refund in full to the applicant any charge or fee paid, unless the applicant and the authority have agreed otherwise.

(4B) For the purposes of subsection (4)(b), unreasonable delay has occurred if an authority has not determined an application within 26 weeks of it being made.”.>

Section 23

Kevin Stewart

- 267** In section 23, page 38, line 19, at end insert—

<() A discharge of a registered charging order may not be registered unless it is in the form prescribed by the Scottish Ministers in regulations.>

Section 24

Andy Wightman

- 310** In section 24, page 39, line 2, at end insert—

<() For the purposes of subsection (1), a member of a planning authority is to be taken to have fulfilled the specified training requirements where that member has started any specified training unless—

(a) a period of more than 12 months has elapsed since that member started the specified training, and

(b) the member has not during that time completed the training and any examination specified.>

Andy Wightman

- 311** In section 24, page 39, leave out lines 6 to 8 and insert—

<(b) “a member of a planning authority” means—

- (i) a member of the Scottish Government,
- (ii) a junior Scottish Minister,
- (iii) a member of a local authority,
- (iv) a member of a National Park authority.>

Andy Wightman

312 In section 24, page 39, line 20, leave out subsection (5) and insert—

- <(5) The Scottish Ministers may, by regulations under this section—
- (a) specify that sub-paragraphs (i) and (ii) of subsection (2)(b) apply only to—
 - (i) a member of the Scottish Government who is appointed by the First Minister to take general responsibility for functions under the planning Acts (as defined by section 277 of the Town and Country Planning (Scotland) Act 1997),
 - (ii) a junior Scottish Minister designated by that member,
 - (b) disapply subsection (1) in relation to a local authority or National Park authority (or all such authorities).>

Graham Simpson

23 Leave out section 24

Section 25

Alexander Stewart

61 In section 25, page 39, line 33, at end insert—

- <() A direction under subsection (1) or (3) must—
- (a) be in writing, and
 - (b) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Andy Wightman

313 In section 25, page 40, line 1, leave out from <has> to end of line and insert <means—

- (a) local authority, and
- (b) National Park authority.>

Graham Simpson

24 Leave out section 25

Section 26

Kevin Stewart

268 In section 26, page 42, leave out lines 7 to 10

Kevin Stewart

148 In section 26, page 42, line 25, at end insert—

<() In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).>

Kevin Stewart

149 In section 26, page 43, line 4, at end insert—

<() In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).>

Kevin Stewart

150 In section 26, page 43, line 19, leave out from <vary> to end of line 26 and insert <, by direction, vary or revoke a direction issued under subsection (1).”.>

Alexander Stewart

62 In section 26, page 43, line 20, at end insert—

<() A direction issued under subsection (1) or any variation or revocation of such a direction must be in writing.>

Alexander Stewart

63 In section 26, page 43, line 21, after <publish> insert <in such manner as they consider appropriate and as soon as reasonably practicable after it is given>

Graham Simpson

Supported by: Monica Lennon

17 Leave out section 26

After section 26

Kevin Stewart

269 After section 26, insert—

<Regulations

Regulations

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) In section 275 (regulations and orders), in subsection (2A) after “purposes” insert “and areas”.>

Kevin Stewart

151 After section 26, insert—

<Ministerial directions

Publication of directions

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 275A insert—

“275B Directions

- (1) Having given a direction in exercise of a power conferred by virtue of this Act, the Scottish Ministers are to publish—
(a) the direction, and
(b) their reasons for giving it.
(2) Subsection (1) does not apply in relation to the following—
(a) a direction under section 265A,
(b) a direction given before the day that section (*Publication of directions*) of the Planning (Scotland) Act 2018 comes into force,
(c) a direction given in the form of a regulation or order (see, for example, section 173(1)).
(3) In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).”.>

Kevin Stewart

158 After section 26, insert—

<Chief planning officers

Chief planning officers

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 1 insert—

“1A Planning authorities: chief planning officer

- (1) Each planning authority must have a chief planning officer.
(2) The role of an authority’s chief planning officer is to advise the authority about the carrying out of—
(a) the functions conferred on them by virtue of the planning Acts, and
(b) any function conferred on them by any other enactment, insofar as the function relates to development.
(3) A planning authority may not appoint a person as their chief planning officer unless satisfied that the person has appropriate qualifications and experience for the role.

