

Planning (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections A1 to 35
Long Title

Schedules 1 and 2

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

Graham Simpson

113 Leave out section A1

Graham Simpson

114 In section A2, page 1, line 16, leave out from beginning to end of line 7 on page 2 and insert—

- <(1) The purpose of planning is to manage the development and use of land in the long term public interest.
- (2) Without limiting the generality of subsection (1), anything which—
 - (a) contributes to sustainable development, or
 - (b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment Act),is to be considered as being in long term public interest.
- (3) This section applies only to the Scottish Ministers' and planning authorities' exercise of functions under Parts 1A and 2.">

Section 1

Kevin Stewart

19 In section 1, page 2, line 15, leave out <“, and> and insert <—

“(ba) a statement about how the Scottish Ministers consider that development will contribute to each of the outcomes listed in subsection (3ZA), and>

Claudia Beamish

186 In section 1, page 2, line 16, at end insert—

<“(d) an assessment of the likely impact of each proposed national development's lifecycle greenhouse gas emissions on achieving national greenhouse gas emissions reduction targets (within the meaning given in the Climate Change (Scotland) Act 2009).”>

Kevin Stewart

20 In section 1, page 2, leave out lines 17 to 22

Kevin Stewart

21 In section 1, page 2, leave out lines 23 to 26

Kevin Stewart

173 In section 1, page 2, line 26, at end insert—

<() After section 3A(3) insert—

“(3ZA)The outcomes are—

- 5 (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
- (b) improving the health and wellbeing of people living in Scotland,
- (c) increasing the population of rural areas of Scotland,
- 10 (d) meeting any targets relating to the reduction of emissions of greenhouse gases (within the meaning of the Climate Change (Scotland) Act 2009) contained in or set by virtue of that Act, and
- (e) securing positive effects for biodiversity.”>

Monica Lennon

173B As an amendment to amendment 173, line 7, at end insert—

<() improving equality and eliminating discrimination.>

Kevin Stewart

23 In section 1, page 2, line 27, leave out from beginning to end of line 2 on page 3

Kevin Stewart

24 In section 1, page 3, leave out lines 3 to 6

Kevin Stewart

25 In section 1, page 3, leave out lines 7 to 20

Kevin Stewart

26 In section 1, page 3, leave out lines 21 to 27

Rhoda Grant

187 In section 1, page 3, line 27, at end insert—

<() In section 3A(4) (content of framework), after paragraph (a) insert—

“(aa) contain such maps, diagrams, illustrations and descriptive matter as may be prescribed of rural areas in relation to which there has been a substantial decline in population.”.>

Rhoda Grant

7 In section 1, page 3, line 27, at end insert—

<() In section 3A(4) (content of framework), after paragraph (a) insert—

“(aa) contain such maps, diagrams, illustrations and descriptive matter as may be prescribed of areas that—

(i) have been inhabited at any time—

(A) within the last 350 years or since the year 1700, whichever is the later, or

(B) within a time frame specified by the Scottish Ministers following consultation under section 3CC(3), and

(ii) are no longer inhabited.”.>

Rhoda Grant

188 In section 1, page 3, line 27, at end insert—

<() After section 3A(4) insert—

“(4A) The Scottish Ministers must have due regard to any National Scenic Areas report published by them under section 263AB when preparing the framework.”.>

Kevin Stewart

27 In section 1, page 3, line 33, at end insert—

<“(5ZA) For the avoidance of doubt, this section does not prevent the Scottish Ministers from setting out policies or proposals that relate to the development or use of land outwith the National Planning Framework.”.>

Kevin Stewart

28 In section 1, page 3, line 33, at end insert—

<“(5ZB) In this section, “biodiversity” has the same meaning as “biological diversity” in the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or in any United Nations Convention replacing that Convention).”.>

Kevin Stewart

29 In section 1, page 3, leave out lines 34 to 39

Kevin Stewart

30 In section 1, page 3, line 39, at end insert—

<() In section 3A, subsections (6) to (9) are repealed.>

Kevin Stewart

- 31 In section 1, page 3, line 40, leave out subsections (3) and (4)

Kevin Stewart

- 32 In section 1, page 4, line 6, leave out subsection (5) and insert—
<() Section 3A(10) is repealed.>

Kevin Stewart

- 33 In section 1, page 4, line 34, leave out from beginning to end of line 6 on page 5

Monica Lennon

- 189 In section 1, page 4, line 34, leave out <section 3A()> and insert <equalities and non-discrimination>

Monica Lennon

- 190 In section 1, page 4, line 36, leave out <atters to be addressed under section 3A().> and insert <extent to which and manner in which planning authorities are to take account in the exercise of their functions of—
- (a) promoting equalities, and
 - (b) the likelihood of any person being adversely affected by their decisions because the person has one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Kevin Stewart

- 34 In section 1, page 5, line 6, at end insert—

<3ZAB Duty to review the National Planning Framework

- (1) The Scottish Ministers are to keep the National Planning Framework under review.
- (2) Without limit to subsection (1), the Scottish Ministers are to—
 - (a) review the framework no later than 23 June 2024 (being 10 years from the date on which the framework was last published before this section came into force), and
 - (b) thereafter, review the framework at least once in every period of 10 years beginning with the most recent date on which—
 - (i) a revised framework prepared under subsection (3)(a) was adopted and published under section 3CZA, or
 - (ii) an explanation was published under subsection (3)(b) of this section.
- (3) Following such a review, the Scottish Ministers are to—
 - (a) prepare a revised framework, or
 - (b) publish an explanation of why they have decided not to revise it.>

174 In section 1, page 5, line 6, at end insert—

<3ZAC Revising the framework: participation statement and considerations

- 5 (1) This section applies where a revised National Planning Framework is to be prepared following a review under section 3ZAB.
- 5 (2) Before preparing the revised framework, the Scottish Ministers must prepare and publish their participation statement.
- (3) In preparing the revised framework, the Scottish Ministers must—
- 10 (a) have regard to relevant policies and strategies, including, in particular—
- (i) any national strategy and action plan for housing prepared by the Scottish Ministers,
- (ii) any infrastructure investment plan prepared by the Scottish Ministers to set out their priorities for the development of public infrastructure,
- 15 (iii) any national transport strategy prepared by the Scottish Ministers,
- (iv) any strategic transport projects review prepared by the Scottish Ministers to set out their priorities for transport investment,
- (v) the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009,
- 20 (vi) the programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act 2009, and
- (vii) the national marine plan prepared under section 5 of the Marine (Scotland) Act 2010, and
- (b) have regard to the desirability of—
- 25 (i) resettling rural areas that have become depopulated,
- (ii) preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements, and
- (iii) preserving peatland.
- 30 (4) In this Part, “participation statement” means an account by the Scottish Ministers of—
- (a) when consultation as regards the proposed revised framework is likely to take place,
- (b) with whom they intend to consult, which must include—
- 35 (i) planning authorities,
- (ii) key agencies (within the meaning of section 23D),
- (iii) the appropriate body under subsection (5), and
- (iv) such persons or bodies who the Scottish Ministers consider have a role in the delivery of the outcomes mentioned in section 3A(3ZA),
- (c) the steps to be taken to involve the public at large in the consultation, and

40

(d) the likely form of the review.

(5) For the purpose of subsection (4)(b)(iii), the “appropriate body” is—

(a) the advisory body designated by an order under section 24(1) of the Climate Change (Scotland) Act 2009, or

45

(b) if no such order has been made, the Committee on Climate Change established under section 32 of the Climate Change Act 2008.>

Alex Rowley

174A As an amendment to amendment 174, line 8, leave out <have regard to> and insert <subject to subsection (3A), ensure that the framework is compatible with>

Mark Ruskell

174B As an amendment to amendment 174, line 20, at end insert—

<() any national strategy in respect of the improvement of air quality prepared by the Scottish Ministers, and>

Rhoda Grant

174C As an amendment to amendment 174, line 20, at end insert—

<() any land rights and responsibilities statement prepared under section 1 of the Land Reform (Scotland) Act 2016, and>

Rhoda Grant

174D As an amendment to amendment 174, line 20, at end insert—

<() any national strategy or action plan for the ownership or use of land prepared by the Scottish Ministers, and>

Alex Rowley

174E As an amendment to amendment 174, line 28, at end insert—

<(3A) If it appears to the Scottish Ministers that the revised framework is not compatible with one or more of the policies and strategies mentioned in subsection (3), they must include as part of the revised framework a statement setting out their reasons for proceeding with the revised strategy despite this.>

Kevin Stewart

36 In section 1, page 5, line 35, leave out subsection (6A)

Kevin Stewart

37 In section 1, page 6, line 25, leave out <bring into effect the> and insert <adopt a revised>

Kevin Stewart

38 In section 1, page 6, line 28, after <draft> insert <of the revised>

Kevin Stewart

- 39 In section 1, page 6, line 30, leave out <proceeded in accordance with subsections (3) to (6)> and insert <complied with section 3ZAC and subsections (3) to (6) of this section>

Kevin Stewart

- 40 In section 1, page 6, line 31, leave out <following that procedure,>

Kevin Stewart

- 41 In section 1, page 6, line 33, leave out from <Without> to <3A(10),>

Kevin Stewart

- 42 In section 1, page 6, line 34, leave out from <consult> to end of line 2 on page 7 and insert <—
(za) consult in accordance with their participation statement,>

Kevin Stewart

- 43 In section 1, page 7, line 3, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