- (4) In deciding what constitutes appropriate qualifications and experience for the role of chief planning officer, a planning authority must have regard to any guidance on the matter issued by the Scottish Ministers.”.>

Graham Simpson

18 After section 26, insert—

<Annual report on determination of applications

Annual report on determination of applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 45 insert—

“45A Annual report on determination of applications

- (1) As soon as reasonably practicable after the end of each financial year, a planning authority are to prepare a report detailing—
- (a) the number of applications made to the planning authority for planning permission during that year,
 - (b) the notice of their decision on the applications,
 - (c) the number of applications made during that year which have not yet received their determination at the time of the report, and
 - (d) the number of planning authority staff hours on average to process the applications.
- (2) The planning authority are to—
- (a) submit a copy of the report to the Scottish Ministers, and
 - (b) publish the report.
- (3) In this section a financial year is the period of 12 months beginning with 1 April.”.>

Graham Simpson

19 After section 26, insert—

<National Scenic Areas

National Scenic Areas

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) In section 263A(2) (national scenic areas), the words “the desirability of” are repealed.>

Alex Cole-Hamilton

322 After section 26, insert—

<Wild land areas

Wild land areas

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
(2) After section 263A (National Scenic Areas), insert—

“263AB Wild land areas

- (1) Where it appears to the Scottish Ministers that an area is a semi-natural landscape that shows minimal signs of human influence and—
 - (a) is sensitive to any form of intrusive human activity, or
 - (b) would have little or no capacity to accept new development,and that the special protection measures specified in subsection (2) are appropriate for it, they may by direction designate the area as a wild land area.
- (2) Where any area is for the time being designated as a wild land area, special attention is to be paid to safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.
- (3) The Scottish Ministers may issue guidance to a planning authority for the purposes of this section and that authority must have regard to any guidance so issued.
- (4) In deciding whether to designate an area as a wild land area, the Scottish Ministers are to take account of any wild land maps prepared and published by Scottish Natural Heritage.
- (5) Any designation under subsection (1) may be varied or cancelled by a subsequent direction.
- (6) Before issuing a direction under subsection (1) or (5), the Scottish Ministers are to consult with—
 - (a) Scottish Natural Heritage, and
 - (b) such other persons as are prescribed.
- (7) The Scottish Ministers are to compile and make available for inspection free of charge a list containing particulars of any area which has been designated as a wild land area.
- (8) For the purposes of subsection (7), a list may be made available by electronic means.
- (9) The Scottish Ministers may by regulations make provisions as to—
 - (a) the form of any direction under subsection (1) or (5),
 - (b) the manner in which a wild land area is to be described in such a direction,
 - (c) the publicity to be given to any such direction, and
 - (d) other procedural matters in connection with the making of such a direction.
- (10) Regulations under this section may make different provision for different purposes.”>

Graham Simpson

81 After section 26, insert—

<Exemption list of locally significant buildings

Exemption list of locally significant buildings

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 24 insert—

“24A List of locally significant buildings

 - (1) A planning authority must compile a list of locally significant buildings within their district.
 - (2) A planning authority must consult residents of their district before compiling the list.
 - (3) A building may be considered by the authority for inclusion in the list—
 - (a) at their own initiative,
 - (b) following nomination by a resident of their district.
 - (4) Where a building is included in the planning authority’s list of locally significant buildings, that building may not be demolished.
 - (5) The planning authority are to publish and make the list available for public inspection.
 - (6) Within 5 years after publishing the list (including each revision of it) under subsection (5), the planning authority must revise the list.
 - (7) The Scottish Ministers may by regulations make further provision for the purposes of this section on—
 - (a) the meaning of “locally significant buildings”,
 - (b) how planning authorities are to discharge their functions under this section,
 - (c) the form in which the list is to be kept,
 - (d) how consultation under subsection (1) is to be undertaken,
 - (e) the manner in which and by whom an appeal against the inclusion of a building on the list may be made, and the process by which such an appeal is to be determined.
 - (8) Provision made in regulations under subsection (7) may include provision disapplying, or applying with such modifications as the Scottish Ministers consider appropriate, any provisions of or provision made under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.”
- (3) In section 275, after subsection (7B) insert—