- 44 In section 1, page 7, leave out lines 5 to 8

Kevin Stewart

- 45 In section 1, page 7, line 9, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

- 46 In section 1, page 7, line 11, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

- 47 In section 1, page 7, line 14, leave out <(4)(c)> and insert <(3)(d)>

Kevin Stewart

- 48 In section 1, page 7, line 24, leave out <proposed draft> and insert <draft of the revised>

Kevin Stewart

- 49 In section 1, page 7, leave out lines 26 to 38

Kevin Stewart

- 50 In section 1, page 7, leave out lines 39 and 40

Kevin Stewart

- 51 In section 1, page 7, line 40, at end insert—

<(12) As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it.”.>

Kevin Stewart

52 In section 1, page 7, line 40, at end insert—

<Duties to assist in shaping the National Planning Framework

3CZB Key agencies to co-operate

It is the duty of a key agency to co-operate with the Scottish Ministers in—

- (a) the review of the National Planning Framework,
- (b) the preparation of a revised framework, and
- (c) the preparation of any amendment to the framework.”.>

Section 1A

Kevin Stewart

115 In section 1A, page 8, leave out lines 14 to 22

Kevin Stewart

116 In section 1A, page 8, line 31, leave out from <make> to end of line 35 and insert <—

- (a) make provision about how planning authorities are to discharge their functions under this section including, in particular—
 - (i) how they conduct an audit under subsection (3)(a), and
 - (ii) how they assess current and future requirements for the purposes of subsection (3)(b),
- (b) amend subsection (5) by adding a definition or amending or omitting a definition for the time being specified there.>

Section 1B

Kevin Stewart

53 Leave out section 1B

After section 1B

Rhoda Grant

9 After section 1B, insert—

<Account of decline in population

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 3CB (duty of Scottish Ministers to report on housing needs of older people and disabled people), insert—

“3CC Account of decline in population

- (1) The Scottish Ministers, for the purpose of explaining or illustrating their policies and proposal for the development and use of land, are to prepare an account of areas in relation to which there has been substantial decline in population since the year 1700.
- (2) The account may be in such manner as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers may by regulations specify the meaning of “substantial decline” for the purposes of this Act.
- (4) Before preparing the account, the Scottish Ministers must consult such persons and organisations as they consider appropriate to assist them in defining “substantial decline” for the purposes of such an account.
- (5) In preparing the account, the Scottish Ministers are to consult—
 - (a) persons with experience or knowledge of—
 - (i) social and economic development in Scotland,
 - (ii) ecological and environmental sustainability,
 - (iii) the interests of owners and occupiers of land,
 - (iv) the interest of communities,
 - (v) the needs of agriculture,
 - (vi) the needs of conservation sites of archaeological or historical interest,
 - (b) such other persons as they consider appropriate.”.>

Kevin Stewart

54 After section 1B, insert—

<Strategic development: regional spatial strategies

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) Before section 4 insert—

“4ZA Regional spatial strategies

- (1) A planning authority, or two or more such authorities acting jointly, are to prepare and adopt a regional spatial strategy.
- (2) A regional spatial strategy is a long-term spatial strategy in respect of the strategic development of an area (or areas) which must, in particular—
 - (a) specify the area (or areas) of the planning authority (or authorities) to which it relates (“the region”), and
 - (b) identify, in relation to the region—
 - (i) the need for strategic development,
 - (ii) the outcomes to which the authority (or authorities) consider that strategic development will contribute,
 - (iii) priorities for the delivery of strategic development, and

- (iv) proposed locations for strategic development, which must be shown in the strategy in the form of a map or diagram.
- (3) Before adopting a regional spatial strategy, a planning authority (or authorities) must—
 - (a) publish, by such means as they consider appropriate—
 - (i) a draft of the strategy,
 - (ii) a summary of the information taken into account in preparing the draft of the strategy, and
 - (iii) a statement inviting representations in relation to the strategy by a date specified in the statement,
 - (b) as soon as practicable after publishing the documents mentioned in paragraph (a), send a copy of them to—
 - (i) the planning authority (other than one involved in producing the report) for any area in which future development is likely to be significantly impacted by the strategic development to which the strategy is to relate,
 - (ii) the key agencies, and
 - (iii) any other person the planning authority (or authorities) producing the strategy consider appropriate, and
 - (c) otherwise, consult such persons as they consider are likely to have an interest in the strategy.
- (4) As soon as practicable after a strategy under subsection (1) is adopted, the planning authority (or authorities) must—
 - (a) publish the strategy by such means as they consider appropriate, and
 - (b) submit it to the Scottish Ministers.
- (5) In this section, “strategic development” means development that is likely to have a significant impact on future development within the area of more than one planning authority.

4ZB Duties to have regard to regional spatial strategies

- (1) In exercising their functions of preparing, revising or amending the National Planning Framework, the Scottish Ministers must have regard to any adopted regional spatial strategy submitted to them under section 4ZA(4)(b).
- (2) In exercising their functions of preparing, revising or amending a local development plan, a planning authority must have regard to their adopted regional spatial strategy (or strategies) submitted to the Scottish Ministers under section 4ZA(4)(b).

4ZC Regional spatial strategies: first strategy, review and revision

- (1) A planning authority must adopt a regional spatial strategy under section 4ZA(1) as soon as reasonably practicable after section (*Strategic development: regional spatial strategies*) of the Planning (Scotland) Act 2018 comes into force.

- (2) A planning authority—
 - (a) are to keep their adopted regional spatial strategy (or strategies) under review, and
 - (b) if they consider it appropriate, may at any time prepare and adopt a replacement strategy.
- (3) Without limit to the generality of subsection (2), a planning authority (or authorities) must review their adopted regional spatial strategy (or, if more than one, each adopted strategy) at least once in every period of 10 years beginning with the most recent date on which they—
 - (a) adopted the strategy, or
 - (b) published an explanation under subsection (4)(b).
- (4) Following such a review, a planning authority are to—
 - (a) prepare and adopt a replacement regional spatial strategy, or
 - (b) publish an explanation of why they have decided not to do so.
- (5) Section 4ZA(2) to (4) and sections 4ZB and 4ZE apply to a replacement regional spatial strategy as they apply in relation to the strategy being replaced (and references in this Part to a regional spatial strategy include references to such a replacement strategy).

4ZD Directions to prepare or review regional spatial strategies

- (1) The Scottish Ministers may direct a planning authority, or two or more such authorities, to—
 - (a) prepare and adopt a regional spatial strategy under section 4ZA(1) in relation to a region specified in the direction, or
 - (b) review an adopted regional spatial strategy.
- (2) A direction under subsection (1) may require the planning authority (or authorities) to take into account such matters (if any) as are specified in the direction when preparing or reviewing the strategy.
- (3) Where a direction under this section requires two or more planning authorities to prepare and adopt a regional spatial strategy, they are to co-operate with one another.

4ZE Guidance for regional spatial strategies

- (1) The Scottish Ministers may issue guidance in relation to the preparation, adoption, review and content of regional spatial strategies.
- (2) A planning authority must have regard to any guidance issued under subsection (1) when preparing or adopting a regional spatial strategy.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult—
 - (a) each planning authority, and
 - (b) such other persons as they consider appropriate (if any).

- (4) The Scottish Ministers must make guidance issued under subsection (1) publically available.
- (5) The power under subsection (1) to issue guidance includes the power to—
 - (a) issue guidance that varies guidance issued under that subsection, and
 - (b) revoke guidance issued under that subsection.”.>

Kevin Stewart

55 After section 1B, insert—

<Removal of requirement to prepare strategic development plans

Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997 are repealed.>

Section 2A

Kevin Stewart

56 Leave out section 2A

Section 3

Kevin Stewart

57 In section 3, page 12, leave out lines 6 to 8

Kevin Stewart

58 In section 3, page 12, leave out lines 9 to 12

Kevin Stewart

59 In section 3, page 12, line 14, leave out from second <the> to second <for> in line 15 and insert <meeting the housing needs of people living in>

Kevin Stewart

60 In section 3, page 12, leave out lines 17 to 29

Kevin Stewart

61 In section 3, page 12, line 37, leave out from beginning to end of line 12 on page 13

Kevin Stewart

62 In section 3, page 13, leave out lines 13 to 29

Kevin Stewart

63 In section 3, page 13, leave out lines 30 to 33

Kevin Stewart

64 In section 3, page 13, leave out lines 34 and 35

Rhoda Grant

191 In section 3, page 13, line 35, at end insert—

<() in subsection (4), after “prescribed”, at the end of the paragraph (a) insert—

“(ab) such maps, diagrams, illustrations and descriptive matter as the planning authority consider appropriate for the purposes of subsection (5)(cf),”,>

Kevin Stewart

65 In section 3, page 13, leave out lines 36 to 43

Kevin Stewart

66 In section 3, page 14, leave out lines 1 to 9

Kevin Stewart

67 In section 3, page 14, line 16, after <area> insert <, including, in particular, the needs of persons undertaking further and higher education, older people and disabled people>

Kevin Stewart

68 In section 3, page 14, line 16, at end insert—

<“(caa) the availability of land in the district for housing,”>

Jeremy Balfour

68B As an amendment to amendment 68, line 2, after <housing> insert <, including for older people and disabled people>

Kevin Stewart

69 In section 3, page 14, leave out line 17

Kevin Stewart

70 In section 3, page 14, leave out lines 19 and 20

Kevin Stewart

71 In section 3, page 14, leave out lines 21 and 22

Kevin Stewart

72 In section 3, page 14, leave out line 23

Kevin Stewart

- 73 In section 3, page 14, line 24, after <district> insert <and the likely effects of development and use of land on those health needs>

Alex Rowley

- 192 In section 3, page 14, line 24, at end insert—
<(cea) the education needs of the population of the district and the likely effects of development and use of land on those education needs,”>

Kevin Stewart

- 74 In section 3, page 14, leave out line 25

Alex Rowley

- 193 In section 3, page 14, line 27, at end insert—
<() the capacity of education services in the district,”>

Lewis Macdonald

- 175 In section 3, page 14, line 27, at end insert—
<“() the desirability of maintaining an appropriate number and range of cultural venues and facilities (including in particular, but not limited to, live music venues) in the district,”>

Kevin Stewart

- 75 In section 3, page 14, line 29, after <energy> insert <, and health care>

Kevin Stewart

- 76 In section 3, page 14, leave out lines 32 to 34

Kevin Stewart

- 77 In section 3, page 14, leave out lines 36 to 38

Kevin Stewart

- 78 In section 3, page 15, line 2, leave out <(2)(d)> and insert <(5)(d)>

Kevin Stewart

- 79 In section 3, page 15, leave out lines 5 to 15

Kevin Stewart

- 80 In section 3, page 15, leave out lines 26 and 27

Kevin Stewart

81 In section 3, page 15, line 27, at end insert—

<“(ab) are to have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements,”>

Graham Simpson

117 In section 3, page 15, line 27, at end insert—

<“(ac) are to have regard to the list published under section 16D of persons seeking to acquire land in the authority’s area for self-build housing,”>

Kevin Stewart

82 In section 3, page 15, leave out lines 29 to 41

Kevin Stewart

83 In section 3, page 16, line 15, at end insert—

<(aza) set out—

- (i) a summary of the action taken by the planning authority to support and promote the construction and adaptation of housing to meet the housing needs of older people and disabled people in the authority’s area,
- (ii) an analysis of the extent to which the action has helped to meet those needs,>

Kevin Stewart

84 In section 3, page 16, line 15, at end insert—

<(azb) set out—

- (i) a summary of the action taken by the planning authority to meet the accommodation needs of Gypsies and Travellers in the authority’s area,
- (ii) an analysis of the extent to which the action has helped to meet those needs,>

Kevin Stewart

85 In section 3, page 16, line 20, leave out <by the planning authority>

Kevin Stewart

86 In section 3, page 16, leave out lines 22 to 26

Kevin Stewart

87 In section 3, page 16, leave out lines 27 and 28

Kevin Stewart

- 88 In section 3, page 16, line 32, at end insert—
<(zi) disabled persons,>

Kevin Stewart

- 89 In section 3, page 16, line 34, at end insert—
<(aa) the steps taken by the planning authority in preparing the report to seek the views of community councils, and>

Kevin Stewart

- 90 In section 3, page 16, line 35, after <expressed> insert <under paragraphs (a) and (aa)>

Kevin Stewart

- 91 In section 3, page 16, line 37, leave out from beginning to end of line 7 on page 17

Kevin Stewart

- 92 In section 3, page 17, leave out lines 13 to 32

Kevin Stewart

- 93 In section 3, page 18, line 20, leave out <subsection (2A)> and insert <this section>

Kevin Stewart

- 94 In section 3, page 18, line 20, at end insert—
<“accommodation needs” includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed,>

Kevin Stewart

- 95 In section 3, page 18, line 21, at end insert—
<“community council” means a community council established by a local authority under Part 4 of the Local Government (Scotland) Act 1973,
“disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010,>

Kevin Stewart

- 96 In section 3, page 18, line 23, at end insert—
<(11) Before making regulations under subsection (10) specifying the meaning of “Gypsies and Travellers”, the Scottish Ministers must consult such persons as they consider appropriate.>

Kevin Stewart

97 In section 3, page 19, leave out lines 19 and 20

Andy Wightman

194 In section 3, page 20, line 12, at end insert—

<() after subsection (6) insert—

“(6A) Without prejudice to the ability of the appointed person otherwise to decide the form the examination is to take, the appointed person is to provide an opportunity for the persons mentioned in subsection (6)(b) to be heard.”>

Graham Simpson

118 In section 3, page 20, line 12, at end insert—

<() in subsection (8), in the opening words, after “subsection (3)” insert, “, unless section 19ZA applies,”>

Kevin Stewart

98 In section 3, page 20, line 12, at end insert—

<() in subsection (8)(a)(i), the words from “(which” to “plan)” are repealed,>

Kevin Stewart

99 In section 3, page 20, line 12, at end insert—

<() after subsection (8), insert—

“(8A) Recommendations under subsection (8)(a)(i) may include—

- (a) recommendations that the planning authority make modifications to the proposed local development plan,
- (b) in a case where the appointed person considers that a change required is not suitable to be dealt with by such modification, a recommendation that, if adopted, the planning authority should amend the local development plan under section 20AA in relation to such matters as may be specified in the report.

(8B) Where a report prepared under subsection (8)(a) includes a recommendation of the type described in subsection (8A)(b), the appointed person must send a copy of the report to the Scottish Ministers.”>

Graham Simpson

119 In section 3, page 20, line 15, at end insert—

<() After section 19 insert—

“19ZA Examination under section 19(3): further provision

(1) This section applies where—

- (a) a person appointed under subsection (3) of section 19 is conducting an examination of a proposed local development plan under that subsection, and
 - (b) the person is not satisfied that the amount of land allocated for housing in the proposed local development plan is sufficient to meet the targets it includes in relation to the housing needs of people living in the part of the district to which it relates (see section 15(1B)).
- (2) The appointed person may, instead of preparing a report under section 19(8), issue a notice to the planning authority requiring it to prepare another proposed local development plan under section 18(1).
- (3) A notice under subsection (2) must include—
- (a) a statement that the proposed local development plan is unsatisfactory due to its failure to address the identified housing needs,
 - (b) the appointed person’s reasons for coming to that conclusion.
- (4) The appointed person must—
- (a) send a copy of a notice issued under subsection (2) to the Scottish Ministers,
 - (b) publish it, and
 - (c) notify the persons mentioned in paragraph (b) of section 19(6), and any person who made representations by virtue of section 19A that a notice has been given under subsection (2) (and its effect).
- (5) A planning authority that receive a notice under subsection (2)—
- (a) may not take any further action in respect of the unsatisfactory proposed local development plan, and
 - (b) must prepare another proposed local development plan in accordance with section 18.
- (6) The planning authority may use the evidence report prepared and assessed in respect of the unsatisfactory proposed local development plan for the purpose of subsection (5)(b).
- (7) In subsection (4)(b), “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).”>

After section 3

Graham Simpson

120 After section 3, insert—

<List of persons seeking land for self-build housing

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 16C insert—

“16D Publication of list of persons seeking land for self-build housing

- (1) A planning authority are to prepare and maintain a list of persons who have registered interest with the authority with the intention of acquiring land in the authority's area for self-build housing.
- (2) A planning authority are to publish the list in such manner as the authority consider appropriate (as for example by means of the internet).
- (3) For the purpose of subsection (1), self-build housing is where an individual commissions or (whether acting alone or with other individuals) is personally involved in the design and construction of a dwelling that is intended to be the individual's main residence once it is built.”.>

Section 5

Kevin Stewart

- 100** In section 5, page 21, line 37, after <agency”> insert <—
 (a) after “of” where it first occurs insert “Part 1A or”,
 (b)>

Section 7

Kevin Stewart

- 101** In section 7, page 22, line 31, leave out <Sections 3A(11) and 3AA apply> and insert <Section 3AA applies>

Kevin Stewart

- 102** In section 7, page 22, line 32, leave out <they apply> and insert <it applies>

Kevin Stewart

- 103** In section 7, page 22, line 37, leave out <revised under section 3A> and insert <reviewed and revised under sections 3ZAB to 3CZA>

Kevin Stewart

- 121** In section 7, page 23, line 23, leave out from <and> to end of line 26

Section 9

Kevin Stewart

- 104** In section 9, page 25, line 29, leave out <from the planning authority>

Alex Rowley

- 195** In section 9, page 25, line 30, at end insert—

<() After section 15B insert—

“15C Review of local place plans

- (1) The Scottish Ministers must, as soon as practicable after the end of the 7 year period—
 - (a) carry out a review of local place plans,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay it before the Scottish Parliament.
- (2) The report must, in particular, set out—
 - (a) the number of local place plans that have been submitted and the name of the community body that submitted the local place plan,
 - (b) the number of local place plans registered,
 - (c) a summary of the participation of people who engaged in preparing and submitting local place plans, either through a community body or through consultation,
 - (d) the support given to community bodies to prepare and submit a local place plan,
 - (e) an assessment of how the registered local place plans have influenced planning authorities’—
 - (i) preparation of local development plans for their district,
 - (ii) determination of applications for planning permission,
 - (f) an assessment of—
 - (i) the impact and effectiveness of local place plans across Scotland,
 - (ii) whether further support to community bodies should be provided to prepare and submit local place plans.
- (3) The Scottish Ministers may, by notice, require a planning authority to provide it with such information as is specified or described in the notice and which they require for the purpose of subsection (1).
- (4) In subsection (1), “the 7 year period” means the period of 7 years beginning with the day on which the Bill for the Planning (Scotland) Act 2019 receives Royal Assent.”.>

Alex Rowley

196 In section 9, page 25, line 30, at end insert—

<() After section 15B insert—

“15C Review and report on local place plans

- (1) The Scottish Ministers must, as soon as practicable after the end of the 7 year period—
 - (a) carry out a review of local place plans,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay it before the Scottish Parliament.