“(7C) Regulations under section 24A(4) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Andy Wightman

- 90** After section 26, insert—

<Tree preservation orders

Tree preservation orders

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 160 (power to make tree preservation orders), after subsection (6) insert—

“(6A) But nothing in subsection (6) is to be taken as permitting a development order under section 30 to authorise the uprooting, felling or lopping of trees.”.>

Andy Wightman

91 After section 26, insert—

<Preservation of trees in conservation areas

Preservation of trees in conservation areas

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 172 (preservation of trees in conservation areas)—
 - (a) after subsection (1A) insert—

“(1B) But nothing in subsection (1A) is to be taken as permitting a development order under section 30 to authorise the uprooting, felling or lopping of trees.”,
 - (b) for subsection (3) substitute—

“(3) Subsection (1) does not apply where—

 - (a) the person served notice of the person’s intention to do the act in question (with sufficient particulars to identify the tree) on the planning authority in whose area the tree is or was situated,
 - (b) the act in question is done after the expiry of the period of 6 weeks from the date of the notice but before the expiry of the period of 2 years from that date, and
 - (c) within that period of 6 weeks the planning authority within whose area the tree is or was situated—
 - (i) consented to the act in question, or
 - (ii) did not refuse consent to the act in question.
- (3A) For the purposes of subsection (3), section 173 does not apply.”.>

Gordon Lindhurst

152 After section 26, insert—

<Notice by planning authority of applications for listed building consent

Notice by planning authority of applications for listed building consent

- (1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is amended as follows.
- (2) In section 9 (making of applications for listed building consent), after subsection (3) insert—

“(3A) Without prejudice to the generality of subsection (3)(b), the regulations must require that a planning authority are to give notice of an application for listed building consent to neighbouring properties.

(3B) For the purposes of this section, giving notice to neighbouring properties means—

- (a) where there are premises situated on land neighbouring the building for which consent is sought to which the notice can be sent to the owner, lessee or occupier of such premises, by sending a notice addressed to “the Owner, Lessee or Occupier” to such premises, and
 - (b) where there are no such premises, by publication of a notice in a newspaper circulating in the locality in which the neighbouring land is situated.
- (3C) Notice in accordance with subsection (3A) is to be given—
- (a) in such manner,
 - (b) for such period, and
 - (c) on such number of occasions,
- as is prescribed in the regulations.
- (3D) For the purposes of subsection (3A), an applicant is to provide such information with respect to the application as may be prescribed in the regulations.
- (3E) No application for listed building consent is to be determined by the planning authority until the expiry of the period prescribed in accordance with subsection (3C)(b).
- (3F) The regulations are to ensure that—
- (a) notice under this section is to be given to the same categories of person, and in the same manner and time,
 - (b) persons given notice under this section have the same rights to make representations,
- as is for the time being provided in regulations or a development order under section 34 of the Town and Country Planning (Scotland) Act 1997.”.>

Andy Wightman

182 After section 26, insert—

<Decision on application for listed building consent: presumption

Decision on application for listed building consent: presumption

- (1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is amended as follows.
- (2) In section 14 (decision on application), in subsection (2)—
 - (a) the words from “shall” to the end become paragraph (a),
 - (b) after paragraph (a) so formed insert—
 - “(b) must proceed on the presumption that they will refuse an application for works which—
 - (i) would not preserve the building or its setting, or
 - (ii) would otherwise affect a building’s character as a building of special architectural or historic interest.”.>

Rhoda Grant

231 After section 26, insert—

<Compulsory acquisition of land in connection with development and for other planning purposes