- (2) The report must, in particular set out—
- (a) the number of local place plans that have been submitted and the name of the community body that submitted the local place plan,
 - (b) the number of local place plans registered,
 - (c) a summary of the participation of people who engaged in preparing and submitting local place plans, either through a community body or through consultation,
 - (d) the support given to community bodies to prepare and submit a local place plan,
 - (e) an assessment of how the registered local place plans have influenced the planning authorities’—
 - (i) preparation of local development plans for their district,
 - (ii) determination of applications for planning permission,
 - (f) an assessment of—
 - (i) the impact and effectiveness of local place plans across Scotland,
 - (ii) whether further support to community bodies should be provided to prepare and submit local place plans.
- (4) The Scottish Ministers may, by notice, require a planning authority to provide it with such information as is specified or described in the notice and which they require for the purpose of subsection (1).
- (5) Where subsection (6) applies, the Scottish Ministers must lay before the Parliament draft regulations making provision for a community right of appeal.
- (6) This subsection applies where, following consideration of the report prepared under subsection (1), the Scottish Parliament resolves that—
- (a) local place plans are not operating effectively to ensure that the needs of local communities are addressed in the planning system, and
 - (b) a community right of appeal should be introduced.
- (7) In this section—
- “community right of appeal” means a procedure by which persons—
- (a) who are affected by a decision on an application for planning permission, and
 - (b) who are not the applicant,
- may appeal against the decision of the planning authority on that application,
- “the 7 year period” means the period of 7 years beginning with the day on which the Bill for the Planning (Scotland) Act 2019 receives Royal Assent.”.>

Graham Simpson

122 In section 9, page 26, line 11, at end insert—

- <(1B) It may also identify land and buildings that the community body considers to be of particular significance to the local area.>

Section 10

Graham Simpson

123 In section 10, page 28, line 28, at end insert—

<54BA Content of schemes: self-build housing

- (1) A masterplan consent area scheme may, under section 54B(1)(a), specify—
 - (a) development in the form of self-build housing, or
 - (b) a description of development which includes self-build housing.
- (2) For the purpose of subsection (1), self-build housing is where an individual commissions or (whether acting alone or with other individuals) is personally involved in the design and construction of a dwelling that is intended to be the individual's main residence once it is built.
- (3) Nothing in this section is to be construed as limiting the development or a description of development that may be specified under section 54B(1)(a).>

Graham Simpson

112 In section 10, page 28, line 29, leave out from beginning to end of line 18 on page 29

Andy Wightman

13 In section 10, page 31, leave out line 16

Kevin Stewart

124 In section 10, page 32, line 36, leave out from beginning to end of line 2 on page 33

Kevin Stewart

125 In section 10, page 35, line 11, at end insert—

<Requirement to notify the Scottish Ministers of certain proposals

- 15 (1) The Scottish Ministers may direct a planning authority to notify them, as soon as reasonably practicable, of any proposals for making or altering a scheme that the authority have publicised in accordance with paragraph 12.
- (2) Where a planning authority are required by a direction under this paragraph to notify the Scottish Ministers of their proposals, the authority may not make the proposed scheme or alteration (whether in the terms proposed or otherwise) until the period provided for in the direction has ended.
- (3) A direction under this paragraph may—
 - (a) be addressed to a particular authority or all authorities,
 - (b) require that the Scottish Ministers be notified of proposals if—
 - (i) the proposals are of a description specified in the direction, or
 - (ii) an event specified in the direction occurs in connection with the proposals,
 - (c) provide for the period in the direction to be either—

- (i) a specified period of time, or
- (ii) an indefinite period that ends only when the Scottish Ministers tell the authority it has ended.>

Kevin Stewart

126 In section 10, page 35, line 32, at end insert—

<CHAPTER 1

CALLING IN PLANNING AUTHORITIES' PROPOSALS

Power to call in proposals

- 17 (1) For the purposes of this Chapter, a call-in direction is a direction given to a planning authority by the Scottish Ministers in relation to the authority's proposals for making or altering a scheme.
- (2) A call-in direction may be given in relation to an authority's proposals at any time prior to the authority making the proposed scheme or alteration (whether in the terms proposed or otherwise).
- (3) Once a planning authority have been given a call-in direction, the authority—
- (a) may not make the proposed scheme or alteration (whether in the terms proposed or otherwise), and
 - (b) must not begin, or as the case may be proceed with, any hearings in relation to the proposals that would (but for this paragraph) be required by regulations under paragraph 14(1).

Powers after calling in

- 18 (1) Where a call-in direction has been given in relation to a planning authority's proposals for making or altering a scheme, the Scottish Ministers may—
- (a) make the scheme or alteration proposed,
 - (b) make a scheme or alteration that is different from what the authority proposed, or
 - (c) decline to make any scheme or alteration.
- (2) In considering what to do under sub-paragraph (1), the Scottish Ministers may take matters into account despite their not having been taken into account by the planning authority in formulating their proposals.
- (3) The Scottish Ministers may, for the purpose of deciding what to do under sub-paragraph (1), cause a local inquiry or other hearing to be held by a person appointed by them.
- (4) If—
- (a) the Scottish Ministers decide to alter a scheme under sub-paragraph (1), and
 - (b) the alteration they intend to make would have one of the effects described in paragraph 16(1)(b),
- they may not make the alteration until the end of the day that falls 12 months after the day on which they decided to make the alteration.>

Section 11A

Kevin Stewart

127 Leave out section 11A

Section 11B

Andy Wightman

156 In section 11B, page 43, line 10, leave out subsection (2) and insert—

<() In section 26 (meaning of “development”), after subsection (2A) insert—

- “(2B) For the avoidance of doubt, the use of a dwellinghouse for the purpose of providing short-term lets involves a material change in the use of the building.
- (2C) For the purposes of subsection (2B), “providing short-term lets” means a short-term let of 31 days or less in a dwellinghouse that is not the sole or main residence of a person.
- (2D) For the purposes of subsection (2B), the following tenancies do not constitute a short-term let—
 - (a) a regulated tenancy within the meaning of section 8 of the Rent (Scotland) Act 1984,
 - (b) a short tenancy within the meaning of section 9 of that Act,
 - (c) a contract falling within section 63 of that Act,
 - (d) an assured tenancy under section 12 of the Housing (Scotland) Act 1988,
 - (e) a short assured tenancy under section 32 of that Act,
 - (f) a private residential tenancy under section 1 of the Private Housing (Tenancies) (Scotland) Act 2016,
 - (g) a tenancy of a dwellinghouse (or part of it) where all or part of the dwellinghouse is the only principal home of the landlord or occupier.
- (2E) A dwellinghouse having been used as described in subsection (2B) and being reverted to the sole or main residence of a person does not constitute a material change in the use of the building.”>

Rachael Hamilton

157 In section 11B, page 43, line 10, leave out subsection (2) and insert—

<() After section 26A insert—

“26B Material change of use: short-term lets

- (1) A planning authority may designate all or part of its area as a short-term let control area for the purposes of this section.
- (2) In a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use of the dwellinghouse.
- (3) For the purposes of this section, the following tenancies do not constitute a short-term let—

- (a) a private residential tenancy under section 1 of the Private Housing (Tenancies) (Scotland) Act 2016,
- (b) a tenancy of a dwellinghouse (or part of it) where all or part of the dwellinghouse is the only or principal home of the landlord or occupier.
- 15 (4) The power under subsection (1) includes the power to vary or cancel a designation.
- (5) The Scottish Ministers may by regulations make further provision for the purposes of this section including, in particular, provision about—
- 20 (a) the procedure a planning authority must follow in order to make, vary or cancel a designation under subsection (1) (which may include requiring the approval of the Scottish Ministers),
- (b) the form of a designation under subsection (1),
- (c) what constitutes providing a short-term let for the purposes of this section, and
- 25 (d) any circumstances in which, or descriptions of dwellinghouse to which, this section does not apply.
- (6) Before making regulations under subsection (5), the Scottish Ministers must consult planning authorities and such other persons as they consider appropriate.”.>

Andy Wightman

157A As an amendment to amendment 157, line 8, at end insert—

- <(2A) In an area that is not for the time being designated as a short-term let control area under this section, the use of a dwellinghouse that is not the sole or main residence of a person for the purpose of providing a short-term let of 31 days or less involves a material change in the use of the building.
- (2B) For the avoidance of doubt, a dwellinghouse having been used as described in subsection (2A) and being reverted to use as a sole or main residence does not constitute a material change in the use of the building.>

Andy Wightman

157B As an amendment to amendment 157, line 10, at end insert—

- <() a short tenancy within the meaning of section 9 of the Rent (Scotland) Act 1984,
- () a short tenancy within the meaning of section 9 of that Act,
- () a contract falling within section 63 of that Act,
- () an assured tenancy under section 12 of the Housing (Scotland) Act 1988,
- () a short assured tenancy under section 32 of that Act.>

Andy Wightman

157C As an amendment to amendment 157, line 18, leave out <this section> and insert <subsections (1) and (2)>

Andy Wightman

157D As an amendment to amendment 157, line 23, leave out <this section> and insert <subsections (1) and (2)>

Andy Wightman

157E As an amendment to amendment 157, line 26, leave out <this section does> and insert <subsections (1) and (2) do>

Section 12A

Monica Lennon

198 In section 12A, page 44, line 10, at end insert—

<() The regulations must for the purpose of an assessment of the likely health effects of a proposed development include consideration of, in particular, the effects of the proposed development on the following in the district to which the application relates—

- (a) infrastructure, including housing quality,
- (b) transport requirements, including—
 - (i) walking and cycling routes,
 - (ii) public transport provision,
 - (iii) car dependency,
- (c) services and facilities, including—
 - (i) opportunities for social interaction and participation,
 - (ii) access to healthcare services,
 - (iii) indoor and outdoor public spaces,
 - (iv) access to quality greenspace,
 - (v) play and recreation facilities.”.>

Kevin Stewart

128 In section 12A, page 44, line 11, leave out subsection (3)

After section 14A

Claudia Beamish

199 After section 14A, insert—

<Renewable energy infrastructure for major developments

Renewable energy infrastructure for major developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 32 insert—

“32A Renewable energy infrastructure for major developments

- (1) The Scottish Ministers must by regulations make provision requiring an application for planning permission for a major development to include renewable energy infrastructure.
- (2) The Scottish Ministers must lay a draft of the first regulations under subsection (1) before the Scottish Parliament within the period of 2 years beginning with the day on which the Bill for the Planning (Scotland) Act 2019 receives Royal Assent.
- (3) The Scottish Minister may by regulations—
 - (a) prescribe circumstances in which the requirements of subsection (1) do not apply, and
 - (b) amend the description of renewable energy infrastructure in subsection (4).
- (4) In this section—

“major development” means—

 - (a) construction of buildings, structures or erections for use as residential accommodation comprising 50 or more dwellings or the area of the site is or exceeds 2 hectares,
 - (b) construction of a building, structure or other erection for use for any of the following purposes—
 - (i) as an office,
 - (ii) for research and development of products or processes,
 - (iii) for any industrial process, or
 - (iv) for use for storage or as a distribution centre, and
 - (v) the gross floor space of the building, structure or other erection is or exceeds 10,000 square meters or the area of the site is or exceeds 2 hectares,

“renewable energy infrastructure” means infrastructure for the production of electricity or heat, or both, from renewable sources including, but not limited to, anaerobic digestion, biomass, geothermal, hydroelectric, solar, wind or water.”>

Section 14C

Lewis Macdonald

- 176** In section 14C, page 45, line 15, leave out <may not grant planning permission if> and insert <must take particular account of whether>

Lewis Macdonald

- 177** In section 14C, page 45, leave out lines 24 to 41

Lewis Macdonald

- 178** In section 14C, page 46, leave out line 2

Lewis Macdonald

- 179 In section 14C, page 46, line 3, leave out <“cultural venues and facilities”> and insert <“cultural venues” and “facilities”>

Kevin Stewart

- 129 Leave out section 14C

Section 14D

Kevin Stewart

- 130 Leave out section 14D

After section 14D

Claudia Beamish

- 200 After section 14D, insert—

<Determination of applications: assessment of environmental effects

Determination of applications: assessment of environmental effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 40 (assessment of environmental effects), after subsection (5) insert—
 - “(6) Without prejudice to the generality of subsection (1), before determining an application for planning permission for a national development, a planning authority must consider the likely impact of the development’s lifecycle greenhouse gas emissions on achieving national greenhouse gas emissions reduction targets (within the meaning given in the Climate Change (Scotland) Act 2009).”>

Section 14E

Lewis Macdonald

- 180 In section 14E, page 46, line 30, leave out <the Music Venues Trust (registered charity number 1159846)> and insert <such organisations representing live music venues as they consider appropriate>

Kevin Stewart

- 131 Leave out section 14E

After section 14E

Jeremy Balfour

- 168 After section 14E, 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 (1A), insert—
 - “(1B) Without prejudice to the generality of subsection (1), regulations or a development order are to prescribe that, before determining an application for planning permission for a major development within their district, the planning authority must consult the access panel for their local authority area.
 - (1C) In subsection (1B), “access panel” means a group of volunteers including disabled people, residing in a local authority area, whose aim is to improve access and independent living in their local communities within their local authority area.”>

Graham Simpson

- 181** After section 14E, insert—

<Assessment of environmental effects

Assessment of environmental effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 40 (assessment of environmental effects)—
 - (a) in subsection (1), after “effects” insert “, including effects on biodiversity,”,
 - (b) after subsection (4) insert—
 - “(4A) In subsection (1), “effects on biodiversity” includes the net positive effects on biodiversity that would be likely to result from the development.”>

Section 14F

Lewis Macdonald

- 182** In section 14F, page 47, line 7, after <authority> insert <—

- (a) must, when considering under section 37 whether to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development, and
- (b)>

Section 14G

Kevin Stewart

- 132** In section 14G, page 47, line 36, leave out <a toilet> and insert <an accessible public facility>

Kevin Stewart

133 In section 14G, page 48, line 6, leave out <toilet>

Kevin Stewart

134 In section 14G, page 48, leave out lines 27 to 30

After section 14G

Alex Cole-Hamilton

3 After section 14G, insert—

<Conditional grant of planning permission: fibre-to-the-cabinet provisions

Conditional grant of planning permission: fibre-to-the-cabinet provisions

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

“41C Conditional grant of planning permission: fibre-to-the-cabinet provisions

- (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 provision for fibre-to-the-cabinet for the development.
- (2) A development that is the subject of an application for planning permission falls within this section if it is not for, or does not relate to, a single dwellinghouse.
- (3) Subsection (1) does not apply where the planning authority are satisfied, on information provided by the applicant, that—
 - (a) there is good reason why provision for fibre-to-the-cabinet cannot be made for the development, and
 - (b) in the circumstances it is reasonable that subsection (1) should not apply.
- (4) In this section “fibre-to-the-cabinet” means connectivity technology that is based on a combination of a fibre optic cable from the local telephone exchange to a distribution point and from the distribution point a copper telephone line to the development.”.>

Claudia Beamish

202 After section 14G, insert—

<Conditional grant of planning permission: cycling facilities

Conditional grant of planning permission: cycling facilities

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

“41C Conditional grant of planning permission: cycling facilities

- (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 the cycling facilities mentioned in subsection (3).
- (2) A development that is the subject of an application for planning permission falls within this subsection if—
 - (a) it is for the construction of a building, structure or other erection for use for any of the following purposes—
 - (i) as an office,
 - (ii) for research and development of products or processes,
 - (iii) for any industrial process, or
 - (iv) for use for storage or as a distribution centre, and
 - (b) it is for the purpose of accommodating 150 or more workers to be employed and located at the development.
- (3) The cycling facilities are—
 - (a) racks for, or devices for securing bicycles located within a walking distance of 30 meters from the development’s main entrance,
 - (b) baths or showers, water closets and wash hand basins (separated or not), with continuous supplies of hot and cold running water,
 - (c) changing rooms provided with seating,
 - (d) facilities to enable a person to dry any special clothing and any personal clothing or effects,
 - (e) suitable and sufficient facilities to enable a person to lock away—
 - (i) any clothing which is not taken home,
 - (ii) the person’s own clothing which is not worn during working hours, and
 - (iii) the person’s personal effects,
 - (f) on-site provision and availability of bicycle maintenance tools.
- (4) For the purposes of subsection (3), the minimum requirements for cycling facilities are—
 - (a) for the purposes of paragraph (a) of that subsection, sufficient racks to accommodate—
 - (i) 8 pedal cycles, or
 - (ii) 1 pedal cycle for every 10 people using the development at any one time (being the total number of workers employed and located at the development plus the average number of visitors at peak times),
 whichever is the greater,
 - (b) for the purposes of paragraph (b) of that subsection—
 - (i) one per 100 workers employed and located at the development, and
 - (ii) one per every 150 additional regular building users,

- (c) for the purposes of paragraph (e) of that subsection—
 - (i) one per 10 workers employed and located at the development, and
 - (ii) one per every 5 additional regular building users.
- (5) The Scottish Ministers may by regulations—
 - (a) amend subsection (2) so as to—
 - (i) 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,
 - (ii) amend the number of workers for the time being specified in paragraph (b),
 - (b) specify that the requirement in subsection (1) does not apply—
 - (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 cycling facilities in subsections (3) and (4).”.>

Section 16

Kevin Stewart

- 135** In section 16, page 53, line 6, leave out <(1),> and insert <(1)—
- (i) the “or” at the end of paragraph (a) is repealed,
 - (ii)>

After section 16

Andy Wightman

- 14** After section 16, insert—

<Development orders: private ways on land used for shooting and field sports

Development orders: private ways on land used for shooting and field sports

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

“30A Development orders: private ways on land used for shooting and field sports

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 wholly or mainly used for shooting or other field sports.”.>

Andy Wightman

- 15** After section 16, insert—

<Development orders: private ways on land in a national park

Development orders: private ways on land in a national park

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

“30B Development orders: private ways on land in a national park

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 in a national park.”>

Andy Wightman

- 16** After section 16, insert—

<Development orders: private ways on land designated for nature conservation purposes

Development orders: private ways on land designated for nature conservation purposes

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

“30C Development orders: private ways on land designated for nature conservation purposes

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 in an area designated or notified under the Nature Conservation (Scotland) Act 2004.”>

Andy Wightman

- 17** After section 16, insert—

<Development orders: private ways on battlefields

Development orders: private ways on battlefields

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

“30D Development orders: private ways on battlefields

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 in a battlefield included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979.”>