Compulsory acquisition of land in connection with development and for other planning purposes

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 189 (compulsory acquisition of land in connection with development and for other planning purposes), after subsection (1)(a), insert—

“(aa) has been allocated in the local development plan for the resettlement of previously inhabited settlements.”.>

Section 27

Adam Tomkins

308 In section 27, page 43, line 32, leave out <may> and insert <must>

Adam Tomkins

309 In section 27, page 43, line 33, at end insert—

- <() The Scottish Ministers must lay a draft of the first regulations under subsection (1) establishing and making provision about an infrastructure levy before the Scottish Parliament before the end of the period of 1 year beginning with the day of Royal Assent.
- () Regulations under subsection (1) must in particular set out how an infrastructure levy will operate in conjunction with the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997.>

Graham Simpson

25 In section 27, page 43, line 34, at end insert—

<() to be set by a local authority,>

Graham Simpson

26 In section 27, page 43, line 38, after <funding,> insert <local>

Andy Wightman

99 Leave out section 27

Schedule 1

Kevin Stewart

270 In schedule 1, page 46, line 6, leave out <14(2),>

Kevin Stewart

271 In schedule 1, page 48, leave out line 26

Graham Simpson

27 In schedule 1, page 48, line 27, leave out paragraph 14

Kevin Stewart

272 In schedule 1, page 49, leave out line 8

Andy Wightman

183 Leave out schedule 1

Section 28

Kevin Stewart

273 In section 28, page 44, leave out lines 19 and 20

Andy Wightman

100 Leave out section 28

Section 29

Andy Wightman

101 Leave out section 29

Section 30

Alexander Stewart

64 In section 30, page 44, line 34, leave out <the schedule> and insert <schedule 1>

Andy Wightman

102 Leave out section 30

After section 30

Kevin Stewart

274 After section 30, insert—

<Lapsing of power to provide for levy

- (1) The regulation-making power conferred by section 27 ceases to be exercisable if no regulations have been made under it within the period of 10 years beginning with the day that the Bill for this Act receives Royal Assent.

- (2) If, by virtue of subsection (1), the regulation-making power conferred by section 27 ceases to be exercisable, the Scottish Ministers may by regulations repeal—
 - (a) this Part, and
 - (b) schedule 1.>

Alexander Stewart

65 After section 30, insert—

<Review of operation of Part

- (1) The Scottish Ministers must, not later than the end of the period of 3 years beginning with the day of Royal Assent, review the operation of this Part.
- (2) Not later than 1 year after the day on which the review under subsection (1) has been completed, the Scottish Ministers must lay a report on the conclusions of the review before the Scottish Parliament.
- (3) A report under subsection (2) must include a statement from the Scottish Ministers setting out—
 - (a) whether, if they have not already done so, they intend to make regulations under section 27,
 - (b) where they do not intend to do so, their reasons for this, and
 - (c) whether they intend to bring forward proposals to modify any provision of this Part.
- (4) The Scottish Ministers must, as soon as reasonably practicable, publish the report in such a manner as they consider appropriate.>

After section 31

Kevin Stewart

275 After section 31, insert—

<Power to replace descriptions with actual dates

- (1) The Scottish Ministers may by regulations amend—
 - (a) section 158B of the Town and Country Planning (Scotland) Act 1997, and
 - (b) section 23(5) of this Act,so that, instead of referring to the day on which section 23 comes into force, they specify the date on which section 23 actually came into force.
- (2) The Scottish Ministers may by regulations amend section 275B(2)(b) of the Town and Country Planning (Scotland) Act 1997 so that, instead of referring to the day on which section (*Publication of directions*) of this Act comes into force, it specifies the date on which that section actually came into force.
- (3) The Scottish Ministers may by regulations amend section (*Lapsing of power to provide for levy*)(1) so that, instead of referring to the day that the Bill for this Act receives Royal Assent, it specifies the date on which the Bill actually received Royal Assent.>