Andy Wightman

- 18** After section 16, insert—

<Development orders: private ways on land in a National Scenic Area

Development orders: private ways on land in a National Scenic Area

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

“30E Development orders: private ways on land in a National Scenic Area

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 in a National Scenic Area under section 263A.”>

Claudia Beamish

203 After section 16, insert—

<Development orders: small-scale renewables

Development orders: small-scale renewables

- (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 infrastructure or equipment for small-scale renewables.
 - (2B) For the purposes of subsection (2A), “small-scale renewables” means the generation of energy from renewable sources, including, but not limited to, anaerobic digestion, biomass, geothermal, hydroelectric, solar, wind or water with a total power output of 20 megawatts or less.
 - (2C) The Scottish Ministers may by regulations or by order—
 - (a) prescribe circumstances in which the requirements of subsection (2A) do not apply, and
 - (b) amend the description of small-scale renewables in subsection (2B).”>

Section 16A

Kevin Stewart

136 In section 16A, page 53, line 25, leave out <by regulations set> and insert <lay before the Scottish Parliament and publish, in such manner as they consider appropriate, a statement setting>

Kevin Stewart

137 In section 16A, page 53, line 27, leave out subsection (3) and insert—

- <(2) The Scottish Ministers may from time to time publish a revised or replacement statement under subsection (1).”>

Section 16B

Alex Rowley

204 In section 16B, page 53, line 37, leave out from <as> to end of line 40 and insert <explaining—

- (a) 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,

- (b) why granting planning permission for a development not in accordance with the development plan is—
 - (i) in the public interest, and
 - (ii) in line with planning policy guidance.”.>

Kevin Stewart

138 Leave out section 16B

After section 16B

Andy Wightman

160 After section 16B, 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

161 After section 16B, insert—

<Community right to appeal against certain 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 the planning authority’s decision to grant the application—
 - (a) 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) is in respect of a development on land in which the planning authority has an interest,
 - (c) is in respect of a development of a description contained in schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (SI 2017/102),
 - (d) 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

205 After section 16B, 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,
 for a major or national development.
 - (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, and

- (b) where the grounds of appeal are that the authority’s decision notice on the application includes a statement in accordance with section 43(1A)(a) which indicates that the decision has been made despite not being 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).”.>

Section 16D

Kevin Stewart

139 Leave out section 16D

Section 19A

Kevin Stewart

140 In section 19A, page 58, line 9, leave out <and promote>

Kevin Stewart

141 In section 19A, page 58, line 12, at end insert—

<() In section 75A (modification and discharge of planning obligations), after subsection (5) insert—

“(5A) A planning authority are to publish—

- (a) an agreement under subsection (1)(a), and
- (b) a notice of a determination under subsection (4),

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.”.>

Section 19B

Kevin Stewart

- 142 In section 19B, page 58, line 26, leave out subsection (3)

Section 20

Kevin Stewart

- 143 In section 20, page 59, line 4, after <(a)> insert <—
(A) after “agreement” insert “in writing”,
(B)>

Kevin Stewart

- 144 In section 20, page 59, line 4, at end insert—
<(C) for “a person” substitute “the person or persons”,>

Kevin Stewart

- 145 In section 20, page 59, line 32, at end insert—
<() in subsection (6), after “where” insert “an agreement under subsection (1)(a) or”,
() in subsection (7), after “applies” insert “—
(a) in a case relating to an agreement under subsection (1)(a), the agreement does not take effect until the date on which it is recorded in the Register of Sasines or registered in the Land Register, and
(b) in a case relating to a determination under subsection (4)(b) or (c),”>

Before section 21

Graham Simpson

- 146 Before section 21, insert—

<Promotion and use of mediation etc.

Promotion and use of mediation etc.

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 268 insert—

“Promotion and use of meditation etc.

268A Promotion and use of mediation etc.

- (1) The Scottish Ministers may issue guidance in relation to the promotion and use of mediation in relation to the following—
 - (a) the preparation of local development plans and related evidence reports under Part 2,

- (b) a prospective applicant’s compliance with any requirements in respect of pre-application consultation imposed under or by virtue of section 35B,
 - (c) assisting in the determination of an application for planning permission,
 - (d) any other matter related to planning that they consider appropriate.
- (2) Guidance under subsection (1) may include provision about—
 - (a) the form of mediation that is to be used in a particular circumstance, and
 - (b) the procedure to be followed in any such mediation.
 - (3) Local authorities must have regard to any guidance issued under subsection (1).
 - (4) Before issuing any guidance under subsection (1), the Scottish Ministers must consult—
 - (a) planning authorities, and
 - (b) such other persons that the Scottish Ministers consider appropriate.
 - (5) The Scottish Ministers must make any guidance issued under subsection (1) publically available.
 - (6) The power under subsection (1) to issue guidance includes power to—
 - (a) issue guidance that varies guidance issued under that subsection, and
 - (b) revoke guidance issued under that subsection.
 - (7) For the purposes of this section, “mediation” includes any means of exploring, resolving or reducing disagreement between persons involving an impartial person that the Scottish Ministers consider appropriate.
 - (8) The Scottish Ministers must issue guidance under subsection (1) within the period of two years beginning with the date on which the Planning (Scotland) Act 2019 received Royal Assent.”.>

Section 21

Kevin Stewart

147 In section 21, page 61, leave out subsection (1A)

After section 23

John Finnie

169 After section 23, insert—

<Enforcement charters: statement on major developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 158A (enforcement charters), after subsection (1) insert—
 - “(1A) The charter is also to contain a statement in relation to the planning authority’s monitoring of compliance with planning permissions which have been granted in respect of major developments (as described in regulations made under section 26A(2)), which must set out—
 - (a) how the authority monitor compliance with such planning permissions,

- (b) how the authority record—
 - (i) the monitoring activities undertaken, and
 - (ii) the findings of those monitoring activities, and
- (c) how the authority make such records available to the public.”.>

Kevin Stewart

162 After section 23, insert—

<Training for taking planning decisions

Power to impose training requirements: planning authorities

- (1) A member of a planning authority who has not fulfilled the specified training requirements is prohibited from—
 - (a) exercising any of the authority’s specified functions on their behalf, or
 - (b) being involved in exercising any of those functions on the authority’s behalf as a member of a committee or any other body.
- (2) In this section—
 - (a) “specified” means specified by the Scottish Ministers in regulations under this section,
 - (b) “planning authority” means—
 - (i) local authority, and
 - (ii) National Park authority,
 - (c) the reference to a member of a planning authority includes a member of a committee of a National Park authority appointed under paragraph 16(1) of schedule 1 of the National Parks (Scotland) Act 2000.
- (3) Regulations under this section specifying functions of a planning authority may only specify functions conferred by the planning Acts as defined by section 277 of the Town and Country Planning (Scotland) 1997 Act.
- (4) Regulations under this section may in particular—
 - (a) specify that completing a training course is a training requirement,
 - (b) specify training requirements on the basis that the content and provider of the training must be accredited by the Scottish Ministers.
- (5) The Scottish Ministers may disapply subsection (1) in relation to a planning authority (or all authorities) by regulations under this section.>

Kevin Stewart

163 After section 23, insert—

<Performance of planning authorities

Annual report by planning authorities on performance

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After Part 12 insert—

“PART 12A

PERFORMANCE OF PLANNING AUTHORITY FUNCTIONS

Annual report

251A Annual report on performance of functions

- (1) As soon as reasonably practicable after the end of each financial year, a planning authority are to prepare a report on the performance of their functions (or such of their functions as are specified in regulations made by the Scottish Ministers) during that year.
- (2) The planning authority are to—
 - (a) submit a copy of the report to the Scottish Ministers, and
 - (b) publish the report.
- (3) The Scottish Ministers may by regulations make provision about—
 - (a) the form of the report,
 - (b) the content of the report (including about what quantitative and qualitative information is to be included in the report, and what outcomes are to be used to assess the performance by planning authorities of their functions),
 - (c) the process to be undertaken in preparing the report,
 - (d) how the report is to be published.
- (4) In this section, a financial year is the period of 12 months beginning with 1 April.”.>

Kevin Stewart

183 After section 23, insert—

<National performance monitoring

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 251A (as inserted by section (*Performance of planning authorities*)) insert—

5

“National performance monitoring

251B National planning improvement co-ordinator

- (1) The Scottish Ministers may appoint a person (“the co-ordinator”) to—
 - (a) monitor the performance by planning authorities of their functions, and
 - (b) provide advice to planning authorities, and to such other persons as the co-ordinator considers appropriate, in relation to what steps might be taken by planning authorities or such other persons to improve the performance of their functions.
- (2) The Scottish Ministers may by regulations make further provision about the appointment and functions of the co-ordinator.”.>

10

Monica Lennon

183A As an amendment to amendment 183, line 12, at end insert—

- <() Without limit to the generality of subsection (1), a co-ordinator appointed under that subsection must—

- (a) monitor the extent to which and manner in which planning authorities take account in the exercise of their functions of—
 - (i) promoting equalities,
 - (ii) the likelihood of any person being adversely affected by their decisions because the person has one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010, and
- (b) provide information, education and training to planning authorities and such other persons as the co-ordinator considers appropriate on the matters described in paragraph (a).>

Kevin Stewart

165 After section 23, insert—

<Assessment of planning authorities’ performance

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 251B (as inserted by section (*National performance monitoring*)) insert—

“Assessment and improvement of functions

251C Assessment of planning authorities’ performance

- (1) The Scottish Ministers may appoint a person to conduct an assessment of a planning authority’s or planning authorities’ performance—
 - (a) of their functions generally, or
 - (b) of particular functions,
 with a view to identifying improvements in how the authority or authorities carry out their functions.
- (2) In appointing a person, the Scottish Ministers are to specify—
 - (a) the planning authority or authorities to which the assessment is to relate,
 - (b) the functions to be assessed,
 - (c) the period to which the assessment is to relate, and
 - (d) such other restrictions on the scope of the assessment as they consider appropriate.
- (3) After appointing a person, the Scottish Ministers are to notify each relevant planning authority of—
 - (a) the appointment, and
 - (b) the scope of the assessment.
- (4) In this section and sections 251D to 251F—

“appointed person” means a person appointed to conduct the assessment under subsection (1),

“relevant planning authority” means a planning authority to which the assessment relates.

251D Powers of appointed person etc.

- (1) For the purposes of any assessment conducted under section 251C, a planning authority must allow an appointed person access at all reasonable times—
 - (a) to any premises of a relevant planning authority, and
 - (b) to any document relating to a relevant planning authority which appears to the appointed person to be necessary for the purposes of the assessment.
- (2) In subsection (1), “document” means anything in which information is recorded in any form (and references to producing a document are to be read accordingly).

251E Report of assessment

- (1) On completion of an assessment conducted under section 251C, the appointed person is to—
 - (a) prepare a report,
 - (b) issue it to each relevant planning authority,
 - (c) submit it to the Scottish Ministers, and
 - (d) publish it.
- (2) A report prepared under subsection (1)(a) is in this section and sections 251F and 251G referred to as a “performance improvement report”.
- (3) The performance improvement report may recommend improvements which a planning authority should make as to how they carry out their functions under the planning Acts.
- (4) In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (for example on the internet).

251F Response report

- (1) After receiving the performance improvement report, each relevant planning authority is to prepare and submit to the Scottish Ministers a report (in this section and section 251G referred to as a “response report”) as to—
 - (a) the extent to which, the manner in which and the period within which they propose to implement the recommendations of the performance improvement report which relate to them,
 - (b) in so far as they decline to implement those recommendations, their reasons for so declining.
 - (2) A relevant planning authority need not prepare a response report if there are no recommendations of the performance improvement report which relate to them.
 - (3) A planning authority who submit a response report to the Scottish Ministers are to publish it.
 - (4) In subsection (3), “publish” includes, without prejudice to that expression’s generality, publish by electronic means (for example on the internet).”.
- (3) Section 30 of the Planning etc. (Scotland) Act 2006 (assessment of planning authority's performance or decision making) is repealed.>

Kevin Stewart

166 After section 23, insert—

<Assessment of planning authorities’ performance

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 251F (as inserted by section (*Assessment of planning authorities’ performance*)) insert—

“251G Directions to planning authority

- (1) The Scottish Ministers may issue a direction to a planning authority requiring them to take such action as is specified in the direction if—
 - (a) it appears to them that the planning authority are not implementing the recommendations of a performance improvement report without giving an adequate explanation,
 - (b) the Scottish Ministers are not satisfied that the planning authority’s proposals in the response report will effectively implement the recommendations, or
 - (c) it appears to the Scottish Ministers that the planning authority are not timeously carrying out such implementation as the authority proposed in the response report.
- (2) A direction under subsection (1) may, in particular, require the planning authority to prepare and submit a further response report under section 251F(1) within a period specified in the direction
- (3) The Scottish Ministers may, by direction, vary or revoke a direction issued under subsection (1).”>

Section 26C

Alexander Stewart

170 In section 26C, page 67, line 25, at end insert—

- <(2A) The Scottish Ministers must issue guidance to planning authorities concerning the role of an authority’s chief planning officer.>

Section 26D

Rhoda Grant

11 In section 26D, page 67, line 35, at end insert—

- <() In section 263A (National Scenic Areas), after subsection (6)(a), insert—
- “(aa) persons resident within, or adjacent to, the area of a proposed designation,
 - (ab) a community body (as defined by section 4(9) of the Community Empowerment (Scotland) Act 2015) with an interest in the area of a proposed designation.”>

Rhoda Grant

206 In section 26D, page 67, line 35, at end insert—

<() After section 263A, insert—

“263AB National Scenic Areas: report on consultation

- (1) Where in any year the Scottish Ministers have designated a National Scenic Area under section 263A(1), they must, as soon as practicable after the end of that year, prepare and publish a report on the consultation undertaken in regard to the designation.
- (2) A report under subsection (1) must include—
 - (a) the ways in which views expressed by any person consulted under subsection 263A(6)(aa) and (ab) were taken into account by the Scottish Ministers before issuing a direction under section 263A(1) or (5), and
 - (b) how the Scottish Ministers intend to improve their consultation process before issuing any future such directions.”.>

Section 26E

Kevin Stewart

148 In section 26E, page 68, line 5, leave out from <after> to end of line 36 and insert <in subsection (3), after paragraph (ab) insert—

- “(ac) the planning authority giving notice of such applications made to them—
- (i) to such persons or categories of person as may be prescribed,
 - (ii) in such manner as may be prescribed,
 - (iii) for such period as may be prescribed, and
 - (iv) on such number of occasions as may be prescribed,
- (ad) the applicant providing such person or persons as may be prescribed such information with respect to the application as may be prescribed.”.>

After section 26E

Alex Rowley

212 After section 26E, insert—

<Land value sharing

Regulations to provide for land value sharing

- (1) The Scottish Ministers must by regulations make provision about land value sharing.
- (2) Regulations under subsection (1) may apply—
 - (a) to all land, or
 - (b) only to—
 - (i) land that is for the time being within a masterplan consent area, and
 - (ii) such other land or category of land as the regulations may prescribe.

- (3) For the purposes of subsection (1), “land value sharing” means a system—
 - (a) whereby a planning authority are able to ensure that a share of an increase in the value of land that is attributable to the granting of planning permission for a development in respect of that land is available, whether for use by the authority or by any other person, to meet costs associated with ensuring—
 - (i) adequate provision of infrastructure to support the development,
 - (ii) that the infrastructure and facilities of the local community of which the development will form part are sufficient to support the whole community,
 - (b) which may involve provision—
 - (i) permitting a local authority to purchase land compulsorily, and
 - (ii) for the calculation of the compensation that is payable in respect of land purchased compulsorily.
- (4) Regulations under subsection (1) making provision as is described in subsection (3)(b) may disapply, or apply with such modifications as the Scottish Ministers consider appropriate, any provisions of the Land Compensation (Scotland) Act 1963.
- (5) A draft of the first regulations under subsection (1) must be laid before the Scottish Parliament before the end of the period of 18 months beginning with the day of Royal Assent.>

Andy Wightman

207 After section 26E, insert—

<Forestry and woodland strategy

Forestry and woodland strategy

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) Before section 159 (planning permission to include appropriate provision for preservation and planting of trees) insert—

“A159 Forestry and woodland strategy

- (1) A planning authority are to prepare a forestry and woodland strategy.
- (2) A forestry and woodland strategy is to—
 - (a) identify woodlands of high nature conservation value in the planning authority’s area, and
 - (b) set out the planning authority’s policies and proposals in their area, as to—
 - (i) the development of forestry and woodlands,
 - (ii) the protection and enhancement of woodlands, in particular those mentioned in paragraph (a),
 - (iii) the resilience to climate change of woodlands, in particular those mentioned in paragraph (a),
 - (iv) the expansion of woodlands of a range of types to provide multiple benefits to the physical, cultural, economic, social and environmental characteristics of the area,
 - (c) any other matter which the planning authority consider appropriate.

- (3) In preparing a forestry and woodland strategy a planning authority are to consult—
 - (a) the Scottish Ministers,
 - (b) such organisations appearing to them to represent those with an interest in the matters listed in subsection (2)(b), and
 - (c) such other persons as they consider appropriate.
- (4) The planning authority must publish the strategy by such means as they consider appropriate.
- (5) Two or more planning authorities may act jointly to prepare a forestry and woodland strategy.
- (6) Where two or more planning authorities act jointly to prepare a forestry and woodland strategy, a reference in this section to—
 - (a) a planning authority is to those authorities acting jointly,
 - (b) a planning authority’s area is a reference to the combined area of the authorities.
- (7) In this section, “publish” includes, without prejudice to that expression’s generality, publish by electronic means (as for example by means of the internet).”.>

Claudia Beamish

208 After section 26E, insert—

<Power to impose aftercare conditions

Power to impose aftercare conditions

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In schedule 3 (conditions relating to mineral working) after paragraph 3(3), insert—

“(3A) Where the use specified in an aftercare condition is a use for nature conservation, the land is brought to the required standard when it is reasonably fit for that use.”.>

Claudia Beamish

209 After section 26E, insert—

<Automatic suspension of permissions for peat extraction

Automatic suspension of permissions for peat extraction

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In schedule 8 (old mineral workings and permissions), after paragraph 12, insert—

“PART 1A

AUTOMATIC SUSPENSION OF PERMISSIONS FOR PEAT EXTRACTION

Automatic suspension of permission for peat extraction

- 12A(1) Where development of land consisting of peat extraction has occurred but the peat extraction has permanently ceased or temporarily suspended for a continuous period exceeding two years, permission is automatically suspended.