Section 32

Kevin Stewart

276 In section 32, page 45, line 15, leave out <25,>

Kevin Stewart

277 In section 32, page 45, line 15, at end insert—

<() Before making regulations under section 27, the Scottish Ministers must consult—

(a) any local authority that may be affected by the regulations, and

(b) any other persons the Ministers consider appropriate.>

Schedule 2

Andy Wightman

46 In schedule 2, page 50, line 9, leave out paragraph 1

Kevin Stewart

153 In schedule 2, page 51, leave out lines 32 and 33

Kevin Stewart

278 In schedule 2, page 51, line 33, at end insert—

<() In section 20B(2)(b), for “plan” substitute “scheme”.>

Kevin Stewart

154 In schedule 2, page 52, leave out lines 5 to 8

Daniel Johnson

29 In schedule 2, page 52, line 8, at end insert—

<() In section 275 (regulations and orders), after subsection (7B) insert—

“(7C) Regulations under section 20AB(6) and (10) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”>

Andy Wightman

47 In schedule 2, page 52, leave out line 15

Andy Wightman

48 In schedule 2, page 52, leave out lines 21 to 24

Kevin Stewart

155 In schedule 2, page 52, line 22, leave out <3A(8)> and insert <3AD(1)>

Andy Wightman

69 In schedule 2, page 52, leave out lines 29 and 30

Andy Wightman

49 In schedule 2, page 52, leave out lines 38 and 39

Andy Wightman

50 In schedule 2, page 53, leave out lines 6 to 8

Andy Wightman

70 In schedule 2, page 53, leave out lines 9 to 11

Kevin Stewart

279 In schedule 2, page 53, line 22, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

280 In schedule 2, page 53, line 26, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

281 In schedule 2, page 53, line 26, leave out <zones in> and insert <parts of>

Kevin Stewart

282 In schedule 2, page 53, line 31, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

283 In schedule 2, page 54, line 3, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

284 In schedule 2, page 54, line 4, at end insert—

<() In section 183(1)—

(a) the word “and” at the end of paragraph (a) is repealed, and

(b) after paragraph (b) insert—

“(c) with respect to masterplan consent areas.”.>

Kevin Stewart

- 285 In schedule 2, page 54, line 6, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 286 In schedule 2, page 54, line 14, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 287 In schedule 2, page 54, line 18, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 288 In schedule 2, page 54, line 23, leave out <simplified development zone> and insert <masterplan consent area>

Kevin Stewart

- 156 In schedule 2, page 54, leave out lines 26 to 29

Graham Simpson

- 20 In schedule 2, page 54, line 27, after <under> insert <section 54CA(2) and>

Kevin Stewart

- 289 In schedule 2, page 54, line 31, leave out <simplified development zone> and insert <masterplan consent area>

Ruth Maguire

- 315 In schedule 2, page 55, line 34, at end insert—

<Development orders

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 78 (apportionment of compensation for depreciation), in subsection (2)(b), the words “or, in a case falling within section 77, the relevant planning decision,” are repealed.
- (3) In section 214 (meaning of “statutory undertakers”)—
 - (a) in subsection (4), and
 - (b) in subsection (7)(a),the words “77(3),” are repealed.
- (4) In section 215 (meaning of “operational land”), in subsection (3), the words “77(3),” are repealed.
- (5) In schedule 18, in Part 1, for “77” substitute “77A”.>

Kevin Stewart

157 In schedule 2, page 55, line 34, at end insert—

<PART 4

REGULATIONS

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 275, after subsection (7B) insert—
 - (7C) Regulations under sections 3AB(2) and 251B(3)(a) and paragraph 3 of schedule 5A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).>

Section 34

Daniel Johnson

210 In section 34, page 45, line 19, after <sections> insert <(Interpretation of neighbouring land),>

Kevin Stewart

290 In section 34, page 45, line 19, after <sections> insert <(Lapsing of power to provide for levy),>

Kevin Stewart

291 In section 34, page 45, line 19, after <31,> insert <(Power to replace descriptions with actual dates),>

Kevin Stewart

292 In section 34, page 45, line 25, leave out subsection (4)

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