- (2) Where the person who is an owner or occupier of any of the land to which the permission mentioned in sub-paragraph (1) relates intends to resume peat extraction, the person must give notice of the intention to the planning authority.
- (3) Without prejudice to the generality of paragraph 3 of this schedule, where a planning authority receives notice of intention of resumption of peat extraction that has automatically been suspended, the planning authority may by order prohibit the resumption of peat extraction.
- (4) An order under sub-paragraph 3 must in particular, include, at least one of—
 - (a) a requirement that any condition subject to which planning permission for the development was granted or which has been imposed by virtue of any provision of this Act shall be complied with,
 - (b) a requirement to alter or remove plant or machinery which was used for the purpose of peat extraction or for any purpose ancillary to that purpose,
 - (c) a requirement that steps be taken for the protection of the environment,
 - (d) a restoration condition.
- (5) Where—
 - (a) an order under sub-paragraph 3 includes a restoration condition, or
 - (b) a restoration condition has previously been imposed in relation to the site by virtue of any provision of this Act,
 the order may include any such aftercare condition as the planning authority think fit.
- (6) The decision of the planning authority on any order under this schedule is final.”.>

Claudia Beamish

210 After section 26E, insert—

<Permissions ceasing to have effect for old mineral planning permissions>

Permissions ceasing to have effect for old mineral planning permissions

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In schedule 9 (review of old mineral planning permissions), after paragraph 12(3) insert—

“(3A) A relevant planning permission which relates to an active or dormant Phase I or Phase II site, where—

 - (a) extraction of peat is the sole or main activity, or
 - (b) where peat extraction is ancillary to the sole or main activity,
 shall cease to have effect, except in so far as it imposes any restoration or aftercare condition, the day after the expiry of the period of 2 years beginning with the day of which the Bill for the Planning (Scotland) Act 2019 receives Royal Assent.”.>

Claudia Beamish

211 After section 26E, insert—

<Special basis for compensation in respect of certain orders affecting mineral working

Special basis for compensation in respect of certain orders affecting mineral working

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In schedule 13 (regulations as to compensation in respect of orders relating to mineral working), after paragraph 1(2), insert—
 - “(2A) Without prejudice to the generality of sub-paragraph (2), the amount to be paid must be assessed on the basis that there will be no market for horticultural peat—
 - (a) in the retail sector after 1 January 2020,
 - (b) in the commercial sector after 1 January 2030.”.>

Section 29

Claudia Beamish

- 213 In section 29, page 69, line 35, at end insert—
<() green and blue infrastructure,>

Claudia Beamish

- 214 In section 29, page 70, line 1, at end insert—
“green and blue infrastructure” means features of the natural and built environments (including water) that provide a range of ecosystem and social benefits,>

Section 30A

Kevin Stewart

- 149 In section 30A, page 70, line 9, leave out <10> and insert <7>

Section 32

Alex Rowley

- 215 In section 32, page 71, line 5, after <24,> insert <(Regulations to provide for land value sharing),>

Section 34

Andy Wightman

- 217 In section 34, page 71, line 13, at end insert—
<() Section 11B comes into force 6 months after the day of Royal Assent.>

Claudia Beamish

- 216 In section 34, page 71, line 13, at end insert—
<() Section (Conditional grant of planning permission: cycling facilities) comes into force 1 year after the day of Royal Assent.>

Schedule 1

Alexander Stewart

218 In schedule 1, page 72, line 20, at end insert—

<Relief where relevant planning obligation

Infrastructure-levy regulations may make provision to grant relief from liability to pay infrastructure levy in respect of a development where—

- (a) a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 has been entered into in respect of the development, and
- (b) the planning authority in respect of the development considers that to require payment of infrastructure levy in respect of the development would constitute a duplication in any form of contribution by the person who is liable to pay infrastructure levy.>

Kevin Stewart

150 In schedule 1, page 73, leave out lines 17 to 22

Schedule 2

Kevin Stewart

106 In schedule 2, page 75, line 31, at end insert—

<Removal of requirement to prepare strategic development plans

- 1 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) Section 16(6) (local development plan consistency with strategic development plan) is repealed.
- (3) In section 20B (development plan schemes)—
 - (a) in subsection (1), the words “by each strategic development authority and” are repealed,
 - (b) in subsection (2), in the opening words, for “The authority in question is” substitute “An authority are”,
 - (c) in subsection (3), the words “their strategic development plan or as the case may be” are repealed,
 - (d) in subsection (5)(c), for “strategic development plan area or the area of the planning authority, as the case may be” substitute “area of the authority”.
- (4) In section 21 (action programmes)—
 - (a) subsection (1) is repealed,
 - (b) in subsection (3), for “the authority in question” substitute “an authority”,
 - (c) paragraph (a) of subsection (4) and the “or” immediately following it are repealed,
 - (d) in subsection (5), for “the authority in question” substitute “an authority”,
 - (e) in subsection (6), for “the authority in question” substitute “an authority”,

- (f) sub-paragraph (i) of subsection (10)(b) and the “and” immediately following it are repealed,
 - (g) in subsection (10)(b)(ii), the words “in the case of a planning authority,” are repealed.
- (5) In section 23 (disregarding of representations with respect to development authorised by or under other enactments), paragraph (a) of subsection (1) and the “and” immediately following it are repealed.
 - (6) In section 23A(2) (directions in relation to functions under Part)—
 - (a) the words “or strategic development planning authority” are repealed,
 - (b) the words “or strategic development planning authorities” are repealed.
 - (7) In section 23B (default powers of the Scottish Ministers)—
 - (a) in subsection (1)(a)—
 - (i) the words “strategic development plan or” where they first occur are repealed,
 - (ii) the words “proposed strategic development plan or” are repealed,
 - (b) in subsection (2)(b), the words “strategic development plan or” are repealed,
 - (c) subsection (3) is repealed,
 - (d) subsection (4)(b) and the word “or” immediately preceding it are repealed,
 - (e) subsection (5)(b) and the word “and” immediately preceding it are repealed.
 - (8) In section 23C (reviews of plans in enterprise zones), paragraph (a) and the word “and” immediately following it are repealed.
 - (9) In section 237 (validity of development plans etc.), in subsection (1)(a), the words “strategic development plan or” are repealed.
 - (10) In section 238 (proceedings for questioning validity of development plans etc.)—
 - (a) in subsection (1), the words “strategic development plan or” are repealed,
 - (b) subsection (5)(a) is repealed.
 - (11) In section 255(2)(a) (contributions by local authorities and statutory undertakers), the words “a strategic development plan or” are repealed.
 - (12) In section 269(1)(a) (rights of entry), the words “strategic development plan or” are repealed.
 - (13) In section 277(1) (interpretation), the entries in the list for “strategic development plan”, “strategic development plan area” and “strategic development planning authority” are repealed.
 - (14) In schedule 14 (blighted land)—
 - (a) paragraph 1 is repealed,
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1)(a), for the words “paragraph 1(1)(a)(i) or (ii)” substitute “sub-paragraph (1A)”,
 - (ii) after sub-paragraph (1) insert—

“(1A) The functions are—

- (a) the functions of a government department, local authority or statutory undertaker,
- (b) the provision by an electronic communications operator of an electronic communications code network, or
- (c) the provision by a former PTO of a public electronic communications network or a public electronic communications service.”>

Kevin Stewart

107 In schedule 2, page 76, line 19, at end insert—

<(b) a strategic development plan,>

Kevin Stewart

108 In schedule 2, page 76, line 24, at end insert—

<“6 On the publication of the revised National Planning Framework under section 3A(8) after the coming into force of section 8 of the Planning (Scotland) Act 2018, all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.>

Kevin Stewart

109 In schedule 2, page 76, line 37, at end insert—

<(9) In paragraph 9, the words “and the strategic development planning authority for any strategic development plan area,” are repealed.>

Kevin Stewart

110 In schedule 2, page 77, line 5, at end insert—

<“strategic development plan” is to be construed in accordance with section 7 as it applied immediately before the coming into force of section (*Removal of requirement to prepare strategic development plans*) of the Planning (Scotland) Act 2018,>

Claudia Beamish

219 In schedule 2, page 78, line 29, after <277(1)> insert <—

<(a) after the definition of “lease” insert—

““lifecycle greenhouse gas emissions” means the emissions associated with the construction, operation and decommissioning of a development.”

(b)>

Kevin Stewart

151 In schedule 2, page 78, line 29, leave out <“road”> and insert <“major developments”>

Kevin Stewart

111 In schedule 2, page 80, line 15, leave out <[]> and insert <3CA(2A)>

Kevin Stewart

152* In schedule 2, page 80, line 15, after <[]> insert <3G(6)(b)>

Rachael Hamilton

159 In schedule 2, page 80, line 15, after <[]> insert <26B(5)>

Claudia Beamish

220 In schedule 2, page 80, line 15, after <[]> insert <30(2C)>

Claudia Beamish

221 In schedule 2, page 80, line 15, after <[]> insert <32A(1)>

Kevin Stewart

153 In schedule 2, page 80, line 15, after <[]> insert <40A>

Kevin Stewart

154 In schedule 2, page 80, line 15, after <[]> insert <41B(4)>

Claudia Beamish

222* In schedule 2, page 80, line 15, after <[]> insert <41C(5)>

Alex Rowley

223 In schedule 2, page 80, line 15, after <[]> insert <47B(5) and (7)>

Kevin Stewart

155 In schedule 2, page 80, line 15, after <[]> insert <77A(1)>

Kevin Stewart

185 In schedule 2, page 80, line 15, after <[]> insert <251B(2)>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
